

1 HPS attorneys contended at the Evidentiary Hearing that they had no knowledge at the times  
2 of these interviews that Mr. Farmer had assaulted Jane Doe.

3 22. The HPS attorneys had interviewed nurse Murray because she was the nurse  
4 assigned to attend to Ms. Cagnina at the time of the assault by Mr. Farmer. She had relevant  
5 and material information about the facts and circumstances surrounding Mr. Farmer's contact  
6 with Ms. Cagnina at the time of this assault.

7 23. Ms. Cagnina filed a Complaint in Case No. A570756 against Centennial and Mr.  
8 Farmer on September 2, 2008, alleging claims of sexual assault, negligence, intentional  
9 infliction of emotional distress, negligent misrepresentation, and false imprisonment.

10 **THE NURSE STATEMENTS TO THE POLICE**

11 24. Nurse Margaret Wolfe gave a statement to the LVMPD on May 30, 2008.  
12 Plaintiff's Exh. 14 to Evidentiary Hearing. Ms. Wolfe told LVMPD about a conversation she  
13 had with nurse Ray Sumera who, before the assault on Jane Doe, expressed concern that  
14 Farmer was overly attentive to female patients and anxious to connect them to heart monitor  
15 leads, and that Mr. Sumera had asked Wolfe to keep an eye on Farmer. Wolfe Police  
16 Statement at 8. E.H. at 10:36-37.

17 25. Nurse Christine Murray, a Registered nurse at Centennial, gave a recorded  
18 statement to LVMPD on June 13, 2008 regarding Mr. Farmer. Plaintiff's Exh. 13 to  
19 Evidentiary Hearing. Ms. Murray told LVMPD that (a) Mr. Farmer would always ask if he  
20 could help with heart leads (where female breasts would be exposed and possibly touched) (b)  
21 Mr. Farmer was very attentive to and more helpful to female patients over male patients, and  
22 that (c) an incident occurred where Mr. Farmer was working as a "sitter" for an elderly  
23 woman, and the elderly woman was heard yelling: "Get outta here! I don't want you by me!"  
24 Murray Police Statement LVMPD00180-181. Murray Depo. at p. 60. E.H. at 10:35-37.

25 **CENTENNIAL'S INVESTIGATION OF MR. FARMER**

26 26. Upon learning of the Cagnina allegations, Centennial began an "internal  
27 investigation" handled by the "risk and quality management" department. Butler Depo. at  
28 p. 120, lines 20-12.

1           27. Ms. Cagnina had been a patient at Centennial who alleged that Mr. Farmer  
2 sexually assaulted her on May 16, 2008. Exh. 4. Centennial Incident Report dated May 16,  
3 2008.

4           28. On the very day of Mr. Farmer's assault of Ms. Cagnina, the management and  
5 staff of Centennial held a meeting to discuss the allegations; the following persons from  
6 Centennial attended this meeting: the Centennial CEO, the CFO, the COO, the Risk Manager,  
7 and possibly others. Depo. of Pullarkat at pp. 35-36 (8/7/15) (Exh. 23). Depo. of Callihan at  
8 pp. 15-20) (8/18/15) (Exh. 25).

9           29. After the Cagnina incident became public, Plaintiff Jane Doe reported Mr.  
10 Farmer's sexual assault against her.

11           30. Nurse Margaret Wolfe gave a statement to Metro about Mr. Farmer on May 30,  
12 2008. *See* Wolf Statement to Metro. In the Statement, nurse Wolfe disclosed that Mr. Farmer  
13 was overly attentive to female patients. *Id.*

14           31. The Chief of Nursing, Carol Butler, learned about nurse Murray's Statement to  
15 LVMPD, received a copy of the Statement, and discussed it with nurse Murray and others  
16 shortly after the Farmer incidents. Murray Depo. at pp. 60-61.

17           32. Nurse Sumera met with Centennial staff and a Centennial lawyer about Mr.  
18 Farmer sometime shortly after the sexual misconduct of Mr. Farmer was exposed. Sumera  
19 Depo. at pp. 31-37.

20           33. The Centennial Head of the Emergency Room, Amy Blasing (a.k.a. Amy Bochek)  
21 knew, before August 1, 2008, that nurse Wolfe had reported that nurse Sumera had expressed  
22 concerns that Mr. Farmer was being "overly attentive" to female patients. Wolfe Depo. at  
23 pp. 41-42; Butler Depo. at p. 114; Blasing Depo. at pp. 28-35, 40, 99-103. Ms. Blasing  
24 testified that "We were made aware that Margaret [Wolfe] had expressed concerns." Blasing  
25 Depo. at p. 33. Ms. Blasing also knew that nurse Wolfe has spoken with the police: "Q. In  
26 fact, my understanding is that you became aware that a - - that Margaret had spoken with the  
27 police about the situation. Is that right? A. That sounds familiar." Blasing Depo. at  
28 pp. 33-34. Ms. Blasing further admitted: "[S]omehow it got back to us that Margaret [Wolfe]

1 had shared concerns with law enforcement ["between May and August"]. Blasing Depo. at  
2 p. 38.

3 34. Ms. Blasing admitted in her deposition that she knew about Ms. Wolfe's concerns  
4 from the Centennial internal investigation: "Margaret said that she expressed concerns that  
5 Steven Farmer seemed to seek out duties with females and was overeager and that she felt  
6 uncomfortable." Blasing Depo. at pp. 36-37.

7 35. Ms. Butler met with nurse Sumera and Amy Blasing shortly after the incident and  
8 before August 2008 to discuss Mr. Farmer. Blasing Depo. at pp. 28-33.

9 36. Ms. Butler became aware of the Wolfe Statement sometime before August 1,  
10 2008. Butler Depo. at pp. 113-115, 119 ("Q. By August 1 of 2008, you knew she had made a  
11 statement? A. Sure."); Blasing Depo. at pp. 28-33.

12 37. It is undisputed that the Chief of Nursing of Centennial, Carol Butler, had read the  
13 Murray Police Statement shortly after nurse Murray had given the Police Statement, and she  
14 discussed the substance of the Police Statement with nurse Murray and others. Murray Depo.  
15 at p. 61.

16 38. Centennial's counsel has admitted that he was "aware that some statements were  
17 given by [your] nursing staff" "prior to 2009." Tr. of Proc., p. 11, lines 12-17 (June 3, 2015).

18 39. Centennial's counsel further confirmed at the Evidentiary Hearing that Centennial  
19 became aware that nurses Murray and Wolfe had gone to the police and gave statements.  
20 E.H. at 9:53.

21 **THE JANE DOE LAWSUIT, AND DISCOVERY THEREIN**

22 40. Plaintiff filed her lawsuit in this action on July 23, 2009. The matter involving  
23 Mr. Farmer's sexual assault of Jane Doe, and the civil lawsuit resulting therefrom, are  
24 referenced herein as the "Jane Doe Case."

25 41. Centennial hired the HPS firm to represent Centennial in the Jane Doe Case on or  
26 about August 3, 2009. E.H. at 9:58:40. The HPS attorneys contended at the Evidentiary  
27 Hearing that they did not re-interview nurses Murray, Wolfe, or Sumera about the Jane Doe  
28 Case.

1           42. Plaintiff filed its Notice of Early Case Conference ("ECC") on October 5, 2009,  
2 setting the time for the ECC on November 6, 2009. Counsel for the parties hereto, Plaintiff  
3 Jane Doe and defendants Centennial, ANS, and Mr. Farmer, attended the ECC on  
4 November 6, 2009.

5           43. Defendant Centennial filed its Initial list of Witnesses and Documents on  
6 November 24, 2009. Centennial's initial NRCP 16.1 disclosure failed to identify nurse Wolfe,  
7 nurse Murray, or nurse Sumera as persons with knowledge of relevant facts. Furthermore,  
8 Centennial's initial NRCP 16.1 disclosure failed to disclose the existence of the Murray Police  
9 Statement, or the Wolfe Police Statement.

10           44. The parties filed a Joint Case Conference Report ("JCCR") on December 9, 2009.  
11 As evident by this JCCR, Centennial failed to produce or identify Police Statements of nurse  
12 Murray or nurse Wolfe. Centennial also failed to identify nurses Murray, Wolfe, or Sumera as  
13 persons with knowledge.

14           45. Defendant Farmer filed a Motion for Protective Order on March 3, 2010, which  
15 the Discovery Commissioner granted on April 16, 2010. This Protective Order prohibited  
16 disclosure of documents protected by the Protective Order issued in the Cagnina Case. *See*  
17 Minutes 4-16-10; DCRR 9-15-9 (Cagnina Case).

18           46. This Protective Order in the Cagnina Case did not prohibit Centennial from  
19 producing the Police Statements to Jane Doe; did not prohibit Centennial from disclosing the  
20 existence of the Police Statements; and did not prohibit Centennial from identifying the nurses  
21 who gave the statements. *See* DCRR in Case No. A570756 (9-15-09).

22           47. For more than five and one-half (5 1/2) years, from November 24, 2009, through  
23 and including the date of the Evidentiary Hearing (August 28, 2015), Centennial never  
24 disclosed in any NRCP 16.1 disclosure that nurses Murray or Wolfe had given Police  
25 Statements regarding Mr. Farmer's conduct. For more than five and one-half (5 1/2) years,  
26 through and including the date of the Evidentiary Hearing, Centennial never disclosed in any  
27 NRCP 16.1 disclosure that nurses Wolfe or Sumera had knowledge of relevant facts in this  
28 action. *See* Plaintiff's Exhs. 1, and 1a-1j to Evidentiary Hearing. As for nurse Murray,

1 Defendant Centennial made no mention of her in any NRCP 16.1 disclosure in 2009, 2010,  
2 2011, 2012, 2013, or 2014. In a NRCP 16.1 disclosure on April 22, 2015, Centennial merely  
3 noted that nurse Murray had mentioned "the alleged incident with the elderly patient to which  
4 nurse Murray referred in her deposition testimony." But Centennial still failed to designate  
5 nurse Murray as a person with knowledge, and failed to give notice that nurse Murray had  
6 expressed concern about Mr. Farmer being more willing to help female patients, and failed to  
7 mention that nurse Murray had given a police Statement about Mr. Farmer.

8 48. Plaintiff Jane Doe had listed nurse Murray as a witness in January 2014; however,  
9 Plaintiff had no way of knowing at that time the expected testimony of nurse Murray, or her  
10 connection with the allegations against Mr. Farmer. (See State's Eighth Supp. Wit. List;  
11 Plaintiff's NRCP 16.1 Witness List of January 29, 2014; Affidavit of Murdock submitted with  
12 Plaintiff's Evidentiary Hearing brief). Plaintiff had merely designated nurse Murray as a  
13 witness because she had been designated as a witness Mr. Farmer's criminal case.

#### 14 **CENTENNIAL'S ATTORNEYS' RECEIPT OF THE POLICE STATEMENTS**

15 49. Prior to the Evidentiary Hearing, Defendant Centennial's attorneys admitted that  
16 they received nurse Wolfe's and nurse Murray's Metro Statements on **May 6, 2013**. See  
17 Centennial's Objection to the DCCR at p. 5-7 (7/30/15). The paragraphs below summarize  
18 Centennials' various and changing positions on when it received the Statements.

#### 19 **CENTENNIAL'S RECEIPT OF MURRAY POLICE STATEMENT**

20 50. At the Evidentiary Hearing, both sides presented evidence that proved that  
21 Centennial's counsel, Mr. Bemis, had asked the Deputy Public Defender ("DPD")  
22 representing Mr. Farmer in the criminal action, Amy Feliciano, to provide him with all of the  
23 files pertaining to Mr. Farmer, including the Police Statements. Exh 10, 10a. at PD00055-58;  
24 75-81. Ms. Feliciano specifically agreed to provide Mr. Bemis with the "voluntary statements  
25 to the police." Exh 10 at PD00079 (Ms. Feliciano's emails dated January 22, 2013). The  
26 correspondence between the DPD and Centennial's counsel suggests that the DPD anticipated  
27 providing the Police Statements to Centennial's counsel the end of January 2013. Exhs. 10,  
28 10a. Ms. Feliciano sent a letter to Mr. Bemis dated January 31, 2013, confirming that she

1 provided the "documents necessary for your review to assist with your consultation with us on  
2 this case." Exh. 11 at PDD15C0073.

3 Plaintiff Jane Doe submitted a FOIA request to the PD demanding a copy of all records  
4 that she had given to Centennial's counsel. In response thereto, Plaintiff received an Affidavit  
5 from DPD Feliciano stating she was providing copies of all of the records that she believed  
6 she had provided to Centennial's counsel around January 30, 2013. This Affidavit from Ms.  
7 Feliciano was accompanied by the Murray Police Statement. These facts all tend to prove that  
8 Centennial's attorney received the Murray Police Statement on or about January 30, 2013.

9 52. At the Evidentiary Hearing, Centennial's counsel denied that it received the  
10 Murray Police Statement by January 30, 2013.

11 53. Instead, Centennial's counsel, in its Opening Statement, admitted that he received  
12 the Murray Police Statement, and knew the "contents" of the Murray Police Statement, in  
13 "May 2013." (E.H. at 9:49-50). Centennial's counsel also argued that it received the Murray  
14 Police Statements in "May 2013" pursuant to a motion to compel in the "RC" case. E.H. at  
15 9:56:01. Attorney Bemis testified that he knew there was a Murray Police Statement before  
16 May 2013. E.H. at 11:02:10.

17 54. Attorney Bemis also testified that he had in his possession a CD audio recording  
18 of the Murray Police Statement in February 2013 — although he says he never listened to it.  
19 E.H. at 11:03-04. Attorney Bemis testified that his partner, Attorney Prangle, knew that Mr.  
20 Bemis had received the Murray Statement in February 2013. *Id.*

21 55. Attorney Bemis re-confirmed that he had the audio file of the Murray Police  
22 Statement in February 2013. E.H. at 11:11:40 and 11:13:45.

23 56. Based on the compelling evidence submitted at the Evidentiary Hearing, as well  
24 as the pre-hearing admission of Centennial's counsel, the Court concludes that Centennial's  
25 counsel received the Murray Police Statement on or before May 6, 2013.

26 **CENTENNIAL'S RECEIPT OF WOLFE POLICE STATEMENT**

27 57. At the sanction hearing before the Discovery Commissioner, the Discovery  
28 Commissioner told Centennial's counsel, John Bemis, that there was a "significant" non-

1 disclosure problem unless he could provide "some information" that he did not know about  
2 the Wolfe Police Statement at the time of Centennial's initial NRCP 16.1 disclosures. Tr. of  
3 Proc. at p. 13 (June 3, 2015). Mr. Bemis told the Discovery Commissioner that there was a  
4 "possibility" that he had the Wolfe Police Statement "at the time" – meaning prior to the  
5 initial NRCP 16.1 disclosure (11/24/09). *Id.* at p. 18.

6 58. In its Opening Statement, Centennial's counsel admitted that he received the  
7 Wolfe Police Statement, and knew its "contents" in "May 2013." E.H. at 9:49-50)

8 59. Attorney Bemis testified under oath that he received the Wolfe Police Statement  
9 in May 2013. E.H. at 10:33-34. Mr. Bemis testified: "Q. Okay. Now, the information you  
10 got from those police files that alerted you to the relevance of Murray, Wolf[e] and Samera,  
11 were the police – were the actual statements of Margaret Wolf[e] and Kristine Murray, which  
12 you had seen for the first time when you got the police file in May 2013, right? A. Correct."  
13 E.H. at 10:35

14 60. Mr. Bemis confirmed that he reviewed the Wolfe Police Statement promptly after  
15 receiving it in May 2013. E.H. at 10:35. ("Q. So it wasn't long... and would be fair to say, it  
16 wasn't long after receiving the police file that you reviewed it and actually saw the statements  
17 of Wolf and Murray. Would that be a fair statement? A. That would be a fair statement.")  
18 E.H. at 10:35.

19 61. Attorney Bemis further confirmed under oath that he first became aware of the  
20 Wolfe Police Statement in May 2013 when he received files from the Las Vegas Metropolitan  
21 Police Department. E.H. at 11:24:10.

22 62. Centennial's counsel admitted that the Discovery Commissioner ordered  
23 Centennial to produce the entire Farmer criminal file, including both the Murray and Wolfe  
24 Police Statements on or about October 27, 2014. E.H. at 11:27. Centennial's counsel  
25 acknowledged that it made a production of the Farmer criminal file (that it had received from  
26 Metro) on October 27, 2014. E.H. at 11:27; Exh 16. While examining attorney Bemis, Jane  
27 Doe's counsel represented that the October 27, 2014 production DID NOT include the Wolfe  
28 Police Statement. When asked "why not," Mr. Bemis suggested, and seemed to speculate, that

1 Centennial did not have it. E.H. at 11:39. His story at this point changed. Earlier in his  
2 testimony Mr. Bemis had admitted that he had actually reviewed the Wolfe "in relatively short  
3 order" after receiving it in May 2013 from Metro. But later, when confronted with Jane Doe's  
4 evidence that Centennial failed to produce the Wolfe Police Statement to Jane Doe on October  
5 2014, Mr. Bemis contradicted himself and testified under oath that he never really saw the  
6 Wolfe Police Statement before October 2014.

7 63. On cross-examination, Attorney Bemis explained why his testimony changed. He  
8 said that during a break in the Evidentiary Hearing, he examined the files that he received  
9 from the Las Vegas Metropolitan Police Department (Exhibit "A"), and the Wolfe Police  
10 Statement was not there. Attorney Bemis further explained that Jane Doe's Exhibit 29  
11 (Centennial's 7<sup>th</sup> Supplemental NRCP 16.1 Disclosure to Jane Doe on October 27, 2014) is  
12 supposed to be the exact same thing as Exhibit "A", and the Wolfe Statement is not there  
13 either. According to Mr. Bemis, this all confirms that his earlier testimony that he received  
14 the Wolfe Police statement from Metro in May 2013 was wrong. But none of this explains  
15 why Mr. Bemis testified under oath that he had reviewed the Wolfe Police Statement in  
16 "relatively short order" after getting in in May 2013, and then testifying under oath that he  
17 never saw the Wolfe Police Statement before October 2014.

18 64. Finally, attorney Bemis testified that he received the Wolfe Police Statement  
19 sometime before the deposition of Nurse Wolfe on May 5, 2015, but he did not know when he  
20 had received it.

21 65. Here is a summary of the various positions of Centennial's counsel on when it  
22 received the Wolfe Police Statement:

- 23 • "Possibly" before November 24, 2009.
- 24 • On May 6, 2013.
- 25 • Sometime in May, 2013.
- 26 • Maybe sometime after October 2014; or
- 27 • Sometime prior to May 5, 2015.

28



1           66. Having considered and weighed the evidence, the Court is persuaded that  
2 Centennial's counsel received the Wolfe Police Statement in or before May, 2013 –  
3 Attorney Bemis may have been confused on HOW he received the Wolfe Police Statement,  
4 but he was clear in his early testimony on WHEN he received it – on or before May 6, 2013.  
5 E.H. at 10:33-34; 11:24:10. Mr. Bemis contradicted himself on WHETHER he REVIEWED  
6 the Wolfe Police Statement prior to October 2014 – but whether he reviewed it or not, that  
7 does not change his testimony that he had the Wolfe Police Statement in his POSSESSION on  
8 or before May 6, 2013.

9           67. It bears repeating here that it is undisputed that Centennial's management knew  
10 about the existence of the Wolfe Police Statement and Murray Police Statement by August  
11 2008. Centennial's knowledge is imputed to its attorneys. Thus the HPS attorneys had  
12 constructive knowledge as early as August 2009 (before Centennial's initial NRCP 16.1  
13 disclosure in the Jane Doe Case) about the Murray and Wolfe Police Statements.

14           **PLAINTIFF'S RECEIPT OF THE POLICE STATEMENTS, AND**  
15           **SUBSEQUENT DEPOSITIONS**

16           68. Plaintiff received the Murray Police Statement for the first time in October 2014.  
17 E.H. at 9:27:50; 11:34:15; 11:38:05; Exh. 29.

18           69. Plaintiff received the Wolfe Police Statement for the first time in January 2015.  
19 E.H. at 9:27:58.

20           70. Plaintiff took the deposition of Christine Murray in this action on January 8, 2015.

21           71. Plaintiff took the deposition of Renato Sumera in this action on May 1, 2015.

22           72. Plaintiff took the deposition of Margaret Wolfe in this action on May 5, 2015.

23           73. Plaintiff took the deposition of Amy Blasing in this action on July 28, 2015.

24           74. Plaintiff took the deposition of Janet Callahan in this action on August 8, 2015.

25           **THE PROTECTIVE ORDER IN THE CAGNINA CASE**

26           75. On April 3, 2013 the Discovery Commissioner issued an oral Protective Order in  
27 the Cagnina Case providing that "All discovery concerning the Criminal Action is subject to  
28 the Protective Order previously entered on September 17, 2009, which remains in full force

1 and effect; all Las Vegas Metropolitan Police Department depositions and transcripts; and Mr.  
2 Farmer's deposition and transcript must be kept under seal; and all documents relating to the  
3 Criminal Action must be kept as confidential. The Discovery Commissioner's Report and  
4 Recommendation relating thereto was entered as an Order of the Court on May 3, 2013. (See  
5 Notice of Entry of Order) (Case No. A570756, May 6, 2013).

6 76. The Discovery Commissioner issued an oral recommendation lifting the  
7 Protective Order on October 27, 2014. The written Discovery Commissioner recommendation  
8 was issued on November 6, 2014, and the Order of the Court was entered and served on  
9 November 14, 2014.

10 **CENTENNIALS'S REPEATED IMPROPER DENIALS OF EXISTENCE OF**  
11 **ANY POTENTIAL EVIDENCE REGARDING FARMER**

12 77. On October 14, 2014, Centennial filed and served an opposition to Plaintiff's  
13 Motion for Summary Judgment making the following statement: "[T]here were **absolutely no**  
14 **known prior acts** by Mr. Farmer that could **potentially put Centennial on notice** that Mr.  
15 Farmer would assault a patient." (Centennial Opposition to Motion For Summary Judgment at  
16 p. 9) (emphasis added).

17 78. In a brief filed with the Nevada Supreme Court on April 29, 2015, Centennial  
18 incorrectly represented that it had not withheld any relevant evidence. Petitioners Valley  
19 Health System, LLC [ ] Petition for Writ of Mandamus and/or Writ of Prohibition, pp. 14-15  
20 (April 29, 2015) (No. 67886). Centennial stated: "[T]here were no known prior acts or any  
21 other circumstances that could have put Centennial on notice that Farmer would sexually  
22 assault Ms. Doe." *Id.*

23 79. In its Objection to Discovery Commissioner's Report and Recommendation, filed  
24 July 30, 2015, Centennial argued that "Defendants did not have knowledge that these persons  
25 [nurses Wolfe, Sumera, and Murray] had information relevant to this Plaintiff's claims (or  
26 knowledge of the substance of either nurse Wolfe's or nurse Murray's 2008 statements to the  
27 LVMPD) until after they received a copy of Farmer's police file in May 2013). See  
28 Centennial's Objection at pp 3-4 (filed July 30, 2015). This statement is false.

1           80. The undisputed facts, as summarized above, are that Centennial had knowledge,  
2 before August 2008, that nurses Murray, Wolfe and Sumera had all expressed concerns or had  
3 discussions regarding Mr. Farmer being overly attentive to female patients, that nurse Murray  
4 had recounted the incident about the elderly lady who yelled at Mr. Farmer to "get out," and  
5 that nurse Murray and nurse Wolfe had given Police Statements about Mr. Farmer. Any  
6 reasonable person could reach the conclusion that this information is certainly relevant to the  
7 issue of whether Centennial had notice of Mr. Farmer's dangerous propensities. Centennial's  
8 statement that there were "absolutely no known prior acts" of Mr. Farmer to possibly put them  
9 on notice is a statement that goes far beyond the bounds of zealous advocacy, and  
10 demonstrates an intent to conceal relevant evidence.

11           **FALSE DISCOVERY RESPONSES BY CENTENNIAL**

12           81. In Centennial's Objection to the DCRR, at pp 6-7, Centennial's attorneys wrote:  
13 "Prior to obtaining the police file, the Hospital Defendants were aware that several nurses had  
14 spoken with the police but they neither attended nor were privy to the substance of those  
15 interviews/statements." This is false. As stated in the above statements of undisputed fact,  
16 before August 2008, Centennial management had discussed the Police Statement given by  
17 nurses Murray and Wolfe.

18           82. In Centennial's Objection to the DCCR, at p. 7, Centennial states: "Upon  
19 obtaining a copy of Mr. Farmer's file, the Hospital Defendants learned for the first time that  
20 nurses Murray, Wolfe, and Sumera had information that could be relevant to Plaintiff's  
21 claims. . . . The Hospital Defendants did not willfully withhold any information, much less  
22 know that these witnesses had information relevant to the instant Plaintiff's claims until May  
23 2013 at the earliest." These statements are false. As stated in the above statements of  
24 undisputed facts, Centennial had conducted an internal investigation and absolutely learned  
25 that nurses Wolfe, Murray, and Sumera ALL had information relevant to the issue of  
26 Centennial's knowledge of Mr. Farmer's possibly dangerous proclivities. Perhaps the  
27 attorneys for the Defendants did not know about the nurses, but their client definitely knew.

28           ...

1           83. Plaintiff asked Defendant Centennial by Interrogatory no. 18 to disclose "when  
2 you received LVMPD Statement of Margaret Wolfe." On June 12, 2015, Defendant  
3 Centennial objected and further stated: "Without waiving said Objection, this Answering  
4 Defendant has only learned of the LVMPD Statement of Margaret Wolfe through counsel."  
5 Centennial's Risk Analyst, Amanda Bell, signed a Verification swearing upon oath to the  
6 accuracy of this response. However, Ms. Bell verified a false statement. As indicated above,  
7 Centennial knew "of" the Wolfe Police Statement by August, 2009.

8           84. Plaintiff then asked Defendant Centennial by Interrogatory no. 19 to disclose  
9 "when you first became aware that Margaret Wolfe had spoken with LVMPD regarding  
10 Steven Farmer." Ms. Bell repeated the same response under oath. Again, Ms. Bell verified a  
11 false statement.

12           85. Plaintiff also asked, by Interrogatory no. 17, for Defendant Centennial to disclose  
13 all "persons present at the meeting between Renato Sumera and Centennial Hills Hospital after  
14 Farmer was arrested." Defendant Centennial, through the sworn response of Ms. Bell,  
15 responded: "Object. This Interrogatory is irrelevant. Counsel of record met with Mr. Sumera  
16 following Mr. Farmer's arrest. Former Centennial Hills Hospital Risk Manager, Janet  
17 Callihan, and her staff provided introduction and left the meeting prior to any substantive  
18 discussion." Plaintiff was entitled to the requested information because the memories of  
19 Sumera and the others had faded regarding persons involved in the internal investigation.  
20 Centennial had an opportunity to help alleviate some of the prejudice they had inflicted upon  
21 Plaintiff, but choose not to do so.

#### 22           **FARMER'S CRIMINAL CONVICTION**

23           86. On May 30, 2014, Farmer was convicted in the Eighth Judicial District Court,  
24 Clark County, Nevada, in Case Number 08C245739, as follows: Count 10 of **Sexual Assault**  
25 (Felony – Category A) in violation of NRS 200.364 & 200.366 for the digital penetration, by  
26 inserting his finger(s) into the anal opening of Jane Doe, against her will or under conditions  
27 in which Farmer knew, or should have known, that Jane Doe was mentally or physically  
28 incapable of resisting or understanding the nature of Farmer's conduct; Count 11 of **Open or**

1 **Gross Lewdness** (Gross Misdemeanor) in violation of NRS 201.210 for touching and/or  
2 rubbing the genital opening of Jane Doe with his hand(s) and/or finger(s); Count 12 of **Sexual**  
3 **Assault** (Felony – Category A) in violation of NRS 200.364 & 200.366 for the digital  
4 penetration, by inserting his finger(s) into the genital opening of Jane Doe, against her will or  
5 under conditions in which Farmer knew, or should have known, that Jane Doe was mentally or  
6 physically incapable of resisting or understanding the nature of Farmer's conduct; Count 13 of  
7 **Open or Gross Lewdness** (Gross Misdemeanor) in violation of NRS 201.210 for touching  
8 and/or rubbing and/or pinching the breast(s) and/or nipple(s) of Jane Doe with his hand(s)  
9 and/or finger(s). Count 14 of **Open or Gross Lewdness** (Gross Misdemeanor) in violation of  
10 NRS 201.210 for touching and/or rubbing and/or pinching the breast(s) and/or nipple(s) of  
11 Jane Doe with his hand(s) and/or finger(s); and Count 15 of **Indecent Exposure** (Gross  
12 Misdemeanor) in violation of NRS 201.220 for deliberately lifting the hospital gown of Jane  
13 Doe to look at her genital opening and/or anal opening and/or breast(s).

14 **IV. STANDARD FOR AWARD OF SANCTIONS**

15 Centennial had a duty under NRCP 16.1 to timely disclose a list of all persons known  
16 to have relevant knowledge relating to the claims and defenses alleged in this action. The  
17 initial NRCP 16.1 disclosure was due in November 2009. Centennial filed its initial  
18 disclosure on November 24, 2009. By this deficient disclosure, Centennial failed to comply  
19 with its NRCP 16.1 obligations.

20 Nevada law provides that the remedy for a party's disclosure obligations under  
21 NRCP 16.1 include the sanctions listed in NRCP 37. Pursuant to NRCP 37, the Court has the  
22 discretion to impose any of the following sanctions that may be warranted in appropriate  
23 circumstances:

24 (2) **Sanctions—Party.** If a party or an officer, director, or  
25 managing agent of a party or a person designated under Rule  
26 30(b)(6) or 31(a) to testify on behalf of a party fails to obey an  
27 order to provide or permit discovery, including an order made  
28 under subdivision (a) of this rule or Rule 35, or if a party fails to  
obey an order entered under Rules 16, 16.1, and 16.2, the court in  
which the action is pending may make such orders in regard to the  
failure as are just, and among others the following:

1 (A) An order that the matters regarding which the order was made  
2 or any other designated facts shall be taken to be established for  
the purposes of the action in accordance with the claim of the party  
obtaining the order;

3 (B) An order refusing to allow the disobedient party to support or  
4 oppose designated claims or defenses, or prohibiting that party  
from introducing designated matters in evidence;

5 (C) An order striking out pleadings or parts thereof, or staying  
6 further proceedings until the order is obeyed, or dismissing the  
action or proceeding or any part thereof, or rendering a judgment  
by default against the disobedient party;

7 (D) In lieu of any of the foregoing orders or in addition thereto, an  
8 order treating as a contempt of court the failure to obey any orders  
except an order to submit to a physical or mental examination;

9 (E) Where a party has failed to comply with an order under Rule  
10 35(a) requiring that party to produce another for examination, such  
orders as are listed in subparagraphs (A), (B), and (C) of this  
11 subdivision, unless the party failing to comply shows that that  
party is unable to produce such person for examination.

12 In lieu of any of the foregoing orders or in addition thereto, the  
13 court shall require the party failing to obey the order or the  
attorney advising that party or both to pay the reasonable  
14 expenses, including attorney's fees, caused by the failure, unless  
15 the court finds that the failure was substantially justified or that  
other circumstances make an award of expenses unjust.

16  
17 Before the Court can strike a defendant's answer as a sanction, the Court is required to  
18 conduct an Evidentiary Hearing. Plaintiff Jane Doe asked the Court to strike Centennial's  
19 Answer as a sanction for its discovery violations. This Court determined that there were  
20 sufficient grounds to proceed with the Evidentiary Hearing.

21 The Nevada Supreme Court has provided guidance for the Court on the factors to  
22 consider at an Evidentiary Hearing before striking an answer as a sanction:

23 The factors a court may properly consider include, but are not  
24 limited to, the **degree of willfulness** of the offending party, the  
25 extent to which the non-offending party would be **prejudiced by a**  
26 **lesser sanction**, the **severity** of the sanction of dismissal relative to  
27 the severity of the discovery abuse, whether any **evidence has**  
28 **been irreparably lost**, the feasibility and fairness of alternative,  
less severe sanctions, such as an order deeming facts relating to  
improperly withheld or destroyed evidence to be admitted by the  
offending party, the **policy** favoring adjudication on the merits,  
whether sanctions unfairly operate to penalize a party for the  
**misconduct of his or her attorney**, and the **need to deter** both the  
parties and future litigants from similar abuses.

1 *Young v. Johnny Ribeiro Bldg.*, 106 Nev. 88, 93 (Nev. 1990) (emphasis added).

2 "Nevada jurisprudence does not follow the federal model of requiring progressive  
3 sanctions against a party for failing to comply with a discovery order." *Bahena v. Goodyear*  
4 *Tire & Rubber Co.*, 245 P.3d 1182, 1184 (Nev. 2010). However, if a party requests a case  
5 concluding sanction, the Court must conduct an evidentiary hearing.

6 **V. ANALYSIS**

7 **A. CENTENNIAL CONCEALED EVIDENCE ABOUT THE NURSES**

8 Centennial's failure to comply with NRCP 16.1 was not just a minor or technical non-  
9 compliance. Centennial's failure to comply with its NRCP 16.1 obligations was material,  
10 substantial, and extremely prejudicial to Plaintiff Jane Doe. Centennial left out major  
11 witnesses and major documents from its NRCP 16.1 disclosure. Moreover, Centennial's  
12 failure to comply with NRCP 16.1 was repetitive, and extended over a lengthy, multiple-year  
13 time period.

14 **B. CENTENNIAL'S "PROTECTIVE ORDER" DEFENSE LACKS MERIT**

15 Centennial contends that it could not produce the Police Statements or disclose nurses  
16 Murray, Wolfe, and Sumera, because Centennial was subject to a Protective Order in the  
17 Cagnina Case. Centennial's argument lacks merit for several reasons:

- 18 • The Protective Order did not prohibit Centennial from submitting to Plaintiff a  
19 privilege log listing the Police Statements and identifying the privilege claimed.  
20 Centennial understood the importance of preparing a privilege log for relevant  
21 documents that it withheld. Centennial's supplemental NRCP 16.1 disclosures  
22 contained privilege logs, but Centennial elected not to include the Police  
23 Statements in any of its privilege logs.
- 24 • The Protective Order did not prohibit Centennial from disclosing the existence of  
25 the Murray Police Statement or the Wolfe Police Statement. Centennial could have  
26 and should have disclosed the existence of the Police Statements in its initial  
27 NRCP 16.1 disclosure, and its supplemental disclosures.

- 1           • As admitted by attorney Bemis (E.H. at 10:41), the Protective Order did not  
2           prohibit Centennial from identifying the names of nurses Murray, Wolfe, and  
3           Sumera, as persons with knowledge of relevant facts, nor did the Protective Order  
4           prohibit Centennial from identifying the general knowledge that each of these  
5           nurses possessed. **Attorney Bemis admitted that Centennial's failure to**  
6           **disclose nurses Murray, Wolfe, and Sumera, was a violation of NRCP 16.1.**  
7           **(E.H. at 10:42:20).**
- 8           • Centennial suggests it acted in good faith by seeking to lift the September 17, 2009  
9           Protective Order. However, Centennial did not move to lift the Protective Order  
10          until October 2014. Centennial had a duty to identify the Police Statements in its  
11          initial NRCP 16.1 disclosure on November 24, 2009. If Centennial truly felt  
12          limited in disclosing the mere existence of the Police Statements due to the  
13          Protective Order, Centennial would have sought to lift the Protective Order in  
14          November 2009, rather than waiting almost five (5) years, until October of 2014, to  
15          do so.

16           **C.       CENTENNIAL'S ARGUMENT - THAT THE NURSE EVIDENCE WAS**  
17           **ONLY RELEVANT TO THE CAGNINA CASE - IS FRIVOLOUS**

18           Centennial argues, in various iterations, that it had a good faith believe the early  
19          evidence it learned about Mr. Farmer only related to the Cagnina case. Centennial notes that  
20          nurse Murray was the nurse assigned to Mr. Farmer on the day Ms. Cagnina reported Mr.  
21          Farmer's sexual assault. This argument is logically flawed. Once Jane Doe filed her lawsuit  
22          on July 23, 2009, a major issue in the Jane Doe case was whether Centennial had notice that  
23          Mr. Farmer posed a risk of committing a sexual assault on a female patient at Centennial. If  
24          Mr. Farmer was overly attentive to female patients at Centennial, and liked to assist in monitor  
25          placements so he could lift their gowns and see and/or touch their breasts, then that  
26          information was undeniably relevant to the Jane Doe Case.

27           The fact that Centennial failed to make the connection is Centennial's own fault. As  
28          soon as Centennial discovered the information, they had a duty to disclose it. It is undisputed



1 that Centennial discovered the information by August 1, 2008 – long before Jane Doe filed her  
2 lawsuit. Therefore, Centennial had a duty to disclose the nurses and the existence of their  
3 police statements in the very first NRCP 16.1 production in 2008. This Court finds that there  
4 is no valid excuse for Centennial's failure to timely disclose the nurses and existence of the  
5 Police Statements.

6 **B. THE SANCTION FACTORS**

7 **1. Degree of Willfulness**

8 This Court finds that there is clear and convincing evidence that Centennial willfully  
9 and intentionally concealed the relevance of nurses Murray, Wolfe, and Sumera, and the  
10 existence of the Police Statements with an intent to harm and unfairly prejudice Plaintiff. This  
11 inescapable conclusion is derived from the following evidence:

- 12 • Centennial had knowledge prior to August 2009 of the very relevant information  
13 possessed by nurses Murray, Wolfe, and Sumera.
- 14 • Centennial's counsel in the Cagnina Case is the same counsel that began  
15 representing Centennial in the Jane Doe Case by August 2009.
- 16 • Centennial failed to timely disclose nurses Murray, Wolfe, and Sumera in its initial  
17 and supplemental NRCP 16.1 disclosures.
- 18 • Centennial failed to disclose the mere existence of the Police Statements in its  
19 initial and supplemental NRCP 16.1 disclosures.
- 20 • Centennial changed its story several times about when it discovered the  
21 significance of the information known by nurses Murray, Wolfe, and Sumera.
- 22 • Centennial changed its position several times about when it received the Wolfe  
23 Police statement.
- 24 • Centennial provided false discovery responses to Jane Doe, and incorrectly  
25 represented to this Court that it had not withheld any relevant evidence. Centennial  
26 and its counsel told this Court in October of 2014, a minimum of eighteen (18)  
27 months after admitting they had the criminal file with the names and statements,  
28 that "In the instant situation, there were absolutely no known prior acts by Mr.

1 Farmer that could potentially put Centennial on notice that Mr. Farmer would  
2 assault a patient." CH. Opp. to MSJ at 9. Rule 3.3 of the Nevada Rules of  
3 Professional Conduct states "(a) A lawyer shall not knowingly: (1) Make a false  
4 statement of fact or law to a tribunal by the lawyer." Centennial's lawyers violated  
5 this Rule.

- 6 • Centennial incorrectly represented to the Nevada Supreme Court that it had not  
7 withheld any relevant evidence. Centennial stated: "there were no known prior  
8 acts or any other circumstances that could have put Centennial on notice that  
9 Farmer would sexually assault Ms. Doe." Writ at 14-15. Again, Centennial's  
10 lawyers violated Rule 3.3.
- 11 • Centennial's argument that it withheld the Police Statements due to the  
12 September 17, 2009 Protective Order was a false, pre-textual excuse.
- 13 • Centennial unreasonably delayed in seeking to lift the Protective Order.
- 14 • Centennial unreasonably failed to identify the Police Statements in a Privilege log.
- 15 • Centennial understood that, through the passage of time, the memories of key  
16 witnesses would fade.
- 17 • With the passage of time, the memories of key witnesses did, in fact, fade.
- 18 • Centennial's argument - that it failed to appreciate the importance of the  
19 information known by the nurses because the HPS firm interviewed the nurses  
20 before it started working on the Jane Doe Case - is frivolous.
- 21 • Centennial provided false discovery responses under oath, designed to mislead this  
22 Court.
- 23 • Centennial's counsel admitted that it had a duty under NRCP 16.1 to review the  
24 recorded statement of Murray as soon as it received it to ascertain whether the  
25 Statement contained information relevant to the Jane Doe case. E.H. 11:15:35.
- 26 • Centennial admitted that it violated NRCP 16 in failing to timely disclose the  
27 names of nurses Murray, Wolfe, and Sumera, and to disclose their general  
28 knowledge. E.H. 10:38, and 10:42:20

## 2. The Prejudice To Jane Doe By a Lesser Sanction

The prejudice to Plaintiff, as discussed below, is that memories have faded over time. When Plaintiff finally discovered the importance of nurses Murray, Wolfe, and Sumera to this case, years had passed and, understandably, their memories had extensively faded. That evidence cannot be retrieved. A remedy must be fashioned to help overcome the prejudice that Plaintiff has suffered at Centennial's hands. The lost evidence related directly to the issue whether Centennial had notice that Mr. Farmer posed a risk of sexual assault to a female patient. The lost evidence likely would have assisted Jane Doe in proving that Centennial had such notice, that Centennial had a duty to protect Jane Doe from the danger posed by Mr. Farmer, that Centennial breached its duty to protect Jane Doe, and also that Centennial was liable to Jane Doe for Farmer's misconduct on a theory of respondeat superior. The evidence that Centennial concealed, and the probable fruits of such concealed evidence, would have assisted Jane Doe in establishing Centennial's liability, and in rebutting Centennial's defenses to liability.

Any lesser sanction would be wholly insufficient to mitigate the prejudice to Jane Doe caused by Centennial. A possible lesser sanction would be to impose an evidentiary presumption that it was reasonably foreseeable to Centennial that Mr. Farmer would sexually assault Jane Doe. But an evidentiary presumption would not bar Centennial from presenting evidence to try to rebut such presumption. Centennial would then be able to benefit from its conduct in hiding evidence. Moreover, an evidentiary presumption would create a huge logistical problem at trial. Further, any evidentiary presumption would apply against defendant Centennial, but not against ANS. This would undoubtedly confuse the jury.

A possible way to avoid such unnecessary confusion would be to bifurcate trial. If the Court were to bifurcate Jane Doe's claims against Centennial from Jane Doe's claims against ANS, however, this would impose undue burden and expense on Jane Doe to conduct essentially a second trial. It would be extremely unfair to impose a burden of a second trial on Plaintiff to mitigate the prejudice caused by Centennial.

1 This Court has already imposed a monetary sanction against Centennial. A stronger  
2 monetary sanction would not redress the prejudice to Plaintiff.

3 Finally, disqualifying Centennial's counsel would not eliminate the prejudice to  
4 Plaintiff.

5 **3. The Severity Of The Sanction Of Dismissal Relative To The Severity**  
6 **Of The Discovery Abuse**

7 The discovery abuse was indeed extreme, and warrants a very severe sanction against  
8 Defendant Centennial. Centennial utterly failed to honor its duty to disclose witnesses that it  
9 knew were critical witnesses as early as august 2008 -- before this lawsuit was even filed.  
10 Centennial also intentionally concealed the similarly critical police statements of nurses  
11 Murray and Wolfe. Again, Centennial didn't miss its disclosure deadline by a mere few days  
12 or even a few months; Centennial missed its deadline by more than five (5) years.

13 The sanction must be sufficiently severe. But the Court seeks not to impose a sanction  
14 for the primary sake of punishment of Centennial. Rather the Court is primarily motivated to  
15 impose a sanction that is no greater than necessary to undo the prejudice that Defendant  
16 Centennial inflicted upon Jane Doe. Striking Centennial's Answer is appropriately severe in  
17 light of Centennial's discovery abuses.

18 **4. Whether Evidence Has Been Irretrievably Lost**

19 Centennial's concealment of evidence has irreparably prejudiced Plaintiff Jane Doe,  
20 because the evidence has been irretrievably lost. Centennial's delay in disclosing the nurses'  
21 Police Statements has caused incurable and substantial prejudice to Plaintiff. The significant  
22 passage of time has resulted in extensive fading of witness memories and loss of evidence of  
23 the facts and circumstances discussed within the nurses' Police Statements, as follows:<sup>2</sup>

24 **NURSE MURRAY**

25 Nurse Murray suffered significant memory loss of relevant facts:

26 P.35-36 Nurse Murray recalled the incident where the lady yelled at Mr. Farmer  
27 (who had been acting as sitter for her) to leave her alone, but she could not recall the room

28 <sup>2</sup> The page numbers refer to the pages of each witness deposition transcript.

1 number, and she could not recall the attending nurse for that patient. If Plaintiff had been able  
2 to obtain the room number, they could have tracked down this patient who had complained  
3 about Mr. Farmer. Then Plaintiff could have learned the nature of the patient's undisputed  
4 complaint against Mr. Farmer. Plaintiff could have discovered whether Mr. Farmer had  
5 engaged in some sexual assault, and whether any other nurses attending to this lady had been  
6 alerted to Mr. Farmer's improper conduct. All of this discovery was prevented because  
7 Centennial concealed the existence of nurse Murray and the substance of her relevant  
8 testimony.

9 P.43 Nurse Murray could not recall the specifics of what she told the police in  
10 her statement without seeing the statement.

11 P.57 Nurse Murray could not recall the substance of her discussions with  
12 Centennial staff about the complaint from the lady about Mr. Farmer.

13 P.58 Nurse Murray could not recall if she had a conversation with the nurse  
14 about the "sitter" incident.

15 P.68 Nurse Murray recalled an incident when Mr. Farmer offered to place the  
16 telemetry leads on a female patient, but she could not recall any specifics.

17 P.68 Nurse Murray could not recall if, during the time that she worked at  
18 Centennial, CNAs were not allowed to apply telemetry leads without first being instructed to  
19 do so by a nurse.

20 **RAY SUMERA**

21 Ray Sumera was a nurse working at Centennial on May 15, 2008, and is the person  
22 whom nurse Wolfe reportedly heard say he was concerned about Mr. Farmer because he was  
23 overly attentive to female patients. In his deposition, he indicated that his memory of this  
24 conversation with nurse Wolfe had greatly faded:

25 P.75 Q: "Do you recall telling Ms. Wolfe that you were concerned about Mr.  
26 Farmer because he was very anxious to connect and disconnect them from heart monitors,  
27 which would require him to reach into their clothing?" A: "I don't remember any  
28 ...

1 conversation." Q: "Okay. You're not saying it didn't happen, you're saying you just don't  
2 remember, right?" A: "I don't remember."

3 P.78 Q: "Do you recall Ms. Wolfe telling you about an incident where Mr.  
4 Farmer had exposed a female patient's breasts where he was allegedly checking monitor  
5 placements?" A: "I don't remember."

6 P.77 Q: "And you told Margaret that you had talked to him [Mr. Farmer],  
7 right?" A: "For a follow-up, I probably did tell Margaret that I talked to him." Q: "You just  
8 don't have any memory of it?" A: "I don't have any memory." Q: "But you have no reason to  
9 disagree with what she says here [in the police report], is that correct?" A: "Correct."

10 P.127 Q: "Were you the charge nurse on May 15th?" A: "I don't know whether I  
11 was in charge or not - - on what specific day."

12 P.138 A: "It's possible it [the conversation with nurse Wolfe about Mr. Farmer  
13 being "overly attentive to female patients"] did occur, but I don't remember the exact  
14 conversation."

15 **AMY BLASING**

16 The Centennial Head of the Emergency Room, Amy Blasing, was extensively involved  
17 in investigating the allegations of nurse Sumera, Wolfe, and Murray, and their  
18 communications with each other. She expressed a great loss of memory when confronted with  
19 relevant and material questions at her deposition on July 28, 2015:

20 P. 29:13-20 She could not remember who she included in her internal discussions  
21 about Mr. Farmer other than Ray Sumera, Margaret Wolfe, Karen Goodhart, and Darby  
22 Curless.

23 P.30:19-24 She could not remember if she took any notes of her internal meeting  
24 regarding Mr. Farmer because "It was several years ago."

25 P.32-33 She recalled having discussions with Carol Butler about her meeting with  
26 Margaret Wolfe, but could not recall specifics.

27 P.33-34 She could not recall the specifics of what nurse Wolf said she had told the  
28 police.

1 P.35 She recalls that she spoke with nurse Wolfe and nurse Sumera about their  
2 different recollections about their concerns with Mr. Farmer, but she could not recall the  
3 specifics.

4 P.40:18-22 She could not recall the first time that she spoke with counsel for  
5 Centennial about Mr. Farmer's sexual assault against Ms. Cagnina.

6 P.90:12-18 She could not recall whether she had any other discussions about Mr.  
7 Farmer besides the very limited information given regarding staff discussions, because: "It  
8 just was a long time ago."

9 **CAROL BUTLER**

10 The Centennial Director of Nursing, Carol Butler, also had a significant memory loss  
11 by the time of her deposition, on June 19, 2015:

12 P.75 She could not recall whether she had spoken with Ray Sumera.

13 P. 75-76 She believes she spoke with nurse Wolfe, but she was not certain, and she  
14 also could not recall whether she took notes of her meeting with nurse Wolfe.

15 P.76 She admitted that if she had been asked questions about the Farmer  
16 investigation five (5) years ago, events "certainly would have been fresher in her mind:

17 "Q. . . . If I asked you five years ago, you might have a better answer, right? Your  
18 memory? A. Certainly."

19 P.87:2-13 She recalls the Centennial investigation concerned allegations that Mr.  
20 Farmer had an "inappropriate contact in the E.D. and then again on the sixth floor," but she  
21 could not recall "what" inappropriate contact was discussed.

22 P.87:17-22 She could not recall if her meetings regarding the Farmer investigation  
23 included separate meeting with Centennial staff, or with all staff all together.

24 P.114:4-7 She could not recall if she ever talked to nurse Wolfe about her Metro  
25 Statement.

26 P.121:10-16 She could not recall whether she notified the Centennial Risk Manager  
27 that Amy Blasing brought to her attention that a nurse had expressed concerns about Mr.  
28 Farmer.

1 P.130 She could not recall any of the conversations that she had with nurse  
2 Wolfe about the Farmer investigation.

3 P.130 She could not recall any of the conversations that she had with nurse  
4 Sumera about the Farmer investigation.

5 P.130:21-23 She admitted that her memory about conversation with nurses Wolfe and  
6 Sumera would have been better five years earlier.

7 **JANET CALLIHAN**

8 Janet Callihan was the Administrative Director for Quality Outcomes for Centennial  
9 beginning the summer of 2007 through the time of the Farmer incident. Her memory had  
10 faded as to significant events:

11 P.22-37 She could not recall if she had ever met with Christine Murray, even  
12 thought, as she acknowledged, nurse Murray would have prepared an incident report, and it  
13 was Ms. Callihan's duty to review such reports. Also she did not recognize the names of Ray  
14 Sumera or Margaret Wolfe.

15 **MARGARET WOLFE**

16 Nurse Margaret Wolfe also had significant memory loss due to the passage of time:

17 P.15 She could not recall whether she spoke to anybody at Centennial about her  
18 statement to the police.

19 P.20&51 She could not recall any specifics of her discussion with Ray Sumera  
20 about Mr. Farmer

21 P.27-28 She recalls that "all the nurses" were talking about concerns they had with  
22 Mr. Farmer; but she could not remember who because "it was so long ago."

23 P.40 She could not recall whether she had any conversation with anybody at  
24 Centennial about Mr. Farmer after she was terminated as a nurse from Centennial.

25 **SUMMARY**

26 The passage of time has clearly undermined, frustrated, and eliminated Plaintiff Jane  
27 Doe's opportunity to gather relevant information in this litigation, as follows:

28 \*\*\*



- 1 • In a case where the most critical issue is whether Centennial had knowledge
- 2 that Mr. Farmer might pose a risk of harm to female patients, Centennial
- 3 concealed the fact that nurse Sumera reported concerns that Mr. Farmer might
- 4 be a danger to female patients.
- 5 • Centennial concealed the fact that nurse Sumera had reported his concerns to
- 6 nurse Wolfe.
- 7 • In July 2008, according to nurse Wolfe, nurse Sumera had expressed concern
- 8 that Mr. Farmer was overly attentive to female patients. However, seven (7)
- 9 years later, nurse Sumera's recollection had changed, as well as his tenor of
- 10 remarks about Mr. Farmer.
- 11 • Jane Doe can no longer find out from nurses Murray, Wolfe, or Sumera, which
- 12 of the other nurses, staff, and management at Centennial were suspicious of Mr.
- 13 Farmer's conduct prior to May 14, 2008.
- 14 • If Centennial had complied with its disclosure obligations, Jane Doe could have
- 15 deposed nurses Murray, Wolfe, and Sumera in 2009 -- when their memories
- 16 were much more fresh regarding the facts and circumstances surrounding the
- 17 2008 events.
- 18 • If Jane Doe had taken the depositions of nurses Murray, Wolfe and Sumera in
- 19 2009, that would have led to the prompt depositions of Amy Blasing and Carol
- 20 Butler in 2009 -- before their memories faded as to critical "notice" issues.
- 21 • Centennial concealed the fact that nurse Wolfe reported the Sumera disclosure
- 22 to Centennial management.
- 23 • Centennial concealed the fact that nurse Wolfe provided a Police Statement to
- 24 Metro about Mr. Farmer.
- 25 • Centennial concealed the fact that nurse Murray provided a Police Statement to
- 26 Metro about Mr. Farmer.
- 27 • Centennial concealed the fact that it conducted an internal investigation
- 28 involving nurses Murray, Wolfe, and Sumera prior to August, 2008.

- 1 • Centennial concealed the fact that nurse Murray had some information about  
2 the "crazy old lady" who yelled at Mr. Farmer to get out of her room.  
3 Centennial argues that nurse Murray concluded that Mr. Farmer had not done  
4 anything wrong. Centennial suggests that, if it had disclosed this incident and  
5 Jane Doe had taken depositions pertaining to this incident, it would not have  
6 yielded anything important. There are two problems with this argument. First,  
7 nurse Murray did not testify that Mr. Farmer did not do anything wrong.  
8 Second, if nurse Murray had testified years closer to the incident, she might  
9 have remembered facts that could have led to the identity of this "crazy old  
10 lady." Then Jane Doe could have discovered what Mr. Farmer did to her, when  
11 he did these things to her, and who had notice of such misconduct of Mr.  
12 Farmer.
- 13 • Centennial concealed the fact that nurse Wolfe expressed concern that Mr.  
14 Farmer had on one occasion lifted the gown of a female patient exposing her  
15 breasts.
- 16 • Since Centennial concealed these facts, Plaintiff Jane Doe had no knowledge to  
17 conduct discovery about these facts. As time passed, memories faded. By the  
18 time Plaintiff Jane Doe received the metro statements, the memories of the  
19 nurses and other witnesses had already faded. Centennial had accomplished its  
20 objective.

21 Defendant Centennial contends that Plaintiff Jane Doe was not prejudiced by  
22 Centennial's failure to disclose nurses Wolfe, Murray, and Sumera because Plaintiff already  
23 knew that these nurses "may have information relevant to the instant case" as early as May 13,  
24 2010. Defendants Objection to Discovery Commissioner Report and Recommendation, at  
25 p. 4 (7/30/15). Defendant Centennial fails to appreciate the huge difference between  
26 discovering that a person "may" know something, and discovering the "something" that such  
27 person may actually know. Plaintiff Jane Doe discovered the former but not the later.

28 . . .

1 Defendant Centennial concealed the information that Centennial knew about the  
2 criticality of the knowledge of nurses Wolfe, Murray and Sumera to this litigation.

3 Centennial contends that it is too speculative to assume that Jane Doe would have  
4 deposed the witnesses earlier than they did if they had received the Police Statements at the  
5 start of the case. Centennial notes that, prior to October 2014, Jane Doe had only deposed one  
6 (1) of the NRC 16.1 witnesses designated by Centennial. The Court has not verified that  
7 fact. However, there are four main flaws with Centennial's argument. First, Centennial  
8 concealed the important information known by nurses Murray, Wolfe, and Sumera – so it is  
9 understandable that Jane Doe was not in any hurry to depose the unimportant witnesses.  
10 Second, Centennial is the party that created the need to consider when Jane Doe might have  
11 taken the depositions of the key witnesses; so Centennial should not be allowed to benefit  
12 from a problem it created. Third, once Jane Doe did obtain the information that Centennial  
13 concealed, Jane Doe's attorneys aggressively pursued discovery related to such information.  
14 This aggressive action is strong evidence that Jane Doe would have taken prompt depositions  
15 earlier in the case if Centennial had complied with its discovery obligations. Fourth, as  
16 acknowledged by attorney Bemis, many of the witnesses designated in Centennial's early  
17 NRC 16.1 witness lists DID NOT relate to the critical issue of foreseeability – so there was  
18 no big need for depositions of such persons. E.H. 10:45.

19 **5. Consideration of less-severe sanctions**

20 As discussed above, the Court has considered the possible sanctions less severe than  
21 striking Centennial's answer.

22 The Discovery Commissioner already recommended the imposition of a modest  
23 monetary sanction, which this Court has approved. This monetary sanction does serve as a  
24 punishment of Centennial (and encouragement not to repeat its transgressions), but does  
25 nothing to reverse or mitigate the prejudice that Centennial has inflicted upon Jane Doe.

26 The Court could impose a "rebuttable" presumption that Centennial had notice of Mr.  
27 Farmer's dangerous propensities; but that would still leave Jane Doe at a disadvantage.

28 . . .

1 Centennial has caused the destruction of the evidence that Jane Doe could have used to  
2 negate Centennial's rebuttal evidence.

3 The Court could preclude Centennial from offering any evidence that it DID NOT  
4 have notice of Mr. Farmer's dangerous proclivities. But again this is insufficient. The Court  
5 has already held in this case that Plaintiff Jane Doe has an initial burden of proving that it was  
6 reasonably foreseeable to Centennial that Mr. Farmer posed a danger to female patients.  
7 Centennial has caused the destruction of evidence that Jane Doe may have needed to satisfy its  
8 initial burden. Thus it would not be an adequate remedy to merely prevent Centennial from  
9 rebutting Jane Doe's evidence.

10 The Court has considered other possible lesser sanctions, and concludes that the only  
11 reasonable sanction that sufficiently mitigates the harm caused by Centennial is to strike  
12 Centennial's Answer.

13 **6. The policy favoring adjudication on the merits**

14 Centennial is the party that elected to hide evidence to prevent Jane Doe from  
15 adjudicating its claims on the merits. Striking Centennial's Answer is the only way to undo  
16 the prejudice that Centennial created. Centennial is still entitled to defend itself with regard to  
17 damages. In sum, the Court merely mitigates the prejudice that Centennial caused, and  
18 permits the parties to proceed with the remainder of the lawsuit in a fair and even manner.

19 **7. Whether the sanction would unfairly punish centennial for its lawyers'**  
20 **misconduct**

21 The misconduct in this case is clearly that of Centennial, to an equal or greater extent  
22 that its lawyers. Centennial knew that Murray had given a police statement, but failed to  
23 provide such statement to its lawyers in this case. Centennial knew that nurses Murray,  
24 Wolfe, and Sumera were critical witnesses in this case, and yet allowed their attorneys to  
25 submit no less than Eight (8) NRCP 16.1 disclosures that omitted any reference to these  
26 witnesses. One need not be trained in the law to appreciate that one's list of persons with  
27 knowledge ought to have included critical witnesses such as these. Additionally, Centennial  
28 provided verifications of the false discovery responses discussed herein.

1           8.     **The need to deter sanctionable conduct**

2           A party who engages in misconduct must suffer reasonable consequences. No party  
3 should be allowed to conceal evidence, and then suffer merely a monetary sanction, while  
4 being allowed to reap the tactical benefit of the loss of that evidence. Litigants should be  
5 entitled to have their cases adjudicated on their merits.

6           Centennial failed to disclose relevant evidence that it knew it had a duty to disclose,  
7 caused extensive time to pass, and caused memories to fade. Centennial actions and inactions  
8 have prevented a critical issue in this case from being tried on its merits. Centennial has  
9 impaired the adversarial, and therefore must suffer the consequences of a sanction. The  
10 narrowly-tailored sanction in this case is designed to mitigate the prejudice to Jane Doe that  
11 Centennial caused, and deter future misconduct by Centennial.

12       **VI.    CONCLUSION**

13           The Court finds that Defendant Centennial intentionally, and willfully, and with the  
14 intent to unfairly prejudice and harm Plaintiff Jane Doe, concealed evidence regarding nurses  
15 Wolfe, Murray, and Sumera, and those acts of concealment unfairly, significantly, and  
16 irreparably prejudiced Plaintiff. As discussed above, the concealment has caused a great delay  
17 in Plaintiff Jane Doe's ability to pursue relevant discovery. This delay has resulted in the loss  
18 of memories of critical information. Centennial's acts of concealment have effectively  
19 irreparably destroyed evidence.

20           The Court has determined the least stringent, narrowly-tailored, remedy available to  
21 reverse the harm that Centennial caused to Plaintiff. This remedy, which the Court hereby  
22 imposes, is as follows:

23           The Court sanctions Defendant Centennial pursuant to NRCP 37 by striking its  
24 Answer in this action such that liability is hereby established on Plaintiff's Jane Doe's  
25 claims against Defendant Centennial for (a) negligent failure to maintain the premises in  
26 a safe manner, and (b) *respondeat superior* liability for the sexual assault by Nurse  
27 Farmer; but Centennial still shall be entitled to defend on the question of the nature and  
28 quantum of damages for which it is liable.

1 To implement this sanction, the Court further orders as follows:

2 a. Plaintiff shall be permitted to explain to the jury that liability has been established  
3 against Defendant Centennial, and to further explain to the jury what that means;

4 b. The Court shall submit a jury instruction to the jury regarding the establishment  
5 of liability as to Defendant Centennial;

6 c. Defendant Centennial is precluded from introducing any evidence to show that it  
7 is not liable for the harm to Jane Doe caused by Mr. Farmer. Specifically, but not limited  
8 thereto, Defendant Centennial is precluded from introducing any evidence that it was not  
9 reasonably foreseeable to Centennial that Mr. Farmer would commit a criminal sexual assault  
10 against a patient at Centennial. Additionally, Centennial is precluded from arguing that it has  
11 any defense to liability for damages caused by Mr. Farmer to Jane Doe, on either the pled  
12 claims of negligence or *respondeat superior*; and

13 d. the Court will set a Status Check by separate Order to discuss the manner of  
14 implementation of this Order to avoid any prejudice therefrom to defendant American Nursing  
15 Service, Inc.

16 Furthermore, the monetary sanctions recommended by the Discovery Commissioner,  
17 and imposed by Order of this Court on August 15, 2015, are hereby re-affirmed.

18 **IT IS SO ORDERED.**

19 DATED this 4<sup>th</sup> day of November, 2015.

20  
21  
22   
23 RICHARD F. SCOTTI  
24 DISTRICT COURT JUDGE  
25  
26  
27  
28

CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of this Order was electronically served, mailed or placed in the attorney's folder on the first floor of the Regional Justice Center as follows:


Robert E. Murdock, Esq.  
MURDOCK & ASSOCIATES, CHTD.  
*Attorneys for Plaintiff*

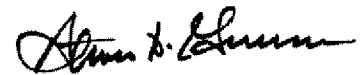
Robert C. McBride, Esq.  
Heather S. Hall, Esq.  
CARROLL, KELLY, TROTTER,  
FRANZEN, MCKENNA & PEABODY  
*Attorneys for Defendant Steven Farmer*

Ekley M. Keach, Esq.  
ECKLEY M. KEACH, CHTD  
*Attorneys for Plaintiff*

John H. Bemis, Esq.  
Michael E. Prangle, Esq.  
HALL, PRANGLE, SCHOOVELD, LLC  
*Attorneys for Valley Health System LLC*

James P.C. Silvestri, Esq.  
PYATT SILVESTRI  
*Attorneys for Defendant American Nursing Services, Inc.*

  
Melody Howard  
Judicial Executive Assistant



CLERK OF THE COURT

1 ORDD

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA  
5

6 ESTATE OF JANE DOE, by and through its  
7 Special Administrator, Misty Petersen,

8 Plaintiff,

9 vs.

10 VALLEY HEALTH SYSTEM, LLC, a Nevada  
11 limited liability company, d/b/a CENTENNIAL  
12 HILLS HOSPITAL MEDICAL CENTER;  
13 UNIVERSAL HEALTH SERVICES, INC., a  
14 Delaware corporation; AMERICAN NURSING  
15 SERVICE, INC., a Louisiana corporation;  
16 STEVEN DALE FARMER, an individual;  
17 DOES I through X, inclusive; and ROE  
18 CORPORATIONS I through X, inclusive,

19 Defendants.  
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Case No.: 09-A-595780-C  
Dept. No.: II

Date: December 7, 2015  
Time: 9:00 a.m.

**ORDER DENYING MOTION FOR  
RECONSIDERATION**

29 After reading all the papers and entertaining argument in this matter, the Court finds  
30 that there was no mistake of law or fact in issuing its November 4, 2015 Order striking  
31 Defendant Centennial's Answer as sanctions for its unlawful suppression of evidence.

32 There has been no change in the controlling law, nor is there any newly-discovered or  
33 previously unanalyzed evidence that justifies reconsideration of the underlying Order. The  
34 Court believes the sanction decision properly considered and weighed all of the pertinent  
35 evidence in accordance with Nevada law. *See Young v. Johnny Ribeiro Bldg.*, 106 Nev. 88  
36 (1990); *see also Bahena v. Goodyear Tire & Rubber Co.*, 235 P.3d 592 (Nev. 2010). To  
37 explore this issue thoroughly, the Court afforded Defendant Centennial an evidentiary hearing.  
38 The Court assessed the credibility of the witnesses and the weight of the evidence presented at  
that hearing in coming to its decision, and has again provided Centennial an opportunity to be  
heard on this issue. The Court finds, as it did in its November 4, 2015 Order, that Defendant

Richard F. Scotti  
District Judge

Department Two  
Las Vegas, NV 89155



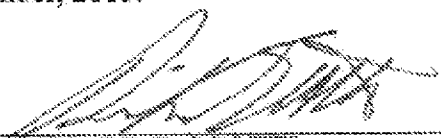
1 Centennial, acting through clearly-identified employees acting in managerial capacities,  
2 willfully withheld evidence causing extreme prejudice to Plaintiff Jane Doe.

3 This Court's Order underscored the fact that Centennial should not allowed to benefit  
4 from the prejudice that it caused, and that its counsel failed to abate. Centennial also argues,  
5 for the first time in its Motion for Reconsideration, that the Court (1) applied the "collective  
6 knowledge" doctrine in coming to its conclusion, and (2) entered sanctions against Centennial  
7 for professional conduct violations allegedly committed by its counsel. The Court disagrees.  
8 Though the Court addressed instances of professional misconduct in its findings, the sanctions  
9 imposed upon Defendant Centennial are for Centennial's own actions. Simply put,  
10 Centennial's management was aware of the knowledge of numerous Centennial staff of  
11 various stations, and exhibited an unlawful pattern of suppression and denial over the course  
12 of years to Plaintiff's detriment. This sanctionable behavior by Centennial, notwithstanding  
13 the similarly odiferous denials and inconsistencies proffered by its counsel, requires the  
14 remedial sanctions this Court imposed in its Order.

15 For the foregoing reasons, Defendant Centennial's Motion for Reconsideration of this  
16 Court's November 4, 2015 Order is hereby DENIED.

17 IT IS SO ORDERED.

18 Dated this 4th day of December, 2015.

19  
20   
21 RICHARD F. SCOTTI  
22 DISTRICT COURT JUDGE  
23  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of this Order was electronically served, mailed or placed in the attorney's folder on the first floor of the Regional Justice Center as follows:


Robert E. Murdock, Esq.  
MURDOCK & ASSOCIATES, CHTD.  
*Attorneys for Plaintiff*

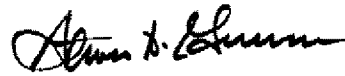
Robert C. McBride, Esq.  
Heather S. Hall, Esq.  
CARROLL, KELLY, TROTTER,  
FRANZEN, McKENNA & PEABODY  
*Attorneys for Defendant Steven Farmer*

Ekley M. Keach, Esq.  
ECKLEY M. KEACH, CHTD  
*Attorneys for Plaintiff*

John H. Bemis, Esq.  
Michael E. Prangle, Esq.  
HALL, PRANGLE, SCHOOVELD, LLC  
*Attorneys for Valley Health System LLC*

James P.C. Silvestri, Esq.  
PYATT SILVESTRI  
*Attorneys for Defendant American Nursing  
Services, Inc.*

  
Melody Howard  
Judicial Executive Assistant



CLERK OF THE COURT

1 Robert E. Murdock, Esq.  
2 Nevada Bar No. 4013  
3 MURDOCK & ASSOCIATES, CHTD.  
4 521 South Third Street  
5 Las Vegas, NV 89101  
6 (702) 685-6111

7 Eckley M. Keach, Esq.  
8 Nevada Bar No. 1154  
9 ECKLEY M. KEACH, CHTD.  
10 521 South Third Street  
11 Las Vegas, NV 89101  
12 (702) 685-6111  
13 Attorneys for Plaintiff

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

12 ESTATE OF JANE DOE, by and through its  
13 Special Administrator, Misty Petersen,

14 Plaintiff,

15 vs.

16 VALLEY HEALTH SYSTEM LLC, a Nevada  
17 limited liability company, d/b/a CENTENNIAL  
18 HILLS HOSPITAL MEDICAL CENTER;  
19 UNIVERSAL HEALTH SERVICES, INC., a  
20 Delaware corporation; AMERICAN NURSING  
21 SERVICES, INC., a Louisiana corporation;  
22 STEVEN DALE FARMER, an individual;  
23 DOES I through X, inclusive; and ROE  
24 CORPORATIONS I through X, inclusive,

25 Defendants.

CASE NO. 09-A-595780-C  
DEPT. NO. II

**NOTICE OF ENTRY OF ORDER  
DENYING MOTION FOR  
RECONSIDERATION**

26 TO: ALL DEFENDANTS HEREIN; and

27 TO: THEIR RESPECTIVE COUNSEL OF RECORD

28 ///

///

///

1        YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that on the 10th day of  
2 December, 2015, the Court entered an Order Denying Motion for Reconsideration. A copy of said  
3 Order is attached hereto.

4        DATED this 11th day of December, 2015.

5                                MURDOCK & ASSOCIATES, CHTD.  
6                                ECKLEY M. KEACH, CHTD.

7  
8                                /s/ Robert E. Murdock  
9                                Robert E. Murdock    Bar No. 4013  
10                               Eckley M. Keach      Bar No. 1154  
11                               521 South Third Street  
12                               Las Vegas, NV 89101  
13                               Attorneys for Plaintiff  
14  
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Dennis L. Kennedy, Esq.  
Joseph A. Liebman, Esq.  
Joshua P. Gilmore, Esq.  
Mark Hesiak, Esq.  
Bailey Kennedy  
8984 Spanish Ridge Avenue  
Las Vegas, Nevada 89148

John F. Bemis, Esq.  
Hall Prangle & Schoonveld, LLC  
1160 North Town Center Dr., Suite 200  
Las Vegas, NV 89144

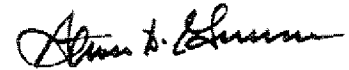
Robert C. McBride, Esq.  
Carroll, Kelly, Trotter, Franzen, McKenna & Peabody  
701 North Green Valley Parkway, Suite 200  
Henderson, NV 89074

S. Brent Vogel, Esq.  
Amanda J. Brookhyser, Esq.  
Lewis Brisbois Bisgaard & Smith  
6385 South Rainbow Blvd., Suite 600  
Las Vegas, NV 89118

James P.C. Silvestri, Esq.  
Pyatt Silvestri  
701 Bridger Avenue, Suite 600  
Las Vegas, NV 89101

3

1 ORDD



CLERK OF THE COURT

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA  
5

6 ESTATE OF JANE DOE, by and through its  
7 Special Administrator, Misty Petersen,

8 Plaintiff,

9 vs.

10 VALLEY HEALTH SYSTEM, LLC, a Nevada  
11 limited liability company, d/b/a CENTENNIAL  
12 HILLS HOSPITAL MEDICAL CETER;  
13 UNIVERSAL HEALTH SERVICES, INC., a  
14 Delaware corporation; AMERICAN NURSING  
15 SERVICE, INC., a Louisiana corporation;  
16 STEVEN DALE FARMER, an individual;  
17 DOES I through X, inclusive; and ROE  
18 CORPORATIONS I through X, inclusive,

19 Defendants.  
20

Case No.: 09-A-595780-C  
Dept. No.: II

Date: December 7, 2015  
Time: 9:00 a.m.

ORDER DENYING MOTION FOR  
RECONSIDERATION

21 After reading all the papers and entertaining argument in this matter, the Court finds  
22 that there was no mistake of law or fact in issuing its November 4, 2015 Order striking  
23 Defendant Centennial's Answer as sanctions for its unlawful suppression of evidence.  
24

25 There has been no change in the controlling law, nor is there any newly-discovered or  
26 previously unanalyzed evidence that justifies reconsideration of the underlying Order. The  
27 Court believes the sanction decision properly considered and weighed all of the pertinent  
28 evidence in accordance with Nevada law. *See Young v Johnny Ribeiro Bldg.*, 106 Nev. 88  
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explore this issue thoroughly, the Court afforded Defendant Centennial an evidentiary hearing.  
The Court assessed the credibility of the witnesses and the weight of the evidence presented at  
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heard on this issue. The Court finds, as it did in its November 4, 2015 Order, that Defendant

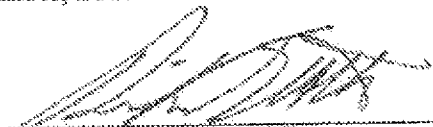
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5 for the first time in its Motion for Reconsideration, that the Court (1) applied the "collective  
6 knowledge" doctrine in coming to its conclusion, and (2) entered sanctions against Centennial  
7 for professional conduct violations allegedly committed by its counsel. The Court disagrees.  
8 Though the Court addressed instances of professional misconduct in its findings, the sanctions  
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10 Centennial's management was aware of the knowledge of numerous Centennial staff of  
11 various stations, and exhibited an unlawful pattern of suppression and denial over the course  
12 of years to Plaintiff's detriment. This sanctionable behavior by Centennial, notwithstanding  
13 the similarly odiferous denials and inconsistencies proffered by its counsel, requires the  
14 remedial sanctions this Court imposed in its Order.

15 For the foregoing reasons, Defendant Centennial's Motion for Reconsideration of this  
16 Court's November 4, 2015 Order is hereby DENIED.

17 IT IS SO ORDERED.

18 Dated this 4th day of December, 2015.

19  
20   
21 RICHARD F. SCOTTI  
22 DISTRICT COURT JUDGE  
23  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of this Order was electronically served, mailed or placed in the attorney's folder on the first floor of the Regional Justice Center as follows:


Robert E. Murdock, Esq.  
MURDOCK & ASSOCIATES, CHTD.  
*Attorneys for Plaintiff*

Robert C. McBride, Esq.  
Heather S. Hall, Esq.  
CARROLL, KELLY, TROTTER,  
FRANZEN, McKENNA & PEABODY  
*Attorneys for Defendant Steven Farmer*

Ekley M. Keach, Esq.  
ECKLEY M. KEACH, CHTD  
*Attorneys for Plaintiff*

John H. Bemis, Esq.  
Michael E. Prangle, Esq.  
HALL, PRANGLE, SCHOVELD, LLC  
*Attorneys for Valley Health System LLC*

James P.C. Silvestri, Esq.  
PYATT SILVESTRI  
*Attorneys for Defendant American Nursing Services, Inc.*

  
Melody Howard  
Judicial Executive Assistant



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 09, 2009**

---

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

---

**November 09, 2009      9:30 AM      Motion to Dismiss**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

**PRESENT:**      Ferrainolo, David P.      Attorney  
                         McBride, Robert C.      Attorney  
                         Murdock, Robert E      Attorney  
                         Vogel, S. Brent      Attorney

**JOURNAL ENTRIES**

- Defendant Universal Health Services, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction

Argument by Mr. Ferrainolo on his motion to Dismiss, he stated he submitted an affidavit of Matthew Klein and he addressed jurisdictional discovery. Mr. Murdock provided an exhibit on the address of Universal Health Services, Inc. (See worksheet.) and he argued what they did to prove personal jurisdiction. Reply by Mr. Ferrainolo. Upon Court's inquiry, Mr. Murdock stated he needed to go back to Delaware and suggested to do regular discovery but allow Mr. Ferrainolo to answer then come back and file motions. Mr. Ferrainolo preferred the Court deny without prejudice and he would file an answer but he would like to settle jurisdiction. Mr. Murdock requested 120 days for jurisdictional discovery. COURT ORDERED, Supplemental briefing schedule set as follows: Mr. Ferrainolo to file his motion 3/15/10, Mr. Murdock to file his opposition 3/29/10, Mr. Ferrainolo to file his reply 4/05/10 and motion CONTINUED to 4/12/10 at 9:30 a.m. Court requested counsel submit supplemental copies to her.

CONTINUED TO: 4/12/10 9:30 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Negligence - Other Negligence

COURT MINUTES

April 16, 2010

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

April 16, 2010                      9:30 AM                      All Pending Motions

HEARD BY: Bulla, Bonnie

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

## PARTIES

PRESENT: McBride, Robert C. Attorney  
Murdock, Robert E. Attorney  
Vogel, S. Brent Attorney

## JOURNAL ENTRIES

- Deft Steven Farmer's Motion for Protective Order.....Pltf Roxanne Cagnina's Joinder to Motion

Neil Hyman, Esquire, present (A570756); John Bemis, Esquire, for Centennial Hills.

Arguments by counsel. COMMISSIONER RECOMMENDED, Motion and Joinder are GRANTED consistent with the Protective Order in the Cagnina case with the caveat that once the pretrial discovery is made public, the records in the criminal case may be produced in the civil case. Mr. McBride prepare recommendation; counsel approve form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Negligence - Other Negligence

COURT MINUTES

December 15, 2010

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

December 15, 2010	9:30 AM	Motion for Protective Order	Pltf's Motion for Protective Order
-------------------	---------	-----------------------------	------------------------------------

HEARD BY: Bulla, Bonnie

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

## PARTIES

PRESENT: Bemis, John F. Attorney  
McBride, Robert C. Attorney  
Murdock, Robert E. Attorney  
Vogel, S. Brent Attorney

## JOURNAL ENTRIES

- Marshal Williams present.

Arguments by counsel. Colloquy re: status of Steven Farmer's case, new counsel, and new trial date. COMMISSIONER RECOMMENDED, motion is GRANTED; DISCOVERY IS STAYED pending outcome of Steven Farmer's trial; ALL DATES are TOLLED; amended Scheduling Order will be addressed in the future; status check SET. Mr. Murdock prepare recommendation; counsel approve form and content.

5/18/11 9:00 A.M. STATUS CHECK: STATUS OF CASE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**May 18, 2011**

---

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

---

**May 18, 2011      9:00 AM      Status Check: Status of  
Case**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Robert Murdock, Esquire, for Pltf; Heather Hall, Esquire, for Steven Farmer; John Bemis, Esquire, for Valley Health; Tracy Heinhold, Esquire, for American Nursing; Marshal Lopaze present.

Mr. Murdock stated Steven Farmer's criminal case was postponed to November 2011. Colloquy. COMMISSIONER RECOMMENDED, status check SET in six months; 7/25/11 trial date VACATED; if the criminal trial does not move forward, Mr. Murdock must coordinate a conference call with Commissioner and counsel to move this case forward; discovery will be amended after conclusion of the criminal trial.

12/2/11 9:00 A.M. Status Check: Status of Case

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**December 02, 2011**

---

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

---

**December 02, 2011      9:00 AM      Status Check: Status of  
Case**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Richard Kangas

**REPORTER:**

**PARTIES**

**PRESENT:** Bemis, John F.      Attorney  
Hall, Heather S.      Attorney  
Murdock, Robert E      Attorney

**JOURNAL ENTRIES**

- Marshal K. Hawkes present.

Mr. Vogel was not present; counsel have not spoken with him. Steven Farmer's trial date set Feb. 27, 2012 (last extension). Commissioner EXTENDS the stay in place; Mr. Murdock's request to lift stay is DENIED; Stay remains in place until the conclusion of case or entry of verdict, or until settlement is reached; stay will be automatically lifted if a plea is entered; then counsel will contact Commissioner by conference call to develop as Scheduling Order. Mr. Bemis prepare recommendation; counsel approve form and content. COMMISSIONER RECOMMENDED, status check SET.

3/9/12 9:00 A.M. Status Check: Status of Case

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**March 09, 2012**

---

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

---

**March 09, 2012      9:00 AM      All Pending Motions**

**HEARD BY:** Bulla, Bonnie      **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Richard Kangas

**REPORTER:**

**PARTIES**

**PRESENT:** Bemis, John F.      Attorney  
Murdock, Robert E      Attorney  
Vogel, S. Brent      Attorney

**JOURNAL ENTRIES**

- Plaintiff's Motion to Lift Stay on OST ..... Status Check: Status of Case

Robert McBride, Esquire, for Steven Farmer (counsel checked in before court). Marshal Hawkes present.

Colloquy re: taking Steven Farmer's deposition in October or November 2012, Criminal trial set September 2012, and input is needed from the District Attorney. COMMISSIONER RECOMMENDED, matters CONTINUED two weeks.

3/23/12 9:00 A.M. Pltf's Motion to Lift Stay on OST ..... Status Check: Status of Case

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

April 25, 2012

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

**April 25, 2012      9:00 AM      All Pending Motions**

**HEARD BY:** Bulla, Bonnie      **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:** Bemis, John F.      Attorney  
Murdock, Robert E      Attorney  
Vogel, S. Brent      Attorney

**JOURNAL ENTRIES**

- Pltf's Motion to Lift Stay on OST ..... Status Check: Status of Case

Mr. Murdock explained his attempts to contact the District Attorney and Public Defender re: obtaining discovery; counsel suggested a Motion to Compel or Motion for Protective Order. Colloquy re: the September trial date (no DNA in this case). COMMISSIONER RECOMMENDED, Pltf's Motion to Lift Stay is GRANTED; Steven Farmer's deposition is PROTECTED from going forward UNTIL after complete resolution of the criminal matter; discovery cutoff EXTENDED to 12/31/12; adding parties, amended pleadings, and initial expert disclosures DUE 9/28/12; rebuttal expert disclosures DUE 10/31/12; dispositive motions FILED by 1/31/13; trial ready 3/11/13. Colloquy. COMMISSIONER RECOMMENDED, discovery dates are RESCINDED; counsel must work together and determine a realistic scheduling order; status check SET; any discovery done is without prejudice to either party (if the D.A. has information which was not shared) as discussed in Open Court.

6/27/12 10:00 A.M. Status Check: Status of Case



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**June 27, 2012**

---

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

---

**June 27, 2012      10:00 AM      Status Check: Status of  
Case**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Hall, Heather S.      Attorney  
                 Murdock, Robert E      Attorney  
                 Vogel, S. Brent      Attorney

**JOURNAL ENTRIES**

- Colloquy re: status of criminal case. Depositions are set, and Mr. Murdock is proceeding carefully. Counsel will contact Commissioner by conference call if something changes. COMMISSIONER RECOMMENDED, matter CONTINUED 90 days; Mr. Vogel will notify Mr. Bemis, and Mr. Bemis is EXCUSED today.

9/26/12 10:00 A.M. Status Check: Status of Case

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Negligence - Other Negligence

COURT MINUTES

November 28, 2012

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

November 28, 2012 9:00 AM Status Check: Status of Case

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Alan Castle

RECORDER: Richard Kangas

REPORTER:

## PARTIES

PRESENT: Brookhyser, Amanda Jeanine Attorney  
Murdock, Robert E Attorney

## JOURNAL ENTRIES

- Upon Court's inquiry regarding trial, parties noted no 5-Year problem, case must be tried before 2014. COMMISSIONER RECOMMENDED, status conference CONTINUED for further status check.

4/03/13 9:00 a.m. Status Conference

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

March 06, 2013

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

March 06, 2013      9:00 AM      All Pending Motions

HEARD BY:    Bulla, Bonnie      COURTROOM:    RJC Level 5 Hearing Room

COURT CLERK:    Jennifer Lott  
Ying Pan

RECORDER:    Richard Kangas

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Brookhyser, Amanda Jeanine	Attorney
	Doyle, Kerry J.	Attorney
	McBride, Robert C.	Attorney
	Murdock, Robert E	Attorney
	Vogel, S. Brent	Attorney

**JOURNAL ENTRIES**

- Pltf's Motion to Compel Deposition, Records and Computers ..... Deft American Nursing Services, Inc.'s Opposition / Countermotion For Protective Order

Commissioner advised counsel The Pioneer case applies, and addresses the Motion for Protective Order. Colloquy re: the Attorney's ethical obligations. Sending a letter to Commissioner without courtesy copying all counsel is improper. Colloquy re: deposing Deft's employee at the principle place of residence, Ms. Spellman is the 30(b)(6) deponent, and Rule 37. COMMISSIONER RECOMMENDED, Deft American Nursing Services, Inc.'s Countermotion for Protective Order is DENIED. Arguments by counsel. Ms. Spellman has agreed to come out, and Mr. Vogel will pay for it. Issue was not resolved until Mr. Murdock brought the Motion. Argument by Mr. Murdock. Colloquy re: Mr. Vogel's obligations and responsibilities. COMMISSIONER RECOMMENDED, Pltf's Motion to Compel Deposition, Records and Computers is GRANTED with parameters; an IT person must download information to a hard drive using search terms (copy all counsel); exchange the hard

drive pursuant to a Protective Order; documents must remain confidential within the confines of litigation, or until ordered by the Court; Deft must bring Ms. Spellman to Las Vegas in the next 30 days for deposition at Deft's expense (mutually agreed date and time). Mr. Murdock prepare recommendation; all counsel approve form and content; submit report within ten (10) days of this hearing, otherwise, counsel will pay a CONTRIBUTION for failure to comply; status check SET; Mr. Murdock must appear if report is not timely submitted.

4/12/13 11:00 a.m. Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

April 10, 2013

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

**April 10, 2013      9:00 AM      All Pending Motions**

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Richard Kangas

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Bemis, John F.	Attorney
	Brookhyser, Amanda Jeanine	Attorney
	McBride, Robert C.	Attorney
	Murdock, Robert E	Attorney

**JOURNAL ENTRIES**

- Pltf's Motion to Completely Lift Stay and for a Trial Setting ..... Status Conference

Five year rule runs July 2014. Commissioner is inclined to lift the stay. Colloquy. COMMISSIONER RECOMMENDED, motion is GRANTED; Jane Doe's deposition is ALLOWED. Mr. McBride requested cooperation from Pltf's family members. COMMISSIONER RECOMMENDED, counsel to obtain dates, and work out a schedule for depositions; Commissioner DIRECTED counsel to get discovery done; discovery cutoff EXTENDED to 2/7/14; adding parties, amended pleadings, and initial expert disclosures DUE 11/7/13; rebuttal expert disclosures DUE 12/6/13; dispositive motions FILED by 3/7/14; trial ready 4/21/14. Mr. Murdock include dates in recommendation; counsel approve form and content; submit report within ten (10) days of this hearing, otherwise, counsel will pay a CONTRIBUTION for failure to comply; status check SET; Mr. Murdock must appear if report is not timely submitted.

5/17/13      11:00 a.m.      Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

July 24, 2013

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

July 24, 2013	9:00 AM	Motion for Protective Order	Deft Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion for Protective Order
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Patti Slattery

REPORTER:

**PARTIES**

PRESENT:	Brookhyser, Amanda Jeanine	Attorney
	McBride, Robert C.	Attorney
	Murdock, Robert E	Attorney
	Webster, Kenneth M.	Attorney

**JOURNAL ENTRIES**

- Commissioner excused Ms. Brookhyser as she was ill; however, Ms. Brookhyser appeared in court. Arguments by counsel. COMMISSIONER RECOMMENDED, motion is GRANTED. Mr. Webster prepare recommendation; counsel approve form and content; submit report within ten (10) days of this hearing, otherwise, counsel will pay a CONTRIBUTION for failure to comply; status check SET; Mr. Webster must appear if report is not timely submitted.

9/6/13    11:00 a.m.    Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

October 23, 2013

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

October 23, 2013	9:00 AM	Motion to Compel	Pltf's Motion to Compel American Nursing Services, Inc. to Produce Documents
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Richard Kangas

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Brookhyser, Amanda Jeanine	Attorney
	Ellerton, Marie S	Attorney
	Murdock, Robert E	Attorney
	Prangle, Michael E.	Attorney
	Silvestri, James P. C.	Attorney

**JOURNAL ENTRIES**

- Colloquy re: Pltf passed away, Substitution was Granted and the Order was signed, Mr. Farmer's deposition will be reset, criminal Trial is set February 2014; Mr. Farmer's interest are protected, but the civil case will move forward. Ms. Brookhyser filed a secondary Motion (set 11-7-13) which includes the Order consolidating American Nursing Services of Louisiana into the underlying Bankruptcy in the Delaware case. Mr. Murdock stated the stay was lifted. Colloquy. In light of the Bankruptcy hearing, COMMISSIONER RECOMMENDED, motion is CONTINUED; if there is no Order or Decision from the Bankruptcy Court, counsel can discuss and request moving the hearing. Mr. Murdock requested Commissioner strike Deft's supplements, and an Order to stop filing supplements. Arguments by counsel. Commissioner WILL NOT CONSIDER supplements. No Report and Recommendation today. The supplement included relevant dates per Mr. Silvesteri.

11/13/13 9:00 a.m. Pltf's Motion to Compel American Nursing Services, Inc. to Produce Documents



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 13, 2013**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**November 13, 2013      9:00 AM      Motion to Compel      Pltf's Motion to  
Compel American  
Nursing Services, Inc.  
to Produce  
Documents**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Richard Kangas

**REPORTER:**

**PARTIES**

**PRESENT:** Bemis, John F.      Attorney  
Brookhyser, Amanda Jeanine      Attorney  
Hall, Heather S.      Attorney  
Murdock, Robert E      Attorney  
Silvestri, James P. C.      Attorney

**JOURNAL ENTRIES**

- Ms. Brookhyser explained her efforts to obtain documents, determine costs to copy documents, and how the Insurance Company will pay vendors. Ms. Brookhyser could not get a timeframe, but an update is expected. Mr. Murdock requested a one month continuance. Colloquy. Commissioner requested Mr. Bemis figure out when the five year rule runs, and all counsel must agree.

COMMISSIONER RECOMMENDED, motion is CONTINUED.

12/13/13 9:00 a.m.

Pltf's Motion to Compel American Nursing Services, Inc. to Produce Documents

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**January 22, 2014**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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<b>January 22, 2014</b>	<b>9:00 AM</b>	<b>Motion to Compel</b>	<b>Pltf's Motion to Compel American Nursing Services, Inc. to Produce Documents</b>
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**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Richard Kangas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bemis, John F.	Attorney
	Brookhyser, Amanda Jeanine	Attorney
	Murdock, Robert E	Attorney

**JOURNAL ENTRIES**

- Motion to Lift Stay was Granted, and the Judge signed order 12/20/13. Ms. Brookhyser will communicate with Mr. Burnett, and counsel expects access to documents. COMMISSIONER RECOMMENDED, motion is CONTINUED.

2/19/14 9:00 A.M. Pltf's Motion to Compel American Nursing Services, Inc. to Produce Documents

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**February 19, 2014**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**February 19, 2014      9:00 AM      All Pending Motions**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

**PRESENT:** Bemis, John F.      Attorney  
Brookhyser, Amanda Jeanine      Attorney  
McBride, Robert C.      Attorney  
Murdock, Robert E      Attorney  
Silvestri, James P. C.      Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO DEFENDANT STEVEN DALE FARMER.....DEFENDANT STEVEN DALE FARMER'S OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO DEFENDANT STEVEN DALE FARMER AND COUNTER-MOTION FOR STAY OF CIVIL ACTION PENDING CRIMINAL CASE.....DEFENDANT VALLEY HEALTH SYSTEM, LLC d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER'S JOINDER TO CO-DEFENDANT, STEVEN FARMER'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND COUNTERMOTION FOR STAY, IN CONJUNCTION WITH REQUEST FOR ALTERNATIVE RELIEF FOR BIFURICATION.....DEFENDANT AMERICAN NURSING SERVICES, INC'S JOINDER TO DEFENDANT STEVEN DALY FARMER'S OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO DEFENDANT STEVEN DALE FARMER AND COUNTER-MOTION FOR STAY OF CIVIL ACTION PENDING CRIMINAL CASE AND BIFURICATION

Court noted the stipulation for the Five year rule was signed by Judge Johnson and it was prepared

by Mr. Bemis' firm and signed by Centennial Hills Hospital and represents Universal Health Services, Inc. which is not referenced in the stipulation. Mr. Bemis stated it's a typographical error. Court advised he can do a separate stipulation or an errata. Mr. Bemis advised it was his intent to include it and advised would prepare an errata. Court stated everyone can sign off on it. COURT ORDERED, matter set for a status check on the errata in two weeks for chamber calendar.

Discussion regarding Steven Dale Farmer's criminal trial is in session with Judge Ellsworth and the issue of a bankruptcy with Mercy. Mr. Murdock advised discovery is cut off and he didn't have any criminal discovery.

Following arguments by counsel, Court stated her findings, and ORDERED, Plaintiff's motion for Partial Summary Judgment as to Defendant STEVEN DALE FARMER DENIED WITHOUT PREJUDICE pursuant to NRCP 56 and Wood v. Safeway; as Mr. Farmer can be renoticed and withdraw his Fifth Amendment and Plaintiffs can bring another motion for Partial Summary Judgment; Deft Farmer's Counter-Motion for Stay of Civil Action pending Criminal case GRANTED and JOINDERS for Stay by Valley Health System, LLC and American Nursing Services, Inc. are GRANTED pursuant to Federal Sav. v. Molinaro, 889 F2d 899 (1989) and Countermotion for Bifurcation DENIED WITH PREJUDICE as Bifurcation not warranted pursuant to NRCP 42; as to Mr. Murdock's oral motion for fees and costs, ORDERED, Mr. Farmer to pay the cost of the second deposition and Mr. Murdock's attorney's fees; Trial dates VACATED and matter set for a status check to reset the Trial date. Mr. McBride to prepare a global order and counsel to advise Commissioner Bulla.

3/05/14 STATUS CHECK: ERRATA chamber calendar

5/14/14 9:00 AM STATUS CHECK: RESET TRIAL DATE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**March 05, 2014**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**March 05, 2014      3:00 AM      Status Check**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court found the Errata was filed on 2/27/14. COURT ORDERED, matter OFF CALENDAR and Status Check for 5/14/14 STANDS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**May 14, 2014**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**May 14, 2014      9:00 AM      Status Check**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

**PRESENT:** Bemis, John F.      Attorney  
McBride, Robert C.      Attorney  
Murdock, Robert E      Attorney  
Silvestri, James P. C.      Attorney

**JOURNAL ENTRIES**

- Court stated she found Mr. Farmer, Defendant was convicted on some counts that are prison term set for sentencing on 5/28th. Court believed there will be a Judgment of Conviction after sentencing and noted there is a Stay in place. Mr. Murdock advised he would like to reopen the case and do depositions and handle other issues but he didn't think they need the case stayed. Court suggested to continue to 6/4th. Mr. McBride agreed to move the status check to 6/4th. COURT ORDERED, matter CONTINUED and Stay remains in place.

6/04/14 9:00 AM STATUS CHECK: TRIAL DATE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**June 04, 2014**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**June 04, 2014      9:00 AM      Status Check**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

**PRESENT:** Bemis, John F.      Attorney  
Biggar, Ryan W.      Attorney  
Brookhyser, Amanda Jeanine      Attorney  
McBride, Robert C.      Attorney  
Murdock, Robert E      Attorney

**JOURNAL ENTRIES**

- Court noted Mr. Farmer has been sentenced in C245739 by Judge Ellsworth. Mr. Murdock advised the Judgment of Conviction was filed Monday and asked to lift the stay to allow them to file motions, continue with discovery to the end of this year and get a trial date. Court asked counsel to come up with discovery dates and if they do not agreed then meet with Commissioner Bulla. COURT ORDERED, STAY LIFTED and matter CONTINUED 90 days in chamber calendar. Mr. Murdock to prepare the order.

9/03/14 STATUS CHECK: TRIAL DATE chamber calendar

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

### Negligence - Other Negligence

COURT MINUTES

September 03, 2014

A-09-595780-C	Estate of Jane Doe, Plaintiff(s) vs. Valley Health System LLC, Defendant(s)
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September 03, 2014      3:00 AM      Status Check

HEARD BY: Vega, Valorie J.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Nora Pena

RECORDER:

REPORTER:

PARTIES

**PRESENT:**

## JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.

9/17/14 STATUS CHECK: TRIAL DATE chamber calendar



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 03, 2014**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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<b>September 03, 2014</b>	<b>9:30 AM</b>	<b>Motion for Clarification</b>	<b>Deft American Nursing Services' Motion For Clarification Of May 1, 2013 Order On an OST</b>
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**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Richard Kangas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bemis, John F.	Attorney
	Brookhyser, Amanda Jeanine	Attorney
	Hall, Heather S.	Attorney
	Murdock, Robert E	Attorney
	Silvestri, James P. C.	Attorney

**JOURNAL ENTRIES**

- Colloquy re: Motion for clarification. If ANS chose not to preserve documents, Commissioner advised counsel ANS will bear the consequences. Mr. Silvestri set forth Ms. Brookhyser's attempts to obtain records; argument by counsel. Mr. Silvestri cannot receive documents until he signs a blanket indemnification.

Commissioner cannot give an advisory opinion or a ruling. Colloquy re: did ANS face any similar types of claims in other jurisdictions at other facilities. Colloquy re: preserving documents in a warehouse until counsel have an opportunity to go through them.

COMMISSIONER RECOMMENDED, if there are other ANS facilities being sued for similar allegations of Statutory Predatory acts by Staff, then those files from those facilities must be produced (in addition to Las Vegas, Santa Rosa, and New Orleans); if counsel cannot sign the Indemnification Agreement, then someone needs to enjoin the Bankruptcy Court until another solution can be reached.

Colloquy re: why counsel didn't review documents available to them in 2013. COMMISSIONER RECOMMENDED, motion is GRANTED; clarification was provided, but the recommendation is no different than the previously ruling.

Commissioner received an e-mail from the Judge that a new Schedule Order is needed. Counsel will submit a 2.35 Stipulation. COMMISSIONER RECOMMENDED, Status Check SET (it will be vacated if Stipulation is submitted). If an appearance is needed, Ms. Brookhyser will appear for Mr. Silvestri.

Mr. Murdock to prepare the Report and Recommendations, and counsel 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. Murdock to appear at status check hearing to report on the Report and Recommendations.

9/17/14 9:00 a.m. Status Check: 2.35 Stipulation

10/10/14 11:00 a.m. Status Check: Compliance

CLERK'S NOTE: Minutes amended 9-12-14 to clarify (someone needs to enjoin the Bankruptcy Court until another solution can be reached). JL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

September 24, 2014

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

September 24, 2014    9:30 AM

Status Check

Status Check: 2.35  
Stipulation

HEARD BY:    Bulla, Bonnie

COURTROOM:    RJC Level 5 Hearing Room

COURT CLERK:    Jennifer Lott

RECORDER:    Patti Slattery

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Bemis, John F.	Attorney
	Hall, Heather S.	Attorney
	Murdock, Robert E	Attorney
	Opie, Alayne M.	Attorney
	Silvestri, James P. C.	Attorney

**JOURNAL ENTRIES**

- Mr. Silvestri traveled to the warehouse facility, and inspected over 600 bankers boxes; boxes from New Orleans office including New Orleans Corporate, Santa Rosa, and remaining boxes from the Las Vegas office. Mr. Silvestri requested discoverable documents, copies are almost done, and will be sent to counsel for production. Mr. Silvestri made independent research, and he could not find any other claims or actions against ANS or one of its employees. Mr. Silvestri concentrated on the Corporate office, and offices involving Mr. Farmer.

Mr. Bemis addressed the stay, and the five year rule runs in 2016. Commissioner needs the date. The Order reflects February 3, 2016. Commissioner is not persuaded about closing the deadlines. A second Mediation is set; if the case does not settle, Mr. Murdock suggested the dates can be redone.

If the case doesn't settle, Commissioner advised counsel prepare a new 2.35 Stipulation with all discovery dates, and include the five year rule date. Dispositive motions due no later than 120 days

before February 2016. Colloquy re: Dept. 2 will have a new Judge.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 01, 2014**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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October 01, 2014	9:30 AM	Motion for Protective Order	Application for OST Re: Clark County's Motion for Protective Order Quashing Subpoena and Notice of Taking Deposition of Clark County Deputy Public Defender Amy A. Feliciano
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**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Debbie Winn

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bemis, John F.	Attorney
	Brookhyser, Amanda Jeanine	Attorney
	Kelly, Sean M.	Attorney
	Murdock, Robert E	Attorney
	Pyatt, Richard J.	Attorney

**JOURNAL ENTRIES**

- Laura Rehfeldt, Esquire, from Clark County District Attorney's office.

Colloquy re: Steven Farmer s representation in the criminal case and the Appeal.

Commissioner will not allow the deposition, and non-privileged information should come out in the

least intrusive manner. Colloquy re: the issue is what the Hospital knew beforehand, and the Hospital is obligated to turn over that information. Argument by Mr. Murdock; at the very least, Mr. Murdock requested the same discs provided to Defense counsel. Argument by Ms. Rehfeldt re: RPC 1.6. Ms. Rehfeldt stated Deft Farmer is serving a life sentence, and his case is on Appeal.

COMMISSIONER RECOMMENDED, motion is GRANTED, but alternative relief is provided, and the Public Defender's office is instructed to turn over files germane to criminal litigation and specifically two discs previously produced in the Cagnina case pursuant to a Protective Order (remains confidential within the confines of this litigation until otherwise Ordered by the District Court Judge at the time of Trial). COMMISSIONER RECOMMENDED, 2.34(e) relief is provided; don't turn over information until three business days after Court signs Report and Recommendation; information will be disclosed to all parties in the litigation.

Mr. Bemis to prepare the Report and Recommendations, and counsel 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. Bemis to appear at status check hearing to report on the Report and Recommendations.

Upon Mr. Bemis's inquiry to disclose the Metro file of all statements, Commissioner advised counsel include in Report and Recommendation the LVMPD file is still protected in the other case. Colloquy re: if all counsel have copies of discs, and information is contained in the e-mails.

11/7/14 11:00 a.m. Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**December 03, 2014**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**December 03, 2014      9:00 AM**

**All Pending Motions**

**HEARD BY:** Vega, Valorie J.

**COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Nora Pena

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bemis, John F.	Attorney
	Dart, Erin E., ESQ	Attorney
	Keach, Eckley M.	Attorney
	McBride, Robert C.	Attorney
	Murdock, Robert E	Attorney
	Silvestri, James P. C.	Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT RE: LIABILITY.....STATUS CHECK:  
TRIAL SETTING

Argument by Mr. Keach in support of his brief concerning liability and NRS 41.133. He stated Farmer sexually assaulted the deceased victim and based on his conviction requested civil liability. He advised the issue deals with the exception and were they reasonably foreseeable pursuant to NRS 41.130, he addressed and presented NRS 41.745 and cites cases including the case on Rockwell and the case on Antonacci. Mr. McBride advised he filed a limited opposition and submitted therein. Opposition by Mr. Bemis and he addressed the Von v. Harris case. Objection by Mr. Keach. Mr. Bemis stated it's a non-published case. Court advised she will not consider it as it is unpublished. Argument continued by Mr. Bemis and noted questions of fact. Mr. Silvestri asked to strike Plaintiff's reply brief. Court advised she is disinclined to strike it but he can file a sur-reply. Opposition by Mr. Silvestri continues, he addressed the Prell decision and cited case law. Objection by Mr. Keach as it is

unpublished. Mr. Silvestri believed it's in California but unpublished here and he can use it in Nevada. Court advised she will not consider unpublished opinions and ORDERED, SUSTAINED OBJECTION. Mr. Silvestri addressed the unforeseeable and foreseeable and asked to deny Plaintiff's motion. Mr. Bemis addressed NRS 41.745. Court advised she will allow all Defendants to file a sur-reply on December 10th and asked counsel if they would like a ruling in chambers or appear in court. Mr. Keach stated he would like to respond orally to the sur-reply and responded to counsels opposition. COURT ORDERED, Both matters CONTINUED to 12/17th at 9:30 a.m.

CONTINUED TO: 12/17/14 9:30 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**December 17, 2014**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**December 17, 2014      8:32 AM      All Pending Motions**

**HEARD BY:** Vega, Valorie J.      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Shelly Landwehr

**RECORDER:** Lisa Lizotte

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Hall, Heather S.	Attorney
	Keach, Eckley M.	Attorney
	Murdock, Robert E.	Attorney
	Prangle, Michael E.	Attorney
	Silvestri, James P. C.	Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT RE: LIABILITY....STATUS CHECK: TRIAL SETTING

Mr. Prangle argued whether Defendant American Nursing Services Inc., (ANS) were liable for Defendant Farmer's conduct and argued regarding the four reasons there is a question of fact. Arguments that Defendant Farmer's intentional acts preclude ANS's liability. Further arguments regarding conduct and foreseeability. Arguments by Mr. Silvestri regarding intentional acts and the arguments regarding the three elements Plaintiff must prove. Mr. Keach argued regarding Rule 56 (f), that there are no facts in dispute, argued regarding foreseeability and the fact that Defendant Farmer had problem in a previous employment.

Court stated Defendant Farmer was the employee of the three Defendants and there is no genuine issue of material fact as to liability of Defendant Farmer. COURT ORDERED, motion GRANTED IN PART as to Defendant Farmer's liability. The Judgment of Conviction on the felony crimes is

conclusive evidence to impose civil liability for the injuries to the Plaintiff; however, the issue of damages as to Defendant Farmer remain an issue for the time of trial. Court stated Plaintiff must prove general foreseeability for claim of negligence and that to rebut liability and to defend against it, the three Defendants must prove the various sections and provisions of NRS 41.745. Additionally, with the granting in part, the affirmative defenses that relate to this specific criminal acts committed by Defendant are dismissed as to all of the three Defendants. FURTHER, COURT ORDERED, motion DENIED in part WITHOUT PREJUDICE as to the liability of the three Defendants as there is a genuine issue of material fact as to liability; the principal one being whether it was reasonably foreseeable/foreseeability. Court NOTED credibility and weight of expert opinions are for the jury to determine at the time of trial.

Mr. Silvestri inquired if when the Court said, Plaintiff must prove general foreseeability, is the Court saying that is the type of foreseeability that must be proven, as that was a term that was used by Plaintiffs in their brief and arguments. Court concurred.

Colloquy regarding trial readiness. Parties agreed there is six months of discovery. Court noted the Order Lifting Stay indicates the new five year deadline is 2/03/16. Matter SET for status check regarding trial setting on 01/26/15 at 9:30 AM.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**January 26, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**January 26, 2015      9:30 AM      Status Check: Trial Setting**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Shelly Landwehr

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**      McBride, Robert C.      Attorney  
                         Silvestri, James P. C.      Attorney  
                         Vogel, S. Brent      Attorney

**JOURNAL ENTRIES**

- Colloquy regarding the stipulation to extend discovery and the five year rule. Court DIRECTED parties to return to the discovery commissioner and set new discovery and dispositive motion deadlines. Colloquy regarding trial setting. Upon Court's inquiry, parties stated the trial would take two weeks.

Mr. Keach inquired regarding the order from the partial summary judgment hearing. Colloquy. Court ORDERED, parties have until close of business on 2/6/15 to submit proposed or competing order. FURTHER, matter SET for trial on the 11/09/15 trial stack. New trial order will issue.

10/19/15 8:30 AM PRE TRIAL CONFERENCE

11/04/15 8:30 AM CALENDAR CALL

11/08/15 10:30 AM TRIAL BY JURY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 20, 2015

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

February 20, 2015	9:30 AM	Motion to Compel	Pltf's Motion to Compel Re: Amy A. Feliciano , Esq., on OST
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Brookhyser, Amanda Jeanine	Attorney
	Hall, Heather S.	Attorney
	Murdock, Robert E	Attorney
	Webster, Kenneth M.	Attorney

**JOURNAL ENTRIES**

- ATTORNEYS PRESENT: Laura Reyfelt, Clark County District Attorney's office (Civil Division) representing Amy A. Feliciano, Esquire, and Clark County Public Defender's office; Philip Kohn, Clark County Public Defender's Office.

Commissioner addressed lack of responsibility concerning document production; fees will be paid, but not at the rate requested. Statement by Mr. Kohn. Commissioner does not see any intentional conduct. Colloquy re: focusing on information that doesn't contain protected medical information including any type of workup on the patient.

Ms. Hall has the original disc. Colloquy re: who has copies. Mr. Kohn will provide copies of discs the Public Defender has without violating anyone's rights. Mr. Murdock suggested meeting with Mr. Kohn and Ms. Hall. Colloquy.

COMMISSIONER RECOMMENDED, as a Protective Order is in place, Commissioner emphasized the medical information on disc should not be printed out or circulated and will REMAIN CONFIDENTIAL (does not include Pltf's relevant medical information); Non-Party information is PROTECTED and must be MAINTAINED as CONFIDENTIAL; if Commissioner sees information, someone will pay a hefty sanction. Irrelevant medical information will not be produced or circulated. Mr. Webster stated the disc he received was shredded, it doesn't exist, and Mr. Webster has Ms. Hall's disc.

COMMISSIONER RECOMMENDED, Motion is CONTINUED 30 days for counsel to meet and confer; take Motion off calendar if issues are resolved; Mr. Murdock will pay District Attorney rate, copy costs, and costs of CD. Upon Ms. Reyfelt's request, COMMISSIONER RECOMMENDED, documents containing information with medical records are PROTECTED and PULLED.

Ms. Reyfelt requested a claw back provision for Future Production. COMMISSIONER SO RECOMMENDED, but specifically LIMITED to privileged medical information or other confidential information. By previously disclosing information, Commissioner advised counsel there was a Waiver. Prepare a privilege log for privileged documents. Ms. Hall did not see the disc until she was preparing to disclose it. Commissioner advised all counsel to do a better job of keeping track of documents and disclosing documents.

Ms. Reyfelt to prepare the Report and Recommendations, and counsel 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. Ms. Reyfelt to appear at status check hearing to report on the Report and Recommendations.

3/20/15 9:30 a.m. Pltf's Motion to Compel Re: Amy A. Feliciano, Esquire, on OST ..... Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

March 25, 2015

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

March 25, 2015	9:30 AM	Motion to Quash	Re-Notice of Interstate Fire & Casualty Co. s Motion to Quash Subpoena; For a Protective Order Barring the Same; And for a Stay
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Sandra Pruchnic

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Carman, Benjamin J.	Attorney
	Foley-Peak, Brigitte E.	Attorney
	Hueth, Chelsea R	Attorney
	Murdock, Robert E	Attorney
	Opie, Alayne M.	Attorney
	Silvestri, James P. C.	Attorney

**JOURNAL ENTRIES**

- Colloquy re: the status of American Nursing Services' insurance company, and Motion involves deposing personnel in the Underwriting Dept. re: practices. Argument by Mr. Silvestri. Commissioner advised counsel if Deft American Nursing Services denies this type of conduct was not foreseeable, then it opens the door to the fact that ANS sought coverage. Argument by Mr. Murdock.

COMMISSIONER RECOMMENDED, motion is GRANTED; Subpoena is QUASHED. Mr. Silvestri stated the issue of judicial notice is not before the Court, and it hasn't been briefed; argument by counsel.

Commissioner advised counsel there has to be a remedy to address factual issues regarding ANS's knowledge of potential sexual conduct on behalf of its employees if ANS testifies otherwise. Mr. Murdock suggested Judge Scotti address the issue. As the issue hasn't been briefed, Commissioner advised counsel bring a Motion.

COMMISSIONER RECOMMENDED, the 30(b)(6) deposition Subpoena is QUASHED but WITHOUT PREJUDICE should the deposition become relevant in the future.

Mr. Murdock to prepare the Report and Recommendations, and all Defense counsel 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. Murdock to appear at status check hearing to report on the Report and Recommendations.

4/24/15 11:00 a.m. Status Check: Compliance



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**April 22, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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

**HEARD BY:** Bulla, Bonnie      **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:**      Brookhyser, Amanda Jeanine      Attorney  
                 Hall, Heather S.      Attorney  
                 Murdock, Robert E      Attorney  
                 Silvestri, James P. C.      Attorney  
                 Webster, Kenneth M.      Attorney

**JOURNAL ENTRIES**

- Pltf's Motion to Compel Deft Valley Health System LLC ..... Deft Valley Health System, LLC doing business as Centennial Hills Hospital's Opposition to Plaintiff's Motion to Compel and Countermotion for Protective Order Pursuant to NRCP 26(c)

Mr. Webster set forth his efforts to provide information to Mr. Murdock, and how to identify the nurse; counsel spoke with 10 of 19 individuals, and information will be provided to Pltf's counsel. However, Mr. Webster cannot access notes due to HIPAA. Colloquy re: the issue of when Steven Farmer acted as a sitter, and finding out when he provided care at the Hospital. Mr. Webster stated Mr. Farmer's agency nurse and floater status makes it more difficult to identify what he was doing narrowed to two days.

Colloquy. Commissioner advised counsel identify dates Mr. Farmer worked at the Hospital, and Commissioner suggested counsel speak with the Department of Nurses, or conduct a 30(b)(6)

deposition. Arguments by counsel. COMMISSIONER RECOMMENDED, Pltf's Motion to Compel Deft Valley Health Systems LLC is GRANTED; 1) a Court Order is RECOMMENDED for the Hospital to investigate issues, and look at other patients' charts to respond to discovery; if there is a Compliant, provide medical records to Pltf with REDACTIONS as discussed; 2) if there is a concern about patient identification, at a minimum REDACT patient names for now unless there is no expectation of privacy; identify names (A, B, C, D) and have a master list for every patient Mr. Farmer had interaction with (date, floor, and task). Mr. Farmer worked at the Hospital three months. COMMISSIONER RECOMMENDED, disclose any Compliant of Mr. Farmer's conduct; provide information by May 8, 2015; Status Check SET.

COMMISSIONER RECOMMENDED, Deft Valley Health System, LLC doing business as Centennial Hills Hospital's Countermotion for Protective Order Pursuant to NRCP 26(c) to prevent the dissemination of all requested information is DENIED; alternative relief is provided: a Protective Order is in place pursuant to Rule 26(c) within the confines of litigation; no dissemination in the public eye; if references are made it must be UNDER SEAL until otherwise indicated by the District Court Judge; if someone reports a crime or similar event, it IS NOT protected.

Mr. Webster to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 5 business days of the hearing. Otherwise, counsel will pay a contribution. Mr. Webster to appear at status check hearing to report on the Report and Recommendations. Send a cover letter if counsel cannot obtain signatures.

5/13/15 10:00 A.M. Status Check: Discovery ..... SC: Compliance

CLERK'S NOTE: Minutes amended 4-28-15 to clarify Commissioner's intent. JL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**April 24, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**April 24, 2015      11:00 AM      Status Check: Compliance**

**HEARD BY:** Bulla, Bonnie      **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- No Report and Recommendation submitted from March 25, 2015. COMMISSIONER RECOMMENDED, matter CONTINUED; Mr. Murdock to pay \$100 contribution for failure to appear, and \$100 contribution for failure to timely and properly prepare the Report and Recommendation from March 25, 2015; payment due to Legal Aid Center of Southern Nevada, and provide proof of payment to Discovery before the next hearing.

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

5/22/15    11:00 a.m.    Status Check: Compliance

CLERK'S NOTE: On April 28, 2015, a copy of this minute order was placed in the attorney folder(s) of:

Robert Murdock - Keach Murdock



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

May 13, 2015

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

May 13, 2015

10:00 AM

Status Check

Status Check:  
Discovery

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Debbie Winn

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Brookhyser, Amanda Jeanine	Attorney
	Hall, Heather S.	Attorney
	Murdock, Robert E	Attorney
	Webster, Kenneth M.	Attorney

**JOURNAL ENTRIES**

- Mr. Murdock appeared by telephonic conference.

April 22, 2015 Report and Recommendation was signed. Mr. Murdock requested discovery deadlines. Trial date is 11/9/15, but counsel have not met and conferred. Colloquy re: experts. COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 9/1/15; adding parties, amended pleadings, and initial expert disclosures DUE 7/1/15; rebuttal expert disclosures DUE 7/31/15; FILE dispositive motions by 9/29/15; 11/9/15 Trial date STANDS.

Mr. Murdock intends to file Motions for conduct in case, and a Motion to Disqualify may be filed. Commissioner advised counsel the case needs to be tried or resolved. Colloquy. COMMISSIONER RECOMMENDED a Mandatory Settlement Conference; Mr. Webster must find out availability from Eileen Spoor, coordinate MSC, and circulate a letter on outcome. Complete MSC prior to disclosing of experts.

Mr. Webster to prepare the Report and Recommendations, and counsel 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. Webster to appear at status check hearing to report on the Report and Recommendations.

6/12/15 11:00 a.m. Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

June 03, 2015

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

June 03, 2015	9:00 AM	Motion for Sanctions	Pltf's Motion for NRCP 37 Sanctions Against Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, LLC
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Bemis, John F.	Attorney
	Brookhyser, Amanda Jeanine	Attorney
	Hall, Heather S.	Attorney
	Murdock, Robert E	Attorney
	Silvestri, James P. C.	Attorney

**JOURNAL ENTRIES**

- Commissioner will not address whether or not Mr. Bemis or his Firm should be disqualified (District Court Judge will determine by Motion), and Commissioner will not address whether the nurses should or should not have answered questions at depositions (Motion to Compel is not before Commissioner.)

At issue today is failure to disclose; whether or not failure to disclose identities of nurses who had information about Mr. Farmer prior to this case being filed is at a level to warrant Rule 37 Sanctions. Also at issue is whether or not it prejudiced Pltf. Commissioner had concerns as the Hospital's Opposition does not address the issue, but addresses a non-issue.

Colloquy re: the basis of Motion involves three nurses employed currently or formerly by the Hospital (Christine Murray, Margaret Wolfe, and Ronado Sumera.) Mr. Bemis confirmed Christine Murray and Margaret Wolfe gave statements to LVMPD on or about May 30, 2008, and their knowledge of events involving Mr. Farmer were from February and March 2008 or there about (prior to the date that gave rise to these events.) Mr. Bemis stated the events gave rise to the companion case.

Mr. Bemis confirmed his client understands they are not being sued for the acts of Mr. Farmer, but for their own acts. Colloquy re: the notice issue. Argument by Mr. Murdock re: delayed disclosure. Case was filed August 2009, nurses gave statements to LVMPD, and Mr. Bemis stated Deft didn't have access to the file. Mr. Bemis stated the Hospital didn't know everyone who provided statements to LVMPD, but the Hospital was aware some statements were given by the Nursing Staff. Ms. Wolfe contacted LVMPD herself (as she testified.) Mr. Bemis has to check, but Ms. Murray's substance of statement was different from information she provided. Arguments by counsel. Mr. Bemis confirmed a Quality Assurance meeting was held shortly after the incident, and prior to August 2009. Mr. Bemis will find out if the individuals had any input in the meeting.

In order to strike an Answer, an Evidentiary Hearing is needed to determine whether or not there was intentional conduct, and Commissioner DEFERRED the Evidentiary Hearing to the District Court Judge. Colloquy re: 16.1 disclosure identifying multiple nurses, but these three nurses were not identified. Mr. Bemis stated at that time, not all individuals were known.

Unless counsel finds information for Commissioner suggesting the identities of Christine Murray, Margaret Wolfe, and Ronado Sumera were not known at the time Deft made initial disclosures, Commissioner advised counsel there is a significant problem. Colloquy re: CD provided from the Public Defender's office to Mr. Farmer's Attorney, (statements from Ms. Murray, Ms. Wolfe, and Mr. Sumera) which Ms. Hall recently found. Upon Commissioner's inquiry, Mr. Murdock deposed the nurses he knew of that had knowledge of Mr. Farmer, and Mr. Murdock noticed other depositions for next month. Mr. Murdock stated in depositions, Ms. Murray and Ms. Wolfe confirmed they spoke with Supervisors or Hospital personnel / officials prior to August 2009.

MATTER TRAILED AND RECALLED:

Commissioner cannot strike an Answer without an Evidentiary Hearing, and Commissioner doesn't have a good explanation why the names of three nurses were not disclosed. Commissioner chose to DEFER the Evidentiary Hearing to the District Court Judge. COMMISSIONER RECOMMENDED,



motion is GRANTED IN PART; monetary sanctions WILL ISSUE for the late disclosure; Commissioner RECOMMENDED full admission of nurses' statements without the necessity of foundation, and WITHOUT RESTRICTION both as to SUBSTANCE and FORM; hearsay cannot be an objection, and there cannot be objections to recorded statements as the statements are the best information at or near the time of events.

Argument by Mr. Murdock re: Mr. Sumera, he had amnesia and doesn't remember anything, and he cannot remember what he told Nurse Wolfe. Mr. Murdock requested a Recommendation to strike the Answer or conduct an Evidentiary Hearing to strike the Answer in addition to what Commissioner has already done. Commissioner doesn't have a good explanation why the names were not disclosed. Mr. Bemis stated Ms. Murray and Mr. Sumera were known, and Ms. Wolfe was possibly known. Colloquy.

COMMISSIONER RECOMMENDED, SANCTIONS are ISSUED for \$1,000 a year for SIX YEARS for each witness not disclosed (total of \$18,000); one half of sanction will go to Barbara Buckley's Legal Aid Center of Southern Nevada, and one half of sanctions to Pltf in attorneys fees and costs to offset additional work done to figure out witnesses to proceed forward. COMMISSIONER RECOMMENDED, the intentional conduct and whether or not more progressive sanctions are warranted or required under Rule 37 Sanctions are DEFERRED to the District Court Judge.

COMMISSIONER RECOMMENDED an Evidentiary Hearing be conducted to determine 1) if case terminating sanctions are appropriate based on the conduct of failing to disclose witnesses, 2) whether or not that was intention to thwart the discovery process in this case, and hinder Pltf to discover the relevant facts, and 3) a failure to let the Court know what was going on in the case. COMMISSIONER RECOMMENDED, this Recommendation is WITH THE CAVEAT that if the Hospital can sufficiently prove to Commissioner with a degree of probability that the Hospital did not have knowledge of Ms. Wolfe or Mr. Sumera, Commissioner MAY RECONSIDER reducing the amount of sanctions. Commissioner advised counsel this is not a Fifth Amendment issue or a Privileged issue, and these nurses should have been disclosed.

Mr. Murdock to prepare the Report and Recommendations, and counsel 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. Murdock to appear at status check hearing to report on the Report and Recommendations.

6/26/15 11:00 a.m. Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Negligence - Other Negligence

COURT MINUTES

June 26, 2015

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

June 26, 2015      11:00 AM      Status Check: Compliance

HEARD BY: Bulla, Bonnie COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

## PARTIES

PRESENT: Brookhyser, Amanda Jeanine Attorney  
Murdock, Robert E Attorney

## JOURNAL ENTRIES

- Mr. Murdock requested more time to obtain Mr. Bemis's signature. COMMISSIONER RECOMMENDED, matter CONTINUED.

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

7/31/15 11:00 a.m. Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**July 01, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**July 01, 2015      9:00 AM      Motion for Summary  
Judgment**

**HEARD BY:** Scotti, Richard F.

**COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Keri Cromer

**RECORDER:**

**REPORTER:** Renee Silvaggio

**PARTIES**

**PRESENT:**      Brookhyser, Amanda Jeanine      Attorney  
Hall, Heather S.      Attorney  
Keach, Eckley M.      Attorney  
Murdock, Robert E      Attorney  
Prangle, Michael E.      Attorney  
Silvestri, James P. C.      Attorney

**JOURNAL ENTRIES**

- Matter reported at counsel's request. Arguments by counsel regarding the merits of the motion. COURT ORDERED, matter taken UNDER ADVISEMENT. Court inquired if there was a sanctions issue with the Discovery Commissioners Report and Recommendations. Mr. Murdock advised Commissioner Bulla granted an extension and the report was pending signature at this time.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

August 07, 2015

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

August 07, 2015	9:00 AM	Motion for Protective Order	Deft Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Motion for Protective Order
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HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

**PARTIES**

PRESENT:	Bemis, John F.	Attorney
	Brookhyser, Amanda Jeanine	Attorney
	Hall, Heather S.	Attorney
	Murdock, Robert E	Attorney
	Silvestri, James P. C.	Attorney

**JOURNAL ENTRIES**

- Error in Mr. Bemis's pleading, and the issue is not resolved. Mr. Murdock stated information is not needed for the Evidentiary Hearing. Colloquy re: the Trial date and Trial Order.

COMMISSIONER RECOMMENDED, motion is DENIED; complete two depositions by 9-15-15, but take UHS deposition first; contact Commissioner by conference call if counsel need help finding a date; produce financial information documents to Mr. Murdock in advance of the Evidentiary Hearing by 8/26/15 (three years of net worth and supplemental documents); set depositions on a date and time convenient for the Deponent and counsel. COMMISSIONER RECOMMENDED, financial records are PROTECTED and will be MAINTAINED as CONFIDENTIAL within the

confines of litigation until otherwise ordered by the District Court Judge.

Mr. Murdock to prepare the Report and Recommendations, and counsel 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. Murdock to appear at status check hearing to report on the Report and Recommendations.

9/18/15 11:00 a.m. Status Check: Compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 12, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**August 12, 2015      3:00 AM      Motion for Relief**

**HEARD BY:**   Scotti, Richard F.      **COURTROOM:**

**COURT CLERK:**   Susan Jovanovich

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED to oral Calendar for August 19, 2015 at 9:00 A.M.

CLERK'S NOTE: A copy of the above minute order has been delivered by email to: Attorney Eckley M. Keach, Esq. and Attorney John Bemis, Esq.   ///   sj

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

August 28, 2015

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

**August 28, 2015      9:00 AM      All Pending Motions**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Tena Jolley

**RECORDER:**

**REPORTER:** JoAnn Melendez

**PARTIES**

<b>PRESENT:</b>	Bemis, John F.	Attorney
	Brookhyser, Amanda Jeanine	Attorney
	Hall, Heather S.	Attorney
	Keach, Eckley M.	Attorney
	Murdock, Robert E	Attorney
	Prangle, Michael E.	Attorney
	Silvestri, James P. C.	Attorney
	Webster, Kenneth M.	Attorney

**JOURNAL ENTRIES**

**- EVIDENTIARY HEARING**

Opening statements by Messrs. Keach and Prangle. Exhibits presented. (See Worksheet). John Bemis and Kenneth Webster sworn and testified. Closing statements by Messrs. Keach and Prangle. Court advised it would take this matter UNDER ADVISEMENT and would issue a written order within two weeks.

Colloquy regarding current trial setting. Court noted the current trial setting conflicts with the Court's Criminal Stack. Counsel anticipate two weeks for trial and stipulated to a trial setting in January, 2016. COURT ORDERED, Trial Dates VACATED AND RESET.

**PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST AMERICAN NURSING**

SERVICES, INC. ... AMERICAN MURSING SERVICES, INC.'S OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST AMERICAN NURSING SERVICES, INC. AND COUNTER-MOTION FOR SUMMARY JUDGMENT...DEFENDANT AMERICAN NURSING SERVICES, INC.'S MOTION FOR SUMMARY JUDGMENT...CENTENNIAL HILLS HOSPITAL AND UNIVERSAL HEALTH SERVICES, INC.'S JOINDER TO DEFENDANT AMERICAN NURSING SERVICES, INC.'S MOTION FOR SUMMARY JUDGMENT...PLAINTIFF'S MOTION FOR RELIEF FROM JUDGMENT OR ORDER PER NRCP 60

Arguments by counsel regarding the merits of their respective motions. Argument by Mr. Murdock on behalf of plaintiffs that the very task assigned was for Mr. Farmer to be at Centennial Hills Hospital. Argument by Mr. Silvestri on behalf of American Nursing Services, Inc. (ANS) that ANS placed the employee in the hands of the employer and liability lifts from the staffing agency; that there is no evidence of any medical or employment reasons for Mr. Farmer to have committed the horrific acts for the three events for which plaintiff seeks damages; that Mr. Farmer's actions were independent, not a task assigned and were not reasonably foreseeable; and requested summary judgment be entered in favor of ANS. Argument by Mr. Prangle on behalf of Centennial Hills Hospital that while Mr. Farmer was assigned to adjust leads when there was a need or he was told to do it, Mr. Farmer had no reason to have his hands on Ms. Doe, nor even be in Ms. Doe's room. Court advised it would take the matters UNDER ADVISEMENT and would issue a written order within two weeks.

12/16/15 9:00 AM PRETRIAL CONFERENCE/CALENDAR CALL

1/4/16 10:00 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

September 30, 2015

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

September 30, 2015	9:00 AM	Motion for Partial Summary Judgment	Plaintiff's Motion For Partial Summary Judgment Against Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center And Universal Health Services, Inc.
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HEARD BY: Scotti, Richard F.

COURTROOM: RJC Courtroom 11D

COURT CLERK: Tena Jolley

RECORDER: Elsa Amoroso

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Brookhyser, Amanda Jeanine	Attorney
	Hall, Heather S.	Attorney
	Murdock, Robert E	Attorney
	Prangle, Michael E.	Attorney
	Silvestri, James P. C.	Attorney

**JOURNAL ENTRIES**

- Mr. Murdock argued that Centennial concedes there is evidence of negligence that they did not properly investigate Mr. Farmer and requested summary judgment. Mr. Prangle argued in opposing stating while there is some evidence of negligence, it is not dispositive. That Centennial acknowledges it did not follow its internal procedure, that it was reasonable for Centennial to rely on American Nursing Services Inc. to conduct a background check on Mr. Farmer and the absence of evidence of Mr. Farmer's dangerous propensities is for a jury to determine. COURT FINDS genuine

issues of material fact remain regarding negligent hiring, that Centennial's failure to follow internal procedures is undisputed but not dispositive of the issue, and ORDERED, Motion DENIED. Court directed Mr. Prangle to prepare Findings of Fact and Conclusions of Law and run it past Mr. Murdock as to form and content. Court stated it was concerned about the sufficiency of the pleadings, referencing primarily the Hall case regarding negligent hiring, training, supervision and retention as an independent tort and whether plaintiff has properly presented that issue and put the defendant on notice; that it was not making a specific ruling, however an issue yet to be resolved.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 08, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**October 08, 2015      4:00 PM      Minute Order**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Phyllis Irby

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court will hear argument on Plaintiff s Motion for Leave to File Motion for Partial Reconsideration of September 25, 2015 Order and Plaintiff s Motion for Leave to File Motion for Partial Reconsideration of October 5, 2015 Order on November 4th, 2015 at 9:00 a.m.

Defendants have until October 21st, 2015 to file briefing in opposition, and any reply briefing will be due five (5) days prior to the hearing.

CLERK'S NOTE: A copy of this minute order has been placed in the Attorney's folder for the following:

Robert E. Murdock, (Murdock & Assocs.), Eckley M. Keach, (Eckley M. Keach), John F. Bemis (Hall Prangle & Schoonveld), Robert C. McBride, (Carroll, Kelly, Trotter, Franzen, McKenna & Peabody), S. Brent Vogel, Amanda J. Brookhyser (Lewis, Brisbois Bisgaard & Smith) and James P.C. Silvestri (Pyatt Silvestri)/ pi

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 23, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**November 23, 2015      3:50 PM      Minute Order**

**HEARD BY:**   Scotti, Richard F.

**COURTROOM:**   RJC Courtroom 11D

**COURT CLERK:**   Shelly Landwehr

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Re: Plaintiff s Application for Order Shortening Time to Hear Plaintiff s Motion to Strike Defendant Valley Health s Motion for Reconsideration for Violation of LR 2.24(A)

The Court denies Plaintiff s Motion to Strike Defendant Valley Health System, LLC s Motion for Reconsideration and corresponding Application for Order Shortening Time to hear said Motion. The Court previously granted Defendant Valley Health System, LLC s Application for Order Shortening Time and set a hearing for Defendant Valley Health System LLC s Motion for Reconsideration on December 7, 2015 at 9:00 a.m. The Court granted Defendant, sua sponte, leave of court to file the underlying reconsideration Motion pursuant to EDCR 2.24(a). The Court will hear the Motion on its merits on the aforementioned date and time. In light of Plaintiff s request and in consideration of the upcoming holiday, however, the Court will extend the previously-ordered briefing schedule. Plaintiff will now have until December 2, 2015 to file her Opposition, and Defendant will have until December 4, 2015 to file its Reply.

The courtesy copy requirement of EDCR 2.20(g) and Department II s rules is hereby waived due to the expedited nature of this briefing schedule.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 25, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**November 25, 2015      9:00 AM**

**All Pending Motions**

**HEARD BY:**   Scotti, Richard F.

**COURTROOM:**   RJC Courtroom 11D

**COURT CLERK:**   Tia Everett

**RECORDER:**    Elsa Amoroso

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AGAINST VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL MEDICAL CENTER AND AMERICAN NURSING SERVICES, INC. ... DEFENDANT AMERICAN NURSING SERVICES, INC.'S OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST AMERICAN NURSING SERVICES, INC. AND AMERICAN NURSING SERVICES, INC.'S COUNTER-MOTION FOR PARTIAL SUMMARY JUDGMENT

COURT ORDERED, matters OFF CALENDAR pursuant to written order issued by the Court on 11/24/2015.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**December 07, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**December 07, 2015      9:00 AM      Motion For  
Reconsideration**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Shelly Landwehr

**RECORDER:** Elsa Amoroso

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bemis, John F.	Attorney
	Biggar, Ryan W.	Attorney
	Brookhyser, Amanda Jeanine	Attorney
	Hall, Heather S.	Attorney
	Hesiak, Mark D.	Attorney
	Keach, Eckley M.	Attorney
	Kennedy, Dennis L.	Attorney
	Murdock, Robert E	Attorney
	Prangle, Michael E.	Attorney

**JOURNAL ENTRIES**

- Mr. Kennedy argued in support of his motion and stated there is sufficient evidence in the record regarding the one employee of Centennial. Further arguments regarding the absence of willful suppression, the particular state of mind and stated the evidence wasn't there to support this level of sanctions. Court noted the passage of time attributed in part and Defendant Valley Health, admitted failing to turn over the relevant material.

Further arguments by Mr. Kennedy regarding lack of willfull and intentional conduct regarding suppression of the evidence. Mr. Kennedy further argued lack of motive or reason with respect to the three nurses. Arguments regarding percipient knowledge and the conduct of the lawyers. Regarding

the 16.1 disclosures Mr. Kennedy stated it was the lawyers responsibility and stated the Court can't blame the client for that and argued the in opposition of punishing the client for the shortcomings of the lawyers. Colloquy regarding the discovery commissioner s report and recommendation.

Following further arguments by Mr. Kennedy who stated there was a mistake and not some sort of fraud on the court.

Mr. Keach argued regarding the omission and stated it was not disclosed and defendant knew and continued to withhold the statements. Mr. Keach stated Centennial provided all the evidence in the record and argued regarding the conduct of the lawyers. Further arguments by Mr. Keach regarding the Court s findings and sanctions with respect to striking the answer. Further arguments regarding statements made, depositions and interviews. Arguments regarding circumstantial evidence and the standard there, and substantial justification and the degree of willfulness, purposeful and malicious intent with regards to the existence of the statement .

Lastly, Mr. Keach argued regarding clear and convincing evidence and the collective knowledge doctrine. Following further arguments by Mr. Kennedy, COURT ORDERED, MATTER UNDER ADVISEMENT.

FURTHER, all pending motions currently set for 12/23/15 VACATED and RESET for 12/21/15 at 8:30 am. Reply brief 12/18/15 by 3:00 pm.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

### Negligence - Other Negligence

COURT MINUTES

December 09, 2015

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

December 09, 2015      3:00 AM      Motion For  
Reconsideration

HEARD BY: Scotti, Richard F. COURTROOM:

COURT CLERK: Jennifer Kimmel

RECORDER:

REPORTER:

PARTIES  
PRESENT:

## JOURNAL ENTRIES

- COURT ORDERED, matter is on in error and therefore is OFF CALENDAR.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Negligence - Other Negligence

COURT MINUTES

December 14, 2015

A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

December 14, 2015      9:00 AM      Motion for Summary Judgment

HEARD BY: Scotti, Richard F.

COURTROOM: RJC Courtroom 11D

COURT CLERK: Shelly Landwehr

RECORDER: Elsa Amoroso

REPORTER:

## PARTIES

PRESENT:	Biggar, Ryan W.	Attorney
	Brookhyser, Amanda Jeanine	Attorney
	Kelly, Sean M.	Attorney
	Murdock, Robert E	Attorney
	Webster, Kenneth M.	Attorney

## JOURNAL ENTRIES

- Court noted several motion for summary judgment have been And parties have stipulated to move some to a future date. Further, a motion regarding punitive damages and another one on comparative fault was not opposed.

Mr. Murdock stated the punitive damages motion was unopposed; however, the problem is he received a reply with extensive findings of fact and conclusions of law. Colloquy.

Mr. Webster stated he would re fashion the order, so that it would be a dismissal.

Upon Court's inquiry, parties agreed the plaintiff would not be pursuing a punitive exemplary damages claim and would submit an order. Court inquired regarding the comparative negligence claim.

Colloquy regarding the 5 year rule. Mr. Murdock stated Judge Vega had Mr. Bemis go through everything and come up with actual dates, because of all the delays, and parties concurred with that.

Court stated parties did not stipulate to extend the date, parties recognized the deadline based upon the stays that were previously ordered. Parties concurred.

As to Defendant ANS motion for summary judgment regarding superceding cause, and inquired if that was rendered moot. Mr. Murdock concurred that it was.

Ms. Brookhyser stated she did not want to represent that it is moot until the issue has been looked at. Ms. Brookhyser stated her concern regarding how it would affect what they would be able to argue at trial.

COURT ORDERED, pretrial conference, VACATED. The issues of respondeat superior will be discussed next date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**December 21, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**December 21, 2015      8:30 AM      All Pending Motions**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Shelly Landwehr

**RECORDER:** Elsa Amoroso

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- DEFENDANTS VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL AND  
UNIVERSAL HEALTH SERVICES, INC.'S APPLICATION FOR ORDER SHORTENING TIME TO  
HEAR THEIR MOTIONS IN LIMINE  
DEFENDANT AMERICAN NURSING SERVICES, INC.'S MOTION TO EXCLUDE TESTIMONY  
THAT ANS HAD LEGAL OBLIGATION TO REPORT RAWSON NEAL ALLEGATIONS  
DEFENDANT AMERICAN NURSING SERVICES, INC.'S MOTION TO EXCLUDE REFERENCE TO  
ABUSE AND OTHER SUCH WORDING USED IN ANS'S INCIDENT REPORTS  
DEFENDANT AMERICAN NURSING SERVICES, INC.'S MOTION TO EXCLUDE TESTIMONY  
THAT ANS HAD OBLIGATION TO QUESTION RAWSON NEAL EMPLOYEES OR TO INVOLVE  
ITSELF IN RAWSON NEAL INVESTIGATION  
DEFENDANT AMERICAN NURSING SERVICES, INC.'S MOTION TO EXCLUDE POST MAY 14,  
2008 COMMUNICATIONS AND INVESTIGATION BY ANS  
DEFENDANT AMERICAN NURSING SERVICES, INC.'S MOTION IN LIMINE TO EXCLUDE  
EVIDENCE OF RAWSON NEAL ALLEGATIONS  
DEFENDANT AMERICAN NURSING SERVICE, INC.'S MOTION IN LIMINE TO PRECLUDE  
REFERENCE TO "GENERAL FORESEEABILITY" STANDARD OR EVIDENCE THEREOF  
CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 13 TO PROHIBIT EVIDENCE,  
DISCUSSION OR TESTIMONY REGARDING JANE DOE'S DEPRESSION

PLAINTIFF'S MOTION IN LIMINE NO. 3 TO ALLOW THE INTRODUCTION OF EVIDENCE OF INSURANCE

DEFENDANT AMERICAN NURSING SERVICES, INC'S MOTION IN LIMINE TO EXCLUDE LAY WITNESSES FROM EXPRESSING EXPERT OPINIONS

PLAINTIFF'S MOTION IN LIMINE NO. 2 REGARDING CRIMINAL HISTORY

PLAINTIFF'S MOTION IN LIMINE NO. 1 REGARDING NRS 41.100

DEFENDANT AMERICAN NURSING SERVICES, INC.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF LIABILITY INSURANCE

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 12 TO PROHIBIT LAY WITNESSES FROM TESTIFYING AS TO THE EMPLOYABILITY OF STEVEN FARMER

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 11 TO PROHIBIT REFERENCE TO REY SUMERA AS A CHARGE NURSE ON THE DATE OF THE INCIDENT

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 10 TO PROHIBIT TESTIMONY OF EXPERTS AGAINST INDIVIDUAL NURSES

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 9 TO PROHIBIT DISCUSSION OF OR EVIDENCE THAT DEFENSE COUNSEL MET WITH MR. FARMER'S PUBLIC DEFENDER

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 8 TO BAR PLAINTIFF FROM PRESENTING LIABILITY WITNESSES

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 7 TO BAR CRITICISM OF ANY INVESTIGATIONS CONDUCTED REGARDING THE CAGNINA CASE

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 6 TO PRECLUDE MENTION OF DISCOVERY DISPUTES OR ALLEGED FAILURES TO PROVIDE INFORMATION DURING DISCOVERY

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 5 TO PRECLUDE EVIDENCE OR MENTION OF OTHER LAWSUITS AGAINST VALLEY HEALTH SYSTEM, LLC AND OR CENTENNIAL HILLS HOSPITAL OR ANY CONVICTIONS NOT RELATED TO JANE DOE

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 4 REGARDING REPTILE TACTICS

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 3 TO PRECLUDE MENTION OF OR INTRODUCTION OF EVIDENCE REGARDING THE POLICE INVESTIGATION OR REPORT

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 2 TO PRECLUDE MENTION OF ALLEGED PREVIOUS OR SUBSEQUENT SEXUAL ASSAULTS

DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 1 TO PRECLUDE ARGUMENT, TESTIMONY, OR EVIDENCE OF THE PRIOR SITTER INCIDENT DESCRIBED BY CHRISTINE MURRAY

DEFENDANT STEVEN FARMER'S MOTION IN LIMINE TO PRECLUDE USE OF HIS VIDEO DEPOSITION AT THE TIME OF TRIAL

DEFENDANT STEVEN DALE FARMER'S JOINDER TO VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 1 TO PRECLUDE ARGUMENT, TESTIMONY, OR EVIDENCE OF THE PRIOR SITTER INCIDENT DESCRIBED BY CHRISTINE MURRAY

DEFENDANT STEVEN DALE FARMER'S JOINDER TO VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 2 TO PRECLUDE MENTION OF ALLEGED PREVIOUS OR SUBSEQUENT SEXUAL ASSAULTS

DEFENDANT STEVEN DALE FARMER'S JOINDER TO VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 3 TO PRECLUDE MENTION OF OR INTRODUCTION OF EVIDENCE REGARDING THE POLICE INVESTIGATION OR REPORT

DEFENDANT STEVEN DALE FARMER'S JOINDER TO VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 5 TO PRECLUDE EVIDENCE OR MENTION OF OTHER LAWSUITS AGAINST VALLEY HEALTH SYSTEM, LLC, AND/OR CENTENNIAL HILLS HOSPITAL OR ANY CONVICTIONS NOT RELATED TO JANE DOE

DEFENDANT STEVEN DALE FARMER'S JOINDER TO VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 8 TO BAR PLAINTIFF FROM PRESENTING LIABILITY WITNESSES

DEFENDANT STEVEN DALE FARMER'S JOINDER TO VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 9 TO PROHIBIT DISCUSSION OF OR EVIDENCE THAT DEFENSE COUNSEL MET WITH MR. FARMER'S PUBLIC DEFENDER

DEFENDANT STEVEN DALE FARMER'S JOINDER TO AMERICAN NURSING SERVICES, INC.'S MOTION IN LIMINE TO EXCLUDE LAY WITNESSES FROM EXPRESSING EXPERT OPINIONS

DEFENDANT STEVEN DALE FARMER'S JOINDER TO AMERICAN NURSING SERVICES, INC.'S MOTION IN LIMINE TO EXCLUDE LAY WITNESSES FROM EXPRESSING EXPERT OPINIONS

DEFENDANT STEVEN DALE FARMER'S JOINDER TO VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 13 TO PROHIBIT EVIDENCE, DISCUSSION OR TESTIMONY REGARDING JANE DOE'S DEPRESSION

DEFENDANT STEVEN DALE FARMER'S JOINDER TO AMERICAN NURSING SERVICES, INC.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF "RAWSON NEAL ALLEGATIONS"

DEFENDANT VALLEY HEALTH SYSTEM LLC DBA CENTENNIAL HILLS HOSPITAL'S JOINDER TO DEFENDANT AMERICAN NURSING SERVICES INC'S MOTION IN LIMINE TO EXCLUDE WITNESSES FROM EXPRESSING EXPERT OPINIONS

DEFENDANT VALLEY HEALTH SYSTEMS LLC DBA CENTENNIAL HILLS HOSPITAL'S JOINDER TO DEFENDANT STEVEN FARMER'S MOTION IN LIMINE TO PRECLUDE USE OF HIS VIDEO DEPOSITION AT TIME OF TRIAL

DEFENDANT AMERICAN NURSING SERVICES, INC.'S JOINDER TO DEFENDANT STEVEN FARMER'S MOTION IN LIMINE TO PRECLUDE USE OF HIS VIDEO DEPOSITION AT THE TIME OF TRIAL

DEFENDANT AMERICAN NURSING SERVICES, INC.'S JOINDER TO DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 4 REGARDING REPTILE TACTICS

DEFENDANT AMERICAN NURSING SERVICES, INC.'S JOINDER TO DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 6 TO PRECLUDE MENTION OF DISCOVERY DISPUTES OR ALLEGED FAILURES TO PROVIDE INFORMATION DURING DISCOVERY

DEFENDANT AMERICAN NURSING SERVICES, INC.'S JOINDER TO DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 12 TO PROHIBIT LAY WITNESSES FROM TESTIFYING AS TO THE EMPLOYABILITY OF STEVEN FARMER

DEFENDANT AMERICAN NURSING SERVICES, INC.'S JOINDER TO DEFENDANT VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL'S MOTION IN LIMINE NO. 9 TO PROHIBIT DISCUSSION OF OR EVIDENCE THAT DEFENSE COUNSEL MET WITH MR. FARMER'S PUBLIC DEFENDER

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AGAINST AMERICAN NURSING SERVICES, INC. REGARDING COMPARATIVE FAULT AND RESPONDEAT SUPERIOR  
DEFENDANT AMERICAN NURSING SERVICES, INC.'S MOTION FOR SUMMARY JUDGMENT REGARDING SUPERSEDING CAUSE

PLAINTIFF'S MOTION FOR LEAVE AND MOTION FOR PARTIAL DISMISSAL PER NRCP 41(A)(2) ON ORDER SHORTENING TIME

COURT ORDERED as follows:

Plaintiff's Motion in Limine No. 1 Regarding NRS 41.100, DENIED AS PREMATURE;

Plaintiff's Motion in Limine No. 2 Regarding Criminal History, DENIED;

Plaintiff's Motion in Limine No. 3 to Allow the Introduction of Evidence of Insurance, DENIED;

Plaintiff's Motion for Leave and Motion for Partial Dismissal Per NRCP 41(a)(2) on Order Shortening Time, NO OPPOSITION, DISMISED WTHOUT PREJUDICE;

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 1 to Preclude Argument, Testimony, or Evidence of the Prior Sitter Incident Described by Christine Murray, GRANTED;

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 2 to Preclude Mention of Alleged Previous or Subsequent Sexual Assaults, GRANTED as to VHS , DENIED as to Rawson Neal;

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 3 to Preclude Mention of or Introduction of Evidence Regarding the Police Investigation or Report, 9:06:18 Court will stand by prior orders as to Murray and Wolfe statements, as to VHS. NO RULLING as to ANS, as to the police report, it is INADMISSIBLE as hearsay.

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 4 Regarding Reptile Tactics, GRANTED IN PART, DENIED IN PART.

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 5 to Preclude Evidence or Mention of Other Lawsuits Against Valley Health System, LLC and or Centennial Hills Hospital or Any Convictions Not Related to Jane Doe, GRANTED IN PART, Cagnina lawsuit is not Relevant and should be excluded; sexual assault of a patient is admissible if known prior to the Jane Doe incident, other lawsuits excluded.

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 6 to Preclude Mention of Discovery Disputes or Alleged Failures to Provide Information During Discovery, VHS GRANTED, PREMATURE, as to ANS;

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 7 to Bar Criticism of Any Investigations Conducted Regarding the Cagnina Case, GRANTED;

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 8 to Bar Plaintiff from Presenting Liability Witnesses, GRANTED;

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 9 to Prohibit Discussion of or Evidence that Defense Counsel Met with Mr. Farmer's Public Defender, GRANTED as to VHS. As to ANS, UNDER ADVISEMENT.

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 10 to Prohibit Testimony of Experts Against Individual Nurses, 9:19 GRANTED as to VHS. As to ANS, PREMATURE.

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 11 to Prohibit Reference to Rey Sumera as a Charge Nurse on the Date of the Incident, DENIED.

Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 12 to Prohibit Lay Witnesses from Testifying as to the Employability of Steven Farmer, GRANTED as to VHS. No ruling as to ANS.

Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital and Universal Health Services, Inc.'s Application for Order Shortening Time to Hear Their Motions in Limine, RESOLVED by setting of current hearing date.

Defendant American Nursing Services, Inc.'s Motion to Exclude Post May 14, 2008 Communications and Investigation by ANS, GRANTED IN PART, DENIED IN PART. Communications after the assault are only relevant some evidence of the state of mind or reasonable foreseeability, as to ANS prior to the assault. Each statement will be decided on a case-by-case basis.

Defendant American Nursing Services, Inc.'s Motion to Exclude Testimony that ANS had Obligation to Question Rawson Neal Employees or to Involve Itself in Rawson Neal Investigation, DENIED. Court will allow the jury to decide the standard of care.

Defendant American Nursing Services, Inc.'s Motion to Exclude Reference to Abuse and Other Such Wording Used in ANS'S Incident Reports, DENIED;

Defendant American Nursing Services, Inc.'s Motion For Summary Judgment Regarding Superseding Cause, DENIED;

Defendant American Nursing Services, Inc. s Motion to Exclude Testimony that ANS had legal obligation to report Rawson Neal Allegations, DENIED IN PART, UNDER ADVISEMENT

Defendant American Nursing Services, Inc. s Motion in Limine to Exclude Lay Witnesses from Expressing Expert Opinions, DENIED;

Defendant American Nursing Service, Inc.'s Motion In Limine To Preclude Reference to "General Foreseeability" Standard or Evidence Thereof, DENIED IN PART GRANTED IN PART will not discuss General Foreseeability Standard .

Defendant American Nursing Services, Inc.'s Motion in Limine to Exclude Evidence of Rawson Neal Allegations, DENIED;

Defendant American Nursing Services, Inc. s Motion to Exclude Testimony that ANS had legal obligation to report Rawson Neal Allegations, DENIED IN PART. UNDER ADVISEMENT;

Defendant American Nursing Services, Inc.'s Motion in Limine to Exclude Evidence of Liability Insurance, GRANTED

Defendant American Nursing Services, Inc. s Motion in Limine to Exclude Lay Witnesses from Expressing Expert Opinions, DENIED;

Defendant Steven Farmer's Motion in Limine to Preclude Use of his Video Deposition at the Time of Trial, DENIED. Testimony is RELEVANT , Court will not allow the whole video to be played. Demeanor is relevant.

Centennial Hills Hospital's Motion in Limine No. 13 to Prohibit Evidence, Discussion or Testimony Regarding Jane Doe's Depression, GRANTED, plaintiff cannot argue she was clinically depressed. Plaintiff is allowed to testify as to their actual perceptions as to whether she was depressed as to lay witnesses perceptions. They can testify of their observations of her depression, her outward manifestation when she saw Defendant Farmer on TV; Court is not making a per se ruling whether causation comes in.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**December 23, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**December 23, 2015      1:50 PM      Minute Order**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Louisa Garcia

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- At the 12/21/2015 hearing, the Court issued its tentative rulings on the various pending motions, and addressed a number of modifications thereto. The Court hereby affirms its rulings (as expressly states on the record yesterday) as the Order of the Court, with the following modifications:

1. As to Plaintiff's motion in limine no. 3: NRS 48.135 generally permits the admissibility of liability insurance if offered on an issue other than to prove a person acted negligently or otherwise wrongfully. In this case, the Plaintiff wants to introduce the insurance to prove that Mr. Farmer's misconduct was reasonably foreseeable to ANS. 41.745(1). Plaintiff identified an email from ANS employee, Johnette Spellman, who admitted to obtaining liability insurance to cover sexual assaults of its employees, indicating that there were a higher number of claims that were coming in on that particular topic. Plaintiff's opposition re: liability insurance, at p. 4 (12/11/15).

NRS 41.745(2) provides that the statute does not impose strict liability on an employer for any unforeseeable intentional acts of an employee. The implication is that an employer is strictly liable for reasonably foreseeable intentional acts of its employee. Ordinarily strict liability connotes liability without fault. See Black's Law Dictionary at p. 1055 (10 ed. 2014) (defining strict liability to be liability without fault). Here the Nevada Legislature's reference to foreseeability suggests that fault is still a requirement to find respondeat superior liability, at least under NRS 41.745(1)(c). The

Legislature imposed a requirement of reasonable foreseeability as one of the means of imposing liability on an employer. NRS 41.745(1)(c). The implication of the statutory language is that the employer is at fault, and therefore subject to liability, if the intentional wrongful act of its employee was reasonably foreseeable to the employer, and the employer failed to take some action to protect the foreseeable plaintiff from such wrongful act of the employee. NRS 48.135 thus prevents the Plaintiff from introducing evidence of the insurance to show ANS acted wrongfully by ignoring the reasonable foreseeability of Mr. Farmer's dangerous propensities.

That being said, NRS 48.135 permits insurance evidence for other purposes such as impeachment. The Court tentatively indicated at the hearing that evidence of insurance may be admissible to impeach a witness who denied that staff sexual assaults on patients was a known risk or occurrence. Evidence of staff sexual assaults is evidence that a staff sexual assault on a patient is generally foreseeable. Of course, the applicable standard of proof pursuant to NRS 41.745(1)(c) is reasonable foreseeability not general foreseeability. Evidence of the potential of sexual assaults by staff through liability insurance alone is not sufficient to demonstrate reasonable foreseeability. However, evidence tending to show general foreseeability may be relevant in understanding and weighing other evidence that goes more directly to the issue of reasonable foreseeability.

Finally, to the extent NRS 48.135 does not apply, the Court believes that the probative value of the evidence would be outweighed by the prejudicial impact, unless Plaintiff is unable to prove ANS's nature of the higher number of claims that were coming in on that particular topic by some other means. In the event Plaintiff asks such questions and ANS denies that there was any known risk of staff sexual assaults on patients, then plaintiff will be permitted to impeach such witness with evidence that ANS obtained insurance to cover such risk.

Defendant ANS reserves its right to make contemporaneous objections in accordance with this order, at which point the Court will balance the probative value and the prejudicial impact of the evidence within the context of the testimony offered.

2. As to ANS's motions in limine relating to the Rawson Neal allegations, the Court affirms its tentative rulings. The Court finds that, as a matter of law, NRS 48.045 is not applicable to determine the admissibility of the alleged prior bad acts in this case. Evidence of such prior bad acts may be offered to prove that Mr. Farmer's future sexual assault was reasonably foreseeable not to prove that Mr. Farmer acted in conformity with his prior bad acts. Plaintiff does not need to show that Mr. Farmer acted in conformity with the alleged prior bad acts because he was actually convicted of misconduct. The issue here is whether ANS had notice of Mr. Farmer's dangerous propensities. There is at least some evidence from which a jury may reasonably conclude that the Rawson Neal allegations (and surrounding circumstances) may have made it reasonably foreseeable to ANS that Mr. Farmer could commit a sexual assault on a patient.

3. As to ANS's motions in limine to exclude evidence that ANS had some duty or legal obligation (hereinafter duty) to report the Rawson Neal allegations to either Centennial or any governmental entity, the Court clarifies its tentative ruling as follows: The state of mind of ANS personnel is only

relevant to the extent it relates to the issue of reasonable foreseeability. If ANS personnel believed that they had a duty to report the allegations to Centennial or authorities, that tends to show that ANS believed the allegations were very serious. That belief about the seriousness of the allegations is probative to the issue whether Mr. Farmer's dangerous propensities were reasonably foreseeable to ANS. Accordingly, the plaintiff may elicit testimony and introduce evidence of the state of mind of ANS personnel regarding whether they believed they had a duty to report the allegations to either Centennial or other authorities.

4. As to VHS motion in limine no. 3 to exclude the Murray and Wolfe statements: Plaintiff argued at the hearing that the Murray and Wolfe statements are admissible as evidence of subsequent bad acts to prove the truthfulness of the Rawson Neal allegations. The primary issue in this case, however, is whether Mr. Farmer's actions were reasonably foreseeable to ANS not whether the Rawson Neal allegations are actually true. The existence of the allegations, ANS communications and knowledge about the allegations, and the facts and circumstances surrounding the Rawson Neal allegations, are all relevant to the issue of reasonable foreseeability. The Murray and Wolfe statements provide some, but weak, additional evidence by way of inference only that the Rawson Neal allegations are true. The probative value of such evidence is greatly outweighed by the risk of unfair prejudice and confusion of the issues. The Court does not want the jury to find that the Murray and Wolfe statements are evidence of reasonable foreseeability to Centennial, (which is no longer at issue pursuant to this court's November 5, 2015 sanction order) and then impute that finding to ANS. Additionally, the Court does not want to waste valuable judicial resources on the collateral issue whether the Rawson Neal allegations were in fact true, as the real issue is reasonable foreseeability and notice to ANS.

5. VHS motion in limine no. 5 to exclude Mr. Farmer's conviction in the Cagnina matter. The Court hereby excludes any evidence of the conviction of Mr. Farmer in the Cagnina matter, unless Plaintiff has some evidence that ANS knew of the Cagnina assault prior to the Jane Doe Assault. This timeline, however, seems inconsistent with the allegations in the two cases. Assuming ANS had no such knowledge, the Judgment of Conviction for Mr. Farmer shall be redacted to exclude any reference of the Cagnina conviction from the jury.

6. VHS motion in limine no. 9 regarding ANS's counsel's meetings with and cooperation with defense counsel for Mr. Farmer. Plaintiff contends the evidence is relevant to show Defendant ANS ratified Mr. Farmer's sexual assault, which was an independent venture. The Court notes that, in its Order Denying Plaintiff Jane Doe's Motion for Summary Judgment against ANS, the Court found as a matter of law that Mr. Farmer's conduct was a truly independent venture. See Order at p. 4, lines 17-19 (October 5, 2015). The Court will resolve the issue of ratification at or before Calendar Call.

7. VHS motion in limine no. 11 to exclude any reference to Ray Sumera as a relief charge nurse or a charge nurse in light of the Court's sanction Order, and the dismissal of the negligence claims. The Court grants this motion. The evidence of Ray Sumera's title, work, roles, responsibilities, activities, and communications at Centennial are not relevant to any remaining issue in this case, unless and until Plaintiff or ANS can show that ANS knew, before the Jane Doe incident, that nurse Sumera had

some conversations about, or involvement with, Mr. Farmer.

8. ANS's motion to permit argument regarding superseding cause. NRS 41.745 holds an employer liable for the intentional misconduct of its employee if the plaintiff can prove one of the three alternative elements of the statute. ANS seeks to introduce evidence that Mr. Farmer's dangerous propensities were reasonably foreseeable to Centennial, and Centennial failed to protect Jane Doe therefrom.

NRS 41.745 does not reference any defense of superseding cause. The court believes that superseding cause is a principle that would potentially protect a tortfeasor from a claim of direct liability, but not vicarious liability under a respondeat superior theory. Restatement Second of Torts Sec. 440 provides that a superseding cause is an act of a third person or other force which by its intervention prevents the actor from being liable for harm to another which his antecedent negligence is a substantial factor in bringing about. This case is about the harm to Jane Doe. The actor who caused the harm is Mr. Farmer. Superseding cause might have been a principle available to Mr. Farmer if there had occurred some unforeseeable intervening act between his conduct and the harm to Jane Doe that broke the chain of causation. But those are not the facts. The employers of Mr. Farmer are vicariously liable for Mr. Farmer's misconduct if the statutory elements of respondeat superior are proven. NRS 47.745. The principle of superseding cause cannot break the chain of vicarious liability it is only used, in theory, to break the chain of causation between the direct actor and the harm.

In sum, the Court interprets NRS 41.746 as imposing joint and several liability for all employers, in a multiple-employer situation, if the pre-requisites to respondeat superior liability can be established as to each. Accordingly, the motion is denied.

ANS MAY NOT introduce evidence of the facts and circumstances that would have made Mr. Farmer's dangerous propensities reasonable foreseeable to Centennial. ANS MAY present evidence that Mr. Farmer's dangerous propensities were not known to ANS because it expected Centennial to supervise Mr. Farmer and stop Mr. Farmer if he posed any risk BUT ANS MAY NOT introduce any evidence regarding: (a) Centennial's actual conduct in supervising or not supervising Mr. Farmer, (b) Centennial taking action or not taking action regarding Mr. Farmer's conduct with patients; and (c) Centennial's nurses communications regarding Mr. Farmer's behavior.

Although the Court decides that the principle of superseding cause does not apply here, the Court does not decide whether the related control test of *Rockwell v. Sun Harbor Budget Sister*, 112 Nev. 1217 1223 (1996) applies. In *Rockwell* the Nevada Supreme Court considered the issue of liability of multiple employees under a theory of respondeat superior for the intentional tort of its employee. This case which pre-dated NRS 41.745, held that an employer is vicariously liable if it had control and direction of the employment and work of the employee. The court will determine whether the control test applies when jury instructions are settled.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**December 30, 2015**

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A-09-595780-C      Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

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**December 30, 2015      8:45 AM      Calendar Call**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Shelly Landwehr

**RECORDER:** Elsa Amoroso

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bemis, John F.	Attorney
	Biggar, Ryan W.	Attorney
	Hall, Heather S.	Attorney
	Murdock, Robert E	Attorney
	Silvestri, James P. C.	Attorney
	Vogel, S. Brent	Attorney

**JOURNAL ENTRIES**

- Parties advised there was a global resolution in this matter. Upon Court's inquiries, parties acknowledged the global resolution and anticipated submitting a stipulation for dismissal with prejudice in this matter. Further, COURT ORDERED, trial date VACATED. Matter SET for status check. Court stated if the dismissal has been filed prior to next date, parties' presence is WAIVED.

2/01/16 9:00 AM STATUS CHECK: SETTLEMENT DOCUMENTS

**PLAINTIFF'S EXHIBITS**CASE NO. A595780

	Date Offered	Objection	Date Admitted
1. Defendant Centennial Hills Hospital and Universal Health Services, Inc.'s Initial List of Witnesses and Documents dated 11/24/2009	8-28-15	NO	8-28-15
1a. Defendant Centennial Hills Hospital and Universal Health Services, Inc.'s First Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 4/16/2010	8-28-15	NO	8-28-15
1b. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Second Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 2/12/2013	8-28-15	NO	8-28-15
1c. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Third Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 3/11/2013	8-28-15	NO	8-28-15
1d. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Fourth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 3/12/2013	8-28-15	NO	8-28-15
1e. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Fifth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 3/18/2013	8-28-15	NO	8-28-15
1f. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Sixth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 6/7/2013	8-28-15	NO	8-28-15
1g. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Seventh Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 10/27/2014	8-28-15	NO	8-28-15
1h. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Eighth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 4/22/2015	8-28-15	NO	8-28-15
1i. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Ninth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 6/10/2015	8-28-15	NO	8-28-15
1j. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Tenth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 6/16/2015	8-28-15	NO	8-28-15
1k. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Eleventh Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 6/17/2015	8-28-15	NO	8-28-15

11. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Twelfth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 7/10/2015	8-28-15	NO	8-28-15
1m. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Thirteenth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 7/13/2015	8-28-15	NO	8-28-15
1n. Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Fourteenth Supplement to Its Initial Early Case Conference List of Witnesses and Documents dated 7/20/2015	8-28-15	NO	8-28-15
2. Centennial Hills Hospital Medical Center Security Daily Activity Logs dated 5/14/2008-5/16/2008			
3. Renato Sumera, RN Deposition dated 5/1/2015	8-28-15	NO	8-28-15
4. Universal Health Services Incident Report dated 5/15/2008	8-28-15	NO	8-28-15
5. Complaint (A570756) dated 9/2/2008 and Amended Complaint (A570756) dated 4/28/2010	8-28-15	NO	8-28-15
6. Christine Murray Deposition dated 1/27/2010	8-28-15	NO	8-28-15
7. Amy Bochenek Deposition dated 3/10/2010	8-28-15	NO	8-28-15
8. Amy Blasing Deposition dated 7/28/2015	8-28-15	NO	8-28-15
9. Rule 16.1			
10. Public Defender's Office emails	8-28-15	NO	8-28-15
10a. Chronology of Public Defender's Office emails	8-28-15	NO	8-28-15
11. Letter from Amy Feliciano to McBride, Bemis, and Vogel dated 1/31/2013	8-28-15	NO	8-28-15
12. Notice of Entry of Order re: Discovery Commissioner's Report and Recommendations dated 5/6/2013	8-28-15	NO	8-28-15
13. Christine Murray Voluntary Statement to LVMPD dated 6/13/2008	8-28-15	NO	8-28-15
14. Margaret Wolfe Voluntary Statement to LVMPD dated 5/30/2008	8-28-15	NO	8-28-15
15. Defendants' Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Objection to Discovery Commissioner's Report and Recommendation dated 7/30/2015	8-28-15	NO	8-28-15
16. Defendant Valley Health Systems, LLC d/b/a Centennial Hills Hospital Medical Center's Motion for Protective Order dated 6/19/2013	8-28-15	NO	8-28-15
17. Discovery Commissioners Report and Recommendation dated 9/4/2013	8-28-15	NO	8-28-15
18. Defendants' Centennial Hills Hospital and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for Summary Judgment Re: Liability and Joinder to Defendant Steven Dale Farmer's Limited Opposition dated 10/14/2014	8-28-15	NO	8-28-15

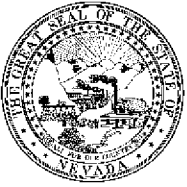
## DEFENDANTS' EXHIBITS

CASE NO. A595780

[illegible]



19. Petitioners' Valley Health System, LLC d/b/a Centennial Hills Medical Center's and Universal Health Services, Inc.'s Petition for Writ of Mandamus and/or Writ of Prohibition dated 4/29/2015	8-28-15	NO	8-28-15
20. Rule 3.3 Candor Toward the Tribunal			
21. Transcript of June 3, 2015 Proceedings dated 8/4/2015	8-28-15	NO	8-28-15
22. Christine Murray Deposition dated 1/8/2015	8-28-15	NO	8-28-15
23. Sajit Pullarkat Deposition dated 8/7/2015	8-28-15	NO	8-28-15
24. PMK of Centennial Hills Deposition (Sajit Pullarkat) dated 8/7/2015	8-28-15	NO	8-28-15
25. Deposition of Janet Calliham dated 8/18/2015	8-28-15	NO	8-28-15
26. Margaret Wolfe Deposition dated 5/5/2015	8-28-15	NO	8-28-15
27. Defendant Valley Health System, LLC's Responses to Plaintiff's Eleventh Set of Interrogatories dated 6/12/2015	8-28-15	NO	8-28-15
28. Defendant Valley Health System, LLC's Responses to Plaintiff's Tenth Set of Interrogatories dated 6/10/2015	8-28-15	NO	8-28-15
29. Exhibits to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Seventh Supplement to Its Initial Early Case Conference List of Witnesses and Documents (Exh. 1g) Exhibits) dated 10/27/2014	8-28-15	NO	8-28-15
30. Excerpts of Deposition of Carol Butler dated 6/19/2015	8-28-15	NO	8-28-15
31. Excerpts of Deposition of Renato Sumera dated 5/1/2015	8-28-15	NO	8-28-15
32. Excerpts of Deposition of Margaret Wolfe dated 5/5/2015	8-28-15	NO	8-28-15
33. Excerpts of Deposition of Amy Blasing dated 7/28/2015	8-28-15	NO	8-28-15
34. Excerpts of Deposition of Christine Murray dated 1/8/2015	8-28-15	NO	8-28-15



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

**DENNIS L. KENNEDY**  
**8984 SPANISH RIDGE AVE.**  
**LAS VEGAS, NV 89148**

**DATE: April 1, 2016**  
**CASE: A595780**

**RE CASE:** MISTY PETERSON, AS SPECIAL ADMINISTRATOR OF THE ESTATE OF JANE DOE vs. VALLEY HEALTH SYSTEM LLC dba CENTENNIAL HILLS HOSPITAL MEDICAL CENTER; UNIVERSAL HEALTH SERVICES, INC.; AMERICAN NURSING SERVICES, INC.; STEVEN DALE FARMER

**NOTICE OF APPEAL FILED: March 30, 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**

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**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.***

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***\*\*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):

DEFENDANTS VALLEY HEALTH SYSTEM, LLC D/B/A CENTENNIAL HILLS HOSPITAL MEDICAL CENTER AND UNIVERSAL HEALTH SERVICES, INC.'S JOINT NOTICE OF APPEAL; DEFENDANTS VALLEY HEALTH SYSTEM, LLC D/B/A/ CENTENNIAL HILLS HOSPITAL MEDICAL CENTER AND UNIVERSAL HEALTH SERVICES, INC.'S JOINT CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER STRIKING ANSWER OF DEFENDANT VALLEY HEALTH SYSTEM LLC AS SANCTION FOR DISCOVERY MISCONDUCT; NOTICE OF ENTRY OF ORDER STRIKING ANSWER OF DEFENDANT VALLEY HEALTH SYSTEM LLC AS SANCTION FOR DISCOVERY MISCONDUCT; ORDER DENYING MOTION FOR RECONSIDERATION; NOTICE OF ENTRY OF ORDER DENYING MOTION FOR RECONSIDERATION; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

MISTY PETERSON, AS SPECIAL  
ADMINISTRATOR OF THE ESTATE OF  
JANE DOE,

Plaintiff(s),

vs.

VALLEY HEALTH SYSTEM LLC dba  
CENTENNIAL HILLS HOSPITAL MEDICAL  
CENTER; UNIVERSAL HEALTH SERVICES,  
INC.; AMERICAN NURSING SERVICES,  
INC.; STEVEN DALE FARMER,

Defendant(s),

Case No: A595780

Dept No: II

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 1 day of April 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Brandi J. Wendel  
Court Division Administrator

April 1, 2016

Tracie Lindeman  
Clerk of the Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

RE: MISTY PETERSON, AS SPECIAL ADMINISTRATOR OF THE ESTATE OF JANE DOE vs.  
VALLEY HEALTH SYSTEM LLC dba CENTENNIAL HILLS HOSPITAL MEDICAL CENTER;  
UNIVERSAL HEALTH SERVICES, INC.; AMERICAN NURSING SERVICES, INC.; STEVEN  
DALE FARMER  
D.C. CASE: A595780

Dear Ms. Lindeman:

Please find enclosed a Notice of Appeal packet, filed April 1, 2016. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

August 24, 2015

November 4, 2015

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,  
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, reading "Heather Ungermann".

Heather Ungermann, Deputy Clerk

1 **NOAS**

DENNIS L. KENNEDY

2 Nevada Bar No. 1462

JOSEPH A. LIEBMAN

3 Nevada Bar No. 10125

JOSHUA P. GILMORE

4 Nevada Bar No. 11576

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9 MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

10 KENNETH M. WEBSTER, ESQ.

Nevada Bar No. 7205

11 JOHN F. BEMIS, ESQ.

Nevada Bar No. 9509

12 **HALL PRANGLE & SCHOONVELD, LLC**

1160 North Town Center Drive, Suite 200

13 Las Vegas, Nevada 89144

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14 Facsimile: 702.384.6025

mprangle@hpslaw.com

15 kwebster@hpslaw.com

16 jbemis@hpslaw.com

*Attorneys for Defendants Centennial Hills*

17 *Hospital Medical Center and Universal Health*  
18 *Services, Inc.*

19 **DISTRICT COURT**

20 **CLARK COUNTY, NEVADA**

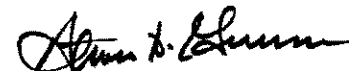
21 MISTY PETERSON, AS SPECIAL  
22 ADMINISTRATOR OF THE ESTATE OF  
JANE DOE,

23 Plaintiff,

24 vs.

25 VALLEY HEALTH SYSTEM LLC, a Nevada  
26 limited liability company, d/b/a CENTENNIAL  
27 HILLS HOSPITAL MEDICAL CENTER;  
28 UNIVERSAL HEALTH SERVICES, INC., a  
Delaware corporation; AMERICAN NURSING  
SERVICES, INC., a Louisiana corporation;  
STEVEN DALE FARMER, an individual;  
DOES I through X, inclusive; and ROE

Electronically Filed  
Apr 05 2016 11:52 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court



CLERK OF THE COURT

CASE NO. A-09-595780-C  
DEPT. NO. II

**DEFENDANTS VALLEY HEALTH  
SYSTEM, LLC d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER  
AND UNIVERSAL HEALTH SERVICES,  
INC.'S JOINT NOTICE OF APPEAL**

CORPORATIONS I through X, inclusive,  
Defendants.

**DEFENDANTS VALLEY HEALTH SYSTEM, LLC d/b/a CENTENNIAL HILLS  
HOSPITAL MEDICAL CENTER AND UNIVERSAL HEALTH SERVICES, INC.'S JOINT  
NOTICE OF APPEAL**

Please take notice that Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc. hereby appeal to the Supreme Court of Nevada from the November 4, 2015 Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct (along with the associated December 10, 2015 Order Denying Motion for Reconsideration).

DATED this 30th day of March, 2016.

BAILEY ♦ KENNEDY

By: 

DENNIS L. KENNEDY  
JOSEPH A. LIEBMAN  
JOSHUA P. GILMORE

AND

MICHAEL E. PRANGLE, ESQ.  
KENNETH M. WEBSTER, ESQ.  
JOHN F. BEMIS, ESQ.  
HALL PRANGLE & SCHOONVELD, LLC  
1160 North Town Center Drive  
Suite 200  
Las Vegas, Nevada 89144

*Attorneys Defendants Centennial Hills Hospital  
Medical Center and Universal Health Services,  
Inc.*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 30th day of March, 2016, service of the foregoing **DEFENDANTS VALLEY HEALTH SYSTEM, LLC d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER AND UNIVERSAL HEALTH SERVICES, INC.'S JOINT NOTICE OF APPEAL** was made by mandatory electronic service through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

Robert E. Murdock, Esq.  
MURDOCK & ASSOCIATES, CHTD.  
521 South Third Street  
Las Vegas, Nevada 89101

*Email: lasvegasjustice@aol.com*

*Attorneys for Plaintiff*

Eckley M. Keach, Esq.  
ECKLEY M. KEACH, CHTD.  
521 South Third Street  
Las Vegas, Nevada 89101

*Email: KeachMurdock2@gmail.com*

*Attorneys for Plaintiff*

Robert C. McBride, Esq.  
Heather S. Hall, Esq.  
CARROLL, KELLY, TROTTER, FRANZEN,  
MCKENNA & PEABODY  
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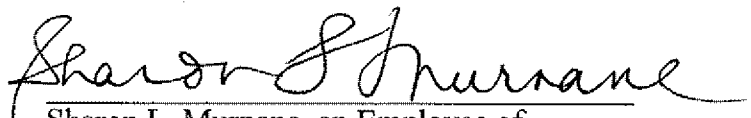
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Services, Inc.*

DISTRICT COURT

CLARK COUNTY, NEVADA

MISTY PETERSON, AS SPECIAL  
ADMINISTRATOR OF THE ESTATE OF  
JANE DOE,

Plaintiff,

vs.

VALLEY HEALTH SYSTEM LLC, a Nevada  
limited liability company, d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER;  
UNIVERSAL HEALTH SERVICES, INC., a  
Delaware corporation; AMERICAN NURSING  
SERVICES, INC., a Louisiana corporation;  
STEVEN DALE FARMER, an individual;  
DOES I through X, inclusive; and ROE

CASE NO. A-09-595780-C  
DEPT. NO. II

**DEFENDANTS VALLEY HEALTH  
SYSTEM, LLC d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER  
AND UNIVERSAL HEALTH SERVICES,  
INC.'S JOINT CASE APPEAL  
STATEMENT**



CORPORATIONS I through X, inclusive,

Defendants.

**DEFENDANTS VALLEY HEALTH SYSTEM, LLC d/b/a CENTENNIAL HILLS  
HOSPITAL MEDICAL CENTER AND UNIVERSAL HEALTH SERVICES, INC.'S JOINT  
CASE APPEAL STATEMENT**

1. Names of appellants filing this case appeal statement:

Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center  
("Centennial Hills") and Universal Health Services, Inc. ("UHS").

2. Identify the judge issuing the decision, judgment, or order appealed from:

District Judge Richard Scotti.

3. Identify each appellant and the name and address of counsel for each appellant.

Centennial Hills and UHS are represented by Dennis L. Kennedy, Esq. (Nevada Bar No. 1462), Joseph A. Liebman (Nevada Bar No. 10125), and Joshua P. Gilmore (Nevada Bar No. 11576) of BAILEY ♦ KENNEDY, 8984 Spanish Ridge Avenue, Las Vegas, Nevada 89148.

4. Identify each respondent and the name and address of appellate counsel.

Misty Peterson, as Special Administrator of the Estate of Jane Doe ("Doe"), is represented by Robert E. Murdock, Esq., MURDOCK & ASSOCIATES, CHTD., 521 South Third Street, Las Vegas, Nevada 8910, and Eckley M. Keach, Esq., ECKLEY M. KEACH, CHTD., 521 South Third Street, Las Vegas, Nevada 89101. Due to the parties' settlement (explained below), it is possible that Doe will choose not to participate in this appeal.

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada.

No.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Retained.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and if so, the date of entry of the district court order granting such leave:

No.

9. Indicate the date the proceedings commenced in the district court:

The Complaint was filed on July 23, 2009.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court.

Doe filed a lawsuit against Centennial Hills and UHS, as well as other Defendants, alleging that Centennial Hills and UHS negligently failed to maintain the premises in a safe and secure manner, and as a result, Doe was assaulted by a Certified Nursing Assistant. Doe alternatively alleged that Centennial Hills and/or UHS were vicariously liable for the actions of the Certified Nursing Assistant.

Centennial Hills and UHS appeal from the November 4, 2015 Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct (along with the associated December 10, 2015 Order Denying Motion for Reconsideration), which includes, but is not limited to, the District Court's ruling that Centennial Hills and UHS pay a monetary sanction to a non-party.

On February 29, 2016, an Order was entered by the District Court dismissing the lawsuit with prejudice following a settlement. Pursuant to the terms of the Order, Centennial Hills and UHS preserved their rights to appeal the November 4, 2015 Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct (along with the associated December 10, 2015 Order Denying Motion for Reconsideration).

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court.

No.

12. Indicate whether this appeal involved child custody or visitation.

No.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement.

No.

DATED this 30th day of March, 2016.

BAILEY ♦ KENNEDY

By:  

DENNIS L. KENNEDY  
JOSEPH A. LIEBMAN  
JOSHUA P. GILMORE

AND

MICHAEL E. PRANGLE, ESQ.  
KENNETH M. WEBSTER, ESQ.  
JOHN F. BEMIS, ESQ.  
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1160 North Town Center Drive  
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Las Vegas, Nevada 89144

*Attorneys Defendants Centennial Hills Hospital  
Medical Center and Universal Health Services,  
Inc.*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 30th day of March, 2016, service of the foregoing **DEFENDANTS VALLEY HEALTH SYSTEM, LLC d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER AND UNIVERSAL HEALTH SERVICES, INC.'S JOINT CASE APPEAL STATEMENT** was made by mandatory electronic service through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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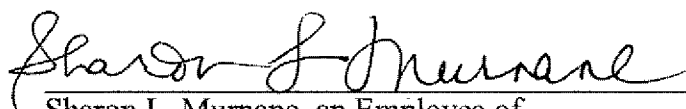
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*Attorneys for Defendant American Nursing Services, Inc.*



Sharon L. Murnane, an Employee of  
BAILEY ♦ KENNEDY

DEPARTMENT 2  
**CASE SUMMARY**  
CASE NO. A-09-595780-C

Estate of Jane Doe, Plaintiff(s)  
vs.  
Valley Health System LLC, Defendant(s)

§  
§  
§  
§  
§

Location: **Department 2**  
Judicial Officer: **Scotti, Richard F.**  
Filed on: **07/23/2009**  
Case Number History:  
Cross-Reference Case Number: **A595780**

CASE INFORMATION

**Statistical Closures**

02/29/2016      Stipulated Dismissal

Case Type: **Negligence - Other Negligence**

Case Flags: **Appealed to Supreme Court  
Jury Demand Filed  
Arbitration Exemption Granted  
Discovery Heard by  
Commissioner Bulla**

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number      A-09-595780-C  
Court              Department 2  
Date Assigned     01/05/2015  
Judicial Officer   Scotti, Richard F.

PARTY INFORMATION


<b>Plaintiff</b>	<b>Estate of Jane Doe</b>  <b>Petersen, Misty (Special Administrator)</b> Removed: 02/29/2016 Dismissed	<b>Murdock, Robert E</b> <i>Retained</i> 702-685-6111(W)
<b>Defendant</b>	<b>American Nursing Services Inc</b> Removed: 02/29/2016 Dismissed  <b>Farmer, Steven Dale</b> Removed: 02/29/2016 Dismissed  <b>Universal Health Services Inc</b> Removed: 02/29/2016 Dismissed  <b>Valley Health System LLC</b>	<b>Prangle, Michael E.</b> <i>Retained</i> 7028896400(W)
<b>Doing Business As</b>	<b>Centennial Hills Hospital Medical Center</b> Removed: 02/29/2016 Dismissed	
<b>Other</b>	<b>Legal Aid of Southern Nevada Pro Bono Project</b>	

**DATE**















**EVENTS & ORDERS OF THE COURT**

**INDEX**















07/23/2009

 Initial Appearance Fee Disclosure  
Filed By: Plaintiff Estate of Jane Doe

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

07/23/2009	 Complaint Filed By: Plaintiff Estate of Jane Doe
08/11/2009	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe Party Served: Defendant Universal Health Services Inc <i>Affidavit of Service as to Defendant Universal Health Services Foundation</i>
08/11/2009	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe Party Served: Defendant Valley Health System LLC <i>Affidavit of Service as to Defendant Valley Health Systems LLC</i>
08/11/2009	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe Party Served: Doing Business As Centennial Hills Hospital Medical Center <i>Affidavit of Service as to Defendant Centennial Hills Hospital Medical Center Auxiliary</i>
08/21/2009	 Amended Complaint Filed By: Plaintiff Estate of Jane Doe
08/24/2009	 Acceptance of Service Filed By: Plaintiff Estate of Jane Doe Party Served: Defendant Valley Health System LLC
08/24/2009	 Acceptance of Service Filed By: Plaintiff Estate of Jane Doe Party Served: Defendant American Nursing Services Inc
08/31/2009	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service as to Defendant American Nursing Services Inc</i>
09/03/2009	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe Party Served: Defendant Farmer, Steven Dale
09/08/2009	 Acceptance of Service Filed By: Plaintiff Estate of Jane Doe Party Served: Defendant Farmer, Steven Dale
09/09/2009	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe Party Served: Defendant Farmer, Steven Dale <i>Affidavit of Service as to Defendant Steven Dale Farmer</i>
09/10/2009	 Initial Appearance Fee Disclosure <i>Defendant Centennial Hills Hospital's Initial Appearance Fee Disclosure</i>
09/10/2009	 Demand for Jury Trial <i>Defendant Centennial Hills Hospital's Demand for Jury Trial</i>
09/10/2009	 Initial Appearance Fee Disclosure <i>Defendant Universal Health Services Inc.'s Initial Appearance Fee Disclosure</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

09/10/2009	 Motion to Dismiss <i>Defendant Universal Health Services, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction</i>
09/21/2009	 Initial Appearance Fee Disclosure Filed By: Defendant Farmer, Steven Dale
09/21/2009	 Answer to Amended Complaint Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Answer to Plaintiff's Amended Complaint</i>
09/21/2009	 Demand for Jury Trial Filed By: Defendant Farmer, Steven Dale
09/23/2009	 Initial Appearance Fee Disclosure Filed By: Defendant American Nursing Services Inc
09/23/2009	 Answer to Amended Complaint Filed By: Defendant American Nursing Services Inc
09/23/2009	 Demand for Jury Trial Filed By: Defendant American Nursing Services Inc
10/05/2009	 Notice of Early Case Conference Filed By: Plaintiff Estate of Jane Doe
10/07/2009	 Suggestion of Bankruptcy Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Suggestion of Bankruptcy</i>
10/09/2009	 Opposition to Motion Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant Universal health Services, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction</i>
10/12/2009	<b>CANCELED Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - per Law Clerk</i> <i>Change Slip 10/09/09</i>
10/12/2009	 Stipulation and Order Filed by: Plaintiff Estate of Jane Doe <i>Stipulation and Order Continuing Hearing on Defendant Universal Health Service, INC's Motion to Dismiss for Lack of Personal Jurisdiction</i>
10/13/2009	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption</i>
10/13/2009	 Notice of Entry of Order Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Order Continuing Hearing on Defendant Universal Health Services, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction</i>
11/02/2009	 Reply

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**





*Defendant Universal Health Services Inc.'s Reply in Support of Its Motion to Dismiss for Lack of Personal Jurisdiction*

11/09/2009	 <b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Vega, Valorie J.) Events: 10/12/2009 Stipulation and Order <i>Defendant Universal Health Services, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction</i>
11/25/2009	 Motion to Consolidate Filed By: Plaintiff Estate of Jane Doe
11/25/2009	 Certificate of Mailing Filed By: Plaintiff Estate of Jane Doe
12/03/2009	 Stipulation and Order <i>Stipulation and Order to Withdraw Motion to Dismiss for Lack of Personal Jurisdiction</i>
12/08/2009	 Notice of Withdrawal of Motion <i>Notice of Entry of Stipulation and Order to Withdraw Motion to Dismiss for Lack of Personal Jurisdiction</i>
12/08/2009	 Opposition Filed By: Defendant Universal Health Services Inc <i>Defendant Universal Health Services, Inc. and Centennial Hills Hospital's Opposition to Plaintiff's Motion to Consolidate</i>
12/09/2009	 Joint Case Conference Report Filed By: Plaintiff Estate of Jane Doe
12/10/2009	 Opposition to Motion Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Opposition to Plaintiff's Motion to Consolidate</i>
12/14/2009	 Supplement to Early Case Conference Disclosures Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's First Supplement to Early Case Conference Disclosures</i>
12/14/2009	 Opposition to Motion Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff Roxanne Cagnina's Opposition to Plaintiff Jane Doe's Motion to Consolidate</i>
12/16/2009	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Custodian of Records of Stacey Roundtree ESQ</i>
12/18/2009	 Notice of Withdrawal of Motion Filed By: Plaintiff Estate of Jane Doe <i>Notice of Withdrawal of Motion to Consolidate</i>
12/30/2009	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe
01/07/2010	 Notice Filed By: Plaintiff Estate of Jane Doe











DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**














*Notice of Lifting Stay*

01/13/2010	<b>CANCELED Motion to Consolidate</b> (3:00 AM) (Judicial Officer: Walsh, Jessie) <i>Vacated - per Law Clerk</i> <i>Change Slip 1/12/10</i>
01/15/2010	 Notice of Supplemental Early Case Conference Filed By: Plaintiff Estate of Jane Doe
01/22/2010	 Scheduling Order
01/27/2010	 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call
02/19/2010	 Notice of Deposition <i>Notice of Deposition of Custodian of Records of Clark County District Attorney</i>
02/19/2010	 Consent <i>Consent to Service By Electronic Means</i>
02/19/2010	 Notice of Deposition <i>Notice of Deposition of Custodian of Records of Rawson-Neal Psychiatric Hospital</i>
03/01/2010	 Consent to Service By Electronic Means <i>Consent to Service By Electronic Means</i>
03/02/2010	 Supplement to Early Case Conference List <i>Plaintiff's Second Supplement to Early Case Conference Disclosures</i>
03/02/2010	 Supplement to Early Case Conference List <i>Plaintiff's Third Supplement to Early Case Conference Disclosures</i>
03/02/2010	 Affidavit of Service <i>Affidavit of Service</i>
03/02/2010	 Affidavit of Service <i>Affidavit of Service</i>
03/04/2010	 Amended Joint Case Conference Report <i>Amended Joint Case Conference Report</i>
03/04/2010	 Notice to Appear for Discovery Conference <i>Notice to Appear for Discovery Conference</i>
03/10/2010	 Notice of Deposition <i>Notice of Deposition of Custodian of Records of Las Vegas Metropolitan Police Department</i>
03/12/2010	 Supplement to Early Case Conference List <i>Plaintiff's Fourth Supplement to Early Case Conference Disclosures</i>
03/15/2010	 Motion for Protective Order <i>Defendant Steven Dale Farmer's Motion for Protective Order</i>














DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

03/16/2010	 Affidavit of Service <i>Affidavit of Service</i>
03/16/2010	 Notice of Motion Filed By: Defendant Farmer, Steven Dale
03/17/2010	 Supplement to Early Case Conference List <i>Plaintiff's Fifth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
03/23/2010	 Notice of Vacating Deposition <i>Notice of Vacating Deposition of Custodian of Records of Las Vegas Metropolitan Police Department</i>
03/25/2010	 Opposition to Motion <i>Plaintiff's Opposition to Defendant Steven Farmers Motion for Protective Order</i>
03/26/2010	<b>CANCELED Discovery Conference</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
04/02/2010	 Joinder To Motion <i>Plaintiff Roxanne Cagnina s Joinder to Defendant Steven Farmer s Motion for Protective Order</i>
04/09/2010	 Reply to Motion <i>Defendant Steven Dale Farmer's Reply in Support of Motion for Protective Order</i>
04/14/2010	<b>CANCELED Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - On In Error set in error</i>
04/16/2010	<b>Motion for Protective Order</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) Events: 03/15/2010 Motion for Protective Order <i>Defendant Steven Dale Farmer's Motion for Protective Order</i>
04/16/2010	<b>Joinder</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) Events: 04/02/2010 Joinder To Motion <i>Pltf Roxanne Cagnina's Joinder to Deft Steven Farmey's Motion for Protective Order</i>
04/16/2010	 <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Deft Steven Farmey's Motion for Protective Order.....Pltf Roxanne Cagnina's Joinder to Deft Steven Farmey's Motion for Protective Order</i>
04/26/2010	 Affidavit of Service <i>Affidavit of Service</i>
05/13/2010	 Supplement to List of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Sixth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
06/25/2010	 Stipulation to Extend Discovery Party: Defendant American Nursing Services Inc <i>Stipulation and Order to Extend Discovery and Continue Trial</i>
06/30/2010	 Amended Order Setting Jury Trial <i>Amended Order Setting Jury Trial Pre-Trial Conference and Calendar Call</i>







DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

07/02/2010	 Notice of Entry of Stipulation and Order Filed By: Defendant American Nursing Services Inc <i>Notice of Entry of Stipulation and Order to Extend Discovery and Continue Trial (First Request)</i>
08/18/2010	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Yahoo! Inc.</i>
08/19/2010	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Rontraneice Theard</i>
08/19/2010	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of L. Elrington, LPN</i>
08/26/2010	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service</i>
08/30/2010	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service as to Yahoo! Inc.</i>
08/31/2010	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Deposition of Rontraneice Theard</i>
09/02/2010	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Deposition of Ilina Elrington, LPN</i>
09/22/2010	 Notice of Change of Firm Name Filed By: Defendant Farmer, Steven Dale
09/30/2010	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Ilina Elrington, LPN</i>
10/18/2010	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Custodian of Records of Rawson-Neal Psychiatric Hospital</i>
10/22/2010	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service As to Rawson-Neal Psychiatric Hospital</i>
11/08/2010	 Notice of Taking Deposition Filed By: Defendant Farmer, Steven Dale <i>Notice of Taking Deposition of Plaintiff, Jane Doe</i>
11/10/2010	

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

	 Motion for Protective Order Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion for Protective Order</i>
11/16/2010	 Receipt of Copy Filed by: Plaintiff Estate of Jane Doe <i>Receipt of Copy</i>
11/30/2010	 Opposition to Motion For Protective Order Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Opposition to Plaintiff's Motion for Protective Order</i>
12/06/2010	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Deposition of Michelle Simmons</i>
12/09/2010	 Receipt of Copy Filed by: Plaintiff Estate of Jane Doe <i>Receipt of Copy</i>
12/09/2010	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Plaintiff's Reply to Defendant Steven Farmer's Opposition to Plaintiff's Motion for Protective Order</i>
12/15/2010	<b>CANCELED Calendar Call</b> (8:30 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - per Order</i>
12/15/2010	 <b>Motion for Protective Order</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) Events: 11/10/2010 Motion for Protective Order <i>Plaintiff's Motion for Protective Order</i>
12/29/2010	 Notice of Vacating Deposition Filed By: Defendant Farmer, Steven Dale <i>Notice of Vacating Deposition of Plaintiff, Jane Doe</i>
01/03/2011	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - per Order</i>
01/05/2011	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Michelle Simmons</i>
01/21/2011	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Estate of Jane Doe
01/26/2011	 Notice of Entry Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Discovery Commissioner's Report and Recommendations</i>
05/10/2011	 Order Setting Pre-Trial Conference Time <i>Order Setting Pre-Trial Conference Time</i>
05/18/2011	 <b>Status Check: Status of Case</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie)














DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

	<i>Status Check: Status of Case</i>
07/01/2011	<b>CANCELED Pre Trial Conference</b> (10:50 AM) <i>Vacated - per Commissioner</i> <i>criminal trial reset</i>
07/20/2011	<b>CANCELED Calendar Call</b> (8:32 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - per Commissioner</i> <i>criminal trial reset</i>
07/25/2011	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - per Commissioner</i> <i>criminal trial reset</i>
12/02/2011	 <b>Status Check: Status of Case</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Status Check: Status of Case</i>
01/05/2012	 Discovery Commissioners Report and Recommendations Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Discovery Commissioner's Report and Recommendations</i>
01/05/2012	 Notice of Entry of Order Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Notice of Entry of Order</i>
03/05/2012	 Motion Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion to Lift Stay on Order Shortening Time</i>
03/06/2012	 Certificate of Service Filed by: Plaintiff Estate of Jane Doe <i>Certificate of Service</i>
03/09/2012	<b>Status Check: Status of Case</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <b>03/09/2012, 04/25/2012</b> <i>Status Check: Status of Case</i>
03/09/2012	<b>Motion</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <b>03/09/2012, 04/25/2012</b> Events: 03/05/2012 Motion <i>Pltf's Motion to Lift Stay on Order Shortening Time</i>
03/09/2012	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Plaintiff's Motion to Lift Stay on OST ..... Status Check: Status of Case</i>
04/25/2012	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Pltf's Motion to Lift Stay on OST ..... Status Check: Status of Case</i>
06/05/2012	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Mary Jo Solon</i>
06/05/2012	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Matthew Ross</i>














DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

06/13/2012	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Matthew Ross</i>
06/27/2012	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Deposition of Mary Jo Solon</i>
06/27/2012	 <b>Status Check: Status of Case</b> (10:00 AM) (Judicial Officer: Bulla, Bonnie) <b>06/27/2012, 11/28/2012</b>
06/28/2012	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Mary Jo Solon</i>
07/03/2012	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Michelle Simmons</i>
07/18/2012	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Estate of Jane Doe <i>Discovery Commissioner's Report and Recommendations</i>
07/19/2012	 Notice of Entry Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Discovery Commissioner's Report and Recommendations</i>
07/23/2012	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Second Amended Notice of Taking Deposition of Mary Jo Solon</i>
07/23/2012	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Deposition of Matthew Ross</i>
08/29/2012	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Frances V. Rose</i>
08/29/2012	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Raymond McCormick</i>
09/14/2012	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Custodian of Records of Clark County Detention Center</i>
09/14/2012	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Custodian of Records Henderson Detention Center</i>
09/14/2012	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Raymond McCormick</i>

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**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

09/14/2012	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Frances V. Rose</i>
09/18/2012	 Affidavit of Attempted Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Attempted Service of Frances V. Rose</i>
09/19/2012	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Custodian of Records, Clark County Detention Center</i>
09/19/2012	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Custodian of Records, Henderson Detention Center</i>
09/19/2012	 Affidavit of Attempted Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Attempted Service of Raymond McCormick</i>
09/20/2012	 Re-Notice Filed by: Plaintiff Estate of Jane Doe <i>Second Renotice of Taking Deposition of Michelle Simmons</i>
09/27/2012	 Re-Notice Filed by: Plaintiff Estate of Jane Doe <i>Renotice of Taking Deposition of Matthew Ross</i>
10/10/2012	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Deposition of Michelle Simmons</i>
10/16/2012	 Supplement to List of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Seventh Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
12/17/2012	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Person(s) Most Knowledgeable of American Nursing Services, Inc.</i>
01/04/2013	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Deposition of Person(s) Most Knowledgeable of American Nursing Services, Inc.</i>
01/04/2013	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Estate of Jane Doe <i>Application for Issuance of Commission to Take Deposition Out of State</i>
01/17/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Person(s) Most Knowledgeable of Valley Health System LLC</i>

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**CASE SUMMARY**  
**CASE NO. A-09-595780-C**


01/23/2013	 Opposition to Motion For Protective Order Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Motion for Protective Order and Plaintiff's Counter Motion to Compel Deposition, Records and Computers</i>
01/24/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Custodian of Records of Nevada State Board of Nursing</i>
01/24/2013	 Certificate of Mailing Filed By: Plaintiff Estate of Jane Doe <i>Certificate of Mailing</i>
01/25/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Custodian of Records of Rawson-Neal Psychiatric Hospital</i>
01/29/2013	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Custodian of Records, Nevada State Board of Nursing</i>
01/29/2013	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Custodian of Records, Rawson-Neal Psychiatric Hospital</i>
01/30/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Custodian of Records of Buffalo Bill's Resort &amp; Casino</i>
01/31/2013	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Deposition of Person(s) Most Knowledgeable of Valley Health System LLC</i>
01/31/2013	 Motion to Compel Filed By: Plaintiff Estate of Jane Doe <i>Motion to Compel Deposition, Records and Computers</i>
01/31/2013	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Michelle Simmons</i>
02/01/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Tracey L. Heinhold, Esq.</i>
02/01/2013	 Certificate of Mailing Filed By: Plaintiff Estate of Jane Doe <i>Certificate of Mailing</i>
02/04/2013	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Tracey L. Heinhold, Esq.</i>



DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

02/04/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Custodian of Records of Lewis Brisbois Bisgaard &amp; Smith LLP</i>
02/04/2013	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Custodian of Records of Buffalo Bill's Resort &amp; Casino</i>
02/06/2013	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Custodian of Records Lewis Brisbois Bisgaard &amp; Smith LLP</i>
02/15/2013	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Second Amended Notice of Taking Deposition of Person(s) Most Knowledgeable of Valley Health System LLC</i>
02/18/2013	 Change of Address Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Notice of Change of Address</i>
02/19/2013	 Opposition to Motion to Compel Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Opposition To Plaintiff's Motion To Compel And Countermotion For Protective Order</i>
02/19/2013	 Supplemental List of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Eighth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
02/20/2013	 Supplemental Disclosure of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Ninth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
02/22/2013	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Tracey L. Heinhold, Esq.</i>
02/26/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Jeff Maningo, Esq.</i>
02/26/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Amy A. Feliciano, Esq.</i>
02/26/2013	 Supplemental List of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Eleventh Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
02/26/2013	 Supplemental List of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Tenth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>













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**CASE SUMMARY**  
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02/28/2013	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion to Compel and Opposition to Countermotion for Protective Order</i>
03/01/2013	 Opposition to Motion Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant American Nursing Services, Inc.'s Countermotion for Protective Order</i>
03/04/2013	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Reply To Plaintiff's Opposition To Countermotion For Protective Order</i>
03/05/2013	 Motion Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion to Completely Lift Stay and for a Trial Setting</i>
03/05/2013	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Amy Feliciano, Esq.</i>
03/05/2013	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Jeff Maningo, Esq.</i>
03/06/2013	<b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Pltf's Motion to Compel Deposition, Records and Computers</i>
03/06/2013	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Deft American Nursing Services, Inc.'s Opposition To Pltf's Motion To Compel And Countermotion For Protective Order</i>
03/06/2013	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Pltf's Motion to Compel Deposition, Records and Computers ..... Deft American Nursing Services, Inc.'s Opposition / Countermotion For Protective Order</i>
03/06/2013	 Motion Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion to Completely Lift Stay and for a Trial Setting</i>
03/06/2013	 Certificate of Mailing Filed By: Plaintiff Estate of Jane Doe <i>Certificate of Mailing</i>
03/12/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Continued Deposition of Person(s) Most Knowledgeable of Valley Health System LLC</i>
03/12/2013	 Supplemental Disclosure of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Twelfth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>

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**CASE SUMMARY**  
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03/13/2013	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Continued Deposition of Person(s) Most Knowledgeable of Valley Health System LLC</i>
03/19/2013	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Continued Deposition of Person(s) Most Knowledgeable of Valley Health System LLC</i>
03/25/2013	 Opposition Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion to Completely Lift Stay and For Trial Setting</i>
03/27/2013	 Joinder to Opposition to Motion Filed by: Doing Business As Centennial Hills Hospital Medical Center <i>Defendant Valley Health Systems, LLC d/b/a Centennial Hills Hospital Medical Center's Joinder to Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion to Lift Stay and For a Trial Setting</i>
03/28/2013	 Notice Filed By: Plaintiff Estate of Jane Doe <i>Notice of Defendant Steven Dale Farmer's Failure to File Opposition to Plaintiff's Motion to Completely Lift Stay and For Trial Setting</i>
04/02/2013	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion to Completely Lift Stay and for Trial Setting</i>
04/08/2013	<b>CANCELED Motion</b> (3:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - per Law Clerk</i> <i>Plaintiff's Motion to Completely Lift Stay and for a Trial Setting</i>
04/10/2013	<b>Status Conference</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie)
04/10/2013	<b>Motion</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Pltf's Motion to Completely Lift Stay and for a Trial Setting</i>
04/10/2013	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Pltf's Motion to Completely Lift Stay and for a Trial Setting ..... Status Conference</i>
04/11/2013	 Supplement to List of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Thirteenth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
04/12/2013	<b>CANCELED Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
04/24/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Crystal Johnson</i>
04/24/2013	 Notice of Taking Deposition














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	Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Gina L. Christiansen</i>
05/01/2013	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Estate of Jane Doe <i>Discovery Commissioner's Report and Recommendations</i>
05/03/2013	 Notice of Entry Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Discovery Commissioner's Report and Recommendations</i>
05/03/2013	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Gina L. Christiansen</i>
05/07/2013	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Crystal Johnson</i>
05/17/2013	<b>CANCELED Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
05/20/2013	 Amended Order Setting Jury Trial <i>Second Amended Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call</i>
05/20/2013	 Status Report Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Discovery Status Report</i>
05/20/2013	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Estate of Jane Doe <i>Discovery Commissioner's Report and Recommendations</i>
05/21/2013	 Notice of Entry Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Discovery Commissioner's Report and Recommendations</i>
06/03/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of John F. Bemis, Esq.</i>
06/06/2013	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Custodian of Records, John F. Bemis, Esq.</i>
06/12/2013	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of John F. Bemis, Esq.</i>
06/19/2013	 Motion for Protective Order Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion for Protective Order</i>



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07/02/2013	 Notice of Hearing Filed By: Defendant Valley Health System LLC <i>Notice of Hearing on Motion for Protective Order</i>
07/03/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Custodian of Records of Clark County District Attorney</i>
07/03/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Custodian of Records of Las Vegas Metropolitan Police Department</i>
07/08/2013	 Opposition to Motion For Protective Order Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant Valley Health System, LLC's Motion for Protective Order</i>
07/10/2013	 Affidavit of Service <i>Affidavit of Service of Custodian of Records, Clark County District Attorney</i>
07/10/2013	 Affidavit of Service <i>Affidavit of Service of Custodian of Records, Las Vegas Metropolitan Police Department</i>
07/17/2013	 Reply in Support Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendant Valley Health Systems, LLC d/b/a Centennial Hills Hospital Medical Center's Reply in Support of Its Motion for Protective Order</i>
07/24/2013	 <b>Motion for Protective Order</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Deft Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion for Protective Order</i>
09/03/2013	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Renotice of Taking Deposition of Person(s) Most Knowledgeable of American Nursing Services, Inc.</i>
09/04/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Harold Collins Suto</i>
09/04/2013	 Discovery Commissioners Report and Recommendations Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Discovery Commissioners Report and Recommendations</i>
09/05/2013	 Notice of Entry of Order Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Notice of Entry of Order</i>
09/06/2013	<b>CANCELED Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
09/10/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Steven Dale Farmer</i>





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09/10/2013	 Suggestion of Death Filed by: Defendant American Nursing Services Inc <i>Suggestion of Death on the Record</i>
09/11/2013	 Answer to Amended Complaint Filed By: Defendant Universal Health Services Inc <i>Defendant Universal Health Services, Inc.'s Answer to Plaintiff's Amended Complaint</i>
09/11/2013	 Supplemental Disclosure of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Fourteenth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
09/11/2013	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Deposition of Steven Dale Farmer</i>
09/20/2013	 Motion to Compel Filed By: Plaintiff Estate of Jane Doe <i>Motion to Compel American Nursing Services, Inc. to Produce Documents</i>
09/20/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Tim Fagan</i>
09/23/2013	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Estate of Jane Doe <i>Application for Issuance of Commission to Take Deposition Out of State</i>
09/23/2013	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Harold Collins Suto</i>
09/23/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Kevin Stockton</i>
09/23/2013	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Person(s) Most Knowledgeable of American Nursing Services, Inc.</i>
09/23/2013	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Steven Dale Farmer</i>
09/23/2013	 Certificate of Mailing Filed By: Plaintiff Estate of Jane Doe <i>Certificate of Mailing</i>
09/23/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Sajit Pullarkat</i>

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09/23/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Karla Perez</i>
09/24/2013	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Deposition of Tim Fagan</i>
09/26/2013	 Motion for Substitution Filed By: Plaintiff Estate of Jane Doe <i>Motion for Substitution of Parties Pursuant to NRCP Rule 25 on Order Shortening Time</i>
09/27/2013	 Certificate of Mailing Filed By: Plaintiff Estate of Jane Doe <i>Certificate of Mailing</i>
10/04/2013	 Association of Counsel Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Notice of Association of Counsel</i>
10/10/2013	 Opposition to Motion Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Opposition To Motion To Compel Production Of Documents</i>
10/11/2013	 Opposition Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Supplement to Opposition to Motion To Compel Production of Documents</i>
10/18/2013	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply To Defendant Opposition To Motion to Compel American Nursing Services Inc. To Produce Documents</i>
10/21/2013	 Opposition Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Second Supplement To Opposition To Motion To Compel Production Of Documents</i>
10/23/2013	 Notice of Entry of Order Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Order Granting Motion for Substitution of Parties Pursuant to NRCP Rule 25</i>
10/23/2013	 Order Granting Motion Filed By: Plaintiff Estate of Jane Doe <i>Order Granting Motion for Substitution of Parties Pursuant to NRCP Rule 25</i>
10/23/2013	 <b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <b>10/23/2013, 11/13/2013, 01/22/2014</b> <i>Pltf's Motion to Compel American Nursing Services, Inc. to Produce Documents</i>
10/23/2013	 Notice of Vacating Deposition

DEPARTMENT 2  
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	Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Kevin Stockton</i>
10/23/2013	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Sajit Pullarkat</i>
10/23/2013	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Deposition of Karla Perez</i>
10/28/2013	<b>CANCELED Motion for Order</b> (9:30 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - per Judge</i> <i>Plaintiff's Motion for Substitution of Parties Pursuant to NRCP Rule 25 on OST</i>
11/05/2013	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Video Deposition of Steven Dale Farmer</i>
11/07/2013	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Videotaped Deposition of Steven Dale Farmer</i>
11/08/2013	 Initial Expert Disclosure Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Initial Designation of Expert Witnesses</i>
11/14/2013	 Supplemental Disclosure of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Fifteenth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
11/19/2013	 Amended Order Setting Jury Trial <i>Fourth Amended Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call</i>
12/27/2013	 Stipulation and Order Filed by: Doing Business As Centennial Hills Hospital Medical Center <i>Stipulation and Order Regarding Five-Year Rule Pursuant to NRCP 41(e)</i>
01/02/2014	 Notice of Entry Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Notice of Entry of Order</i>
01/02/2014	 Supplemental Disclosure of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Sixteenth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
01/14/2014	 Motion for Partial Summary Judgment Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion for Partial Summary Judgment As to Defendant Steven Dale Farmer</i>
01/15/2014	 Certificate of Mailing Filed By: Plaintiff Estate of Jane Doe <i>Certificate of Mailing</i>













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01/30/2014	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Custodian of Records of General Counsel of the Navy</i>
01/30/2014	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Johnette Spellman</i>
01/30/2014	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Connie Brown</i>
01/30/2014	 Joinder to Opposition to Motion Filed by: Plaintiff Estate of Jane Doe <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Joinder to Co-Defendant, Steven Farmer's, Opposition to Motion for Summary Judgment and Countermotion for Stay, In Conjunction with Requet for Alternative Relief</i>
01/30/2014	 Supplemental Disclosure of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Seventeenth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
01/31/2014	 Opposition and Countermotion Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Opposition to Plaintiff's Motion for Partial Summary Judgment as to Defendant Steven Dale Farmer and Counter-Motion for Stay of Civil Action Pending Criminal Case</i>
01/31/2014	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Depositions</i>
02/03/2014	 Joinder to Opposition to Motion Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Joinder To Defendant Steven Dale Farmer's Opposition To Plaintiff's Motion For Partial Summary Judgment As To Defendant Steven Dale Farmer And Counter-Motion For Stay Of Civil Action Pending Criminal Case</i>
02/03/2014	 Joinder Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Joinder To Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Request For Alternative Relief</i>
02/10/2014	 Notice of Vacating Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Vacating Depositions</i>
02/11/2014	 Supplemental Disclosure of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Eighteenth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
02/12/2014	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Defendant Steven Dale Farmer's Opposition to Plaintiff's Motion for Partial Summary Judgment As to Steven Dale Farmer</i>













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**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

02/12/2014	 <b>Opposition to Motion</b> Filed By: Plaintiff Estate of Jane Doe <i>Opposition to Steven Dale Farmer's Counter Motion for Stay of Civil Action Pending Criminal Case and the Countermotions of Centennial Hills and American Nursing Services, Inc.</i>
02/19/2014	<b>Motion for Partial Summary Judgment</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Plaintiff's Motion for Partial Summary Judgment As to Defendant Steven Dale Farmer</i>
02/19/2014	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Defendant Steven Dale Farmer's Opposition to Plaintiff's Motion for Partial Summary Judgment as to Defendant Steven Dale Farmer and Counter-Motion for Stay of Civil Action Pending Criminal Case</i>
02/19/2014	<b>Joinder</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Joinder to Co-Defendant, Steven Farmer's, Opposition to Motion for Summary Judgment and Countermotion for Stay, In Conjunction with Request for Alternative Relief Bifurcation</i>
02/19/2014	<b>Joinder</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Defendant American Nursing Services, Inc.'s Joinder To Defendant Steven Dale Farmer's Opposition To Plaintiff's Motion For Partial Summary Judgment As To Defendant Steven Dale Farmer And Counter-Motion For Stay Of Civil Action Pending Criminal Case</i>
02/19/2014	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.)
02/27/2014	 <b>Errata</b> Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Errata to Stipulation and Order Regarding Five-Year Rule Pursuant to NRCP 41(e)</i>
03/05/2014	 <b>Status Check</b> (3:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Status Check: Errata</i>
03/05/2014	<b>CANCELED Status Check</b> (3:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - On in Error</i> <i>Status Check: Errata</i>
04/04/2014	 <b>Order Denying Motion</b> Filed By: Defendant Farmer, Steven Dale <i>Order Denying Plaintiff's Motion for Partial Summary Judgment as to Defendant Steven Dale Farmer and Granting Counter-Motion for Stay of Civil Action Pending Criminal Case</i>
04/07/2014	 <b>Notice of Entry of Order</b> Filed By: Defendant Farmer, Steven Dale <i>Notice of Entry of Order re: Order Denying Plaintiff's Motion for Partial Summary Judgment as to Defendant Steven Dale Farmer and Granting Counter-Motion for Stay of Civil Action Pending Criminal Case</i>
04/25/2014	<b>CANCELED Pre Trial Conference</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - per Judge</i>
05/02/2014	 <b>Supplemental Disclosure of Witnesses &amp; Documents</b> Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Nineteenth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
05/13/2014	 <b>Notice of Association of Counsel</b>




DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

	Filed By: Defendant Farmer, Steven Dale <i>Notice of Association of Counsel</i>
05/14/2014	<b>CANCELED Calendar Call</b> (8:32 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - per Judge</i>
05/14/2014	 <b>Status Check</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <b>05/14/2014, 06/04/2014</b> <i>Status Check: Trial Date</i>
05/19/2014	<b>CANCELED Status Check</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - On in Error</i> <i>Status Check: Reset Trial Date</i>
05/19/2014	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - per Judge</i>
06/10/2014	 Supplemental Disclosure of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Twentieth Supplement to Case Conference Disclosures Pursuant to NRCp 16.1</i>
07/07/2014	 Order Filed By: Plaintiff Estate of Jane Doe <i>Order Lifting Stay</i>
07/08/2014	 Notice of Entry of Order Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Order Lifting Stay</i>
08/01/2014	 Supplemental Disclosure of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Twenty First Supplement to Case Conference Disclosures Pursuant to NRCp 16.1</i>
08/08/2014	 Objection Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Farmer's Objection to Plaintiff's Twenty First Supplement to Case Conference Disclosures</i>
08/22/2014	 Motion for Clarification Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services' Motion For Clarification Of May 1, 2013 Order On An Order Shortening Time</i>
08/29/2014	 Opposition to Motion Filed By: Plaintiff Estate of Jane Doe <i>Plaintiffs' Opposition to Defendant American Nursing Services, Inc.'s Motion for Clarification of May 1, 2013 Order</i>
09/02/2014	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>American Nursing Services, Inc.'s Reply To Opposition To Motion For Clarification On Order Shortening Time</i>
09/03/2014	 <b>Status Check</b> (3:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Status Check: Trial Date</i>











DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

09/03/2014	 <b>Motion for Clarification</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Deft American Nursing Services' Motion For Clarification Of May 1, 2013 Order On an OST</i>
09/03/2014	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Amy A. Feliciano, Esq.</i>
09/08/2014	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit/Declaration of Service of Amy A. Feliciano, Esq. c/o Clark County Public Defender's Office</i>
09/19/2014	 Motion for Protective Order Filed By: Subpoena'd (Non) Party Clark County Public Defender Amy Feliciano <i>Clark County's Motion for Protective Order Quashing Subpoena and Notice of Taking Deposition of Clark County Deputy Public Defender Amy A. Feliciano</i>
09/23/2014	 Affidavit Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Affidavit of James P.C. Silvestri in Response to Discovery Commissioner's Hearing for Status Check on ANS's Production of Documents</i>
09/24/2014	 <b>Status Check</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Status Check: 2.35 Stipulation</i>
09/25/2014	 Application Filed By: Subpoena'd (Non) Party Clark County Public Defender Amy Feliciano <i>Application for Order Shortening Time Re: Clark County's Motion for Protective Order Quashing Subpoena and Notice of Taking Deposition of Clark County Deputy Public Defender Amy A. Feliciano</i>
09/26/2014	 Notice of Hearing Filed By: Subpoena'd (Non) Party Clark County Public Defender Amy Feliciano <i>Notice of Hearing on Application For Order Shortening Time RE: Clark County's Motion For Protective Order Quashing Subpoena and Notice of Taking Deposition of Clark County Deputy Public Defender Amy A. Feliciano</i>
09/29/2014	 Motion for Partial Summary Judgment Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion for Summary Judgment Re: Liability</i>
09/30/2014	 Opposition to Motion For Protective Order Filed By: Plaintiff Estate of Jane Doe <i>Plaintiffs' Opposition to Clark County's Motion for Protective Order Quashing Subpoena and Notice of Taking Deposition of Clark County Deputy Public Defender Amy A. Feliciano</i>
10/01/2014	 <b>Motion for Protective Order</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Application for OST Re: Clark County's Motion for Protective Order Quashing Subpoena and Notice of Taking Deposition of Clark County Deputy Public Defender Amy A. Feliciano</i>
10/03/2014	 Objection to Discovery Commissioners Report and Recommend Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Objection to Discovery Commissioner's Report and Recommendations</i>

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**CASE SUMMARY**  
**CASE NO. A-09-595780-C**


10/08/2014	 Supplement to List of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Twenty-Second Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
10/10/2014	<b>CANCELED Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
10/13/2014	 Opposition to Motion For Summary Judgment Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Limited Opposition to Plaintiff's Motion for Summary Judgment re: Liability</i>
10/14/2014	 Opposition to Motion For Summary Judgment Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants Centennial Hills Hospital and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for Summary Judgment Re: Liability and Joinder to Defendant Steven Dale Farmer's Limited Opposition</i>
10/15/2014	Opposition Filed By: Defendant American Nursing Services Inc <i>American Nursing Services Opposition to Plaintiff's Motion for Summary Judgment re Liability</i>
10/16/2014	 Order Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Order Granting American Nursing Services, Inc. Ex Parte Request to Replace their Opposition to Plaintiff's Motion for Summary Judgment re: Liability with Redacted Version of Opposition</i>
10/16/2014	 Errata Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants Centennial Hills Hospital and Universal Health Services, Inc.'s Errata to Their Opposition to Plaintiff's Motion for Summary Judgment Re: Liability and Joinder to Defendant Steven Dale Farmer's Limited Opposition</i>
10/17/2014	 Notice of Entry of Order Filed By: Defendant American Nursing Services Inc <i>Notice of Entry of Order</i>
10/17/2014	 Redacted Version <i>Redacted version of American Nursing Services Opposition to Plaintiff's Motion for Summary Judgment re Liability</i>
10/21/2014	 Response Filed by: Plaintiff Estate of Jane Doe <i>Response to Defendant American Nursing Services, Inc.'s Objection to Discovery Commissioner's Report and Recommendations</i>
10/22/2014	<b>CANCELED Motion for Protective Order</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - On in Error</i> <i>Clark County's Motion for Protective Order Quashing Subpoena and Notice of Taking Deposition of Clark County Deputy Public Defender Amy A. Feliciano</i>
10/29/2014	 Motion for Summary Judgment Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Motion for Summary Judgment</i>
11/07/2014	<b>CANCELED Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>

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**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

11/07/2014	 Joinder to Motion For Summary Judgment Filed By: Defendant Valley Health System LLC <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Joinder to Defendant American Nursing Services, Inc.'s Motion for Summary Judgment</i>
11/12/2014	 Discovery Commissioners Report and Recommendations Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Discovery Commissioner's Report and Recommendations</i>
11/17/2014	 Notice of Change of Address Filed By: Defendant Farmer, Steven Dale <i>Notice of Change of Address</i>
11/17/2014	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Christine Murray, R.N.</i>
11/18/2014	 Notice of Entry of Order Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Notice of Entry of Order</i>
11/21/2014	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Defendants' Oppositions to Plaintiff's Motion for Summary Judgment Re: Liability</i>
12/03/2014	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <b>12/03/2014, 12/17/2014</b> <i>Plaintiff's Motion for Summary Judgment Re: Liability</i>
12/03/2014	<b>Status Check: Trial Setting</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <b>12/03/2014, 12/17/2014</b>
12/03/2014	<b>CANCELED Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - Per Setting Slip</i> <i>Defendant American Nursing Services, Inc.'s Motion for Summary Judgment</i>
12/03/2014	<b>CANCELED Joinder</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.) <i>Vacated - Per Setting Slip</i> <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Joinder to Defendant American Nursing Services, Inc.'s Motion for Summary Judgment</i>
12/03/2014	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Vega, Valorie J.)
12/09/2014	 Supplemental Disclosure of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Twenty-Third Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
12/09/2014	 Amended Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Deposition of Christine Murray, R.N.</i>
12/10/2014	 Reply to Motion Filed By: Defendant American Nursing Services Inc












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**CASE SUMMARY**  
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*American Nursing Services, Inc.'s Sur-Reply Brief in Opposition to Plaintiff's Motion for Partial Summary Judgment*

12/10/2014	 Supplemental Brief Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants, Centennial and UHS's Supplemental Briefing in Opposition to Plaintiff's Motion for Partial Summary Judgment</i>
12/16/2014	 Acceptance of Service Filed By: Plaintiff Estate of Jane Doe <i>Acceptance of Service on Behalf of Christine Murray, R.N.</i>
12/17/2014	 <b>All Pending Motions</b> (8:32 AM) (Judicial Officer: Vega, Valorie J.)
12/19/2014	 Notice of Taking Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Person(s) Most Knowledgeable of Interstate Fire and Casualty Company</i>
12/19/2014	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Estate of Jane Doe <i>Application for Issuance of Commission to Take Deposition Out of State</i>
12/19/2014	 Supplemental Disclosure of Witnesses & Documents Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Twenty-Fourth Supplement to Case Conference Disclosures Pursuant to NRCP 16.1</i>
12/23/2014	 Commission to Take Deposition Outside the State of Nevada Filed By: Plaintiff Estate of Jane Doe <i>Commission to Take Deposition Outside the State of Nevada</i>
12/31/2014	 Transcript of Proceedings <i>Transcript Re: Plaintiff's Motion for Summary Judgment Re: Liability Status Check: Trial Setting, Wednesday, December 17, 2014</i>
01/05/2015	Judicial Elections 2014 - Case Reassignment <i>District Court Judicial Officer Reassignment 2014</i>
01/12/2015	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service of Person(s) Most Knowledgeable of Interstate Fire and Casualty Company</i>
01/26/2015	 <b>Status Check: Trial Setting</b> (9:30 AM) (Judicial Officer: Scotti, Richard F.)
01/30/2015	 Amended Order Setting Jury Trial <i>First Amended Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call</i>
02/09/2015	 Motion to Compel Filed By: Plaintiff Estate of Jane Doe <i>Motion to Compel Re: Amy A. Feliciano, Esq., On Order Shortening Time</i>
02/18/2015	 Opposition <i>Amy Feliciano and the Clark County Public Defender's Office's Opposition to Plaintiff's</i>











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*Motion to Compel and, in the Alternative, Response to Proposal for Production of Documents*













02/19/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Amy Feliciano and the Clark County Public Defender's Office's Opposition to Plaintiff's Motion to Compel and, in the Alternative, Response to Proposal for Production of Documents on Order Shortening Time</i>
02/19/2015	 Motion to Quash Filed By: Subpoena'd (Non) Party Interstate Fire & Casualty Company <i>Motion to Quash Subpoena; For a Protective Order Barring the Same; and for a Stay</i>
02/20/2015	 <b>Motion to Compel</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Plf's Motion to Compel Re: Amy A. Feliciano , Esq., on OST</i>
02/20/2015	 Re-Notice Filed by: Subpoena'd (Non) Party Interstate Fire & Casualty Company <i>Re-Notice of Motion to Quash Subpoena; For a Protective Order Barring the Same; And for a Stay</i>
02/27/2015	 Order Filed By: Plaintiff Estate of Jane Doe <i>Order on Plaintiff's Motion for Summary Judgment Re: Liability</i>
02/27/2015	<b>Partial Summary Judgment</b> (Judicial Officer: Scotti, Richard F.) Debtors: Steven Dale Farmer (Defendant) Creditors: Estate of Jane Doe (Plaintiff), Misty (Special Administrator) Petersen (Plaintiff) Judgment: 02/27/2015, Docketed: 03/05/2015
03/02/2015	 Notice of Entry of Order Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Order on Plaintiff's Motion for Summary Judgment Re: Liability</i>
03/02/2015	 Joinder To Motion Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services' Joinder to Interstate Fire &amp; Casualty Company's Motion to Quash Subpoena; for a Protective Order Barring the Same; and for a Stay</i>
03/05/2015	 Opposition to Motion Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Interstate Fire &amp; Casualty Company's Motion to Quash Subpoena; for a Protective Order Barring the Same; and for a Stay</i>
03/18/2015	 Notice of Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Margaret Wolfe, R.N.</i>
03/18/2015	 Notice of Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Renato Sumera, R.N.</i>
03/18/2015	 Reply to Opposition Filed by: Subpoena'd (Non) Party Interstate Fire & Casualty Company <i>Interstate Fire and Casualty Company's Reply to Plaintiff's Opposition</i>



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**CASE SUMMARY**  
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03/19/2015	 Joinder Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services' Joinder to Interstate Fire &amp; Casualty Company's Reply to Opposition to Motion to Quash Subpoena; For A Protective Order Barring the Same; and for a Stay</i>
03/19/2015	 Notice of Deposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Taking Deposition of Lorraine Wescott, RN</i>
03/19/2015	 Motion to Compel Filed By: Plaintiff Estate of Jane Doe <i>Motion to Compel Defendant Valley Health System LLC</i>
03/20/2015	<b>CANCELED Status Check: Compliance</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
03/23/2015	<b>CANCELED Motion to Quash</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated - On in Error</i> <i>Interstate Fire &amp; Casualty Co.'s Motion to Quash Subpoena; For a Protective Order Barring the Same; and for a Stay</i>
03/25/2015	 <b>Motion to Quash</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Re-Notice of Interstate Fire &amp; Casualty Co. s Motion to Quash Subpoena; For a Protective Order Barring the Same; And for a Stay</i>
03/25/2015	 Notice of Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Deposition of Margaret Wolfe</i>
03/25/2015	 Notice of Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Deposition Renato Sumera</i>
03/25/2015	 Notice of Deposition Filed By: Plaintiff Estate of Jane Doe <i>Amended Notice of Taking Deposition of L. Wescott, R.N.</i>
04/09/2015	 Opposition Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendant Valley Health System, LLC doing business as Centennial Hills Hospital's Opposition to Plaintiff's Motion to Compel and Countermotion for Protective Order Pursuant to NRCP 26(c)</i>
04/15/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Opposition to Motion to Compel Defendant Valley Health System, LLC--Opposition to Countermotion</i>
04/16/2015	 Discovery Commissioners Report and Recommendations Filed By: Subpoena'd (Non) Party Clark County Public Defender Amy Feliciano <i>Discovery Commissioner's Report and Recommendations</i>
04/22/2015	<b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Pltf's Motion to Compel Deft Valley Health System LLC</i>

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**CASE SUMMARY**  
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04/22/2015	<b>Opposition and Counter-motion</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Deft Valley Health System, LLC doing business as Centennial Hills Hospital's Opposition to Plaintiff's Motion to Compel and Counter-motion for Protective Order Pursuant to NRCP 26(c)</i>
04/22/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Pltf's Motion to Compel Deft Valley Health System LLC..... Deft Valley Health System, LLC doing business as Centennial Hills Hospital's Opposition to Plaintiff's Motion to Compel and Counter-motion for Protective Order Pursuant to NRCP 26(c)</i>
04/24/2015	 <b>Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie)
04/28/2015	 Notice Filed By: Defendant Valley Health System LLC <i>Defendants' Centennial Hills Hospital and Universal Health Services, Inc.'s Notice of Filing Petition for Writ of Mandamus and/or Prohibition</i>
04/29/2015	 Motion for Sanctions Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion for NRCP 37 Sanctions Against Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, LLC</i>
05/13/2015	 Opposition to Motion Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for NRCP 37 Sanctions</i>
05/13/2015	<b>CANCELED Status Check: Compliance</b> (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
05/13/2015	 <b>Status Check</b> (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Status Check: Discovery</i>
05/18/2015	 Motion for Summary Judgment Filed By: Plaintiff Estate of Jane Doe <i>Motion for Summary Judgment Against Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.</i>
05/21/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for NRCP 37 Sanctions</i>
05/27/2015	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Estate of Jane Doe <i>Application for Issuance of Commission to Take Deposition Out of State</i>
05/28/2015	 Discovery Commissioners Report and Recommendations Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Discovery Commissioner's Report and Recommendations</i>
05/29/2015	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Estate of Jane Doe <i>Discovery Commissioners Report and Recommendations</i>
06/03/2015	 <b>Motion for Sanctions</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie)













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**CASE SUMMARY**  
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*Pltf's Motion for NRCP 37 Sanctions Against Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, LLC*

06/04/2015	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Estate of Jane Doe <i>Amended Application for Issuance of Commission to Take Deposition Out of State</i>
06/05/2015	 Opposition to Motion For Summary Judgment Filed By: Defendant Valley Health System LLC <i>Defendants Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for Summary Judgment Against Valley Health System LLC dba Centennial Hills Hospital Medical Center and Universal Health Services, Inc.</i>
06/08/2015	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Estate of Jane Doe <i>Application for Issuance of Commission to Take Deposition out of State</i>
06/09/2015	 Notice Filed By: Defendant American Nursing Services Inc <i>Notice of Vacating Motion to Increase Security of Costs</i>
06/12/2015	<b>CANCELED Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
06/23/2015	 Order Setting Settlement Conference <i>Order Setting Settlement Conference</i>
06/24/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Defendants Centennial Hills Hospital Medical Center's and Universal health Services Inc's Opposition to Plaintiff's Motion for Summary Judgment Against Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.</i>
06/25/2015	 Discovery Commissioners Report and Recommendations Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Discovery Commissioner's Report and Recommendations</i>
06/26/2015	 <b>Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie)
06/29/2015	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Estate of Jane Doe <i>Application for Issuance of Commission to Take Deposition Out of State</i>
07/01/2015	 <b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Motion for Summary Judgment Against Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.</i>
07/02/2015	 Motion Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Motion for Protective Order</i>
07/06/2015	 Motion Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's</i>

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*Amended Motion for Protective Order (To Be Heard Before the Honorable Discovery Commissioner, Bonnie Bulla)*

07/07/2015	 Order Denying Motion Filed By: Plaintiff Estate of Jane Doe <i>Order Denying Plaintiff's Motion for Summary Judgment</i>
07/08/2015	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Estate of Jane Doe <i>Application for Issuance of Commission to Take Deposition Out of State</i>
07/08/2015	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Estate of Jane Doe <i>Application for Issuance of Commission to Take Deposition Out of State</i>
07/09/2015	 Acceptance of Service Filed By: Plaintiff Estate of Jane Doe <i>Acceptance of Service Carol Butler</i>
07/10/2015	 Motion for Relief Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion for Relief from Judgment for Order Per NRCP 60</i>
07/10/2015	 Motion for Partial Summary Judgment Filed By: Plaintiff Estate of Jane Doe <i>Motion for Partial Summary Judgment Against American Nursing Services, Inc</i>
07/15/2015	 Motion for Leave to File Party: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion for Leave to File Motion for Rehearing</i>
07/17/2015	 Application for Issuance of Commission to Take Deposition Party: Plaintiff Estate of Jane Doe <i>Application for Issuance of Commission to Take Deposition Out of State</i>
07/17/2015	 Motion Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Motion to Enlarge Time for Purposes of Reconsideration</i>
07/20/2015	 Affidavit of Due Diligence Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Due Diligence</i>
07/21/2015	 Opposition to Motion For Protective Order Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Amended Motion for Protective Order</i>
07/22/2015	Motion for Summary Judgment Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Motion for Summary Judgment</i>
07/22/2015	 Redacted Version <i>Redacted version of Motion for Summary judgment per order 08/06/15</i>









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07/24/2015	 Joinder Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants Valley Health System, LLC D/B/A Centennial Hills Hospital Medical Center's and Universal Health Services, Inc.'s Joinder to Defendant American Nursing Services, Inc.'s Motion to Enlarge Time for Purposes of Reconsideration</i>
07/27/2015	 Order Shortening Time Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Motion for Protective Order on OST</i>
07/27/2015	 Countermotion For Summary Judgment Filed By: Defendant American Nursing Services Inc <i>American Nursing Services, Inc.'s Opposition to Plaintiff's Motion for Partial Summary Judgment Against American Nursing Services, Inc. and Counter-Motion for Summary Judgment</i>
07/27/2015	 Opposition Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants Centennial Hills Hospital and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for Relief from Judgment or Order Per NRCP 60</i>
07/27/2015	 Discovery Commissioners Report and Recommendations <i>Discovery Commissioner's Report and Recommendations</i>
07/27/2015	 Notice Filed By: Plaintiff Estate of Jane Doe <i>Notice of Payment Made</i>
07/27/2015	<b>Sanctions</b> (Judicial Officer: Scotti, Richard F.) Debtors: Estate of Jane Doe (Plaintiff), Misty (Special Administrator) Petersen (Plaintiff) Creditors: Legal Aid of Southern Nevada Pro Bono Project (Other) Judgment: 07/27/2015, Docketed: 08/03/2015 Total Judgment: 200.00
07/28/2015	 Receipt of Copy Filed by: Doing Business As Centennial Hills Hospital Medical Center <i>Receipt of Copy</i>
07/28/2015	 Opposition to Motion For Protective Order Filed By: Plaintiff Estate of Jane Doe <i>Opposition to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Motion for Protective Order on OST</i>
07/29/2015	<b>CANCELED Motion for Protective Order</b> (10:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated</i> <i>Deft Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Amended Motion for Protective Order (To Be Heard Before the Honorable Discovery Commissioner, Bonnie Bulla)</i>
07/30/2015	 Objection to Discovery Commissioners Report and Recommend Filed By: Defendant Valley Health System LLC <i>Defendants Valley Health Systems LLC dba Centennial Hills Hospital Medical Center and Universal Health Services Inc's Objection to Discovery Commissioner Report and Recommendation</i>

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**CASE SUMMARY**  
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07/31/2015	 Reply in Support Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendant Valley Health System, LLC dba Centennial Hills Hospital Medical Center's Reply In Support of Its Amended Motion for Protective Order</i>
07/31/2015	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
07/31/2015	 Opposition to Motion Filed By: Plaintiff Estate of Jane Doe <i>Opposition to Defendant American Nursing Services, Inc's Motion to Enlarge Time for Purposes of Reconsideration</i>
08/03/2015	 Joinder Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Centennial Hills Hospital and Universal Health Services, Inc.'s Joinder to Defendant American Nursing Services, Inc.'s Motion for Summary Judgment</i>
08/03/2015	 Amended Order Setting Jury Trial <i>Amended Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call</i>
08/03/2015	 Opposition Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Centennial Hills Hospital and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for Leave to File Motion for Rehearing</i>
08/03/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Opposition to Motion Relief from Judgment or Order Per NRCP 60</i>
08/04/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings - Plaintiffs' Motion for NRCP 37 Sanctions Against Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services - heard on June 3, 2015</i>
08/04/2015	 Initial Appearance Fee Disclosure Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Centennial Hills Hospital and Universal Health Services, Inc.'s Initial Appearance Fee Disclosure for Their Joinder to Defendant American Nursing Services, Inc.'s Motion for Summary Judgment</i>
08/04/2015	 Order <i>Order Setting Evidentiary Hearing</i>
08/05/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply/Opposition to Defendant American Nursing Services, Inc's Opposition to Plaintiff's Motion for Partial Summary Judgment Against American Nursing Services, Inc., and Counter-Motion for Summary Judgment</i>
08/06/2015	 Order Filed By: Defendant American Nursing Services Inc <i>Order Redacting Defendant American Nursing Services, Inc.'s Motion for Summary Judgment</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

08/07/2015	 <b>Motion for Protective Order</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Deft Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's Motion for Protective Order</i>
08/10/2015	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Estate of Jane Doe <i>Opposition to Defendant American Nursing Services, Inc.'s Motion for Summary Judgment</i>
08/12/2015	 <b>Motion for Relief</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <b>08/12/2015, 08/28/2015</b> <i>Plaintiff's Motion for Relief from Judgment or Order Per NRCP 60</i>
08/12/2015	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service</i>
08/12/2015	 Affidavit of Service Filed By: Plaintiff Estate of Jane Doe <i>Affidavit of Service</i>
08/12/2015	<b>Settlement Conference</b> (9:00 AM)
08/18/2015	 Motion for Partial Summary Judgment Filed By: Plaintiff Estate of Jane Doe <i>Motion for Partial Summary Judgment</i>
08/19/2015	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Estate of Jane Doe <i>Discovery Commissioners Report and Recommendation</i>
08/19/2015	<b>Sanctions</b> (Judicial Officer: Scotti, Richard F.) Debtors: Universal Health Services Inc (Defendant) Creditors: Estate of Jane Doe (Plaintiff), Misty (Special Administrator) Petersen (Plaintiff) Judgment: 08/19/2015, Docketed: 08/26/2015 Total Judgment: 9,000.00
08/19/2015	<b>Sanctions</b> (Judicial Officer: Scotti, Richard F.) Debtors: Universal Health Services Inc (Defendant) Creditors: Legal Aid of Southern Nevada Pro Bono Project (Other) Judgment: 08/19/2015, Docketed: 08/26/2015 Total Judgment: 9,000.00
08/21/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Reply to Plaintiff's Opposition to Motion for Summary Judgment and Reply to Plaintiff's Opposition to Countermotion for Summary Judgment</i>
08/24/2015	<b>Motion for Leave</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Plaintiff's Motion for Leave to File Motion for Rehearing</i>
08/24/2015	<b>Motion</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Motion to Enlarge Time for Purposes of Reconsideration</i>
08/24/2015	<b>Joinder</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.)

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

*Defendants Valley Health System, LLC D/B/A Centennial Hills Hospital Medical Center's and Universal Health Services, Inc.'s Joinder to Defendant American Nursing Services, Inc.'s Motion to Enlarge Time for Purposes of Reconsideration*

08/24/2015



List of Witnesses

Filed By: Plaintiff Estate of Jane Doe  
*Planned Witnesses and Order*

08/25/2015



List of Witnesses

Filed By: Doing Business As Centennial Hills Hospital Medical Center  
*Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Planned Witnesses for Evidentiary Hearing*

08/25/2015



Amended

Filed By: Plaintiff Estate of Jane Doe  
*Amended List of Planned Witnesses and Order*

08/25/2015



Order Granting Motion

*Order Granting American Nursing Services, Inc.'s Motion to Enlarge Time for Purposes of Reconsideration*

08/26/2015



Brief

Filed By: Plaintiff Estate of Jane Doe  
*Evidentiary Hearing Brief in Support of the Striking of Defendant Centennial Hills Hospital's Answer to Plaintiff's Amended Complaint and Affirmative Defenses*

08/26/2015



Brief

Filed By: Defendant Valley Health System LLC  
*Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Brief in Support of Their Position Re: Evidentiary Hearing*

08/26/2015



Order

*Order Denying Plaintiff's Motion for Leave to File Motion for Rehearing*

08/26/2015



Notice of Entry of Order

Filed By: Defendant American Nursing Services Inc  
*Notice of Entry of Order Granting American Nursing Services, Inc.'s Motion to Enlarge Time for Purposes of Reconsideration*

08/28/2015

**Motion for Partial Summary Judgment** (9:00 AM) (Judicial Officer: Scotti, Richard F.)

*Motion for Partial Summary Judgment Against American Nursing Services, Inc*

08/28/2015

**Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Scotti, Richard F.)

*Defendant American Nursing Services, Inc.'s Motion for Summary Judgment*

08/28/2015

**Opposition and Countermotion** (9:00 AM) (Judicial Officer: Scotti, Richard F.)

*American Nursing Services, Inc.'s Opposition to Plaintiff's Motion for Partial Summary Judgment Against American Nursing Services, Inc. and Counter-Motion for Summary Judgment*

08/28/2015

**Joinder** (9:00 AM) (Judicial Officer: Scotti, Richard F.)

*Centennial Hills Hospital and Universal Health Services, Inc.'s Joinder to Defendant American Nursing Services, Inc.'s Motion for Summary Judgment*

08/28/2015

**Evidentiary Hearing** (9:00 AM) (Judicial Officer: Scotti, Richard F.)

08/28/2015














**All Pending Motions** (9:00 AM) (Judicial Officer: Scotti, Richard F.)



DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

09/02/2015	 Notice of Rescheduling <i>Notice of Rescheduling Hearing</i>
09/02/2015	 Amended Order Setting Jury Trial <i>Amended Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call</i>
09/04/2015	 Supplement Filed by: Defendant Valley Health System LLC <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Supplemental Briefing in Support of Their Joinder to Defendant American Nursing Services, Inc.'s Motion to Enlarge Time for Purposes of Reconsideration</i>
09/04/2015	 Opposition to Motion For Summary Judgment Filed By: Defendant Valley Health System LLC <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Response in Opposition to Plaintiff's Motion for Partial Summary Judgment</i>
09/04/2015	 Amended Order Setting Jury Trial <i>Amended Order Setting Jury Trial, Pre-Trial Conference and Calendar Call</i>
09/05/2015	 Supplement Filed by: Plaintiff Estate of Jane Doe <i>Plaintiff's Supplemental Brief Regarding the Affirmative Defense of NRS 41.745</i>
09/18/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Defendants' Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc Response in Opposition to Plaintiff's Motion for Partial Summary Judgment</i>
09/18/2015	<b>CANCELED Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
09/23/2015	<b>CANCELED Pre Trial Conference</b> (8:45 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated - per Judge</i>
09/25/2015	 Discovery Commissioners Report and Recommendations Filed By: Plaintiff Estate of Jane Doe <i>Discovery Commissioner's Report and Recommendations</i>
09/25/2015	 Order <i>Order Granting in Part Defendant American Nursing Service, Inc.'s Motion to Amend This Court's Order of 2/27/15</i>
09/28/2015	 Notice of Entry of Order Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Order Granting in Part Defendant American Nursing Services, Inc's Motion to Amend this Court's Order of 2/27/15</i>
09/29/2015	 Order Denying Motion Filed By: Plaintiff Estate of Jane Doe <i>Order Denying ANS's Motion for Summary Judgment</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

09/30/2015	 <b>Motion for Partial Summary Judgment</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Plaintiff's Motion For Partial Summary Judgment Against Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center And Universal Health Services, Inc.</i>
10/02/2015	 Order <i>Order Denying ANS'S Motion for Reconsideration of the Court's Findings of Fact and Conclusions of Law Dated February 27, 2015.</i>
10/02/2015	 Motion for Leave to File Party: Plaintiff Estate of Jane Doe <i>Motion for Leave to File Motion for Partial Reconsideration of September 25, 2015, Order</i>
10/05/2015	 Notice of Entry of Order Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Order Denying ANS' Motion for Reconsideration of the Court's Findings of Fact and Conclusions of Law Dated February 27, 2015</i>
10/05/2015	 Order Denying Motion Filed By: Plaintiff Estate of Jane Doe <i>Order Denying Plaintiff Jane Doe's Motion for Summary Judgment Against ANS; Order Denying Defendant ANS's Countermotion for Summary Judgment Against Plaintiff Jane Doe; Order Denying ANS's Motion for Summary Judgment</i>
10/06/2015	 Notice of Entry of Order Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Order Denying Plaintiff Jane Doe's Motion for Summary Judgment Against ANS; Order Denying Defendant ANS's Counter-Motion for Summary Judgment Against Plaintiff Jane Doe; Order Denying ANS's Motion for Summary Judgment</i>
10/07/2015	<b>CANCELED Calendar Call</b> (8:45 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated - per Judge</i>
10/07/2015	 Motion for Leave to File Party: Plaintiff Estate of Jane Doe <i>Motion for Leave to File Motion for Partial Reconsideration of October 5, 2015, Order</i>
10/08/2015	 <b>Minute Order</b> (4:00 PM) (Judicial Officer: Scotti, Richard F.) <i>A595780</i>
10/12/2015	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated - per Judge</i>
10/15/2015	 Recorders Transcript of Hearing <i>Transcript of Plaintiff's Motion for Partial Summary Judgment Against Valley Health System, LLC, d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc. - 9/30/15</i>
10/19/2015	 Opposition Filed By: Defendant Valley Health System LLC <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Opposition in Response to Plaintiff's Motion for Leave to File Motion for Partial Reconsideration of September 25, 2015 Order</i>
10/19/2015	 Motion for Summary Judgment Filed By: Plaintiff Estate of Jane Doe <i>Motion for Summary Judgment Against Valley Health System, LLC d/b/a Centennial Hills</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

*Hospital Medical Center and American Nursing Services, Inc.*











10/19/2015	 Opposition to Motion Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion for Leave to File Motion for Partial Reconsideration of September 25, 2015 Order</i>
10/20/2015	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
10/21/2015	 Motion for Leave to File Party: Defendant Valley Health System LLC <i>Motion for Leave to File Motion for Partial Reconsideration of October 5, 2015 Order</i>
10/21/2015	 Joinder to Opposition to Motion Filed by: Defendant Farmer, Steven Dale <i>Defendant Steven Farmer's Joinder to Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion for Leave to File Motion for Partial Reconsideration of September 25, 2015 Order</i>
10/21/2015	 Joinder to Opposition to Motion Filed by: Defendant Farmer, Steven Dale <i>Defendant Steven Farmer's Limited Joinder to Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for Leave to File Motion for Partial Reconsideration of September 25, 2015 Order</i>
10/23/2015	 Opposition to Motion Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion for Leave to File Motion for Partial Reconsideration of October 5, 2015 Order</i>
10/26/2015	 Opposition Filed By: Defendant Valley Health System LLC <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Opposition in Response to Plaintiff's Motion for Leave to File Motion for Partial Reconsideration of October 5, 2015 Order</i>
10/27/2015	 Joinder to Opposition to Motion Filed by: Defendant Farmer, Steven Dale <i>Defendant Steven Farmer's Joinder to Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center's and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion for Leave to File Motion for Partial Reconsideration of October 5, 2015 Order</i>
10/27/2015	 Joinder to Opposition to Motion Filed by: Defendant Farmer, Steven Dale <i>Defendant Steven Farmer's Joinder to Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion for Leave to File Motion for Partial Reconsideration of October 5, 2015 Order</i>
10/27/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Plaintiff's Combined Reply to Oppositions of Defendants to Plaintiff's Motions for Leave to File Motions for Partial Reconsideration of September 25, 2015 and October 5, 2015 Order</i>
10/30/2015	 Withdrawal

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

	Filed by: Defendant Farmer, Steven Dale <i>Defendant Steven Farmer's Withdrawal of Expert Sandra Higelin, R.N.</i>
11/02/2015	<b>CANCELED Motion for Leave</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated</i> <i>Motion for Leave to File Motion for Partial Reconsideration of September 25, 2015, Order</i>
11/03/2015	 Motion to Amend Complaint Filed By: Plaintiff Estate of Jane Doe <i>Motion to Amend</i>
11/04/2015	 Order <i>Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct</i>
11/04/2015	<b>Motion for Leave</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant's Motion for Leave to File Motion for Partial Reconsideration of October 5, 2015, Order</i>
11/05/2015	 Opposition to Motion For Summary Judgment Filed By: Defendant Valley Health System LLC <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Response in Opposition to Plaintiff's Motion for Summary Judgment</i>
11/05/2015	 Notice of Entry of Order Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct</i>
11/06/2015	 Joinder To Motion Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Joinder To Motion For Leave To File Motion For Partial Reconsideration of October 5, 2015 Order</i>
11/06/2015	 Opposition to Motion Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion for Partial Summary Judgment against American Nursing Services, Inc. and American Nursing Services, Inc.'s Counter-Motion for Partial Summary Judgment</i>
11/09/2015	 Initial Appearance Fee Disclosure Filed By: Defendant American Nursing Services Inc <i>Initial Appearance Fee Disclosure</i>
11/09/2015	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Hardy, Joe) <i>Vacated - On in Error</i>
11/16/2015	 Notice of Association of Counsel Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Notice of Association of Counsel</i>
11/18/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Defendants' Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc., and American Nursing Services, Inc. Oppositions to Plaintiff's Motion For Summary Judgment against Valley Health System, LLC d/b/a</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

*Centennial Hills Hospital Medical Center and American Nursing Services, Inc.*



11/19/2015	 Motion Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Motion for Reconsideration of this Court's November 4, 2015 Order</i>
11/20/2015	 Motion to Strike Filed By: Plaintiff Estate of Jane Doe <i>Motion to Strike Defendant Valley Health's Motion for Reconsideration for Violation of LR 2.24(a)</i>
11/20/2015	 Motion for Summary Judgment Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion for Summary Judgment against American Nursing Services, Inc. Regarding Comparative Fault and Respondeat Superior</i>
11/20/2015	 Motion for Summary Judgment Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Motion For Summary Judgment Regarding Superseding Cause</i>
11/20/2015	 Motion for Summary Judgment Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital and Universal Health Services, Inc.'s Motion for Summary Judgment on Plaintiff's Claims for Exemplary/Punitive Damages Alleged in the Second and Third Causes of Action of Her Amended Complaint</i>
11/20/2015	 Opposition to Motion Filed By: Defendant Valley Health System LLC <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion to Amend her Complaint</i>
11/20/2015	 Application Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Application For Order Shortening Time to Hear Their Motion For Reconsideration of This Court's November 4, 2015 Order</i>
11/23/2015	 Opposition Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Opposition to Motion to Amend Complaint</i>
11/23/2015	<b>CANCELED Motion for Leave</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated</i> <i>Motion for Leave to File Motion for Partial Reconsideration of October 5, 2015 Order</i>
11/23/2015	 <b>Minute Order</b> (3:50 PM) (Judicial Officer: Scotti, Richard F.) <i>Minute Order Re: Plaintiff's Application for Order Shortening Time to Hear Plaintiff's Motion to Strike Defendant Valley Health's Motion for Reconsideration for Violation of LR 2.24(A)</i>
11/23/2015	<b>CANCELED Minute Order</b> (3:50 PM) (Judicial Officer: Scotti, Richard F.) <i>Vacated</i>
11/24/2015	 Receipt of Copy Filed by: Doing Business As Centennial Hills Hospital Medical Center

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**





*Receipt of Copy of Defendant Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Application for Order Shortening Time to Hear Their Motion for Reconsideration of This Court's November 24, 2015 Order*

11/24/2015	 Order Shortening Time Filed By: Defendant Valley Health System LLC <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital and Universal Health Services, Inc.'s Application for Order Shortening Time to Hear Their Motion for Summary Judgment on Plaintiff's Claims for Exemplary/Punitive Damages Alleged in the Second and Third Causes of Action of Her Amended Complaint</i>
11/24/2015	 Order <i>Order Modifying Orders of September 25, 2015 and October 5, 2015</i>
11/24/2015	 Order Denying Filed By: Plaintiff Estate of Jane Doe <i>Order Denying: (1) Plaintiff's Motion for Summary Judgment Against Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and American Nursing Services, Inc.; and (2) American Nursing Services, Inc.'s Counter-Motion for Partial Summary Judgment</i>
11/25/2015	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Plaintiff's Motion for Summary Judgment Against Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and American Nursing Services, Inc.</i>
11/25/2015	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion for Partial Summary Judgment against American Nursing Services, Inc. and American Nursing Services, Inc.'s Counter-Motion for Partial Summary Judgment</i>
11/25/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.)
11/30/2015	 Motion in Limine Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Farmer's Motion in Limine to Preclude Use of his Video Deposition at the Time of Trial</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 1 to Preclude Argument, Testimony, or Evidence of the Prior Sitter Incident Described by Christine Murray</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 2 to Preclude Mention of Alleged Previous or Subsequent Sexual Assaults</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 3 to Preclude Mention of or Introduction of Evidence Regarding the Police Investigation or Report</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 4 Regarding Reptile Tactics</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 5 to Preclude Evidence or Mention of Other Lawsuits Against Valley Health System, LLC and or Centennial Hills Hospital or Any Convictions Not Related to Jane Doe</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 6 to Preclude Mention of Discovery Disputes or Alleged Failures to Provide Information During Discovery</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 7 to Bar Criticism of Any Investigations Conducted Regarding the Cagnina Case</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 8 to Bar Plaintiff from Presenting Liability Witnesses</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 9 to Prohibit Discussion of or Evidence that Defense Counsel Met with Mr. Farmer's Public Defender</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 10 to Prohibit Testimony of Experts Against Individual Nurses</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 11 to Prohibit Reference to Rey Sumera as a Charge Nurse on the Date of the Incident</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 12 to Prohibit Lay Witnesses from Testifying as to the Employability of Steven Farmer</i>
11/30/2015	 Motion in Limine Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Motion in Limine to Exclude Evidence of Liability Insurance</i>
11/30/2015	 Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion in Limine No. 1 Regarding NRS 41.100</i>
11/30/2015	 Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion in Limine No. 2 Regarding Criminal History</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**










11/30/2015	 Motion in Limine Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc's Motion in Limine to Exclude Lay Witnesses from Expressing Expert Opinions</i>
11/30/2015	 Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Motion in Limine No. 3 to Allow the Introduction of Evidence of Insurance</i>
11/30/2015	 Motion in Limine Filed By: Defendant Valley Health System LLC <i>Centennial Hills Hospital's Motion in Limine No. 13 to Prohibit Evidence, Discussion or Testimony Regarding Jane Doe's Depression</i>
11/30/2015	 Reply to Opposition Filed by: Plaintiff Petersen, Misty (Special Administrator) <i>Reply to Defendants' Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc., and American Nursing Services, Inc. Oppositions to Plaintiff's Motion to Amend Complaint</i>
11/30/2015	 Motion in Limine Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Service, Inc.'s Motion In Limine To Preclude Reference to "General Foreseeability" Standard or Evidence Thereof</i>
11/30/2015	 Motion in Limine Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Motion to Exclude Testimony that ANS had legal obligation to report Rawson Neal Allegations</i>
11/30/2015	 Motion in Limine Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Motion to Exclude Post May 14, 2008 Communications and Investigation by ANS</i>
11/30/2015	 Motion in Limine Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Motion to Exclude Reference to Abuse and Other Such Wording Used in ANS'S Incident Reports</i>
11/30/2015	 Motion in Limine Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Motion to Exclude Testimony that ANS had Obligation to Question Rawson Neal Employees or to Involve Itself in Rawson Neal Investigation</i>
11/30/2015	 Notice of Entry of Order Filed By: Defendant American Nursing Services Inc <i>Notice of Entry of Order</i>
11/30/2015	 Motion in Limine Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Motion in Limine to Exclude Evidence of Rawson Neal Allegations</i>














DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

12/01/2015	 Stipulation and Order Filed by: Defendant American Nursing Services Inc <i>Stipulation and Order to Extend Deadlines</i>
12/02/2015	 Opposition to Motion Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition To Defendant's Valley Health System, Llc D/B/A Centennial Hills Hospital Medical Center And Universal Health Services, Inc. Motion For Reconsideration Of Court's November 4, 2015 Order</i>
12/02/2015	 Order Shortening Time Filed By: Defendant Valley Health System LLC <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital and Universal Health Services, Inc.'s Application for Order Shortening Time to Hear Their Motions in Limine</i>
12/02/2015	 Notice of Entry of Stipulation and Order Filed By: Defendant American Nursing Services Inc <i>Notice of Entry of Stipulation and Order</i>
12/03/2015	 Opposition to Motion For Summary Judgment Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's [Partial] Motion for Summary Judgment Against American Nursing Services, Inc. Regarding Comparative Fault and Respondeat Superior</i>
12/03/2015	 Order <i>Order Rescheduling Motions in Limine</i>
12/03/2015	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant American Nursing Services, Inc.'s Motion for Summary Judgment Regarding Superseding Cause</i>
12/03/2015	 Notice of Non Opposition Filed By: Plaintiff Estate of Jane Doe <i>Notice of Non-Opposition to Defendant's Valley Health System, LLC Motion for Summary Judgment on Plaintiff's Claims for Exemplary/Punitive Damages Alleged in the Second and Third Causes of Action of her Amended Complaint</i>
12/04/2015	 Order Filed By: Plaintiff Estate of Jane Doe <i>Order Regarding Plaintiff's Motion to Amend</i>
12/04/2015	 Order <i>Amended Order Rescheduling Motion in Limine</i>
12/04/2015	 Joinder to Opposition to Motion Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Services Joinder to Plaintiff's Opposition to Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services Inc.'s Motion for Reconsideration of Court's November 4, 2015 Order</i>
12/04/2015	 Reply in Support Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Reply in Support of Motion For Reconsideration</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

12/07/2015	<b>CANCELED Motion to Amend</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated</i> <i>Plaintiff's Motion to Amend Complaint</i>
12/07/2015	 <b>Motion For Reconsideration</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Motion for Reconsideration of this Court's November 4, 2015 Order</i>
12/07/2015	 Joinder to Motion in Limine Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 1 to Preclude Argument, Testimony, or Evidence of the Prior Sitter Incident Described by Christine Murray</i>
12/07/2015	 Joinder to Motion in Limine Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 2 to Preclude Mention of Alleged Previous or Subsequent Sexual Assaults</i>
12/07/2015	 Joinder to Motion in Limine Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 3 to Preclude Mention of or Introduction of Evidence Regarding the Police Investigation or Report</i>
12/07/2015	 Joinder to Motion in Limine Filed By: Plaintiff Petersen, Misty (Special Administrator) <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 5 to Preclude Evidence or Mention of Other Lawsuits Against Valley Health System, LLC, and/or Centennial Hills Hospital or Any Convictions Not Related to Jane Doe</i>
12/07/2015	 Joinder to Motion in Limine Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 8 to Bar Plaintiff from Presenting Liability Witnesses</i>
12/07/2015	 Joinder to Motion in Limine Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 9 to Prohibit Discussion of or Evidence that Defense Counsel Met with Mr. Farmer's Public Defender</i>
12/07/2015	 Joinder to Motion in Limine Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 13 to Prohibit Evidence, Discussion or Testimony Regarding Jane Doe's Depression</i>
12/07/2015	 Joinder to Motion in Limine Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Joinder to American Nursing Services, Inc.'s Motion in Limine to Exclude Lay Witnesses from Expressing Expert Opinions</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

12/07/2015	 Joinder to Motion in Limine Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Joinder to American Nursing Services, Inc.'s Motion in Limine to Exclude Evidence of "Rawson Neal Allegations"</i>
12/09/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion for Summary Judgment against American Nursing Services, Inc. Regarding Comparative Fault and Respondeat Superior</i>
12/09/2015	 <b>Motion For Reconsideration</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Motion to Enlarge Time for Purposes of Reconsideration</i>
12/09/2015	 Reply in Support Filed By: Defendant Valley Health System LLC <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital and Universal Health Services, Inc.'s Reply in Support of Their Motion for Summary Judgment on Plaintiff's Claims for Exemplary/Punitive Damages Alleged in the Second and Third Causes of Action to Her Amended Complaint</i>
12/09/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Reply to Opposition to Motion for Summary Judgment Re: Superseding Cause</i>
12/10/2015	 Order Denying Filed By: Defendant Valley Health System LLC <i>Order Denying Motion for Reconsideration</i>
12/10/2015	 Motion Filed By: Plaintiff Estate of Jane Doe <i>Motion for Leave and Motion for Partial Dismissal Per NRCP 41(a)(2) on Order Shortening Time</i>
12/11/2015	 Opposition Filed By: Defendant Valley Health System LLC <i>Centennial Hills Hospital and UHS, Inc.'s Opposition to Plaintiff's Motion in Limine No. 1 Regarding NRS 41.100</i>
12/11/2015	 Opposition Filed By: Defendant Valley Health System LLC <i>Centennial Hills Hospital and UHS, Inc.'s Opposition to Motion in Limine No. 2 Regarding Criminal History</i>
12/11/2015	 Opposition Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System LLC dba Centennial Hills Hospital Medical Center and Universal Health Services Inc's Opposition to Defendant American Nursing Services Inc's Motion to Exclude Testimony that Ans had Legal Obligation to Report Rawson Neal Allegations</i>
12/11/2015	 Joinder Filed By: Defendant Valley Health System LLC <i>Defendant Valley Health System LLC dba Centennial Hills Hospital's Joinder to Defendant</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

*Amercian Nursing Services Inc's Motion in Limine to Exclude Witnesses from Expressing Expert Opinions*

12/11/2015



Joinder

Filed By: Defendant Valley Health System LLC  
*Centennial Hills Hospital's Joinder to Defendant Steven Farmer's Motion in Limine to Preclude Use of HIs Video Deposition at Time of Trial*

12/11/2015



Opposition

Filed By: Defendant American Nursing Services Inc  
*Defendant American Nursing Services, Inc.'s Limited Opposition to Defendant Valley Health System, LLC, d/b/a Centennial Hills Hospital's Motion in Limine No. 8 to Bar Plaintiff from Presenting Liability Witnesses*

12/11/2015



Opposition

Filed By: Defendant American Nursing Services Inc  
*Defendant American Nursing Services Inc.'s Limited Opposition to Defendant Valley Health System, LLC, d/b/a Centennial Hills Hospital's Motion in Limine No. 3 to Preclude Mention of or Introduction of Evidence Regarding the Police Investigation or Report*

12/11/2015



Opposition

Filed By: Defendant American Nursing Services Inc  
*Defendant American Nursing Services, Inc.'s Opposition to Defendant Valley Health System, LLC, d/b/a Centennial Hills Hospital's Motion in Limine No. 1 to Preclude Argument, Testimony, or Evidence of the Prior Sitter Incident Described by Christine Murray*

12/11/2015



Opposition to Motion in Limine

Filed By: Defendant American Nursing Services Inc  
*Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion in Limine No. 2 Regarding Criminal History*

12/11/2015



Opposition to Motion in Limine

Filed By: Defendant American Nursing Services Inc  
*Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion in Limine No. 1 Regarding NRS 41.100*

12/11/2015



Opposition

Filed By: Defendant American Nursing Services Inc  
*Defendant American Nursing Services, Inc.'s Opposition to Plaintiff's Motion in Limine No. 3 to Allow the Introduction of Evidence of Insurance*

12/11/2015



Joinder To Motion

Filed By: Defendant American Nursing Services Inc  
*Defendant American Nursing Services, Inc.'s Joinder to Defendant Steven Farmer's Motion in Limine to Preclude Use of His Video Deposition at The Time of Trial*

12/11/2015



Joinder To Motion

Filed By: Defendant American Nursing Services Inc  
*Defendant American Nursing Services, Inc.'s Joinder to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 6 to Preclude Mention of Discovery Disputes or Alleged Failures to Provide Information During Discovery*













12/11/2015













Joinder To Motion

Filed By: Defendant American Nursing Services Inc  
*Defendant American Nursing Services, Inc.'s Joinder to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 12 to Prohibit Lay Witnesses from Testifying as to the Employability of Steven Farmer*

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**











12/11/2015	 Joinder To Motion Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Joinder to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 4 Regarding Reptile Tactics</i>
12/11/2015	 Joinder To Motion Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Joinder to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 9 to Prohibit Discussion of or Evidence That Defense Counsel Met with Mr. Farmer's Public Defender</i>
12/11/2015	 Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant Steven Farmer's Motion in Limine to Preclude Use of His Video Deposition at the Time of Trial</i>
12/11/2015	 Opposition to Motion Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant American Nursing Services, Inc.'s Motion to Exclude Testimony that ANS had Legal Obligation to Report Rawson Neal Allegations</i>
12/11/2015	 Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant American Nursing Services, Inc.'s Motion in Limine to Exclude Evidence of Liability Insurance</i>
12/11/2015	 Opposition to Motion Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant American Nursing Services, Inc.'s Motion to Exclude Post May 14, 2008 Communications and Investigation by American Nursing Services, Inc.</i>
12/11/2015	 Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant American Nursing Services, Inc.'s Motion in Limine to Preclude Reference to "General Foreseeability" Standard or Evidence Thereof</i>
12/11/2015	 Notice of Entry of Order Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Order Denying Motion for Reconsideration</i>
12/11/2015	 Notice of Entry of Order Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Order Modifying Orders of September 25, 2015 and October 5, 2015</i>
12/11/2015	 Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant American Nursing Services, Inc.'s Motion in Limine to Exclude Evidence of "Rawson Neal Allegations"</i>
12/11/2015	 Notice of Entry of Order Filed By: Plaintiff Estate of Jane Doe <i>Notice of Entry of Order Regarding Plaintiff's Motion to Amend</i>
12/11/2015	 Opposition to Motion

DEPARTMENT 2  
**CASE SUMMARY**  
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	<p>Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant American Nursing Services, Inc.'s Motion to Exclude Testimony that ANS had Obligation to Question Rawson Neal Employees or to Involve Itself in Rawson Neal Investigation</i></p>
12/11/2015	<p> Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant American Nursing Services, Inc.'s Motion in Limine to Exclude Lay Witnesses from Expressing Expert Opinions</i></p>
12/11/2015	<p> Opposition to Motion Filed By: Plaintiff Estate of Jane Doe <i>Opposition to Defendant American Nursing Services, Inc.'s Motion to Exclude Reference to "Abuse" and Other Such Wording Used in ANS's Incident Reports</i></p>
12/11/2015	<p> Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 6 to Preclude Mention of Discovery Disputes or Alleged Failures to Provide Information During Discovery</i></p>
12/11/2015	<p> Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 13 to Prohibit Evidence, Discussion or Testimony Regarding Jane Doe's Depression</i></p>
12/11/2015	<p> Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 12 to Prohibit Lay Witnesses from Testifying as to the Employability of Steven Farmer</i></p>
12/11/2015	<p> Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 11 to Prohibit Reference to Rey Sumera as a Charge Nurse on the Date of the Incident</i></p>
12/11/2015	<p> Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 10 to Prohibit Testimony of Experts against Individual Nurses</i></p>
12/11/2015	<p> Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 9 to Prohibit Discussion of or Evidence that Defense Counsel Met with Mr. Farmer's Public Defender</i></p>
12/11/2015	<p> Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 8 to Bar Plaintiff from Presenting Liability Witnesses</i></p>
12/11/2015	<p> Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe</p>






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**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

*Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 7 to Bar Criticism of Any Investigations Conducted Regarding the Cagnina Case*

12/11/2015	 Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 5 to Preclude Evidence or Mention of Other Lawsuits against Valley Health System, LLC, and or Centennial Hills Hospital or Any Convictions Not Related to Jane Doe</i>
12/11/2015	 Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 4 Regarding Reptile Tactics</i>
12/11/2015	 Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 3 to Preclude Mention of or Introduction of Evidence Regarding the Police Investigation or Report</i>
12/11/2015	 Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 2 to Preclude Mention of Alleged Previous or Subsequent Sexual Assaults</i>
12/11/2015	 Opposition to Motion in Limine Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Opposition to Defendant's Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 1 to Preclude Argument, Testimony, or Evidence of the Prior Sitter Incident Described by Christine Murray</i>
12/11/2015	 Statement Filed by: Plaintiff Estate of Jane Doe <i>Plaintiff's Statement of Facts and Basic Motion in Limine Law Applicable to All Oppositions to Motions in Limine</i>
12/14/2015	 <b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital and Universal Health Services, Inc. 's Motion for Summary Judgment on Plaintiff's Claims for Exemplary/Punitive Damages Alleged in the Second and Third Causes of Action of Her Amended Complaint</i>
12/15/2015	 Joinder To Motion Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Joinder to Co-Defendants' Opposition to Plaintiff's Motion in Limine No 3. to Allow the Introduction of Evidence of Insurance</i>
12/15/2015	 Joinder To Motion Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Joinder to Co-Defendants' Opposition to Plaintiff's Motion in Limine No 2. to Regarding Criminal History</i>
12/15/2015	 Joinder To Motion Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Joinder to Co-Defendants' Opposition to Plaintiff's Motion in</i>

DEPARTMENT 2  
**CASE SUMMARY**  
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*Limine No 1. Regarding NRS 41.100*

12/15/2015	 <b>Objection</b> Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Dale Farmer's Objection to Plaintiff's PreTrial Disclosures and Supplements Thereto</i>
12/16/2015	 <b>Opposition</b> Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Opposition to Defendant Valley Health System, LLC, d/b/a Centennial Hills Hospital's Motion in Limine No. 1 to Preclude Argument, Testimony, or Evidence of the Prior Sitter Incident Described by Christine Murray</i>
12/16/2015	<b>CANCELED Pre Trial Conference</b> (8:45 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated</i>
12/16/2015	<b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated - Superseding Order</i>
12/17/2015	 <b>Joinder To Motion</b> Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Joinder to Defendants Valley Health System, LLC dba Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion in Limine No. 2 Regarding Criminal History</i>
12/17/2015	 <b>Joinder To Motion</b> Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Joinder to Plaintiff's Opposition to Defendant Valley Health System, LLC dba Centennial Hills Hospital's Motion in Limine No. 11 to Prohibit Reference to Rey Sumera as a Charge Nurse on the Date of the Incident</i>
12/17/2015	 <b>Joinder To Motion</b> Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Joinder to Defendants Valley Health System, LLC dba Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Opposition to Plaintiff's Motion in Limine No. 1 Regarding NRS 41.100</i>
12/17/2015	 <b>Reply to Opposition</b> Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 1 to Preclude Argument, Testimony, or Evidence of the Prior Sitter Incident Described by Christine Murray</i>
12/17/2015	 <b>Reply to Opposition</b> Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 2 to Preclude Mention of Alleged Previous or Subsequent Sexual Assaults</i>
12/17/2015	 <b>Reply to Opposition</b> Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 3 to Preclude Mention of or Introduction of Evidence Regarding the Police Investigation or Report</i>
12/17/2015	 <b>Reply to Opposition</b> Filed by: Defendant Valley Health System LLC



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**CASE SUMMARY**  
**CASE NO. A-09-595780-C**








*Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 4 Regarding Reptile Tactics*

12/17/2015	 Reply to Opposition Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 5 to Preclude Evidence or Mention of Other Lawsuits Against Valley Health System, LLC, and or Centennial Hills Hospital or Any Convictions Not Related to Jane Doe</i>
12/17/2015	 Reply to Opposition Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 6 to Preclude Mention of Discovery Disputes or Alleged Failures to Provide Information During Discovery</i>
12/17/2015	 Reply to Opposition Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 7 to Bar Criticism of Any Investigation Conducted Regarding the Cagnina Case</i>
12/17/2015	 Reply to Opposition Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 8 to Bar Plaintiff from Presenting Liability Witnesses</i>
12/17/2015	 Reply to Opposition Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 9 to Prohibit Discussion of or Evidence that Defense Counsel Met with Mr. Farmer's Public Defender</i>
12/17/2015	 Reply to Opposition Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 10 to Prohibit Testimony of Experts Against Individual Nurses</i>
12/17/2015	 Reply to Opposition Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 11 to Prohibit Reference to Rey Sumera as a Charge Nurse on the Date of the Incident</i>
12/17/2015	 Reply to Opposition Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 12 to Prohibit Lay Witnesses from Testifying as to the Employability of Steven Farmer</i>
12/17/2015	 Reply to Opposition Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Plaintiff's Opposition to Its Motion in Limine No. 13 to Prohibit Evidence, Discussion or Testimony Regarding Jane Doe's Depression</i>
12/17/2015	

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

	 Reply to Opposition Filed by: Defendant Valley Health System LLC <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Reply to Defendant American Nursing Services, Inc.'s Oppositions to Motions in Limine No. 1, 3 and 8</i>
12/17/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Reply to Opposition to Motion in Limine to Exclude Lay Witnesses from Expressing Expert Opinions</i>
12/17/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Reply to Plaintiff's Opposition to Motion in Limine to Preclude Reference to "General Foreseeability" Standard or Evidence Thereof</i>
12/17/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Reply to Plaintiff's Opposition to Defendant Valley Health System, LLC dba Centennial Hills Hospital's Motion in Limine No. 6 to Preclude Mention of Discovery Disputes or Alleged Failures to Provide Information During Discovery</i>
12/18/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Combined Reply to Defendants' Valley Health System, LLC and American Nursing Services, Inc. Oppositions to Plaintiff's Motion in Limine No.1 Regarding NRS 41.100, and to Defendant's Steven Farmer Joinder</i>
12/18/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Combined Reply to Defendants' Valley Health System, LLC and American Nursing Services, Inc. Oppositions to Plaintiff's Motion in Limine No.2 Regarding Criminal History, and to Defendant's Steven Farmer Joinder</i>
12/18/2015	 Reply to Opposition Filed by: Plaintiff Estate of Jane Doe <i>Reply to Defendant's American Nursing Services, Inc. Opposition to Plaintiff's Motion in Limine No.3 to Allow the Introduction of Evidence of Insurance, and to Defendant's Steven Farmer Joinder</i>
12/18/2015	 Joinder Filed By: Defendant Farmer, Steven Dale <i>Defendant Steven Farmer's Joinder to Co-Defendant American Nursing Services, Inc.'s Reply to Plaintiff's Opposition to Defendant Steven Farmer's Motion in Limine to Preclude Use of His Video Deposition at the Time of Trial</i>
12/18/2015	 Supplemental Brief Filed By: Plaintiff Estate of Jane Doe <i>Plaintiff's Supplemental Brief Regarding General Foreseeability Issues in the Motion in Limine Regarding Insurance, and, the Motion in Limine Regarding General Foreseeability</i>
12/18/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Reply to Plaintiff's Opposition to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 9 to Prohibit Discussion of or Evidence that Defense Counsel Met with Mr. Farmer's Public Defender</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

12/18/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Reply to Plaintiff's Opposition to Defendant Steven Farmer's Motion in Limine to Preclude Use of His Video Deposition at the Time of Trial</i>
12/18/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Service's Inc.'s Reply to Plaintiff's Opposition to Defendant Valley Health System, LLC dba Centennial Hills Hospital's Motion in Limine No.9 to Prohibit Discussion of or Evidence that Defense Counsel Met with Mr. Farmer's Public Defender</i>
12/18/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>ANS Reply to Plaintiff's Opposition to its Motion to Exclude Reference to "Abuse" and other such wording used in ANS'S Incident Reports</i>
12/18/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>ANS Reply to Plaintiff's Opposition to its Motion to Exclude Testimony that ANS had legal obligation to report Rawson Neal Allegations</i>
12/18/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>ANS Reply to Plaintiff's Opposition to its Motion to Exclude Post May 14, 2008 Communications and Investigation by ANS</i>
12/18/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Reply to Plaintiff's Opposition to its Motion to Exclude Evidence of "Rawson Neal Allegations"</i>
12/18/2015	 Reply to Opposition Filed by: Defendant American Nursing Services Inc <i>ANS Reply to Plaintiff's Opposition to Motion to Exclude Testimony that ANS had an Obligation to Question Rawson Neal Employees or to involve itself in Rawson Neal Investigation</i>
12/21/2015	<b>CANCELED Motion to Strike</b> (3:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated - per Law Clerk</i> <i>Plaintiff's Motion to Strike Defendant Valley Health's Motion for Reconsideration for Violation of LR 2.24(a)</i>
12/21/2015	<b>Motion for Summary Judgment</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Plaintiff's Motion for Summary Judgment against American Nursing Services, Inc. Regarding Comparative Fault and Respondeat Superior</i>
12/21/2015	<b>Motion for Summary Judgment</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Motion For Summary Judgment Regarding Superseding Cause</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Steven Farmer's Motion in Limine to Preclude Use of his Video Deposition at the Time of Trial</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No.</i>

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**CASE SUMMARY**  
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*1 to Preclude Argument, Testimony, or Evidence of the Prior Sitter Incident Described by Christine Murray*

12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 2 to Preclude Mention of Alleged Previous or Subsequent Sexual Assaults</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 3 to Preclude Mention of or Introduction of Evidence Regarding the Police Investigation or Report</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 4 Regarding Reptile Tactics</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 5 to Preclude Evidence or Mention of Other Lawsuits Against Valley Health System, LLC and or Centennial Hills Hospital or Any Convictions Not Related to Jane Doe</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 6 to Preclude Mention of Discovery Disputes or Alleged Failures to Provide Information During Discovery</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 7 to Bar Criticism of Any Investigations Conducted Regarding the Cagnina Case</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 8 to Bar Plaintiff from Presenting Liability Witnesses</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 9 to Prohibit Discussion of or Evidence that Defense Counsel Met with Mr. Farmer's Public Defender</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 10 to Prohibit Testimony of Experts Against Individual Nurses</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 11 to Prohibit Reference to Rey Sumera as a Charge Nurse on the Date of the Incident</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 12 to Prohibit Lay Witnesses from Testifying as to the Employability of Steven Farmer</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Motion in Limine to Exclude Evidence of Liability Insurance</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Plaintiff's Motion in Limine No. 1 Regarding NRS 41.100</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Plaintiff's Motion in Limine No. 2 Regarding Criminal History</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.)

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

*Defendant American Nursing Services, Inc.'s Motion in Limine to Exclude Lay Witnesses from Expressing Expert Opinions*








12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Plaintiff's Motion in Limine No. 3 to Allow the Introduction of Evidence of Insurance</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Centennial Hills Hospital's Motion in Limine No. 13 to Prohibit Evidence, Discussion or Testimony Regarding Jane Doe's Depression</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Service, Inc.'s Motion In Limine To Preclude Reference to "General Foreseeability" Standard or Evidence Thereof</i>
12/21/2015	<b>Motion</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Motion to Exclude Testimony that ANS had legal obligation to report Rawson Neal Allegations</i>
12/21/2015	<b>Motion to Exclude</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Motion to Exclude Post May 14, 2008 Communications and Investigation by ANS</i>
12/21/2015	<b>Motion to Exclude</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Motion to Exclude Reference to Abuse and Other Such Wording Used in ANS'S Incident Reports</i>
12/21/2015	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Motion in Limine to Exclude Evidence of Rawson Neal Allegations</i>
12/21/2015	<b>Motion to Exclude</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Motion to Exclude Testimony that ANS had Obligation to Question Rawson Neal Employees or to Involve Itself in Rawson Neal Investigation</i>
12/21/2015	<b>Motion</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital and Universal Health Services, Inc.'s Application for Order Shortening Time to Hear Their Motions in Limine</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 1 to Preclude Argument, Testimony, or Evidence of the Prior Sitter Incident Described by Christine Murray</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 2 to Preclude Mention of Alleged Previous or Subsequent Sexual Assaults</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 3 to Preclude Mention of or Introduction of Evidence Regarding the Police Investigation or Report</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 5 to Preclude Evidence or Mention of Other Lawsuits Against Valley Health System, LLC, and/or Centennial Hills Hospital or Any Convictions Not Related to Jane Doe</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills</i>

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

*Hospital's Motion in Limine No. 8 to Bar Plaintiff from Presenting Liability Witnesses*

12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 9 to Prohibit Discussion of or Evidence that Defense Counsel Met with Mr. Farmer's Public Defender</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Steven Dale Farmer's Joinder to American Nursing Services, Inc.'s Motion in Limine to Exclude Lay Witnesses from Expressing Expert Opinions</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Steven Dale Farmer's Joinder to American Nursing Services, Inc.'s Motion in Limine to Exclude Lay Witnesses from Expressing Expert Opinions</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Steven Dale Farmer's Joinder to Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 13 to Prohibit Evidence, Discussion or Testimony Regarding Jane Doe's Depression</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Steven Dale Farmer's Joinder to American Nursing Services, Inc.'s Motion in Limine to Exclude Evidence of "Rawson Neal Allegations"</i>
12/21/2015	<b>Motion for Leave</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Plaintiff's Motion for Leave and Motion for Partial Dismissal Per NRCP 41(a)(2) on Order Shortening Time</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health System LLC dba Centennial Hills Hospital's Joinder to Defendant American Nursing Services Inc's Motion in Limine to Exclude Witnesses from Expressing Expert Opinions</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant Valley Health Systems LLC dba Centennial Hills Hospital's Joinder to Defendant Steven Farmer's Motion in Limine to Preclude Use of His Video Deposition at Time of Trial</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Joinder to Defendant Steven Farmer's Motion in Limine to Preclude Use of His Video Deposition at The Time of Trial</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Joinder to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 4 Regarding Reptile Tactics</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Joinder to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 6 to Preclude Mention of Discovery Disputes or Alleged Failures to Provide Information During Discovery</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Joinder to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 12 to Prohibit Lay Witnesses from Testifying as to the Employability of Steven Farmer</i>
12/21/2015	<b>Joinder to Motion in Limine</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.) <i>Defendant American Nursing Services, Inc.'s Joinder to Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital's Motion in Limine No. 9 to Prohibit Discussion of or Evidence That Defense Counsel Met with Mr. Farmer's Public Defender</i>
12/21/2015	<b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Scotti, Richard F.)

DEPARTMENT 2  
**CASE SUMMARY**  
**CASE NO. A-09-595780-C**

12/23/2015	 <b>Minute Order</b> (1:50 PM) (Judicial Officer: Scotti, Richard F.)
12/28/2015	 Joint Pre-Trial Memorandum Filed By: Plaintiff Estate of Jane Doe <i>Joint Pre-Trial Memorandum</i>
12/29/2015	 Objection Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Objections to Plaintiff's Designation of Deposition Testimony of Steven Farmer</i>
12/29/2015	 Motion for Good Faith Settlement Filed By: Defendant American Nursing Services Inc <i>Defendant American Nursing Services, Inc.'s Motion for Good Faith Settlement Determination on Order Shortening Time</i>
12/30/2015	 <b>Calendar Call</b> (8:45 AM) (Judicial Officer: Scotti, Richard F.)
01/04/2016	<b>CANCELED Status Check</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated - On in Error</i> <i>Status Check: Calendar Call/Settlement Documents</i>
01/04/2016	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated</i>
01/04/2016	<b>CANCELED Jury Trial - FIRM</b> (10:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated</i>
02/29/2016	 Notice of Entry of Stipulation & Order for Dismissal Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Notice of Entry of Stipulation and Order for Dismissal With Prejudice</i>
02/29/2016	 Stipulation and Order for Dismissal With Prejudice Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Stipulation and Order for Dismissal with Prejudice</i>
02/29/2016	<b>Order of Dismissal With Prejudice</b> (Judicial Officer: Scotti, Richard F.) Debtors: Estate of Jane Doe (Plaintiff), Misty (Special Administrator) Petersen (Plaintiff) Creditors: Centennial Hills Hospital Medical Center (Doing Business As), Valley Health System LLC (Defendant), Universal Health Services Inc (Defendant), American Nursing Services Inc (Defendant), Steven Dale Farmer (Defendant) Judgment: 02/29/2016, Docketed: 03/07/2016
03/02/2016	<b>CANCELED Motion for Good Faith Settlement</b> (9:00 AM) (Judicial Officer: Scotti, Richard F.) <i>Vacated - Case Closed</i>
03/30/2016	 Notice of Appeal Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Joint Notice of Appeal</i>
03/30/2016	 Case Appeal Statement Filed By: Doing Business As Centennial Hills Hospital Medical Center <i>Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Joint Case Appeal Statement</i>

DEPARTMENT 2  
**CASE SUMMARY**  
CASE NO. A-09-595780-C



# CIVIL COVER SHEET

Clark County, Nevada

Case No.

(Assigned by Clerk's Office)

**A-09-595780-C**

## I. Party Information

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

Attorney (name/address/phone):

Murdock & Associates, Chtd.

520 South 4<sup>th</sup> Street, Las Vegas, NV 89101

384-5563

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

HOSPITAL MEDICAL CENTER AUXILIARY, a Nevada

corporation; VALLEY HEALTH SYSTEM LLC, a Nevada

limited liability company; UNIVERSAL HEALTH SERVICES

FOUNDATION, a Pennsylvania corporation; AMERICAN

NURSING SERVICES, INC., a Louisiana corporation; STEVEN

DALE FARMER, an individual; DOES I through X, inclusive;

and ROE CORPORATIONS I through X, inclusive

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

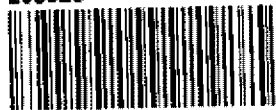
### Probate

### 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"/> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> <b>Breach of Contract</b> <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"/> <b>Civil Petition for Judicial Review</b> <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> <b>Appeal from Lower Court</b> (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> <b>Civil Writ</b> <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> <b>Other Civil Filing</b> <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
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**A-09-595780-C**

**268828**



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

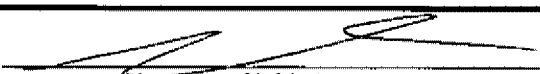
☐ NRS Chapters 78-88  
☐ Commodities (NRS 90)  
☐ Securities (NRS 90)

☐ Investments (NRS 104 Art. 8)  
☐ Deceptive Trade Practices (NRS 598)  
☐ Trademarks (NRS 600A)

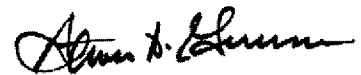
☐ Enhanced Case Mgmt/Business  
☐ Other Business Court Matters

7/23/09

Date

  
Signature of initiating party or representative

1 **ORDR**



CLERK OF THE COURT

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 ESTATE OF JANE DOE, by and through its  
7 Special Administrator, Misty Petersen,

8 Plaintiff,

9 vs.

10 VALLEY HEALTH SYSTEM, LLC, a Nevada  
11 limited liability company, d/b/a CENTENNIAL  
12 HILLS HOSPITAL MEDICAL CENTER;  
13 UNIVERSAL HEALTH SERVICES, INC., a  
14 Delaware corporation; AMERICAN NURSING  
15 SERVICE, INC., a Louisiana corporation;  
16 STEVEN DALE FARMER, an individual;  
17 DOES I through X, inclusive; and ROE  
18 CORPORATIONS I through X, inclusive,

19 Defendants.

Case No.: 09-A-595780-C

Dept. No.: II

Date: August 28, 2015

Time: 9:00 a.m.

**ORDER STRIKING ANSWER OF  
DEFENDANT VALLEY HEALTH  
SYSTEM LLC AS SANCTION FOR  
DISCOVERY MISCONDUCT**

20 **I. SUMMARY OF ORDER**

21 This action involves Plaintiff Jane Doe's claims that she was sexually assaulted by  
22 Nurse Farmer at Centennial Hills Hospital Medical Center on May 14, 2008. Plaintiff Jane  
23 Doe asserted the following two substantive claims against defendant Valley Health System,  
24 LLC d/b/a/ Centennial Hills Hospital Medical Center, and Universal Health Services, Inc.,  
(collectively "Centennial" herein): negligent failure to maintain the premises in a safe  
manner; and *respondeat superior* liability for the sexual assault by Nurse Farmer. *See*  
Amended Complaint, ¶¶ 11-17 (filed August 21, 2009).

25 The Amended Complaint established the relevance and materiality of the following  
26 questions of fact: (a) as to the negligence claim: whether it was reasonably foreseeable to  
27 Centennial, considering the totality of circumstances, that the premises were unsafe (*See* CD  
28 Audio Recording of the Evidentiary Hearing at 10:27:06) (hereinafter "E.H. at

Richard F. Scotti  
District Judge

Department Two  
Las Vegas, NV 89155

1 Hour:Minutes:Seconds”); and (b) as to the *respondeat superior* claim: whether the sexual  
2 assault by Nurse Farmer was reasonably foreseeable under the facts and circumstances of the  
3 case considering the nature and scope of [his] employment. NRS 41.745(1)(c).<sup>1</sup> Thus, in a  
4 general sense, it was critical to both the negligence and *respondeat superior* claims for the  
5 Plaintiff to conduct discovery on the issue whether it was reasonably foreseeable to defendant  
6 Centennial Hills that Nurse Farmer would commit a sexual assault. Plaintiff Jane Doe seeks  
7 sanctions against defendant Centennial for impeding Plaintiff’s ability to acquire critical  
8 evidence on the “reasonable foreseeability” issues.

9 On April 29, 2015, Plaintiff Estate of Jane Doe (“Plaintiff”) moved this Court to  
10 impose sanctions against Defendant Valley Health System, LLC d.b.a. Centennial Hills  
11 Hospital Medical Center (“Centennial”) pursuant to NRCP 37. Plaintiff contended that  
12 Centennial failed to timely disclose that nurses Murray, Wolfe, and Sumera had knowledge of  
13 relevant facts bearing on the most critical issue in this case – whether it was reasonably  
14 foreseeable to Centennial that Mr. Farmer would commit a criminal sexual assault against a  
15 patient. Plaintiff further contended that Centennial concealed from Plaintiff the existence of  
16 statements that nurses Murray and Wolfe gave to the Las Vegas Metropolitan Police  
17 Department (“LVMPD”). These statements are referenced herein as the “Police Statements.”

18 The Discovery Commissioner heard this matter on June 3, 2015, expressed her  
19 findings and recommendations orally at that time and executed the Discovery Commissioner’s  
20 Report and Recommendation (“DCRR”) on July 14, 2014. The Discovery Commissioner  
21 succinctly stated the issue and her findings as follows:

22 [W]hat is at issue is the failure to disclose witnesses, whether or  
23 not failure to disclose identifies of nurses who had information  
24 about Mr. Farmer prior to this case being filed is at a level to  
warrant Rule 37 sanctions and, whether the failures prejudiced  
Plaintiff. . . . The basis of the Motion involves three nurses,

25 <sup>1</sup> For purposes of resolving the motion for sanctions, it is not necessary for this Court to  
26 determine whether the Plaintiff has the burden of proving “reasonable foreseeability” to  
27 recover under NRS 41.745, or the defendant has the burden of proving that the intentional tort  
28 was not reasonably foreseeable as an affirmative defense to avoid liability. In either case,  
whoever has the burden, the pleadings and briefs in this action have very clearly established  
that “reasonable foreseeability” is a relevant and material issue of fact.

Christine Murray, Margaret Wolfe, and Renato Sumera. Ms. Murray and Ms. Wolfe each gave statements to the LVMPD around the time of the sexual assault that resulted in the arrest of Mr. Farmer. Mr. Sumera met with Risk Management afterwards. . . None of the nurses were identified at the initial 16.1. The nurses should have been identified as they were clearly likely to have information discoverable under Rule 26(b). . . . While there is no doubt but that Plaintiff was prejudiced by the delay, the Court is more concerned with the issues of memories that fade. The delay in this matter was not for a short time – this was for 6 or more years. Accordingly, the Court finds that the failure to identify these three nurses has resulted in substantial prejudice sufficient to warrant NRCP 37 sanctions.

(DCRR filed August 17, 2015).

This Court has read and considered all applicable legal briefs of the parties, the Discovery Commissioner's Report and Recommendations, and Defendant Centennial's objection thereto. The Court has also listened to the argument of counsel at the Evidentiary Hearing conducted on August 28, 2015. The Court has considered the exhibits admitted during the Evidentiary Hearing, and the testimony of witnesses provided at the Evidentiary Hearing. The Court has also read and considered the deposition testimony that the parties have asked this Court to consider.

This Court finds that the Discovery Commissioner's factual findings are supported by substantial evidence, and that the Discovery Commissioner properly applied the law. The Court sustains the sanctions imposed by the Discovery Commissioner, and imposes the further sanctions as discussed below.

This Court further finds that, based on evidence that this Court considers to be clear and convincing, Centennial intentionally and willfully (a) violated its discovery obligations under NRCP 16.1 in failing to timely disclose that nurses Murray, Wolfe, and Sumera possessed relevant and material evidence relating to the central issue in this case – whether it was reasonably foreseeable to Centennial that Mr. Farmer would commit a criminal sexual assault on a patient; and (b) violated its duty under NRCP 16.1 to timely disclose the Police Statements which also contained relevant and material evidence relating to the same central issue. The Court also finds that, based on evidence that this Court considers to be clear and convincing, Centennial's misconduct caused extreme unfair prejudice to Plaintiff Jane Doe,

1 and that Centennial's misconduct substantially impaired Plaintiff's ability to discover relevant  
2 evidence and prepare for trial with respect to the issue whether it was reasonably foreseeable  
3 that Mr. Farmer would commit a criminal sexual assault on a patient.

4       **The Court sanctions Defendant Centennial pursuant to NRCP 37 by striking its**  
5 **Answer in this action such that liability is hereby established on Plaintiff Jane Doe's**  
6 **claims against Defendant Centennial for negligence and *respondeat superior*; but**  
7 **Centennial shall still be entitled to defend on the question of the nature and quantum of**  
8 **damages for which it is liable. The procedures to implement this sanction are discussed**  
9 **below in the Conclusion section.**

10       The Court finds that this is the least-onerous sanction that it could impose upon  
11 Centennial and still mitigate the extreme prejudice that Centennial has unfairly and wrongfully  
12 inflicted upon Plaintiff. This sanction is narrowly tailored to address the exact harm caused by  
13 Centennial -- the infliction upon Plaintiff of an inability to conduct proper discovery as to  
14 "reasonable foreseeability" before memories had faded and evidence had either gone stale or  
15 disappeared entirely.

## 16 **II. PROCEDURAL POSTURE OF CASE**

### 17 **A. NATURE OF THE CASE**

18       This is an action by Plaintiff Jane Doe against Valley Health System, LLC d/b/a/  
19 Centennial Hills Hospital Medical center, Universal Health Services, Inc., American Nursing  
20 Service, and Steven Farmer arising out of a criminal sexual assault perpetrated by Certified  
21 Nursing Assistant (hereinafter "CNA") Farmer on a female patient at Centennial on May 14,  
22 2008. Plaintiff filed her Amended Complaint in this matter on or about August 21, 2009.

### 23 **B. DISCOVERY AND TRIAL SETTING**

24       Discovery in this action was conducted from about November 6, 2009 through about  
25 September 15, 2015 except for certain stay periods.

26       This action was stayed from January 21, 2011 until July 18, 2012, and again from  
27 February 29, 2014 through July 4, 2014.

28       This action is set for jury trial commencing on January 4, 2016.

1 Calendar Call is set for December 16, 2015.

2 **C. DISCOVERY HEARING REGARDING SANCTIONS**

3 Plaintiff Jane Doe filed her Motion for NRCP 37 Sanctions against Centennial on  
4 April 29, 2015.

5 This matter came before Discovery Commissioner Bonnie Bulla on June 3, 2015.  
6 Plaintiff Jane Doe asked the Discovery Commissioner to strike Centennial's Answer as a  
7 sanction for its discovery violations. Tr. of Proc. at p. 16, line 20 (June 3, 2015).

8 The Discovery Commissioner executed her Findings of Fact, Conclusions of Law and  
9 Recommendations on July 14, 2014, explaining as follows:

10 The basis of the Motion involves three nurses, Christine Murray,  
11 Margaret Wolfe, and Renato Sumera. Ms. Murray and Ms. Wolfe  
12 each gave statements to the LVMPD around the time of the sexual  
13 assault that resulted in the arrest of Mr. Farmer. Mr. Sumera met  
14 with Risk Management afterwards. Mr. Bemis confirmed that a  
Quality Assurance meeting was held shortly after the incident but  
did not know at the Hearing whether or not any of the individuals  
appeared.

15 None of the nurses were identified at the initial 16.1 The nurses  
16 should have been identified as they were clearly known to  
17 Defendants. The nurses should have been identified per NRCP  
16.1 as the nurses were certainly likely to have information  
discoverable under Rule 26(b). The Court queried Mr. Bemis as to  
why the nurses were not identified but Mr. Bemis could not answer  
the question.

18 The witnesses were certainly important to the matter because they  
19 provide evidence of "notice" regarding Mr. Farmer and his  
20 proclivities.

21 While there is no doubt but that Plaintiff was prejudiced by the  
22 delay in terms of filing motions, the Court is more concerned with  
23 the issues of memories that fade. The delay in this matter was not  
24 for a short period – this was for 6 or more years. Mr. Murdock  
stated that nurse Sumera had a substantial memory lapse and Mr.  
Bemis did not dispute this. Accordingly, the Court finds that the  
failure to identify these three nurses has resulted in substantial  
prejudice sufficient to warrant NRCP 37 sanctions.

25 The Discovery Commissioner recommended sanctions and a further evidentiary  
26 hearing as follows:

27 The UHS Defendants are sanctioned in the amount of One  
28 Thousand Dollars and No/100 (\$1000.00) per unidentified nurse  
(3) for each year not identified (6) for a total of Eighteen Thousand

1 Dollars and No/100 (\$18,000.00). Half of that amount, or Nine  
2 Thousand Dollars and No/100 (\$9,000.00), shall be paid to Barbara  
3 Buckley's Legal Aid Center of Southern Nevada, and the other  
4 half shall be paid to Plaintiff in attorney's fees and costs to offset  
5 additional work done to figure out witnesses to proceed forward.

6 IT IS FURTHER RECOMMENDED THAT because of the time  
7 length involved in UHS' failure to identify the nurses, and the  
8 memory issues that arise as a result, additional sanctions are  
9 warranted. However, the District Court should determine those via  
10 an evidentiary hearing and this Court defers the evidentiary  
11 hearing to the District Court. As such, an evidentiary hearing  
12 before the District Court should be conducted to determine (1) if  
13 case terminating sanctions are appropriate based on the conduct of  
14 failing to disclose witnesses, (2) whether or not that was intention  
15 to thwart the discovery process in this case, and hinder Plaintiff to  
16 discovery the relevant facts, and (3) a failure to let the Court know  
17 what was going on in the case and whether the USH Defendants  
18 misled the Court.

19 The Discovery Commissioner was deeply concerned by the prejudice inflicted upon  
20 Plaintiff by Defendants' failure to disclose the nurses and their Metro Statements,  
21 commenting:

22 That's the prejudice . . . It's the fact that memories fade, and now  
23 we have a situation where we can't go back in time . . . and find  
24 out exactly what they knew, the details of their observations, which  
25 we don't have and, of course, details help you with credibility, to  
26 know what happened. So that's the prejudice, and it's significant."

27 Tr. of Proc., p. 9 (June 3, 2015).

28 The District Court approved and signed the DCRR on August 15, 2015, and filed the  
DCRR on August 17, 2015, setting the Evidentiary Hearing for August 28, 2015.

#### 29 D. THE EVIDENTIARY HEARING

30 The Evidentiary Hearing was conducted on August 28, 2015. Each side presented  
31 opening statements. Plaintiff Jane Doe presented the following witnesses, who were subjected  
32 to examination by both sides: John Bemis and Ken Webster (attorneys with Hall, Prangle,  
33 Schooveld, LLC, counsel for Centennial). The following exhibits were admitted into  
34 evidence: Plaintiff's exhibits 1, 1a-1n, 3-8, 10, 10a, and 11-19, 21-29, 30 (excerpt of  
35 deposition of Carol Butler on June 19, 2015), 31 (excerpt of deposition of nurse Sumera on  
36 May 15, 2015), 32 (excerpt of deposition of nurse Wolfe on May 5, 2015), 33 (excerpt of  
37 deposition of Amy Blasing on July 28, 2015), and 34 (excerpt of deposition of Janet Callahan



1 on August 8, 2015; and Defendant Centennial's Exhs. A (Las Vegas Metropolitan Police  
2 Department file supposedly received by Centennial's counsel on or about May 6, 2013); and B  
3 (plaintiff's 15<sup>th</sup> Supplemental NRCP 16.1 Disclosure in the "RC" case). E.H. at 10:17-25.  
4 Each side presented closing arguments. The entire Evidentiary Hearing took more than half a  
5 day.

### 6 **III. UNDISPUTED FACTS**

#### 7 **THE HIRING AND EMPLOYMENT OF MR. FARMER**

8 1. In May of 2008, Jane Doe was a patient at Centennial. For the purposes of the  
9 undisputed facts that follow, the term "Centennial" shall refer to the hospital facility, as well  
10 as the Defendant, as applicable.

11 2. In May of 2008, Centennial had a contractual agreement whereby American  
12 Nursing Services ("ANS") would provide certain hospital staff, which included CNAs.

13 3. In May of 2008, Mr. Farmer was an agency CNA working at Centennial through  
14 its agreement with ANS.

#### 15 **FARMER'S ASSAULT AGAINST JANE DOE ON MAY 14, 2008**

16 4. On May 14, 2008, ANS sent Mr. Farmer to work at Centennial as a CNA.

17 5. On May 14, 2008, Centennial originally told Mr. Farmer to work in the  
18 Emergency Room.

19 6. In May of 2008, Mr. Farmer wore an employee badge that had his name, ANS,  
20 Centennial, and contract staff written on it.

21 7. At around 21:30 hours on May 14, 2008, while Farmer was working at  
22 Centennial, Centennial staff re-directed Mr. Farmer from the Emergency Room to the sixth  
23 floor to work.

24 8. On May 14, 2008, Jane Doe was on the sixth floor in Room 614 at Centennial.

25 9. On May 14, 2008, in the course and scope of his employment with ANS as a  
26 CNA, and in the course and scope of working at Centennial, it was expected that Farmer  
27 would enter patients' rooms on the sixth floor of Centennial as part of his tasks.

28 . . .

1           10. In addition, Mr. Farmer was expected to give bed baths, clean up stool, clean up  
2 urine, and check monitor leads when requested to do so by a nurse or doctor.

3           11. On May 14, 2008, Mr. Farmer entered Jane Doe's room, Room 614 at Centennial.

4           12. On May 14, 2008, having contact with a patient in the patient's room on the sixth  
5 floor of Centennial was in the course and scope of Farmer's employment with ANS and  
6 Centennial as a CNA.

7           13. Mr. Farmer had contact with Jane Doe in her room on the sixth floor of  
8 Centennial.

9           14. On May 14, 2008, Jane Doe awoke to find Mr. Farmer pinching and rubbing her  
10 nipples telling her that he was fixing her EKG monitor leads.

11           15. Mr. Farmer lifted up Jane Doe's hospital gown.

12           16. Mr. Farmer sexually assaulted Jane Doe by digitally penetrating her anus and  
13 vagina against her will.

14           17. Mr. Farmer sexually assaulted Jane Doe by pinching and rubbing her nipples  
15 against her will.

16           **FARMER'S ASSAULT OF MS. CAGNINA ON MAY 15 & 16, 2008**

17           18. The first criminal investigation of Mr. Farmer began from an incident involving  
18 the patient Roxanne Cagnina at Centennial. The matter involving Mr. Farmer's sexual assault  
19 against Ms. Cagnina, including the Centennial investigation, and the Cagnina lawsuit, is  
20 referenced herein as the "Cagnina Case."

21           19. Ms. Cagnina accused Mr. Farmer of sexually assaulting her while she was a  
22 patient at Centennial on May 15 and 16, 2008 -- beginning the day after Mr. Farmer assaulted  
23 Jane Doe.

24           20. Centennial hired the firm Hall, Prangle, Schooveld, LLC (hereinafter "HPS") to  
25 represent Centennial in the Cagnina Case on or about May 22, 2008. E.H. 9:57:15.

26           21. The HPS attorneys conducted an investigation of Mr. Farmer's conduct with  
27 respect to Ms. Cagnina, including an interview of nurse Wolfe (around mid-June 2008), nurse  
28 Murray (around mid-July 2008), and nurse Sumera (around mid-August). E.H. at 9:57. The

1 HPS attorneys contended at the Evidentiary Hearing that they had no knowledge at the times  
2 of these interviews that Mr. Farmer had assaulted Jane Doe.

3 22. The HPS attorneys had interviewed nurse Murray because she was the nurse  
4 assigned to attend to Ms. Cagnina at the time of the assault by Mr. Farmer. She had relevant  
5 and material information about the facts and circumstances surrounding Mr. Farmer's contact  
6 with Ms. Cagnina at the time of this assault.

7 23. Ms. Cagnina filed a Complaint in Case No. A570756 against Centennial and Mr.  
8 Farmer on September 2, 2008, alleging claims of sexual assault, negligence, intentional  
9 infliction of emotional distress, negligent misrepresentation, and false imprisonment.

#### 10 **THE NURSE STATEMENTS TO THE POLICE**

11 24. Nurse Margaret Wolfe gave a statement to the LVMPD on May 30, 2008.  
12 Plaintiff's Exh. 14 to Evidentiary Hearing. Ms. Wolfe told LVMPD about a conversation she  
13 had with nurse Ray Sumera who, before the assault on Jane Doe, expressed concern that  
14 Farmer was overly attentive to female patients and anxious to connect them to heart monitor  
15 leads, and that Mr. Sumera had asked Wolfe to keep an eye on Farmer. Wolfe Police  
16 Statement at 8. E.H. at 10:36-37.

17 25. Nurse Christine Murray, a Registered nurse at Centennial, gave a recorded  
18 statement to LVMPD on June 13, 2008 regarding Mr. Farmer. Plaintiff's Exh. 13 to  
19 Evidentiary Hearing. Ms. Murray told LVMPD that (a) Mr. Farmer would always ask if he  
20 could help with heart leads (where female breasts would be exposed and possibly touched) (b)  
21 Mr. Farmer was very attentive to and more helpful to female patients over male patients, and  
22 that (c) an incident occurred where Mr. Farmer was working as a "sitter" for an elderly  
23 woman, and the elderly woman was heard yelling: "Get outta here! I don't want you by me!"  
24 Murray Police Statement LVMPD00180-181. Murray Depo. at p. 60. E.H. at 10:35-37.

#### 25 **CENTENNIAL'S INVESTIGATION OF MR. FARMER**

26 26. Upon learning of the Cagnina allegations, Centennial began an "internal  
27 investigation" handled by the "risk and quality management" department. Butler Depo. at  
28 p. 120, lines 20-12.

1           27. Ms. Cagnina had been a patient at Centennial who alleged that Mr. Farmer  
2 sexually assaulted her on May 16, 2008. Exh. 4. Centennial Incident Report dated May 16,  
3 2008.

4           28. On the very day of Mr. Farmer's assault of Ms. Cagnina, the management and  
5 staff of Centennial held a meeting to discuss the allegations; the following persons from  
6 Centennial attended this meeting: the Centennial CEO, the CFO, the COO, the Risk Manager,  
7 and possibly others. Depo. of Pullarkat at pp. 35-36 (8/7/15) (Exh. 23). Depo. of Callihan at  
8 pp. 15-20) (8/18/15) (Exh. 25).

9           29. After the Cagnina incident became public, Plaintiff Jane Doe reported Mr.  
10 Farmer's sexual assault against her.

11           30. Nurse Margaret Wolfe gave a statement to Metro about Mr. Farmer on May 30,  
12 2008. *See* Wolf Statement to Metro. In the Statement, nurse Wolfe disclosed that Mr. Farmer  
13 was overly attentive to female patients. *Id.*

14           31. The Chief of Nursing, Carol Butler, learned about nurse Murray's Statement to  
15 LVMPD, received a copy of the Statement, and discussed it with nurse Murray and others  
16 shortly after the Farmer incidents. Murray Depo. at pp. 60-61.

17           32. Nurse Sumera met with Centennial staff and a Centennial lawyer about Mr.  
18 Farmer sometime shortly after the sexual misconduct of Mr. Farmer was exposed. Sumera  
19 Depo. at pp. 31-37.

20           33. The Centennial Head of the Emergency Room, Amy Blasing (a.k.a. Amy Bochek)  
21 knew, before August 1, 2008, that nurse Wolfe had reported that nurse Sumera had expressed  
22 concerns that Mr. Farmer was being "overly attentive" to female patients. Wolfe Depo. at  
23 pp. 41-42; Butler Depo. at p. 114; Blasing Depo. at pp. 28-35, 40, 99-103. Ms. Blasing  
24 testified that "We were made aware that Margaret [Wolfe] had expressed concerns." Blasing  
25 Depo. at p. 33. Ms. Blasing also knew that nurse Wolfe has spoken with the police: "Q. In  
26 fact, my understanding is that you became aware that a - - that Margaret had spoken with the  
27 police about the situation. Is that right? A. That sounds familiar." Blasing Depo. at  
28 pp. 33-34. Ms. Blasing further admitted: "[S]omehow it got back to us that Margaret [Wolfe]

1 had shared concerns with law enforcement ["between May and August"]. Blasing Depo. at  
2 p. 38.

3 34. Ms. Blasing admitted in her deposition that she knew about Ms. Wolfe's concerns  
4 from the Centennial internal investigation: "Margaret said that she expressed concerns that  
5 Steven Farmer seemed to seek out duties with females and was overeager and that she felt  
6 uncomfortable." Blasing Depo. at pp. 36-37.

7 35. Ms. Butler met with nurse Sumera and Amy Blasing shortly after the incident and  
8 before August 2008 to discuss Mr. Farmer. Blasing Depo. at pp. 28-33.

9 36. Ms. Butler became aware of the Wolfe Statement sometime before August 1,  
10 2008. Butler Depo. at pp. 113-115, 119 ("Q. By August 1 of 2008, you knew she had made a  
11 statement? A. Sure."); Blasing Depo. at pp. 28-33.

12 37. It is undisputed that the Chief of Nursing of Centennial, Carol Butler, had read the  
13 Murray Police Statement shortly after nurse Murray had given the Police Statement, and she  
14 discussed the substance of the Police Statement with nurse Murray and others. Murray Depo.  
15 at p. 61.

16 38. Centennial's counsel has admitted that he was "aware that some statements were  
17 given by [your] nursing staff" "prior to 2009." Tr. of Proc., p. 11, lines 12-17 (June 3, 2015).

18 39. Centennial's counsel further confirmed at the Evidentiary Hearing that Centennial  
19 became aware that nurses Murray and Wolfe had gone to the police and gave statements.  
20 E.H. at 9:53.

21 **THE JANE DOE LAWSUIT, AND DISCOVERY THEREIN**

22 40. Plaintiff filed her lawsuit in this action on July 23, 2009. The matter involving  
23 Mr. Farmer's sexual assault of Jane Doe, and the civil lawsuit resulting therefrom, are  
24 referenced herein as the "Jane Doe Case."

25 41. Centennial hired the HPS firm to represent Centennial in the Jane Doe Case on or  
26 about August 3, 2009. E.H. at 9:58:40. The HPS attorneys contended at the Evidentiary  
27 Hearing that they did not re-interview nurses Murray, Wolfe, or Sumera about the Jane Doe  
28 Case.

1           42. Plaintiff filed its Notice of Early Case Conference ("ECC") on October 5, 2009,  
2 setting the time for the ECC on November 6, 2009. Counsel for the parties hereto, Plaintiff  
3 Jane Doe and defendants Centennial, ANS, and Mr. Farmer, attended the ECC on  
4 November 6, 2009.

5           43. Defendant Centennial filed its Initial list of Witnesses and Documents on  
6 November 24, 2009. Centennial's initial NRCP 16.1 disclosure failed to identify nurse Wolfe,  
7 nurse Murray, or nurse Sumera as persons with knowledge of relevant facts. Furthermore,  
8 Centennial's initial NRCP 16.1 disclosure failed to disclose the existence of the Murray Police  
9 Statement, or the Wolfe Police Statement.

10           44. The parties filed a Joint Case Conference Report ("JCCR") on December 9, 2009.  
11 As evident by this JCCR, Centennial failed to produce or identify Police Statements of nurse  
12 Murray or nurse Wolfe. Centennial also failed to identify nurses Murray, Wolfe, or Sumera as  
13 persons with knowledge.

14           45. Defendant Farmer filed a Motion for Protective Order on March 3, 2010, which  
15 the Discovery Commissioner granted on April 16, 2010. This Protective Order prohibited  
16 disclosure of documents protected by the Protective Order issued in the Cagnina Case. *See*  
17 Minutes 4-16-10; DCRR 9-15-9 (Cagnina Case).

18           46. This Protective Order in the Cagnina Case did not prohibit Centennial from  
19 producing the Police Statements to Jane Doe; did not prohibit Centennial from disclosing the  
20 existence of the Police Statements; and did not prohibit Centennial from identifying the nurses  
21 who gave the statements. *See* DCRR in Case No. A570756 (9-15-09).

22           47. For more than five and one-half (5 1/2) years, from November 24, 2009, through  
23 and including the date of the Evidentiary Hearing (August 28, 2015), Centennial never  
24 disclosed in any NRCP 16.1 disclosure that nurses Murray or Wolfe had given Police  
25 Statements regarding Mr. Farmer's conduct. For more than five and one-half (5 1/2) years,  
26 through and including the date of the Evidentiary Hearing, Centennial never disclosed in any  
27 NRCP 16.1 disclosure that nurses Wolfe or Sumera had knowledge of relevant facts in this  
28 action. *See* Plaintiff's Exhs. 1, and 1a-1j to Evidentiary Hearing. As for nurse Murray,

1 Defendant Centennial made no mention of her in any NRCP 16.1 disclosure in 2009, 2010,  
2 2011, 2012, 2013, or 2014. In a NRCP 16.1 disclosure on April 22, 2015, Centennial merely  
3 noted that nurse Murray had mentioned “the alleged incident with the elderly patient to which  
4 nurse Murray referred in her deposition testimony.” But Centennial still failed to designate  
5 nurse Murray as a person with knowledge, and failed to give notice that nurse Murray had  
6 expressed concern about Mr. Farmer being more willing to help female patients, and failed to  
7 mention that nurse Murray had given a police Statement about Mr. Farmer.

8 48. Plaintiff Jane Doe had listed nurse Murray as a witness in January 2014; however,  
9 Plaintiff had no way of knowing at that time the expected testimony of nurse Murray, or her  
10 connection with the allegations against Mr. Farmer. (See State’s Eighth Supp. Wit. List;  
11 Plaintiff’s NRCP 16.1 Witness List of January 29, 2014; Affidavit of Murdock submitted with  
12 Plaintiff’s Evidentiary Hearing brief). Plaintiff had merely designated nurse Murray as a  
13 witness because she had been designated as a witness Mr. Farmer’s criminal case.

#### 14 **CENTENNIAL’S ATTORNEYS’ RECEIPT OF THE POLICE STATEMENTS**

15 49. Prior to the Evidentiary Hearing, Defendant Centennial’s attorneys admitted that  
16 they received nurse Wolfe’s and nurse Murray’s Metro Statements on **May 6, 2013**. See  
17 Centennial’s Objection to the DCRR at p. 5-7 (7/30/15). The paragraphs below summarize  
18 Centennials’ various and changing positions on when it received the Statements.

#### 19 **CENTENNIAL’S RECEIPT OF MURRAY POLICE STATEMENT**

20 50. At the Evidentiary Hearing, both sides presented evidence that proved that  
21 Centennial’s counsel, Mr. Bemis, had asked the Deputy Public Defender (“DPD”)  
22 representing Mr. Farmer in the criminal action, Amy Feliciano, to provide him with all of the  
23 files pertaining to Mr. Farmer, including the Police Statements. Exh 10, 10a. at PD00055-58;  
24 75-81. Ms. Feliciano specifically agreed to provide Mr. Bemis with the “voluntary statements  
25 to the police.” Exh 10 at PD00079 (Ms. Feliciano’s emails dated January 22, 2013). The  
26 correspondence between the DPD and Centennial’s counsel suggests that the DPD anticipated  
27 providing the Police Statements to Centennial’s counsel the end of January 2013. Exhs. 10,  
28 10a. Ms. Feliciano sent a letter to Mr. Bemis dated January 31, 2013, confirming that she

1 provided the "documents necessary for your review to assist with your consultation with us on  
2 this case." Exh. 11 at PDD15C0073.

3 Plaintiff Jane Doe submitted a FOIA request to the PD demanding a copy of all records  
4 that she had given to Centennial's counsel. In response thereto, Plaintiff received an Affidavit  
5 from DPD Feliciano stating she was providing copies of all of the records that she believed  
6 she had provided to Centennial's counsel around January 30, 2013. This Affidavit from Ms.  
7 Feliciano was accompanied by the Murray Police Statement. These facts all tend to prove that  
8 Centennial's attorney received the Murray Police Statement on or about January 30, 2013.

9 52. At the Evidentiary Hearing, Centennial's counsel denied that it received the  
10 Murray Police Statement by January 30, 2013.

11 53. Instead, Centennial's counsel, in its Opening Statement, admitted that he received  
12 the Murray Police Statement, and knew the "contents" of the Murray Police Statement, in  
13 "May 2013." (E.H. at 9:49-50). Centennial's counsel also argued that it received the Murray  
14 Police Statements in "May 2013" pursuant to a motion to compel in the "RC" case. E.H. at  
15 9:56:01. Attorney Bemis testified that he knew there was a Murray Police Statement before  
16 May 2013. E.H. at 11:02:10.

17 54. Attorney Bemis also testified that he had in his possession a CD audio recording  
18 of the Murray Police Statement in February 2013 – although he says he never listened to it.  
19 E.H. at 11:03-04. Attorney Bemis testified that his partner, Attorney Prangle, knew that Mr.  
20 Bemis had received the Murray Statement in February 2013. *Id.*

21 55. Attorney Bemis re-confirmed that he had the audio file of the Murray Police  
22 Statement in February 2013. E.H. at 11:11:40 and 11:13:45.

23 56. Based on the compelling evidence submitted at the Evidentiary Hearing, as well  
24 as the pre-hearing admission of Centennial's counsel, the Court concludes that Centennial's  
25 counsel **received the Murray Police Statement on or before May 6, 2013.**

26 **CENTENNIAL'S RECEIPT OF WOLFE POLICE STATEMENT**

27 57. At the sanction hearing before the Discovery Commissioner, the Discovery  
28 Commissioner told Centennial's counsel, John Bemis, that there was a "significant" non-



1 disclosure problem unless he could provide "some information" that he did not know about  
2 the Wolfe Police Statement at the time of Centennial's initial NRCP 16.1 disclosures. Tr. of  
3 Proc. at p. 13 (June 3, 2015). Mr. Bemis told the Discovery Commissioner that there was a  
4 "possibility" that he had the Wolfe Police Statement "at the time" – meaning prior to the  
5 initial NRCP 16.1 disclosure (11/24/09). *Id.* at p. 18.

6 58. In its Opening Statement, Centennial's counsel admitted that he received the  
7 Wolfe Police Statement, and knew its "contents" in "May 2013." E.H. at 9:49-50)

8 59. Attorney Bemis testified under oath that he received the Wolfe Police Statement  
9 in May 2013. E.H. at 10:33-34. Mr. Bemis testified: "Q. Okay. Now, the information you  
10 got from those police files that alerted you to the relevance of Murray, Wolf[e] and Samera,  
11 were the police – were the actual statements of Margaret Wolf[e] and Kristine Murray, which  
12 you had seen for the first time when you got the police file in May 2013, right? A. Correct."  
13 E.H. at 10:35

14 60. Mr. Bemis confirmed that he reviewed the Wolfe Police Statement promptly after  
15 receiving it in May 2013. E.H. at 10:35. ("Q. So it wasn't long... and would be fair to say, it  
16 wasn't long after receiving the police file that you reviewed it and actually saw the statements  
17 of Wolf and Murray. Would that be a fair statement? A. That would be a fair statement." ).  
18 E.H. at 10:35.

19 61. Attorney Bemis further confirmed under oath that he first became aware of the  
20 Wolfe Police Statement in May 2013 when he received files from the Las Vegas Metropolitan  
21 Police Department. E.H. at 11:24:10.

22 62. Centennial's counsel admitted that the Discovery Commissioner ordered  
23 Centennial to produce the entire Farmer criminal file, including both the Murray and Wolfe  
24 Police Statements on or about October 27, 2014. E.H. at 11:27. Centennial's counsel  
25 acknowledged that it made a production of the Farmer criminal file (that it had received from  
26 Metro) on October 27, 2014. E.H. at 11:27; Exh 16. While examining attorney Bemis, Jane  
27 Doe's counsel represented that the October 27, 2014 production DID NOT include the Wolfe  
28 Police Statement. When asked "why not," Mr. Bemis suggested, and seemed to speculate, that

1 Centennial did not have it. E.H. at 11:39. His story at this point changed. Earlier in his  
2 testimony Mr. Bemis had admitted that he had actually reviewed the Wolfe "in relatively short  
3 order" after receiving it in May 2013 from Metro. But later, when confronted with Jane Doe's  
4 evidence that Centennial failed to produce the Wolfe Police Statement to Jane Doe on October  
5 2014, Mr. Bemis contradicted himself and testified under oath that he never really saw the  
6 Wolfe Police Statement before October 2014.

7 63. On cross-examination, Attorney Bemis explained why his testimony changed. He  
8 said that during a break in the Evidentiary Hearing, he examined the files that he received  
9 from the Las Vegas Metropolitan Police Department (Exhibit "A"), and the Wolfe Police  
10 Statement was not there. Attorney Bemis further explained that Jane Doe's Exhibit 29  
11 (Centennial's 7<sup>th</sup> Supplemental NRCP 16.1 Disclosure to Jane Doe on October 27, 2014) is  
12 supposed to be the exact same thing as Exhibit "A", and the Wolfe Statement is not there  
13 either. According to Mr. Bemis, this all confirms that his earlier testimony that he received  
14 the Wolfe Police statement from Metro in May 2013 was wrong. But none of this explains  
15 why Mr. Bemis testified under oath that he had reviewed the Wolfe Police Statement in  
16 "relatively short order" after getting in in May 2013, and then testifying under oath that he  
17 never saw the Wolfe Police Statement before October 2014.

18 64. Finally, attorney Bemis testified that he received the Wolfe Police Statement  
19 sometime before the deposition of Nurse Wolfe on May 5, 2015, but he did not know when he  
20 had received it.

21 65. Here is a summary of the various positions of Centennial's counsel on when it  
22 received the Wolfe Police Statement:

- 23 • "Possibly" before November 24, 2009.
- 24 • On May 6, 2013.
- 25 • Sometime in May, 2013.
- 26 • Maybe sometime after October 2014; or
- 27 • Sometime prior to May 5, 2015.

1           66. Having considered and weighed the evidence, **the Court is persuaded that**  
2 **Centennial's counsel received the Wolfe Police Statement in or before May, 2013 –**  
3 Attorney Bemis may have been confused on HOW he received the Wolfe Police Statement,  
4 but he was clear in his early testimony on WHEN he received it – on or before May 6, 2013.  
5 E.H. at 10:33-34; 11:24:10. Mr. Bemis contradicted himself on WHETHER he REVIEWED  
6 the Wolfe Police Statement prior to October 2014 – but whether he reviewed it or not, that  
7 does not change his testimony that he had the Wolfe Police Statement in his POSSESSION on  
8 or before May 6, 2013.

9           67. It bears repeating here that it is undisputed that Centennial's management knew  
10 about the existence of the Wolfe Police Statement and Murray Police Statement by August  
11 2008. Centennial's knowledge is imputed to its attorneys. Thus the HPS attorneys had  
12 constructive knowledge as early as August 2009 (before Centennial's initial NRCP 16.1  
13 disclosure in the Jane Doe Case) about the Murray and Wolfe Police Statements.

14           **PLAINTIFF'S RECEIPT OF THE POLICE STATEMENTS, AND**  
15 **SUBSEQUENT DEPOSITIONS**

16           68. Plaintiff received the Murray Police Statement for the first time in October 2014.  
17 E.H. at 9:27:50; 11:34:15; 11:38:05; Exh. 29.

18           69. Plaintiff received the Wolfe Police Statement for the first time in January 2015.  
19 E.H. at 9:27:58.

20           70. Plaintiff took the deposition of Christine Murray in this action on January 8, 2015.

21           71. Plaintiff took the deposition of Renato Sumera in this action on May 1, 2015.

22           72. Plaintiff took the deposition of Margaret Wolfe in this action on May 5, 2015.

23           73. Plaintiff took the deposition of Amy Blasing in this action on July 28, 2015.

24           74. Plaintiff took the deposition of Janet Callahan in this action on August 8, 2015.

25           **THE PROTECTIVE ORDER IN THE CAGNINA CASE**

26           75. On April 3, 2013 the Discovery Commissioner issued an oral Protective Order in  
27 the Cagnina Case providing that "All discovery concerning the Criminal Action is subject to  
28 the Protective Order previously entered on September 17, 2009, which remains in full force

1 and effect; all Las Vegas Metropolitan Police Department depositions and transcripts; and Mr.  
2 Farmer's deposition and transcript must be kept under seal; and all documents relating to the  
3 Criminal Action must be kept as confidential. The Discovery Commissioner's Report and  
4 Recommendation relating thereto was entered as an Order of the Court on May 3, 2013. (*See*  
5 Notice of Entry of Order) (Case No. A570756, May 6, 2013).

6 76. The Discovery Commissioner issued an oral recommendation lifting the  
7 Protective Order on October 27, 2014. The written Discovery Commissioner recommendation  
8 was issued on November 6, 2014, and the Order of the Court was entered and served on  
9 November 14, 2014.

10 **CENTENNIALS'S REPEATED IMPROPER DENIALS OF EXISTENCE OF**  
11 **ANY POTENTIAL EVIDENCE REGARDING FARMER**

12 77. On October 14, 2014, Centennial filed and served an opposition to Plaintiff's  
13 Motion for Summary Judgment making the following statement: "[T]here were **absolutely no**  
14 **known prior acts** by Mr. Farmer that could **potentially put Centennial on notice** that Mr.  
15 Farmer would assault a patient." (Centennial Opposition to Motion For Summary Judgment at  
16 p. 9) (emphasis added).

17 78. In a brief filed with the Nevada Supreme Court on April 29, 2015, Centennial  
18 incorrectly represented that it had not withheld any relevant evidence. Petitioners Valley  
19 Health System, LLC [ ] Petition for Writ of Mandamus and/or Writ of Prohibition, pp. 14-15  
20 (April 29, 2015) (No. 67886). Centennial stated: "[T]here were no known prior acts or any  
21 other circumstances that could have put Centennial on notice that Farmer would sexually  
22 assault Ms. Doe." *Id.*

23 79. In its Objection to Discovery Commissioner's Report and Recommendation, filed  
24 July 30, 2015, Centennial argued that "Defendants did not have knowledge that these persons  
25 [nurses Wolfe, Sumera, and Murray] had information relevant to this Plaintiff's claims (or  
26 knowledge of the substance of either nurse Wolfe's or nurse Murray's 2008 statements to the  
27 LVMPD) until after they received a copy of Farmer's police file in May 2013). *See*  
28 Centennial's Objection at pp 3-4 (filed July 30, 2015). This statement is false.

1           80. The undisputed facts, as summarized above, are that Centennial had knowledge,  
2 before August 2008, that nurses Murray, Wolfe and Sumera had all expressed concerns or had  
3 discussions regarding Mr. Farmer being overly attentive to female patients, that nurse Murray  
4 had recounted the incident about the elderly lady who yelled at Mr. Farmer to "get out," and  
5 that nurse Murray and nurse Wolfe had given Police Statements about Mr. Farmer. Any  
6 reasonable person could reach the conclusion that this information is certainly relevant to the  
7 issue of whether Centennial had notice of Mr. Farmer's dangerous propensities. Centennial's  
8 statement that there were "absolutely no known prior acts" of Mr. Farmer to possibly put them  
9 on notice is a statement that goes far beyond the bounds of zealous advocacy, and  
10 demonstrates an intent to conceal relevant evidence.

11           **FALSE DISCOVERY RESPONSES BY CENTENNIAL**

12           81. In Centennial's Objection to the DCRR, at pp 6-7, Centennial's attorneys wrote:  
13 "Prior to obtaining the police file, the Hospital Defendants were aware that several nurses had  
14 spoken with the police but they neither attended nor were privy to the substance of those  
15 interviews/statements." This is false. As stated in the above statements of undisputed fact,  
16 before August 2008, Centennial management had discussed the Police Statement given by  
17 nurses Murray and Wolfe.

18           82. In Centennial's Objection to the DCCR, at p. 7, Centennial states: "Upon  
19 obtaining a copy of Mr. Farmer's file, the Hospital Defendants learned for the first time that  
20 nurses Murray, Wolfe, and Sumera had information that could be relevant to Plaintiff's  
21 claims. . . . The Hospital Defendants did not willfully withhold any information, much less  
22 know that these witnesses had information relevant to the instant Plaintiff's claims until May  
23 2013 at the earliest." These statements are false. As stated in the above statements of  
24 undisputed facts, Centennial had conducted an internal investigation and absolutely learned  
25 that nurses Wolfe, Murray, and Sumera ALL had information relevant to the issue of  
26 Centennial's knowledge of Mr. Farmer's possibly dangerous proclivities. Perhaps the  
27 attorneys for the Defendants did not know about the nurses, but their client definitely knew.

28           . . .

1           83. Plaintiff asked Defendant Centennial by Interrogatory no. 18 to disclose "when  
2 you received LVMPD Statement of Margaret Wolfe." On June 12, 2015, Defendant  
3 Centennial objected and further stated: "Without waiving said Objection, this Answering  
4 Defendant has only learned of the LVMPD Statement of Margaret Wolfe through counsel."  
5 Centennial's Risk Analyst, Amanda Bell, signed a Verification swearing upon oath to the  
6 accuracy of this response. However, Ms. Bell verified a false statement. As indicated above,  
7 Centennial knew "of" the Wolfe Police Statement by August, 2009.

8           84. Plaintiff then asked Defendant Centennial by Interrogatory no. 19 to disclose  
9 "when you first became aware that Margaret Wolfe had spoken with LVMPD regarding  
10 Steven Farmer." Ms. Bell repeated the same response under oath. Again, Ms. Bell verified a  
11 false statement.

12           85. Plaintiff also asked, by Interrogatory no. 17, for Defendant Centennial to disclose  
13 all "persons present at the meeting between Renato Sumera and Centennial Hills Hospital after  
14 Farmer was arrested." Defendant Centennial, through the sworn response of Ms. Bell,  
15 responded: "Object. This Interrogatory is irrelevant. Counsel of record met with Mr. Sumera  
16 following Mr. Farmer's arrest. Former Centennial Hills Hospital Risk Manager, Janet  
17 Callihan, and her staff provided introduction and left the meeting prior to any substantive  
18 discussion." Plaintiff was entitled to the requested information because the memories of  
19 Sumera and the others had faded regarding persons involved in the internal investigation.  
20 Centennial had an opportunity to help alleviate some of the prejudice they had inflicted upon  
21 Plaintiff, but choose not to do so.

#### 22           **FARMER'S CRIMINAL CONVICTION**

23           86. On May 30, 2014, Farmer was convicted in the Eighth Judicial District Court,  
24 Clark County, Nevada, in Case Number 08C245739, as follows: Count 10 of **Sexual Assault**  
25 (Felony – Category A) in violation of NRS 200.364 & 200.366 for the digital penetration, by  
26 inserting his finger(s) into the anal opening of Jane Doe, against her will or under conditions  
27 in which Farmer knew, or should have known, that Jane Doe was mentally or physically  
28 incapable of resisting or understanding the nature of Farmer's conduct; Count 11 of **Open or**

1 **Gross Lewdness** (Gross Misdemeanor) in violation of NRS 201.210 for touching and/or  
2 rubbing the genital opening of Jane Doe with his hand(s) and/or finger(s); Count 12 of **Sexual**  
3 **Assault** (Felony – Category A) in violation of NRS 200.364 & 200.366 for the digital  
4 penetration, by inserting his finger(s) into the genital opening of Jane Doe, against her will or  
5 under conditions in which Farmer knew, or should have known, that Jane Doe was mentally or  
6 physically incapable of resisting or understanding the nature of Farmer's conduct; Count 13 of  
7 **Open or Gross Lewdness** (Gross Misdemeanor) in violation of NRS 201.210 for touching  
8 and/or rubbing and/or pinching the breast(s) and/or nipple(s) of Jane Doe with his hand(s)  
9 and/or finger(s). Count 14 of **Open or Gross Lewdness** (Gross Misdemeanor) in violation of  
10 NRS 201.210 for touching and/or rubbing and/or pinching the breast(s) and/or nipple(s) of  
11 Jane Doe with his hand(s) and/or finger(s); and Count 15 of **Indecent Exposure** (Gross  
12 Misdemeanor) in violation of NRS 201.220 for deliberately lifting the hospital gown of Jane  
13 Doe to look at her genital opening and/or anal opening and/or breast(s).

#### 14 **IV. STANDARD FOR AWARD OF SANCTIONS**

15 Centennial had a duty under NRCP 16.1 to timely disclose a list of all persons known  
16 to have relevant knowledge relating to the claims and defenses alleged in this action. The  
17 initial NRCP 16.1 disclosure was due in November 2009. Centennial filed its initial  
18 disclosure on November 24, 2009. By this deficient disclosure, Centennial failed to comply  
19 with its NRCP 16.1 obligations.

20 Nevada law provides that the remedy for a party's disclosure obligations under  
21 NRCP 16.1 include the sanctions listed in NRCP 37. Pursuant to NRCP 37, the Court has the  
22 discretion to impose any of the following sanctions that may be warranted in appropriate  
23 circumstances:

24 **(2) Sanctions—Party.** If a party or an officer, director, or  
25 managing agent of a party or a person designated under Rule  
26 30(b)(6) or 31(a) to testify on behalf of a party fails to obey an  
27 order to provide or permit discovery, including an order made  
28 under subdivision (a) of this rule or Rule 35, or if a party fails to  
obey an order entered under Rules 16, 16.1, and 16.2, the court in  
which the action is pending may make such orders in regard to the  
failure as are just, and among others the following:

1 (A) An order that the matters regarding which the order was made  
2 or any other designated facts shall be taken to be established for  
the purposes of the action in accordance with the claim of the party  
obtaining the order;

3 (B) An order refusing to allow the disobedient party to support or  
4 oppose designated claims or defenses, or prohibiting that party  
from introducing designated matters in evidence;

5 (C) An order striking out pleadings or parts thereof, or staying  
6 further proceedings until the order is obeyed, or dismissing the  
action or proceeding or any part thereof, or rendering a judgment  
by default against the disobedient party;

7 (D) In lieu of any of the foregoing orders or in addition thereto, an  
8 order treating as a contempt of court the failure to obey any orders  
except an order to submit to a physical or mental examination;

9 (E) Where a party has failed to comply with an order under Rule  
10 35(a) requiring that party to produce another for examination, such  
orders as are listed in subparagraphs (A), (B), and (C) of this  
11 subdivision, unless the party failing to comply shows that that  
party is unable to produce such person for examination.

12 In lieu of any of the foregoing orders or in addition thereto, the  
13 court shall require the party failing to obey the order or the  
attorney advising that party or both to pay the reasonable  
14 expenses, including attorney's fees, caused by the failure, unless  
15 the court finds that the failure was substantially justified or that  
other circumstances make an award of expenses unjust.

16  
17 Before the Court can strike a defendant's answer as a sanction, the Court is required to  
18 conduct an Evidentiary Hearing. Plaintiff Jane Doe asked the Court to strike Centennial's  
19 Answer as a sanction for its discovery violations. This Court determined that there were  
20 sufficient grounds to proceed with the Evidentiary Hearing.

21 The Nevada Supreme Court has provided guidance for the Court on the factors to  
22 consider at an Evidentiary Hearing before striking an answer as a sanction:

23 The factors a court may properly consider include, but are not  
24 limited to, the **degree of willfulness** of the offending party, the  
25 extent to which the non-offending party would be **prejudiced by a**  
26 **lesser sanction**, the **severity** of the sanction of dismissal relative to  
27 the severity of the discovery abuse, whether any **evidence has**  
28 **been irreparably lost**, the feasibility and fairness of alternative,  
less severe sanctions, such as an order deeming facts relating to  
improperly withheld or destroyed evidence to be admitted by the  
offending party, the **policy** favoring adjudication on the merits,  
whether sanctions unfairly operate to penalize a party for the  
**misconduct of his or her attorney**, and the **need to deter** both the  
parties and future litigants from similar abuses.



1 *Young v. Johnny Ribeiro Bldg*, 106 Nev. 88, 93 (Nev. 1990) (emphasis added).

2 “Nevada jurisprudence does not follow the federal model of requiring progressive  
3 sanctions against a party for failing to comply with a discovery order.” *Bahena v. Goodyear*  
4 *Tire & Rubber Co.*, 245 P.3d 1182, 1184 (Nev. 2010). However, if a party requests a case  
5 concluding sanction, the Court must conduct an evidentiary hearing.

6 **V. ANALYSIS**

7 **A. CENTENNIAL CONCEALED EVIDENCE ABOUT THE NURSES**

8 Centennial’s failure to comply with NRCP 16.1 was not just a minor or technical non-  
9 compliance. Centennial’s failure to comply with its NRCP 16.1 obligations was material,  
10 substantial, and extremely prejudicial to Plaintiff Jane Doe. Centennial left out major  
11 witnesses and major documents from its NRCP 16.1 disclosure. Moreover, Centennial’s  
12 failure to comply with NRCP 16.1 was repetitive, and extended over a lengthy, multiple-year  
13 time period.

14 **B. CENTENNIAL’S “PROTECTIVE ORDER” DEFENSE LACKS MERIT**

15 Centennial contends that it could not produce the Police Statements or disclose nurses  
16 Murray, Wolfe, and Sumera, because Centennial was subject to a Protective Order in the  
17 Cagnina Case. Centennial’s argument lacks merit for several reasons:

- 18 • The Protective Order did not prohibit Centennial from submitting to Plaintiff a  
19 privilege log listing the Police Statements and identifying the privilege claimed.  
20 Centennial understood the importance of preparing a privilege log for relevant  
21 documents that it withheld. Centennial’s supplemental NRCP 16.1 disclosures  
22 contained privilege logs, but Centennial elected not to include the Police  
23 Statements in any of its privilege logs.
- 24 • The Protective Order did not prohibit Centennial from disclosing the existence of  
25 the Murray Police Statement or the Wolfe Police Statement. Centennial could have  
26 and should have disclosed the existence of the Police Statements in its initial  
27 NRCP 16.1 disclosure, and its supplemental disclosures.

28 ...

- As admitted by attorney Bemis (E.H. at 10:41), the Protective Order did not prohibit Centennial from identifying the names of nurses Murray, Wolfe, and Sumera, as persons with knowledge of relevant facts, nor did the Protective Order prohibit Centennial from identifying the general knowledge that each of these nurses possessed. **Attorney Bemis admitted that Centennial's failure to disclose nurses Murray, Wolfe, and Sumera, was a violation of NRCP 16.1. (E.H. at 10:42:20).**
- Centennial suggests it acted in good faith by seeking to lift the September 17, 2009 Protective Order. However, Centennial did not move to lift the Protective Order until October 2014. Centennial had a duty to identify the Police Statements in its initial NRCP 16.1 disclosure on November 24, 2009. If Centennial truly felt limited in disclosing the mere existence of the Police Statements due to the Protective Order, Centennial would have sought to lift the Protective Order in November 2009, rather than waiting almost five (5) years, until October of 2014, to do so.

**C. CENTENNIAL'S ARGUMENT - THAT THE NURSE EVIDENCE WAS ONLY RELEVANT TO THE CAGNINA CASE - IS FRIVOLOUS**

Centennial argues, in various iterations, that it had a good faith believe the early evidence it learned about Mr. Farmer only related to the Cagnina case. Centennial notes that nurse Murray was the nurse assigned to Mr. Farmer on the day Ms. Cagnina reported Mr. Farmer's sexual assault. This argument is logically flawed. Once Jane Doe filed her lawsuit on July 23, 2009, a major issue in the Jane Doe case was whether Centennial had notice that Mr. Farmer posed a risk of committing a sexual assault on a female patient at Centennial. If Mr. Farmer was overly attentive to female patients at Centennial, and liked to assist in monitor placements so he could lift their gowns and see and/or touch their breasts, then that information was undeniably relevant to the Jane Doe Case.

The fact that Centennial failed to make the connection is Centennial's own fault. As soon as Centennial discovered the information, they had a duty to disclose it. It is undisputed

1 that Centennial discovered the information by August 1, 2008 – long before Jane Doe filed her  
2 lawsuit. Therefore, Centennial had a duty to disclose the nurses and the existence of their  
3 police statements in the very first NRCP 16.1 production in 2008. This Court finds that there  
4 is no valid excuse for Centennial’s failure to timely disclose the nurses and existence of the  
5 Police Statements.

6 **B. THE SANCTION FACTORS**

7 **1. Degree of Willfulness**

8 This Court finds that there is clear and convincing evidence that Centennial willfully  
9 and intentionally concealed the relevance of nurses Murray, Wolfe, and Sumera, and the  
10 existence of the Police Statements with an intent to harm and unfairly prejudice Plaintiff. This  
11 inescapable conclusion is derived from the following evidence:

- 12 • Centennial had knowledge prior to August 2009 of the very relevant information  
13 possessed by nurses Murray, Wolfe, and Sumera.
- 14 • Centennial’s counsel in the Cagnina Case is the same counsel that began  
15 representing Centennial in the Jane Doe Case by August 2009.
- 16 • Centennial failed to timely disclose nurses Murray, Wolfe, and Sumera in its initial  
17 and supplemental NRCP 16.1 disclosures.
- 18 • Centennial failed to disclose the mere existence of the Police Statements in its  
19 initial and supplemental NRCP 16.1 disclosures.
- 20 • Centennial changed its story several times about when it discovered the  
21 significance of the information known by nurses Murray, Wolfe, and Sumera.
- 22 • Centennial changed its position several times about when it received the Wolfe  
23 Police statement.
- 24 • Centennial provided false discovery responses to Jane Doe, and incorrectly  
25 represented to this Court that it had not withheld any relevant evidence. Centennial  
26 and its counsel told this Court in October of 2014, a minimum of eighteen (18)  
27 months after admitting they had the criminal file with the names and statements,  
28 that “In the instant situation, there were absolutely no known prior acts by Mr.

1 Farmer that could potentially put Centennial on notice that Mr. Farmer would  
2 assault a patient.” CH. Opp. to MSJ at 9. Rule 3.3 of the Nevada Rules of  
3 Professional Conduct states “(a) A lawyer shall not knowingly: (1) Make a false  
4 statement of fact or law to a tribunal by the lawyer.” Centennial’s lawyers violated  
5 this Rule.

- 6 • Centennial incorrectly represented to the Nevada Supreme Court that it had not  
7 withheld any relevant evidence. Centennial stated: “there were no known prior  
8 acts or any other circumstances that could have put Centennial on notice that  
9 Farmer would sexually assault Ms. Doe.” Writ at 14-15. Again, Centennial’s  
10 lawyers violated Rule 3.3.
- 11 • Centennial’s argument that it withheld the Police Statements due to the  
12 September 17, 2009 Protective Order was a false, pre-textual excuse.
- 13 • Centennial unreasonably delayed in seeking to lift the Protective Order.
- 14 • Centennial unreasonably failed to identify the Police Statements in a Privilege log.
- 15 • Centennial understood that, through the passage of time, the memories of key  
16 witnesses would fade.
- 17 • With the passage of time, the memories of key witnesses did, in fact, fade.
- 18 • Centennial’s argument - that it failed to appreciate the importance of the  
19 information known by the nurses because the HPS firm interviewed the nurses  
20 before it started working on the Jane Doe Case – is frivolous.
- 21 • Centennial provided false discovery responses under oath, designed to mislead this  
22 Court.
- 23 • Centennial’s counsel admitted that it had a duty under NRCP 16.1 to review the  
24 recorded statement of Murray as soon as it received it to ascertain whether the  
25 Statement contained information relevant to the Jane Doe case. E.H. 11:15:35.
- 26 • Centennial admitted that it violated NRCP 16 in failing to timely disclose the  
27 names of nurses Murray, Wolfe, and Sumera, and to disclose their general  
28 knowledge. E.H. 10:38, and 10:42:20

## 2. The Prejudice To Jane Doe By a Lesser Sanction

The prejudice to Plaintiff, as discussed below, is that memories have faded over time. When Plaintiff finally discovered the importance of nurses Murray, Wolfe, and Sumera to this case, years had passed and, understandably, their memories had extensively faded. That evidence cannot be retrieved. A remedy must be fashioned to help overcome the prejudice that Plaintiff has suffered at Centennial's hands. The lost evidence related directly to the issue whether Centennial had notice that Mr. Farmer posed a risk of sexual assault to a female patient. The lost evidence likely would have assisted Jane Doe in proving that Centennial had such notice, that Centennial had a duty to protect Jane Doe from the danger posed by Mr. Farmer, that Centennial breached its duty to protect Jane Doe, and also that Centennial was liable to Jane Doe for Farmer's misconduct on a theory of respondeat superior. The evidence that Centennial concealed, and the probable fruits of such concealed evidence, would have assisted Jane Doe in establishing Centennial's liability, and in rebutting Centennial's defenses to liability.

Any lesser sanction would be wholly insufficient to mitigate the prejudice to Jane Doe caused by Centennial. A possible lesser sanction would be to impose an evidentiary presumption that it was reasonably foreseeable to Centennial that Mr. Farmer would sexually assault Jane Doe. But an evidentiary presumption would not bar Centennial from presenting evidence to try to rebut such presumption. Centennial would then be able to benefit from its conduct in hiding evidence. Moreover, an evidentiary presumption would create a huge logistical problem at trial. Further, any evidentiary presumption would apply against defendant Centennial, but not against ANS. This would undoubtedly confuse the jury.

A possible way to avoid such unnecessary confusion would be to bifurcate trial. If the Court were to bifurcate Jane Doe's claims against Centennial from Jane Doe's claims against ANS, however, this would impose undue burden and expense on Jane Doe to conduct essentially a second trial. It would be extremely unfair to impose a burden of a second trial on Plaintiff to mitigate the prejudice caused by Centennial.

...

1 This Court has already imposed a monetary sanction against Centennial. A stronger  
2 monetary sanction would not redress the prejudice to Plaintiff.

3 Finally, disqualifying Centennial's counsel would not eliminate the prejudice to  
4 Plaintiff.

5 **3. The Severity Of The Sanction Of Dismissal Relative To The Severity**  
6 **Of The Discovery Abuse**

7 The discovery abuse was indeed extreme, and warrants a very severe sanction against  
8 Defendant Centennial. Centennial utterly failed to honor its duty to disclose witnesses that it  
9 knew were critical witnesses as early as august 2008 -- before this lawsuit was even filed.  
10 Centennial also intentionally concealed the similarly critical police statements of nurses  
11 Murray and Wolfe. Again, Centennial didn't miss its disclosure deadline by a mere few days  
12 or even a few months; Centennial missed its deadline by more than five (5) years.

13 The sanction must be sufficiently severe. But the Court seeks not to impose a sanction  
14 for the primary sake of punishment of Centennial. Rather the Court is primarily motivated to  
15 impose a sanction that is no greater than necessary to undo the prejudice that Defendant  
16 Centennial inflicted upon Jane Doe. Striking Centennial's Answer is appropriately severe in  
17 light of Centennial's discovery abuses.

18 **4. Whether Evidence Has Been Irretrievably Lost**

19 Centennial's concealment of evidence has irreparably prejudiced Plaintiff Jane Doe,  
20 because the evidence has been irretrievably lost. Centennial's delay in disclosing the nurses'  
21 Police Statements has caused incurable and substantial prejudice to Plaintiff. The significant  
22 passage of time has resulted in extensive fading of witness memories and loss of evidence of  
23 the facts and circumstances discussed within the nurses' Police Statements, as follows:<sup>2</sup>

24 **NURSE MURRAY**

25 Nurse Murray suffered significant memory loss of relevant facts:

26 P.35-36 Nurse Murray recalled the incident where the lady yelled at Mr. Farmer  
27 (who had been acting as sitter for her) to leave her alone, but she could not recall the room

28 <sup>2</sup> The page numbers refer to the pages of each witness deposition transcript.

1 number, and she could not recall the attending nurse for that patient. If Plaintiff had been able  
2 to obtain the room number, they could have tracked down this patient who had complained  
3 about Mr. Farmer. Then Plaintiff could have learned the nature of the patient's undisputed  
4 complaint against Mr. Farmer. Plaintiff could have discovered whether Mr. Farmer had  
5 engaged in some sexual assault, and whether any other nurses attending to this lady had been  
6 alerted to Mr. Farmer's improper conduct. All of this discovery was prevented because  
7 Centennial concealed the existence of nurse Murray and the substance of her relevant  
8 testimony.

9 P.43 Nurse Murray could not recall the specifics of what she told the police in  
10 her statement without seeing the statement.

11 P.57 Nurse Murray could not recall the substance of her discussions with  
12 Centennial staff about the complaint from the lady about Mr. Farmer.

13 P.58 Nurse Murray could not recall if she had a conversation with the nurse  
14 about the "sitter" incident.

15 P.68 Nurse Murray recalled an incident when Mr. Farmer offered to place the  
16 telemetry leads on a female patient, but she could not recall any specifics.

17 P.68 Nurse Murray could not recall if, during the time that she worked at  
18 Centennial, CNAs were not allowed to apply telemetry leads without first being instructed to  
19 do so by a nurse.

20 **RAY SUMERA**

21 Ray Sumera was a nurse working at Centennial on May 15, 2008, and is the person  
22 whom nurse Wolfe reportedly heard say he was concerned about Mr. Farmer because he was  
23 overly attentive to female patients. In his deposition, he indicated that his memory of this  
24 conversation with nurse Wolfe had greatly faded:

25 P.75 Q: "Do you recall telling Ms. Wolfe that you were concerned about Mr.  
26 Farmer because he was very anxious to connect and disconnect them from heart monitors,  
27 which would require him to reach into their clothing?" A: "I don't remember any

28 . . .

1 conversation." Q: "Okay. You're not saying it didn't happen, you're saying you just don't  
2 remember, right?" A: "I don't remember."

3 P.78 Q: "Do you recall Ms. Wolfe telling you about an incident where Mr.  
4 Farmer had exposed a female patient's breasts where he was allegedly checking monitor  
5 placements?" A: "I don't remember."

6 P.77 Q: "And you told Margaret that you had talked to him [Mr. Farmer],  
7 right?" A: "For a follow-up, I probably did tell Margaret that I talked to him." Q: "You just  
8 don't have any memory of it?" A: "I don't have any memory." Q: "But you have no reason to  
9 disagree with what she says here [in the police report], is that correct?" A: "Correct."

10 P.127 Q: "Were you the charge nurse on May 15th? A: "I don't know whether I  
11 was in charge or not - - on what specific day."

12 P.138 A: "It's possible it [the conversation with nurse Wolfe about Mr. Farmer  
13 being "overly attentive to female patients"] did occur, but I don't remember the exact  
14 conversation."

15 **AMY BLASING**

16 The Centennial Head of the Emergency Room, Amy Blasing, was extensively involved  
17 in investigating the allegations of nurse Sumera, Wolfe, and Murray, and their  
18 communications with each other. She expressed a great loss of memory when confronted with  
19 relevant and material questions at her deposition on July 28, 2015:

20 P. 29:13-20 She could not remember who she included in her internal discussions  
21 about Mr. Farmer other than Ray Sumera, Margaret Wolfe, Karen Goodhart, and Darby  
22 Curless.

23 P.30:19-24 She could not remember if she took any notes of her internal meeting  
24 regarding Mr. Farmer because "It was several years ago."

25 P.32-33 She recalled having discussions with Carol Butler about her meeting with  
26 Margaret Wolfe, but could not recall specifics.

27 P.33-34 She could not recall the specifics of what nurse Wolf said she had told the  
28 police.



1 P.35 She recalls that she spoke with nurse Wolfe and nurse Sumera about their  
2 different recollections about their concerns with Mr. Farmer, but she could not recall the  
3 specifics.

4 P.40:18-22 She could not recall the first time that she spoke with counsel for  
5 Centennial about Mr. Farmer's sexual assault against Ms. Cagnina.

6 P.90:12-18 She could not recall whether she had any other discussions about Mr.  
7 Farmer besides the very limited information given regarding staff discussions, because: "It  
8 just was a long time ago."

9 **CAROL BUTLER**

10 The Centennial Director of Nursing, Carol Butler, also had a significant memory loss  
11 by the time of her deposition, on June 19, 2015:

12 P.75 She could not recall whether she had spoken with Ray Sumera.

13 P. 75-76 She believes she spoke with nurse Wolfe, but she was not certain, and she  
14 also could not recall whether she took notes of her meeting with nurse Wolfe.

15 P.76 She admitted that if she had been asked questions about the Farmer  
16 investigation five (5) years ago, events "certainly would have been fresher in her mind:

17 "Q. . . . If I asked you five years ago, you might have a better answer; right? Your  
18 memory? A. Certainly."

19 P.87:2-13 She recalls the Centennial investigation concerned allegations that Mr.  
20 Farmer had an "inappropriate contact in the E.D. and then again on the sixth floor," but she  
21 could not recall "what" inappropriate contact was discussed.

22 P.87:17-22 She could not recall if her meetings regarding the Farmer investigation  
23 included separate meeting with Centennial staff, or with all staff all together.

24 P.114:4-7 She could not recall if she ever talked to nurse Wolfe about her Metro  
25 Statement.

26 P.121:10-16 She could not recall whether she notified the Centennial Risk Manager  
27 that Amy Blasing brought to her attention that a nurse had expressed concerns about Mr.  
28 Farmer.

1 P.130 She could not recall any of the conversations that she had with nurse  
2 Wolfe about the Farmer investigation.

3 P.130 She could not recall any of the conversations that she had with nurse  
4 Sumera about the Farmer investigation.

5 P.130:21-23 She admitted that her memory about conversation with nurses Wolfe and  
6 Sumera would have been better five years earlier.

7 **JANET CALLIHAN**

8 Janet Callihan was the Administrative Director for Quality Outcomes for Centennial  
9 beginning the summer of 2007 through the time of the Farmer incident. Her memory had  
10 faded as to significant events:

11 P.22-37 She could not recall if she had ever met with Christine Murray, even  
12 thought, as she acknowledged, nurse Murray would have prepared an incident report, and it  
13 was Ms. Callihan's duty to review such reports. Also she did not recognize the names of Ray  
14 Sumera or Margaret Wolfe.

15 **MARGARET WOLFE**

16 Nurse Margaret Wolfe also had significant memory loss due to the passage of time:

17 P.15 She could not recall whether she spoke to anybody at Centennial about her  
18 statement to the police.

19 P.20&51 She could not recall any specifics of her discussion with Ray Sumera  
20 about Mr. Farmer

21 P.27-28 She recalls that "all the nurses" were talking about concerns they had with  
22 Mr. Farmer; but she could not remember who because "it was so long ago."

23 P.40 She could not recall whether she had any conversation with anybody at  
24 Centennial about Mr. Farmer after she was terminated as a nurse from Centennial.

25 **SUMMARY**

26 The passage of time has clearly undermined, frustrated, and eliminated Plaintiff Jane  
27 Doe's opportunity to gather relevant information in this litigation, as follows:

28 - - -

- 1 • In a case where the most critical issue is whether Centennial had knowledge
- 2 that Mr. Farmer might pose a risk of harm to female patients, Centennial
- 3 concealed the fact that nurse Sumera reported concerns that Mr. Farmer might
- 4 be a danger to female patients.
- 5 • Centennial concealed the fact that nurse Sumera had reported his concerns to
- 6 nurse Wolfe.
- 7 • In July 2008, according to nurse Wolfe, nurse Sumera had expressed concern
- 8 that Mr. Farmer was overly attentive to female patients. However, seven (7)
- 9 years later, nurse Sumera's recollection had changed, as well as his tenor of
- 10 remarks about Mr. Farmer.
- 11 • Jane Doe can no longer find out from nurses Murray, Wolfe, or Sumera, which
- 12 of the other nurses, staff, and management at Centennial were suspicious of Mr.
- 13 Farmer's conduct prior to May 14, 2008.
- 14 • If Centennial had complied with its disclosure obligations, Jane Doe could have
- 15 deposed nurses Murray, Wolfe, and Sumera in 2009 — when their memories
- 16 were much more fresh regarding the facts and circumstances surrounding the
- 17 2008 events.
- 18 • If Jane Doe had taken the depositions of nurses Murray, Wolfe and Sumera in
- 19 2009, that would have led to the prompt depositions of Amy Blasing and Carol
- 20 Butler in 2009 – before their memories faded as to critical “notice” issues.
- 21 • Centennial concealed the fact that nurse Wolfe reported the Sumera disclosure
- 22 to Centennial management.
- 23 • Centennial concealed the fact that nurse Wolfe provided a Police Statement to
- 24 Metro about Mr. Farmer.
- 25 • Centennial concealed the fact that nurse Murray provided a Police Statement to
- 26 Metro about Mr. Farmer.
- 27 • Centennial concealed the fact that it conducted an internal investigation
- 28 involving nurses Murray, Wolfe, and Sumera prior to August, 2008.

- 1           • Centennial concealed the fact that nurse Murray had some information about  
2           the “crazy old lady” who yelled at Mr. Farmer to get out of her room.  
3           Centennial argues that nurse Murray concluded that Mr. Farmer had not done  
4           anything wrong. Centennial suggests that, if it had disclosed this incident and  
5           Jane Doe had taken depositions pertaining to this incident, it would not have  
6           yielded anything important. There are two problems with this argument. First,  
7           nurse Murray did not testify that Mr. Farmer did not do anything wrong.  
8           Second, if nurse Murray had testified years closer to the incident, she might  
9           have remembered facts that could have led to the identity of this “crazy old  
10          lady.” Then Jane Doe could have discovered what Mr. Farmer did to her, when  
11          he did these things to her, and who had notice of such misconduct of Mr.  
12          Farmer.
- 13          • Centennial concealed the fact that nurse Wolfe expressed concern that Mr.  
14          Farmer had on one occasion lifted the gown of a female patient exposing her  
15          breasts.
- 16          • Since Centennial concealed these facts, Plaintiff Jane Doe had no knowledge to  
17          conduct discovery about these facts. As time passed, memories faded. By the  
18          time Plaintiff Jane Doe received the metro statements, the memories of the  
19          nurses and other witnesses had already faded. Centennial had accomplished its  
20          objective.

21          Defendant Centennial contends that Plaintiff Jane Doe was not prejudiced by  
22          Centennial’s failure to disclose nurses Wolfe, Murray, and Sumera because Plaintiff already  
23          knew that these nurses “may have information relevant to the instant case” as early as May 13,  
24          2010. Defendants Objection to Discovery Commissioner Report and Recommendation, at  
25          p. 4 (7/30/15). Defendant Centennial fails to appreciate the huge difference between  
26          discovering that a person “may” know something, and discovering the “something” that such  
27          person may actually know. Plaintiff Jane Doe discovered the former but not the later.

28          ...

1 Defendant Centennial concealed the information that Centennial knew about the  
2 criticality of the knowledge of nurses Wolfe, Murray and Sumera to this litigation.

3 Centennial contends that it is too speculative to assume that Jane Doe would have  
4 deposed the witnesses earlier than they did if they had received the Police Statements at the  
5 start of the case. Centennial notes that, prior to October 2014, Jane Doe had only deposed one  
6 (1) of the NRCP 16.1 witnesses designated by Centennial. The Court has not verified that  
7 fact. However, there are four main flaws with Centennial's argument. First, Centennial  
8 concealed the important information known by nurses Murray, Wolfe, and Sumera -- so it is  
9 understandable that Jane Doe was not in any hurry to depose the unimportant witnesses.  
10 Second, Centennial is the party that created the need to consider when Jane Doe might have  
11 taken the depositions of the key witnesses; so Centennial should not be allowed to benefit  
12 from a problem it created. Third, once Jane Doe did obtain the information that Centennial  
13 concealed, Jane Doe's attorneys aggressively pursued discovery related to such information.  
14 This aggressive action is strong evidence that Jane Doe would have taken prompt depositions  
15 earlier in the case if Centennial had complied with its discovery obligations. Fourth, as  
16 acknowledged by attorney Bemis, many of the witnesses designated in Centennial's early  
17 NRCP 16.1 witness lists DID NOT relate to the critical issue of foreseeability -- so there was  
18 no big need for depositions of such persons. E.H. 10:45.

19 **5. Consideration of less-severe sanctions**

20 As discussed above, the Court has considered the possible sanctions less severe than  
21 striking Centennial's answer.

22 The Discovery Commissioner already recommended the imposition of a modest  
23 monetary sanction, which this Court has approved. This monetary sanction does serve as a  
24 punishment of Centennial (and encouragement not to repeat its transgressions), but does  
25 nothing to reverse or mitigate the prejudice that Centennial has inflicted upon Jane Doe.

26 The Court could impose a "rebuttable" presumption that Centennial had notice of Mr.  
27 Farmer's dangerous propensities; but that would still leave Jane Doe at a disadvantage.

28 . . .

1 Centennial has caused the destruction of the evidence that Jane Doe could have used to  
2 negate Centennial's rebuttal evidence.

3 The Court could preclude Centennial from offering any evidence that it DID NOT  
4 have notice of Mr. Farmer's dangerous proclivities. But again this is insufficient. The Court  
5 has already held in this case that Plaintiff Jane Doe has an initial burden of proving that it was  
6 reasonably foreseeable to Centennial that Mr. Farmer posed a danger to female patients.  
7 Centennial has caused the destruction of evidence that Jane Doe may have needed to satisfy its  
8 initial burden. Thus it would not be an adequate remedy to merely prevent Centennial from  
9 rebutting Jane Doe's evidence.

10 The Court has considered other possible lesser sanctions, and concludes that the only  
11 reasonable sanction that sufficiently mitigates the harm caused by Centennial is to strike  
12 Centennial's Answer.

13 **6. The policy favoring adjudication on the merits**

14 Centennial is the party that elected to hide evidence to prevent Jane Doe from  
15 adjudicating its claims on the merits. Striking Centennial's Answer is the only way to undo  
16 the prejudice that Centennial created. Centennial is still entitled to defend itself with regard to  
17 damages. In sum, the Court merely mitigates the prejudice that Centennial caused, and  
18 permits the parties to proceed with the remainder of the lawsuit in a fair and even manner.

19 **7. Whether the sanction would unfairly punish centennial for its lawyers'**  
20 **misconduct**

21 The misconduct in this case is clearly that of Centennial, to an equal or greater extent  
22 that its lawyers. Centennial knew that Murray had given a police statement, but failed to  
23 provide such statement to its lawyers in this case. Centennial knew that nurses Murray,  
24 Wolfe, and Sumera were critical witnesses in this case, and yet allowed their attorneys to  
25 submit no less than Eight (8) NRCP 16.1 disclosures that omitted any reference to these  
26 witnesses. One need not be trained in the law to appreciate that one's list of persons with  
27 knowledge ought to have included critical witnesses such as these. Additionally, Centennial  
28 provided verifications of the false discovery responses discussed herein.

1           **8.     The need to deter sanctionable conduct**

2           A party who engages in misconduct must suffer reasonable consequences. No party  
3 should be allowed to conceal evidence, and then suffer merely a monetary sanction, while  
4 being allowed to reap the tactical benefit of the loss of that evidence. Litigants should be  
5 entitled to have their cases adjudicated on their merits.

6           Centennial failed to disclose relevant evidence that it knew it had a duty to disclose,  
7 caused extensive time to pass, and caused memories to fade. Centennial actions and inactions  
8 have prevented a critical issue in this case from being tried on its merits. Centennial has  
9 impaired the adversarial, and therefore must suffer the consequences of a sanction. The  
10 narrowly-tailored sanction in this case is designed to mitigate the prejudice to Jane Doe that  
11 Centennial caused, and deter future misconduct by Centennial.

12           **VI.    CONCLUSION**

13           The Court finds that Defendant Centennial intentionally, and willfully, and with the  
14 intent to unfairly prejudice and harm Plaintiff Jane Doe, concealed evidence regarding nurses  
15 Wolfe, Murray, and Sumera, and those acts of concealment unfairly, significantly, and  
16 irreparably prejudiced Plaintiff. As discussed above, the concealment has caused a great delay  
17 in Plaintiff Jane Doe's ability to pursue relevant discovery. This delay has resulted in the loss  
18 of memories of critical information. Centennial's acts of concealment have effectively  
19 irreparably destroyed evidence.

20           The Court has determined the least stringent, narrowly-tailored, remedy available to  
21 reverse the harm that Centennial caused to Plaintiff. This remedy, which the Court hereby  
22 imposes, is as follows:

23           **The Court sanctions Defendant Centennial pursuant to NRCP 37 by striking its**  
24 **Answer in this action such that liability is hereby established on Plaintiff's Jane Doe's**  
25 **claims against Defendant Centennial for (a) negligent failure to maintain the premises in**  
26 **a safe manner, and (b) *respondeat superior* liability for the sexual assault by Nurse**  
27 **Farmer; but Centennial still shall be entitled to defend on the question of the nature and**  
28 **quantum of damages for which it is liable.**

- 1 To implement this sanction, the Court further orders as follows:
- 2 a. Plaintiff shall be permitted to explain to the jury that liability has been established
- 3 against Defendant Centennial, and to further explain to the jury what that means;
- 4 b. The Court shall submit a jury instruction to the jury regarding the establishment
- 5 of liability as to Defendant Centennial;
- 6 c. Defendant Centennial is precluded from introducing any evidence to show that it
- 7 is not liable for the harm to Jane Doe caused by Mr. Farmer. Specifically, but not limited
- 8 thereto, Defendant Centennial is precluded from introducing any evidence that it was not
- 9 reasonably foreseeable to Centennial that Mr. Farmer would commit a criminal sexual assault
- 10 against a patient at Centennial. Additionally, Centennial is precluded from arguing that it has
- 11 any defense to liability for damages caused by Mr. Farmer to Jane Doe, on either the pled
- 12 claims of negligence or *respondeat superior*; and
- 13 d. the Court will set a Status Check by separate Order to discuss the manner of
- 14 implementation of this Order to avoid any prejudice therefrom to defendant American Nursing
- 15 Service, Inc.

16 Furthermore, the monetary sanctions recommended by the Discovery Commissioner,

17 and imposed by Order of this Court on August 15, 2015, are hereby re-affirmed.

18 **IT IS SO ORDERED.**

19 DATED this 4<sup>th</sup> day of November, 2015.

20 

21 \_\_\_\_\_

22 RICHARD F. SCOTTI

23 DISTRICT COURT JUDGE

24

25

26

27

28



CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of this Order was electronically served, mailed or placed in the attorney's folder on the first floor of the Regional Justice Center as follows:

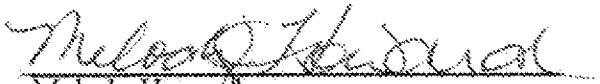
Robert E. Murdock, Esq.  
MURDOCK & ASSOCIATES, CHTD.  
*Attorneys for Plaintiff*

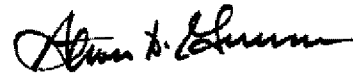
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Melody Howard  
Judicial Executive Assistant



CLERK OF THE COURT

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Attorneys for Plaintiff

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

ESTATE OF JANE DOE, by and through its  
Special Administrator, Misty Petersen,

Plaintiff,

vs.

VALLEY HEALTH SYSTEM LLC, a Nevada  
limited liability company, d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER;  
UNIVERSAL HEALTH SERVICES, INC., a  
Delaware corporation; AMERICAN NURSING  
SERVICES, INC., a Louisiana corporation;  
STEVEN DALE FARMER, an individual;  
DOES I through X, inclusive; and ROE  
CORPORATIONS I through X, inclusive,

Defendants.

CASE NO. 09-A-595780-C  
DEPT. NO. II

**NOTICE OF ENTRY OF ORDER  
STRIKING ANSWER OF DEFENDANT  
VALLEY HEALTH SYSTEM LLC AS  
SANCTION FOR DISCOVERY  
MISCONDUCT**

TO: ALL DEFENDANTS HEREIN; and

TO: THEIR RESPECTIVE COUNSEL OF RECORD

///

///

///

1           YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that on the 4th day of  
2 November, 2015, the Court entered an Order Striking Answer of Defendant Valley Health System  
3 LLC as Sanction for Discovery Misconduct. A copy of said Order is attached hereto.

4           DATED this 5th day of November, 2015.

5                                   MURDOCK & ASSOCIATES, CHTD.  
6                                   ECKLEY M. KEACH, CHTD.

7  
8                                   /s/ Robert E. Murdock  
9                                   Robert E. Murdock   Bar No. 4013  
10                                  Eckley M. Keach     Bar No. 1154  
11                                  521 South Third Street  
12                                  Las Vegas, NV 89101  
13                                  Attorneys for Plaintiff  
14  
15  
16  
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1 CERTIFICATE OF SERVICE

2 I hereby certify that on November 5, 2015, I served a copy of the foregoing NOTICE OF  
3 ENTRY OF ORDER STRIKING ANSWER OF DEFENDANT VALLEY HEALTH SYSTEM  
4 LLC AS SANCTION FOR DISCOVERY MISCONDUCT upon the parties to this action via the  
5 court's Wiznet mandatory electronic service, addressed as follows:

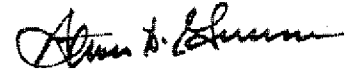
6 John F. Bemis, Esq.  
7 Hall Prangle & Schoonveld, LLC  
8 1160 North Town Center Dr., Suite 200  
9 Las Vegas, NV 89144

10 Robert C. McBride, Esq.  
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12 701 North Green Valley Parkway, Suite 200  
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14 S. Brent Vogel, Esq.  
15 Amanda J. Brookhyser, Esq.  
16 Lewis Brisbois Bisgaard & Smith  
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18 Las Vegas, NV 89118

19 James P.C. Silvestri, Esq.  
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21 701 Bridger Avenue, Suite 600  
22 Las Vegas, NV 89101  
23  
24  
25  
26  
27  
28

/s/ Vera Minkova  
An employee of Murdock & Associates, Chtd.



CLERK OF THE COURT

1 ORDR

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA  
5

6 ESTATE OF JANE DOE, by and through its  
7 Special Administrator, Misty Petersen,

8 Plaintiff,

9 vs.

10 VALLEY HEALTH SYSTEM, LLC, a Nevada  
11 limited liability company, d/b/a CENTENNIAL  
12 HILLS HOSPITAL MEDICAL CENTER;  
13 UNIVERSAL HEALTH SERVICES, INC., a  
14 Delaware corporation; AMERICAN NURSING  
15 SERVICE, INC., a Louisiana corporation;  
16 STEVEN DALE FARMER, an individual;  
17 DOES I through X, inclusive; and ROE  
18 CORPORATIONS I through X, inclusive,

19 Defendants.

Case No.: 09-A-595780-C  
Dept. No.: II

Date: August 28, 2015  
Time: 9:00 a.m.

ORDER STRIKING ANSWER OF  
DEFENDANT VALLEY HEALTH  
SYSTEM LLC AS SANCTION FOR  
DISCOVERY MISCONDUCT

17 I. SUMMARY OF ORDER

18 This action involves Plaintiff Jane Doe's claims that she was sexually assaulted by  
19 Nurse Farmer at Centennial Hills Hospital Medical Center on May 14, 2008. Plaintiff Jane  
20 Doe asserted the following two substantive claims against defendant Valley Health System,  
21 LLC d/b/a/ Centennial Hills Hospital Medical Center, and Universal Health Services, Inc.,  
22 (collectively "Centennial" herein): negligent failure to maintain the premises in a safe  
23 manner; and *respondeat superior* liability for the sexual assault by Nurse Farmer. *See*  
24 Amended Complaint, ¶¶ 11-17 (filed August 21, 2009).

25 The Amended Complaint established the relevance and materiality of the following  
26 questions of fact: (a) as to the negligence claim: whether it was reasonably foreseeable to  
27 Centennial, considering the totality of circumstances, that the premises were unsafe (*See* CD  
28 Audio Recording of the Evidentiary Hearing at 10:27:06) (hereinafter "E.H. at

1 Hour:Minutes:Seconds"); and (b) as to the *respondeat superior* claim: whether the sexual  
2 assault by Nurse Farmer was reasonably foreseeable under the facts and circumstances of the  
3 case considering the nature and scope of [his] employment. NRS 41.745(1)(c).<sup>1</sup> Thus, in a  
4 general sense, it was critical to both the negligence and *respondeat superior* claims for the  
5 Plaintiff to conduct discovery on the issue whether it was reasonably foreseeable to defendant  
6 Centennial Hills that Nurse Farmer would commit a sexual assault. Plaintiff Jane Doe seeks  
7 sanctions against defendant Centennial for impeding Plaintiff's ability to acquire critical  
8 evidence on the "reasonable foreseeability" issues.

9 On April 29, 2015, Plaintiff Estate of Jane Doe ("Plaintiff") moved this Court to  
10 impose sanctions against Defendant Valley Health System, LLC d.b.a. Centennial Hills  
11 Hospital Medical Center ("Centennial") pursuant to NRCP 37. Plaintiff contended that  
12 Centennial failed to timely disclose that nurses Murray, Wolfe, and Sumera had knowledge of  
13 relevant facts bearing on the most critical issue in this case – whether it was reasonably  
14 foreseeable to Centennial that Mr. Farmer would commit a criminal sexual assault against a  
15 patient. Plaintiff further contended that Centennial concealed from Plaintiff the existence of  
16 statements that nurses Murray and Wolfe gave to the Las Vegas Metropolitan Police  
17 Department ("LVMPD"). These statements are referenced herein as the "Police Statements."

18 The Discovery Commissioner heard this matter on June 3, 2015, expressed her  
19 findings and recommendations orally at that time and executed the Discovery Commissioner's  
20 Report and Recommendation ("DCRR") on July 14, 2014. The Discovery Commissioner  
21 succinctly stated the issue and her findings as follows:

22 [W]hat is at issue is the failure to disclose witnesses, whether or  
23 not failure to disclose identifies of nurses who had information  
24 about Mr. Farmer prior to this case being filed is at a level to  
warrant Rule 37 sanctions and, whether the failures prejudiced  
Plaintiff. . . . The basis of the Motion involves three nurses,

25 <sup>1</sup> For purposes of resolving the motion for sanctions, it is not necessary for this Court to  
26 determine whether the Plaintiff has the burden of proving "reasonable foreseeability" to  
27 recover under NRS 41.745, or the defendant has the burden of proving that the intentional tort  
28 was not reasonably foreseeable as an affirmative defense to avoid liability. In either case,  
whoever has the burden, the pleadings and briefs in this action have very clearly established  
that "reasonable foreseeability" is a relevant and material issue of fact.

1 Christine Murray, Margaret Wolfe, and Renato Sumera. Ms.  
2 Murray and Ms. Wolfe each gave statements to the LVMPD  
3 around the time of the sexual assault that resulted in the arrest of  
4 Mr. Farmer. Mr. Sumera met with Risk Management afterwards. .  
5 . . None of the nurses were identified at the initial 16.1. The nurses  
6 should have been identified as they were clearly likely to have  
7 information discoverable under Rule 26(b). . . . While there is no  
8 doubt but that Plaintiff was prejudiced by the delay, the Court is  
9 more concerned with the issues of memories that fade. The delay  
10 in this matter was not for a short time -- this was for 6 or more  
11 years. Accordingly, the Court finds that the failure to identify  
12 these three nurses has resulted in substantial prejudice sufficient to  
13 warrant NRCP 37 sanctions.

14 (DCRR filed August 17, 2015).

15 This Court has read and considered all applicable legal briefs of the parties, the  
16 Discovery Commissioner's Report and Recommendations, and Defendant Centennial's  
17 objection thereto. The Court has also listened to the argument of counsel at the Evidentiary  
18 Hearing conducted on August 28, 2015. The Court has considered the exhibits admitted  
19 during the Evidentiary Hearing, and the testimony of witnesses provided at the Evidentiary  
20 Hearing. The Court has also read and considered the deposition testimony that the parties  
21 have asked this Court to consider.

22 This Court finds that the Discovery Commissioner's factual findings are supported by  
23 substantial evidence, and that the Discovery Commissioner properly applied the law. The  
24 Court sustains the sanctions imposed by the Discovery Commissioner, and imposes the further  
25 sanctions as discussed below.

26 This Court further finds that, based on evidence that this Court considers to be clear  
27 and convincing, Centennial intentionally and willfully (a) violated its discovery obligations  
28 under NRCP 16.1 in failing to timely disclose that nurses Murray, Wolfe, and Sumera  
possessed relevant and material evidence relating to the central issue in this case -- whether it  
was reasonably foreseeable to Centennial that Mr. Farmer would commit a criminal sexual  
assault on a patient; and (b) violated its duty under NRCP 16.1 to timely disclose the Police  
Statements which also contained relevant and material evidence relating to the same central  
issue. The Court also finds that, based on evidence that this Court considers to be clear and  
convincing, Centennial's misconduct caused extreme unfair prejudice to Plaintiff Jane Doe,

1 and that Centennial's misconduct substantially impaired Plaintiff's ability to discover relevant  
2 evidence and prepare for trial with respect to the issue whether it was reasonably foreseeable  
3 that Mr. Farmer would commit a criminal sexual assault on a patient.

4       **The Court sanctions Defendant Centennial pursuant to NRCP 37 by striking its**  
5 **Answer in this action such that liability is hereby established on Plaintiff Jane Doe's**  
6 **claims against Defendant Centennial for negligence and *respondent superior*; but**  
7 **Centennial shall still be entitled to defend on the question of the nature and quantum of**  
8 **damages for which it is liable. The procedures to implement this sanction are discussed**  
9 **below in the Conclusion section.**

10       The Court finds that this is the least-onerous sanction that it could impose upon  
11 Centennial and still mitigate the extreme prejudice that Centennial has unfairly and wrongfully  
12 inflicted upon Plaintiff. This sanction is narrowly tailored to address the exact harm caused by  
13 Centennial -- the infliction upon Plaintiff of an inability to conduct proper discovery as to  
14 "reasonable foreseeability" before memories had faded and evidence had either gone stale or  
15 disappeared entirely.

## 16       **II. PROCEDURAL POSTURE OF CASE**

### 17       **A. NATURE OF THE CASE**

18       This is an action by Plaintiff Jane Doe against Valley Health System, LLC d/b/a/  
19 Centennial Hills Hospital Medical center, Universal Health Services, Inc., American Nursing  
20 Service, and Steven Farmer arising out of a criminal sexual assault perpetrated by Certified  
21 Nursing Assistant (hereinafter "CNA") Farmer on a female patient at Centennial on May 14,  
22 2008. Plaintiff filed her Amended Complaint in this matter on or about August 21, 2009.

### 23       **B. DISCOVERY AND TRIAL SETTING**

24       Discovery in this action was conducted from about November 6, 2009 through about  
25 September 15, 2015 except for certain stay periods.

26       This action was stayed from January 21, 2011 until July 18, 2012, and again from  
27 February 29, 2014 through July 4, 2014.

28       This action is set for jury trial commencing on January 4, 2016.



1 Calendar Call is set for December 16, 2015.

2 **C. DISCOVERY HEARING REGARDING SANCTIONS**

3 Plaintiff Jane Doe filed her Motion for NRCP 37 Sanctions against Centennial on  
4 April 29, 2015.

5 This matter came before Discovery Commissioner Bonnie Bulla on June 3, 2015.  
6 Plaintiff Jane Doe asked the Discovery Commissioner to strike Centennial's Answer as a  
7 sanction for its discovery violations. Tr. of Proc. at p. 16, line 20 (June 3, 2015).

8 The Discovery Commissioner executed her Findings of Fact, Conclusions of Law and  
9 Recommendations on July 14, 2014, explaining as follows:

10 The basis of the Motion involves three nurses, Christine Murray,  
11 Margaret Wolfe, and Renato Sumera. Ms. Murray and Ms. Wolfe  
12 each gave statements to the LVMPD around the time of the sexual  
13 assault that resulted in the arrest of Mr. Farmer. Mr. Sumera met  
14 with Risk Management afterwards. Mr. Bemis confirmed that a  
15 Quality Assurance meeting was held shortly after the incident but  
16 did not know at the Hearing whether or not any of the individuals  
17 appeared.

18 None of the nurses were identified at the initial 16.1 The nurses  
19 should have been identified as they were clearly known to  
20 Defendants. The nurses should have been identified per NRCP  
21 16.1 as the nurses were certainly likely to have information  
22 discoverable under Rule 26(b). The Court queried Mr. Bemis as to  
23 why the nurses were not identified but Mr. Bemis could not answer  
24 the question.

25 The witnesses were certainly important to the matter because they  
26 provide evidence of "notice" regarding Mr. Farmer and his  
27 proclivities.

28 While there is no doubt but that Plaintiff was prejudiced by the  
delay in terms of filing motions, the Court is more concerned with  
the issues of memories that fade. The delay in this matter was not  
for a short period – this was for 6 or more years. Mr. Murdock  
stated that nurse Sumera had a substantial memory lapse and Mr.  
Bemis did not dispute this. Accordingly, the Court finds that the  
failure to identify these three nurses has resulted in substantial  
prejudice sufficient to warrant NRCP 37 sanctions.

The Discovery Commissioner recommended sanctions and a further evidentiary  
hearing as follows:

The UHS Defendants are sanctioned in the amount of One  
Thousand Dollars and No/100 (\$1000.00) per unidentified nurse  
(3) for each year not identified (6) for a total of Eighteen Thousand

1 Dollars and No/100 (\$18,000.00). Half of that amount, or Nine  
2 Thousand Dollars and No/100 (\$9,000.00), shall be paid to Barbara  
3 Buckley's Legal Aid Center of Southern Nevada, and the other  
4 half shall be paid to Plaintiff in attorney's fees and costs to offset  
5 additional work done to figure out witnesses to proceed forward.

6 IT IS FURTHER RECOMMENDED THAT because of the time  
7 length involved in UHS' failure to identify the nurses, and the  
8 memory issues that arise as a result, additional sanctions are  
9 warranted. However, the District Court should determine those via  
10 an evidentiary hearing and this Court defers the evidentiary  
11 hearing to the District Court. As such, an evidentiary hearing  
12 before the District Court should be conducted to determine (1) if  
13 case terminating sanctions are appropriate based on the conduct of  
14 failing to disclose witnesses, (2) whether or not that was intention  
15 to thwart the discovery process in this case, and hinder Plaintiff to  
16 discovery the relevant facts, and (3) a failure to let the Court know  
17 what was going on in the case and whether the USH Defendants  
18 misled the Court.

19 The Discovery Commissioner was deeply concerned by the prejudice inflicted upon  
20 Plaintiff by Defendants' failure to disclose the nurses and their Metro Statements,  
21 commenting:

22 That's the prejudice . . . It's the fact that memories fade, and now  
23 we have a situation where we can't go back in time . . . and find  
24 out exactly what they knew, the details of their observations, which  
25 we don't have and, of course, details help you with credibility, to  
26 know what happened. So that's the prejudice, and it's significant."

27 Tr. of Proc., p. 9 (June 3, 2015).

28 The District Court approved and signed the DCRR on August 15, 2015, and filed the  
DCRR on August 17, 2015, setting the Evidentiary Hearing for August 28, 2015.

#### 29 D. THE EVIDENTIARY HEARING

30 The Evidentiary Hearing was conducted on August 28, 2015. Each side presented  
31 opening statements. Plaintiff Jane Doe presented the following witnesses, who were subjected  
32 to examination by both sides: John Bemis and Ken Webster (attorneys with Hall, Prangle,  
33 Schooveld, LLC, counsel for Centennial). The following exhibits were admitted into  
34 evidence: Plaintiff's exhibits 1, 1a-1n, 3-8, 10, 10a, and 11-19, 21-29, 30 (excerpt of  
35 deposition of Carol Butler on June 19, 2015), 31 (excerpt of deposition of nurse Sumera on  
36 May 15, 2015), 32 (excerpt of deposition of nurse Wolfe on May 5, 2015), 33 (excerpt of  
37 deposition of Amy Blasing on July 28, 2015), and 34 (excerpt of deposition of Janet Callahan

1 on August 8, 2015; and Defendant Centennial's Exhs. A (Las Vegas Metropolitan Police  
2 Department file supposedly received by Centennial's counsel on or about May 6, 2013); and B  
3 (plaintiff's 15<sup>th</sup> Supplemental NRCP 16.1 Disclosure in the "RC" case). E.H. at 10:17-25.  
4 Each side presented closing arguments. The entire Evidentiary Hearing took more than half a  
5 day.

6 **III. UNDISPUTED FACTS**

7 **THE HIRING AND EMPLOYMENT OF MR. FARMER**

8 1. In May of 2008, Jane Doe was a patient at Centennial. For the purposes of the  
9 undisputed facts that follow, the term "Centennial" shall refer to the hospital facility, as well  
10 as the Defendant, as applicable.

11 2. In May of 2008, Centennial had a contractual agreement whereby American  
12 Nursing Services ("ANS") would provide certain hospital staff, which included CNAs.

13 3. In May of 2008, Mr. Farmer was an agency CNA working at Centennial through  
14 its agreement with ANS.

15 **FARMER'S ASSAULT AGAINST JANE DOE ON MAY 14, 2008**

16 4. On May 14, 2008, ANS sent Mr. Farmer to work at Centennial as a CNA.

17 5. On May 14, 2008, Centennial originally told Mr. Farmer to work in the  
18 Emergency Room.

19 6. In May of 2008, Mr. Farmer wore an employee badge that had his name, ANS,  
20 Centennial, and contract staff written on it.

21 7. At around 21:30 hours on May 14, 2008, while Farmer was working at  
22 Centennial, Centennial staff re-directed Mr. Farmer from the Emergency Room to the sixth  
23 floor to work.

24 8. On May 14, 2008, Jane Doe was on the sixth floor in Room 614 at Centennial.

25 9. On May 14, 2008, in the course and scope of his employment with ANS as a  
26 CNA, and in the course and scope of working at Centennial, it was expected that Farmer  
27 would enter patients' rooms on the sixth floor of Centennial as part of his tasks.

28 . . .

1           10. In addition, Mr. Farmer was expected to give bed baths, clean up stool, clean up  
2 urine, and check monitor leads when requested to do so by a nurse or doctor.

3           11. On May 14, 2008, Mr. Farmer entered Jane Doe's room, Room 614 at Centennial.

4           12. On May 14, 2008, having contact with a patient in the patient's room on the sixth  
5 floor of Centennial was in the course and scope of Farmer's employment with ANS and  
6 Centennial as a CNA.

7           13. Mr. Farmer had contact with Jane Doe in her room on the sixth floor of  
8 Centennial.

9           14. On May 14, 2008, Jane Doe awoke to find Mr. Farmer pinching and rubbing her  
10 nipples telling her that he was fixing her EKG monitor leads.

11           15. Mr. Farmer lifted up Jane Doe's hospital gown.

12           16. Mr. Farmer sexually assaulted Jane Doe by digitally penetrating her anus and  
13 vagina against her will.

14           17. Mr. Farmer sexually assaulted Jane Doe by pinching and rubbing her nipples  
15 against her will.

16           **FARMER'S ASSAULT OF MS. CAGNINA ON MAY 15 & 16, 2008**

17           18. The first criminal investigation of Mr. Farmer began from an incident involving  
18 the patient Roxanne Cagnina at Centennial. The matter involving Mr. Farmer's sexual assault  
19 against Ms. Cagnina, including the Centennial investigation, and the Cagnina lawsuit, is  
20 referenced herein as the "Cagnina Case."

21           19. Ms. Cagnina accused Mr. Farmer of sexually assaulting her while she was a  
22 patient at Centennial on May 15 and 16, 2008 -- beginning the day after Mr. Farmer assaulted  
23 Jane Doe.

24           20. Centennial hired the firm Hall, Prangle, Schooveld, LLC (hereinafter "HPS") to  
25 represent Centennial in the Cagnina Case on or about May 22, 2008. E.H. 9:57:15.

26           21. The HPS attorneys conducted an investigation of Mr. Farmer's conduct with  
27 respect to Ms. Cagnina, including an interview of nurse Wolfe (around mid-June 2008), nurse  
28 Murray (around mid-July 2008), and nurse Sumera (around mid-August). E.H. at 9:57. The