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16 *Attorneys for Appellants*
17 Valley Health System, LLC, a Nevada
limited liability company, d/b/a
18 Centennial Hills Hospital Medical Center;
and Universal Health Services, Inc., a
19 Delaware corporation

20 IN THE SUPREME COURT OF THE STATE OF NEVADA

21 VALLEY HEALTH SYSTEM, LLC,
a Nevada limited liability company,
22 d/b/a CENTENNIAL HILLS
HOSPITAL MEDICAL CENTER;
23 AND UNIVERSAL HEALTH
SERVICES, INC., a Delaware
24 corporation,

Supreme Court No. 70083

District Court No. A595780

APPELLANTS' JOINT
DOCKETING STATEMENT

Electronically Filed
Apr 27 2016 02:12 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Appellants,

vs.

ESTATE OF JANE DOE, by and
through its Special Administrator,
MISTY PETERSON,

Respondent.

APPELLANTS' JOINT DOCKETING STATEMENT

1. **Judicial District:** Eighth Judicial District Court; Department: II;
County: Clark; Judge: Honorable Richard Scotti; District Court Docket No. A-
09-595780-C.

2. **Attorney(s) filing this Docketing Statement:** Valley Health System,
LLC, a Nevada limited liability company, d/b/a Centennial Hills Hospital
Medical Center ("Centennial Hills") and Universal Health Services, Inc.
("UHS") are represented by Dennis L. Kennedy, Esq., Joseph A. Liebman,
Esq., and Joshua P. Gilmore, Esq. of BAILEY ♦ KENNEDY, 8984 Spanish
Ridge Avenue, Las Vegas, Nevada 89148.

3. **Attorney(s) representing Respondent:** 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.

1 4. **Nature of disposition:** Stipulation and Order for Dismissal with
2 Prejudice.

3 5. **Does this appeal raise issues concerning Child Custody, Venue, or**
4 **Termination of Parental Rights:** No.

5 6. **Pending and prior proceedings in this Court:** *Valley Health System,*
6 *LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health*
7 *Services, Inc. v. Eighth Judicial District Court, Case No. 67886.*

8 7. **Pending and prior proceedings in other courts:** N/A.

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

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

21 On February 29, 2016, an Order was entered by the District Court
22 dismissing the lawsuit with prejudice following a global settlement. Pursuant to
23 the terms of the Order, Centennial Hills and UHS preserved their rights to
24 appeal the Sanction Order.

1 9. **Issues on appeal:** The District Court erred in issuing the Sanction Order
2 by:

- 3 a) Applying the collective knowledge doctrine to make unsupported
4 findings that Centennial Hills and UHS intentionally and willfully
5 concealed relevant and material evidence with the intent to harm Doe;
6 b) Sanctioning Centennial Hills and UHS for the conduct of its attorneys;
7 and
8 c) Sanctioning UHS for the alleged acts of Centennial Hills' employees.

9 10. **Pending proceedings in this Court raising the same or similar issues:**
10 Hall Prangle & Schoonveld, LLC ("Hall Prangle"), Michael E. Prangle, Esq.,
11 Kenneth M. Webster, Esq., and John F. Bemis, Esq. (collectively, "Petitioners")
12 were also the subject of the Sanction Order. Petitioners will soon file a Petition
13 for Extraordinary Writ Relief addressing the Sanction Order from their
14 perspective. Because they relate to the same Sanction Order, Petitioners and
15 Appellants will seek to consolidate the Writ Petition with this Appeal at the
16 appropriate time.

17 11. **Constitutional issues:** N/A.

18 12. **Other issues:** This case presents a substantial issue of first impression,
19 particularly the applicability of the collective knowledge doctrine to a request
20 for discovery sanctions against corporate entities which are accused of
21 intentionally and willfully concealing material evidence.

22 13. **Assignment to the Court of Appeals or retention in the Supreme**
23 **Court:** This case does not fall within any of the categories of cases presumptively
24 assigned to the Supreme Court or Court of Appeals under NRAP 17. Because it

1 presents a substantial issue of first impression, particularly the applicability of
2 the collective knowledge doctrine to a request for discovery sanctions against
3 corporate entities which are accused of intentionally and willfully concealing
4 material evidence, Centennial Hills and UHS request that the Supreme Court
5 retain the case.

6 14. **Trial:** No trial was held.

7 15. **Judicial disqualification:** No.

8 16. **Date of entry of written judgment or order appealed from:** The
9 Order Striking Answer of Defendant Valley Health System LLC as Sanction for
10 Discovery Misconduct was entered on November 4, 2015. The Order Denying
11 Motion for Reconsideration was entered on December 10, 2015. Because the
12 Sanction Order was interlocutory in nature, Centennial Hills and UHS could not
13 initiate this appeal until the resolution of all claims and defenses, which
14 occurred when the Stipulation and Order for Dismissal With Prejudice was
15 entered on February 29, 2016.

16 17. **Date written notice of entry of judgment or order served:** Notice of
17 Entry of Order Striking Answer of Defendant Valley Health System LLC as
18 Sanction for Discovery Misconduct was entered and e-served on November 5,
19 2015. Notice of Entry of Order Denying Motion for Reconsideration was filed
20 and e-served on December 11, 2015. Notice of Entry of the Stipulation and
21 Order for Dismissal With Prejudice was entered and e-served on February 29,
22 2016.

23 18. **If the time for filing the notice of appeal was tolled by a post**
24 **judgment motion:** N/A.

19. **Date notice of appeal was filed:** March 30, 2016.

20. **Specify statute or rule governing the time limit for filing the notice of appeal:** NRAP 4(a).

21. **Specify the statute or other authority granting this Court jurisdiction to review the judgment or order appealed from:** NRAP 3A(b)(1). Because the Sanction Order was interlocutory in nature, Centennial Hills and UHS could not initiate this appeal until the resolution of all claims and defenses, which occurred when the Stipulation and Order for Dismissal With Prejudice was entered on February 29, 2016. Pursuant to the terms of the Stipulation and Order for Dismissal With Prejudice, Centennial Hills and UHS preserved their rights to appeal the Sanction Order.

22. **List all parties involved in the action in the district court:**

a) **Parties:** Plaintiff: Doe; Defendants: Centennial Hills, UHS, Steven Dale Farmer ("Farmer"), and American Nursing Services, Inc. ("ANS").

b) **If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal:**
Farmer and ANS were not subject to the Sanction Order.

23. **Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the date of formal disposition of each claim:** Doe filed a lawsuit against Centennial Hills and UHS 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 Farmer. Doe alternatively alleged that Centennial Hills and/or UHS and/or

1 ANS were vicariously liable for the actions of Farmer. Doe's claims against
2 Farmer were for sexual assault/battery. The claims were formally resolved
3 though the February 29, 2016 Stipulation and Order for Dismissal With
4 Prejudice.

5 24. **Did the judgment or order appealed from adjudicate ALL the claims**
6 **alleged below and the rights and liabilities of ALL the parties to the action**
7 **below: Yes.**

8 25. **Attach file-stamped copies of the following documents:**

- 9 • Amended Complaint, attached as Exhibit 1;
- 10 • Stipulation and Order for Dismissal With Prejudice, attached as
- 11 Exhibit 2;
- 12 • Notice of Entry of Order of Stipulation for Dismissal With Prejudice,
- 13 attached as Exhibit 3;
- 14 • Order Striking Answer of Defendant Valley Health System LLC as
- 15 Sanction for Discovery Misconduct, attached as Exhibit 4;
- 16 • Notice of Entry of Order of Order Striking Answer of Defendant
- 17 Valley Health System LLC as Sanction for Discovery Misconduct,
- 18 attached as Exhibit 5.
- 19 • Order Denying Motion for Reconsideration, attached as Exhibit 6;
- 20 • Notice of Entry of Order Denying Motion for Reconsideration,
- 21 attached as Exhibit 7.

22 **VERIFICATION**

23 I declare under penalty of perjury that I have read this docketing
24 statement, that the information provided in this docketing statement is true and

1 complete to the best of my knowledge, information, and belief, and that I have
2 attached all required documents to this docketing statement.

3 DATED this 27th day of April, 2016.

4 BAILEY ♦ KENNEDY

6 By: 

7 DENNIS L. KENNEDY
8 JOSEPH A. LIEBMAN
9 JOSHUA P. GILMORE

10 AND

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21 limited liability company, d/b/a
22 Centennial Hills Hospital Medical
23 Center; and Universal Health
24 Services, Inc., a Delaware corporation

CERTIFICATE OF SERVICE

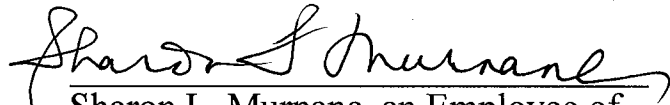
I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 27th day of April, 2016, service of the foregoing APPELLANTS' JOINT DOCKETING STATEMENT was made by electronic service through Nevada Supreme Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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Sharon L. Murnane, an Employee of
BAILEY ♦ KENNEDY