

CASE NO. 70083

**IN THE
SUPREME COURT OF NEVADA**

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

Appellants,

vs.

**ESTATE OF JANE DOE, BY AND THROUGH ITS SPECIAL
ADMINISTRATOR, MISTY PETERSON,**

Respondent.

**APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT, CLARK
COUNTY, NEVADA
HONORABLE JUDGE RICHARD SCOTTI, CASE NO. A-09-595780-C**

APPELLANTS' APPENDIX TO OPENING BRIEF

VOLUME X of XVII

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APPENDIX TO APPELLANTS' OPENING BRIEF

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14 DISTRICT COURT

15 CLARK COUNTY, NEVADA

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

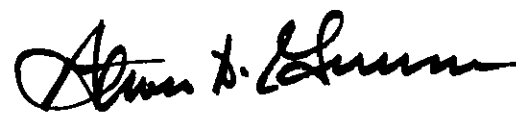
18 Plaintiff,

19 vs.

20 CENTENNIAL HILLS HOSPITAL MEDICAL
21 CENTER AUXILIARY, a Nevada corporation;
VALLEY HEALTH SYSTEM LLC, a Nevada
22 limited liability company; UNIVERSAL
HEALTH SERVICES FOUNDATION, a
23 Pennsylvania corporation; AMERICAN
NURSING SERVICES, INC., a Louisiana
24 corporation; STEVEN DALE FARMER, an
individual; DOES I through X, inclusive; and
25 ROE CORPORATIONS I through X, inclusive,

26 Defendants.

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CLERK OF THE COURT

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

**DEFENDANT AMERICAN NURSING
SERVICES, INC.'S 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**

HEARING DATE: 12/7/2015
HEARING TIME: 9:00 a.m.

28 ...

1 **DEFENDANT AMERICAN NURSING SERVICES, INC.'S JOINDER TO PLAINTIFF'S**
2 **OPPOSITION TO DEFENDANTS VALLEY HEALTH SYSTEM, LLC d/b/a**
3 **CENTENNIAL HILLS HOSPITAL MEDICAL CENTER AND UNIVERSAL HEALTH**
4 **SERVICES, INC.'S MOTION FOR RECONSIDERATION OF COURT'S**
5 **NOVEMBER 4, 2015 ORDER**

6 Defendant AMERICAN NURSING SERVICES, INC., ("ANS"), by and through its
7 counsel of record, the law offices of PYATT SILVESTRI and LEWIS BRISBOIS BISGAARD
8 & SMITH LLP, hereby submits its Joinder to Plaintiff's Opposition to Defendants Valley Health
9 System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services,
10 Inc.'s Motion for Reconsideration of Court's November 4, 2015 Order, ("Plaintiff's
11 Opposition"), filed with this Court on December 2, 2015.

12 This Joinder is based upon the pleadings and papers on file herein, and any arguments of
13 counsel to be entertained at a hearing on these matters. ANS adopts and incorporates by
14 reference herein those Points and Authorities set forth in Plaintiff's Opposition as they relate to
15 the subject Motion for Reconsideration.

16 DATED this 4th day of December, 2015.

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Attorneys for Defendant

AMERICAN NURSING SERVICES, INC.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that on this 4th day of December 2015, I did cause a true copy of **DEFENDANT AMERICAN NURSING SERVICES, INC.'S 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** on the following person(s) by the following method(s) pursuant to NRCP 5(b):

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19 *Services, Inc.*

20 DISTRICT COURT

21 CLARK COUNTY, NEVADA

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

24 Plaintiff,

25 vs.

26 VALLEY HEALTH SYSTEM LLC, a Nevada
limited liability company, d/b/a CENTENNIAL
HILLS HOSPITAL MEDICAL CENTER;
27 UNIVERSAL HEALTH SERVICES, INC., a
Delaware corporation; AMERICAN NURSING
28 SERVICES, INC., a Louisiana corporation;

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

**REPLY IN SUPPORT OF MOTION FOR
RECONSIDERATION**

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CLERK OF THE COURT

1 STEVEN DALE FARMER, an individual;
2 DOES I through X, inclusive; and ROE
3 CORPORATIONS I through X, inclusive,
4 Defendants.

5 Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical Center and
6 Universal Health Services, Inc. (jointly, "Centennial") file this Reply in Support of their Motion for
7 Reconsideration. This Reply is based on the following memorandum of points and authorities, the
8 papers and pleadings on file, and any argument heard by the Court.

9 DATED this 4th day of December, 2015.

10 BAILEY ♦ KENNEDY

11
12 By: 

13 DENNIS L. KENNEDY
14 JOSEPH A. LIEBMAN
15 JOSHUA P. GILMORE
16 MARK HESIAK

17 AND

18 MICHAEL E. PRANGLE
19 KENNETH M. WEBSTER
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25 *Attorneys Defendants Centennial Hills Hospital*
26 *Medical Center and Universal Health Services,*
27 *Inc.*
28

I. INTRODUCTION

Plaintiff's Opposition misses the point of the Motion and does nothing to assist the Court. Plaintiff goes on for pages, repeating arguments and testimony from the evidentiary hearing, which (as the Motion delineates) were insufficient for the Court to impose the drastic sanction that it did. Plaintiff never comes to grips with the issue: Why that evidence was insufficient.

Regarding the collective knowledge doctrine, the issue is not whether Carol Butler ("Butler") or Amy Bochenek ("Bochenek") knew about the relevant witnesses or the existence of their Metro statements. The issue is whether Plaintiff presented any *evidence* that Butler or Bochenek (or another Centennial employee) *willfully concealed relevant evidence with the intent to harm Plaintiff* (as the Court found in its Order). While there was evidence that certain names and documents were not timely disclosed, there was *no evidence* that any Centennial employee *willfully* withheld anything. Instead, the Court (at Plaintiff's urging) made a finding of willful intent based solely on the failure to disclose relevant evidence, with no proof that the failure was motivated by the culpable state of mind of any single Centennial employee. Centennial's employees' inaction does not constitute anything more than negligence, which is insufficient to support the Court's severe sanction.

Regarding the due process argument, Plaintiff's response is that the constant bluster in correspondence and/or briefing which *Plaintiff* has drafted is sufficient to put Centennial and its counsel on notice that *the Court* was considering sanctioning Centennial's counsel for violating the Nevada Rules of Professional Conduct. If that were true, attorneys and their clients would be subject to constant conflict analysis simply based on the heated rhetoric often employed in vigorously contested matters. Obviously, that is not the case, and Plaintiff's briefing and correspondence are irrelevant to the issue of notice and due process.

What does matter is what the *Court* stated was at issue regarding sanctions. The notice Centennial and Hall Prangle & Schoonveld ("Centennial's Counsel") received prior to the evidentiary hearing (the Discovery Commissioner's Report and Recommendations (the "R&R")) says *nothing* about the Court determining whether there had been violations of the Rules of Professional Conduct. Plaintiff never addresses the notice contained in the R&R in the Opposition,

1 most likely because *Plaintiff drafted the R&R and included nothing about supposed violations of*
2 *the Rules of Professional Conduct*. Because there was nothing included in the R&R to put
3 Centennial (or Centennial's Counsel) on notice, there was a denial of due process and the Court's
4 Order cannot stand.

5 The remainder of Plaintiff's Opposition is unsupported *ipse dixit* argument that adds nothing
6 to the analysis of the legal errors raised in Centennial's Motion. Further, Plaintiff ignores that any
7 findings of willful concealment by Centennial's Counsel are completely belied by the fact that they
8 disclosed the relevant witnesses at issue in the Cagnina case. The Court should reconsider its Order
9 and adopt the sanctions initially issued by the Discovery Commissioner.

10 II. ARGUMENT

11 A. Centennial's Motion for Reconsideration Is Proper.

12 Plaintiff begins her Opposition by arguing that reconsideration is not proper, claiming that
13 Centennial's Motion is a second bite at the apple. That is false.

14 Under Nevada law, "[a] court may, for sufficient cause shown, amend, correct, resettle,
15 modify, or vacate, as the case may be, an order previously made and entered on motion in the
16 progress of the cause or proceeding." *Trail v. Faretto*, 91 Nev. 401, 403, 536 P.2d 1026, 1027
17 (1975) (citations omitted). Further, the "basic grounds" for reconsideration include "'correcting
18 manifest errors of law or fact,' 'newly discovered or previously unavailable evidence,' the need 'to
19 prevent manifest injustice,' or a 'change in controlling law.'" *AA Primo Builders, LLC v.*
20 *Washington*, 126 Nev. ___, 245 P.3d 1190, 1193 (2010) (citation omitted) (analyzing
21 reconsideration under N.R.C.P. 59(e)). Plaintiff cites federal authority addressing the federal
22 standard for reconsideration—which has no applicability or relevance to this matter.

23 Centennial's Motion is proper under Nevada law because it addresses two specific legal
24 errors—the misapplication of the collective knowledge doctrine and the lack of due process—which
25 came to light only after the Court issued its Order. Further, because the sanctions factors addressed
26 in the Order must be analyzed in conjunction with each other in order to reach a proper conclusion,
27 the Court would need to reassess all of the factors to determine whether the application of the legal
28 principles addressed in the Motion would change its findings in any manner (*e.g.*, a reduction from a

willfulness finding to a negligence finding). Accordingly, the Motion is entirely appropriate.

B. Plaintiff Incorrectly Conflates Imputation of Knowledge with the Willfulness Necessary for the Striking of Centennial's Answer.

In an attempt to argue that she proved something that she did not prove (*i.e.*, willfulness), Plaintiff manufactures a conflict between two federal district court judges, claiming they analyzed the collective knowledge doctrine differently. This supposed conflict does *not* exist. In *Ginena v. Alaska Airlines, Inc.*, Judge Hicks acknowledged that the collective knowledge doctrine may be used to impute the aggregated *knowledge* of various employees to the corporation in order to prove the corporation's *knowledge*. *Id.*, No. 2:04-CV-01304-MMD-CWH, 2013 WL 3155306, *8 (D. Nev. June 19, 2013) (“[T]he collective knowledge doctrine favors liability where various corporate agents have different pieces of information, but the corporation was negligent in compiling these pieces of information.”). Judge Hicks, however, concluded that the collective knowledge doctrine could not be used to prove *a culpable state of mind* (as opposed to mere negligence) on behalf of the corporation. *Id.*¹

Judge Jones’ decision is consistent with *Ginena* because Judge Jones was merely applying the collective knowledge doctrine to support the imputation of *knowledge—not willfulness or a similar culpable state of mind*. *Howard J. Hawkes Family Trust UTA Dates Nov. 1, 1991 v. Qualified Exch. Servs.*, 2:07-cv-00816-RCJ-LRL, 2008 U.S. Dist. LEXIS 118509, *11 (D. Nev. Mar. 25, 2008) (“Since *Bank of New England*, courts continue to allow the *knowledge* of agents and employees to be aggregated and imputed to the corporation.”) (emphasis added).²

Centennial is not arguing and has not argued that the knowledge of Butler and Bochenek (along with the other lower level Centennial employees) should not be imputed to Centennial. The determinative issue is whether the record contains “clear and convincing” evidence proving that “Centennial willfully and intentionally concealed the relevance of nurses Murray, Wolfe, and

¹ Centennial explained this distinction in the Motion. (Mot., 13:8-9 (“Although the knowledge of a corporation’s various employees may be aggregated and imputed to the corporation, that same legal principle may not be used to prove willful intent.”)).

² Judge Jones addressed this imputation issue in response to a Fed. R. Civ. P. 12(b)(6) Motion to Dismiss, and therefore, accepted all factual allegations as true. Thus, his analysis of the collective knowledge doctrine was not nearly as thorough as that in *Ginena*.

1 Sumera, and the existence of the Police Statements with an intent to harm and unfairly prejudice
2 Plaintiff.”³ Respectfully, there is not.

3 In *Ginena*, Judge Hicks ruled that in order to prove the requisite intent, “the plaintiff would
4 simply need to show that someone in the corporation had the required culpability.” *Id.*, 2013 WL
5 3155306, at *8. Thus, Plaintiff had the burden here to prove that at least one Centennial employee
6 **willfully concealed** relevant evidence. *Id.*; see also *Christian v. City of New York*, 269 A.D.2d 135,
7 137 (N.Y. App. Div. 2000) (“The drastic sanction of striking pleadings is only justified when the
8 moving party shows conclusively that the failure to disclose was willful, contumacious or in bad
9 faith, a burden borne by the movant.”) (citation omitted). At the conclusion of the evidentiary
10 hearing, Plaintiff submitted deposition testimony addressing Butler and Bochenek’s level of
11 knowledge regarding Farmer, Wolfe/Murray’s Metro statements, and Sumera. Despite having the
12 burden of proof, Plaintiff did not call Butler or Bochenek at the evidentiary hearing to try to elicit
13 testimony that they willfully concealed this evidence.

14 Thus, there is no evidence in the record which enables this Court to make the leap from
15 Butler and Bochenek’s knowledge of relevant evidence in 2008 to the willful concealment of
16 relevant evidence with the intent to harm in 2009 and later. Knowledge of relevant evidence at one
17 time and willful concealment of that evidence are two very different things. As recognized by this
18 Court in its findings regarding witness memory loss, the fact that Butler and Bochenek had
19 knowledge regarding Wolfe, Murray, Sumera, and the existence of the Metro statements in 2008
20 does not mean they would have remembered that information after Plaintiff’s case was filed over
21 one year later.⁴ Likewise, there was no evidence presented at the evidentiary hearing indicating that

22 ³ Order, 25:8-10.

23 ⁴ Plaintiff spent a good portion of her Opposition on the declaration of Detective Michael Saunders, claiming that
24 it is inadmissible hearsay and inappropriate for reconsideration. First, it is no more hearsay than all the deposition
25 testimony Plaintiff submitted at the evidentiary hearing instead of calling live witnesses. Further, as this Court is well
aware, declarations in compliance with NRS 53.045 are frequently used and accepted for evidentiary support in motion
practice.

26 Second, Detective Saunders’ declaration is entirely appropriate on reconsideration because it is addressing a
27 manifest error of fact. See *AA Primo Builders, LLC*, 126 Nev. ___, 245 P.3d at 1193. Specifically, Murray testified in
28 her deposition that Butler had a copy of her Metro statement in 2008. Butler contradicted Murray’s testimony by stating
that she had no access to either Murray or Wolfe’s Metro statements in 2008 and never saw them until her deposition in
2015. (Ex. 3 to Mot., 92:12 – 94:15; 96:7 – 20; 114:2 – 115:14.) Despite this factual dispute, the Court made an
“undisputed” factual finding, citing only to Murray’s deposition, that Carol Butler “received a copy of the Statement, and

1 Butler and Bochenek were in a position to relay that information to Centennial's Counsel during the
2 pendency of Plaintiff's case, or that they willfully withheld that information from Centennial's
3 Counsel with the specific intent to harm Plaintiff. The sole evidence presented by Plaintiff with
4 respect to Butler and Bochenek concerned only their knowledge—not willful concealment with the
5 intent to harm.

6 Plaintiff's Opposition further confirms the lack of willfulness by any specific Centennial
7 employee. Plaintiff flatly concludes that "Butler, Bochenek, Bell, Bemis and Prangle, each on their
8 own, willfully concealed the evidence regarding the Wolfe-Sumera and Murray issues."⁵ With
9 respect to Butler and Bochenek, Plaintiff does not point to any evidence or testimony that shows any
10 level of willfulness on their part.⁶ Instead, Plaintiff merely cites to pp. 25-26 of the Order, which
11 does not mention Butler or Bochenek one time—instead referring only to Centennial as a whole
12 (thus highlighting the improper application of the collective knowledge doctrine for the Court's
13 willfulness findings) or Centennial's Counsel.

14 Plaintiff then takes it up a notch. Not only did Centennial willfully conceal evidence
15 (without proof of any specific employee who possessed a culpable state of mind), Plaintiff now
16 claims that "[t]here was an active 'conspiracy' to withhold the information."⁷ In Nevada, a
17 conspiracy requires "a combination of two or more persons who, by some concerted action, intend to
18 accomplish an unlawful objective for the purpose of harming another, and damage results from the
19 act or acts." *Hilton Hotels Corp. v. Butch Lewis Prods., Inc.*, 109 Nev. 1043, 1048, 862 P.2d 1207,
20 1210 (1993). Plaintiff does not provide any evidence to support this conspiracy.

21 As addressed in the Motion, Plaintiff's claim that Centennial willfully concealed evidence for
22

23 discussed it with nurse Murray and others shortly after the Farmer incidents." (Order, 10:14-16.) Detective Saunders'
24 declaration, which was not necessary until the Order showed that the Court had disregarded Butler's deposition
testimony, further demonstrates that the Court's "undisputed" factual finding is incorrect.

25 ⁵ Opp'n, 15:17-19.

26 ⁶ The Court's Order does take issue with some of Centennial's discovery responses which Amanda Bell verified.
Other than that, Plaintiff has no basis to conclude that Amanda Bell "willfully concealed evidence," and does not provide
any sort of explanation to support that conclusion. Further, Michael Prangle and John Bemis are not Centennial
27 employees, and therefore, their alleged willfulness is not relevant to a finding that Centennial (as opposed to
Centennial's Counsel) willfully concealed evidence. Their state of mind is addressed in the next section.

28 ⁷ Opp'n, 17:8-9.

1 over five years is even more tenuous in light of the fact that Butler and Bochenek—the alleged
2 concealers—were not Centennial employees for the majority of this lawsuit. Butler left Centennial
3 on January 3, 2010, and Bochenek left Centennial on September 26, 2010.⁸ It strains credulity to
4 claim that two Centennial employees were willfully concealing evidence after they left Centennial’s
5 employ.⁹ The question then remains—which specific employees of Centennial were willfully
6 concealing this evidence after Butler and Bochenek left in 2010? Plaintiff has not provided anything
7 in response.

8 The bottom line is: proof of Butler and Bochenek’s knowledge of relevant evidence does not
9 constitute proof of willful concealment of that evidence. Plaintiff had the burden to prove that one
10 or more Centennial employees possessed a culpable state of mind. She failed to do so. Without a
11 finding of willfulness, the level of sanction issued here (*i.e.*, striking Centennial’s answer as to
12 liability) cannot stand. *See Clark Cty. School Dist. v. Richardson Constr., Inc.*, 123 Nev. 382, 391,
13 168 P.3d 87, 93 (2007) (“In general, a district court may impose sanctions only when there has been
14 willful noncompliance with the discovery order or willful failure to produce documents under NRCP
15 16.1.”).¹⁰

16 C. **The Failure of the Notice to State that this Court Would Consider Whether**
17 **Centennial’s Counsel Violated Nevada RPC 3.3 Resulted in Denial of Due Process of**
18 **Law.**

19 Plaintiff argues that Centennial’s Counsel had notice that their compliance with Nevada Rule
20 of Professional Conduct (“Nevada RPC”) 3.3 would be addressed during the August 28, 2015
21 evidentiary hearing because, while moving for sanctions, Plaintiff argued that Centennial’s Counsel

22 ⁸ (Ex. 7 to Mot.) Plaintiff takes issue with the statement that Bochenek’s departure in September of 2010 was
23 soon after the lawsuit was filed. Plaintiff’s issue with this statement is not very convincing in light of the fact that
24 Centennial provided the actual date of departure. (Mot., 7:15-16.) Further, in light of the fact that this lawsuit has been
25 pending for over six years, the fact that she left in September of 2010 confirms that she was employed for but a small
26 fraction of the duration of this lawsuit.

27 Plaintiff additionally takes issue with the conflict between Mr. Prangle’s arguments at the evidentiary hearing
28 and Butler and Bochenek’s actual dates of departure. Mr. Prangle later recognized that he was factually incorrect during
his argument, but he set the record straight by providing the actual dates in the Motion. Contrary to Plaintiff’s
accusations, not every incorrect statement is a misrepresentation or a lie.

⁹ Bochenek went to Summerlin Hospital after leaving Centennial Hills.

¹⁰ It is also worth noting that the Order does not explain why it includes Universal Health Services, Inc. in its
findings of willful concealment of evidence. There was absolutely no evidence presented at the evidentiary hearing that
any employees of Universal Health Services, Inc. willfully concealed relevant evidence.

1 violated Nevada RPC 3.3. That might have been sufficient notice if—*but only if*—the Discovery
2 Commissioner had agreed with Plaintiff when ruling on the Motion for Sanctions. The R&R proves
3 that she did not.

4 As stated in the Motion for Reconsideration, following the July 3, 2015 hearing on the
5 Motion for Sanctions, Commissioner Bulla recommended that the District Court consider three
6 issues (and only three issues) for purposes of deciding whether to impose heightened sanctions.
7 None of those issues concerned whether Centennial’s Counsel violated Nevada RPC 3.3. *If the*
8 *Discovery Commissioner wanted the District Court to address a fourth issue (namely, whether*
9 *Centennial’s Counsel violated Nevada RPC 3.3), she would have said so in her R&R.*¹¹

10 It is unsurprising that the Discovery Commissioner did not recommend that the District Court
11 address whether Centennial’s Counsel violated Nevada RPC 3.3 in representing Centennial—courts
12 generally disapprove of personal attacks directed toward the professional ethics of opposing counsel.
13 *See, e.g., Gleason v. Isbell*, 145 S.W.3d 354, 360 (Tex. 2004) (noting that ad hominem attacks on
14 opposing counsel “are ineffective and inappropriate”); *Irick v. U.S.*, 565 A.2d 26, 34 (D.C. Ct. App.
15 1989) (stating that “[a]d hominem attacks against opposing counsel are uncalled for and
16 unprofessional”); *accord People v. Bell*, 778 P.2d 129, 149 (Cal. 1989) (noting that it is improper at
17 trial “to resort to personal attacks on the integrity of opposing counsel”).

18 Though Plaintiff has repeatedly disparaged Centennial’s Counsel, courts find that such
19 “advocacy” does little, if anything, to assist in analyzing the issues presented in a case.¹² *See, e.g.,*
20 *Robinson v. D.C.*, 61 F. Supp. 3d. 54, 60 n.4 (D. D.C. 2014) (stating that “irrelevant and
21 inappropriate efforts to disparage opposing counsel detract from consideration of the legal arguments
22 at issue and reflect more on the author than the target of the criticism”); *Procaps S.A. v. Patheon*
23 *Inc.*, No. 12-24356-CIV, 2014 WL 1237553, *8 (S.D. Fla. Mar. 26, 2014) (stating that the court will
24 continue to ignore personal attacks by the parties “when substantively reviewing the parties’ filings”
25 because they “serve no purpose” and “detract[t] from the legal arguments”); *Flomo v. Bridgeston*

26
27 ¹¹ When affirming the R&R, the District Court also had the opportunity to modify it to indicate that it would also
consider whether Centennial’s Counsel violated Nevada RPC 3.3. It did not do so.

28 ¹² The latest example includes an unnecessary reference to Centennial’s Counsel’s insurance carrier.

1 *Americas Holdings, Inc.*, No. 1:06-cv-00627-WTL-JMS, 2010 WL 935553, *1 (S.D. Ind. Mar. 10,
2 2010) (“[A]d hominem attacks on opposing counsel typically detract from, rather than enhance, the
3 merits of legal argument.”).

4 Fortunately, instances where counsel “intentionally misleads the court” are rare.
5 When such instances occur, a party may point them out in an appropriate, measured
6 way. *However, when a party repeatedly uses phrases such as “falsely quotes” or
“blatant self-serving misquote or an intentional misrepresentation,” its advocacy
ceases to be persuasive.*

7 *PFW, Inc. v. Residences at Little Nell Dev., LLC*, 292 P.3d 1094, 1101 (Colo. App. 2012) (emphasis
8 added).

9 The Nevada Rules of Professional Conduct are not designed to be used as “procedural
10 weapons” in civil litigation. Nevada RPC 1.0A(d) (“The fact that a Rule is a just basis for a lawyer’s
11 self-assessment, or for sanctioning a lawyer under the administration of a disciplinary authority, does
12 not imply that an antagonist in a collateral proceeding or transaction has standing to seek
13 enforcement of the Rule.”). The R&R put Centennial and Centennial’s Counsel on notice of the
14 specific issues to be addressed by the Court during the evidentiary hearing. Alleged breach of the
15 duty of candor was not among the issues set forth in the R&R. *In re Prudential Ins. Co. Am. Sales
16 Practice Litig. Agent Actions*, 278 F.3d 175, 191 (3d Cir. 2002) (stating that particularized notice of
17 alleged attorney misconduct is vital for due process purposes). Based on the plain language of the
18 R&R, it was foreseeable that Centennial’s Counsel would be defending their compliance with only
19 the Rules of Civil Procedure, not the Rules of Professional Conduct. Because the R&R did not put
20 Centennial or Centennial’s Counsel on notice that this Court would consider imposing sanctions
21 based on violations of the Rules of Professional Conduct, Centennial and Centennial’s Counsel were
22 denied due process, which mandates that this Court vacate its November 4, 2015 Order.

23 **D. Plaintiff Did Not Show Where in the Record the Evidence Supports Finding that**
24 **Centennial’s Counsel Knowingly Made False Statements of Fact and Intentionally**
Sought to Conceal Relevant Information.

25 Lack of due process aside, Centennial argued in its Motion for Reconsideration that Plaintiff
26 failed to prove that Centennial’s Counsel *knowingly* made false statements of fact or *intentionally*
27 concealed relevant information—absolute predicates to any finding that Centennial’s Counsel
28 breached their duties of fairness and candor. In response, Plaintiff argues that by mid-2013,

1 Centennial's Counsel knew of the Metro statement from Murray and that Sumera and Wolfe
2 possessed potentially relevant information concerning Farmer.¹³ *Yet, Plaintiff fails to explain how*
3 *information that may have been obtained by Centennial's Counsel in May 2013 is relevant in*
4 *analyzing whether Centennial's Counsel knowingly withheld material information in November*
5 *2009 in making initial disclosures.*¹⁴

6 Plaintiff further argues that Centennial's Counsel knew of the previous issues with Farmer by
7 virtue of investigating the Cagnina incident. However, Plaintiff assumes that Centennial's Counsel
8 learned facts relevant to this case when interviewing witnesses for the Cagnina case (and it is
9 undisputed that Centennial's Counsel did not re-interview witnesses for Plaintiff's incident).
10 Plaintiff did not identify what information Centennial's Counsel had learned about Farmer when
11 investigating the Cagnina incident that would be relevant to this case and why Centennial's Counsel
12 would be motivated to conceal that information in this case when they already disclosed it in the
13 Cagnina case.

14 Next, Plaintiff argues that Centennial's Counsel is attempting to misinterpret the "no known
15 prior acts" statement—not true. All that was shown at the evidentiary hearing was that there was
16 evidence Farmer may have been overly attentive to female patients, sought out opportunities to
17 adjust EKG leads on female patients, and was yelled at by an unidentified female patient. Hearing
18 rumors about questionable behavior by a CNA is substantively different than having first-hand
19 knowledge of wrongful acts committed by that CNA, particularly acts that would then make it
20 foreseeable that the CNA might commit a heinous crime.

21 Finally, Plaintiff argues that Centennial's Counsel is taking inconsistent positions by now
22 arguing that they negligently, rather than willfully, failed to disclose relevant information. Plaintiff
23 misunderstands the argument. As noted in the November 4, 2015 Order, Centennial's Counsel
24

25 ¹³ Plaintiff does not dispute that information cannot be downwardly imputed from a principal to its agent.
26 *Plaintiff thus concedes that this Court erred by imputing knowledge from Centennial to its counsel* and finding that
Centennial's Counsel had "constructive knowledge" of the Metro statements in 2009. (Order, 18:11-13.)

27 ¹⁴ Even if the identities of the nurses had been disclosed in 2013, there is no evidence in the record to show that
28 those nurses would have remembered more about their "concerns" with Farmer than they did when they were deposed in
2015. In fact, because Murray was deposed in the Cagnina matter in 2010 (Ex. 11 to Mot.), a simple review of that
transcript will show exactly what Murray would have testified to about Farmer in 2010.

1 acknowledged that a violation of N.R.C.P. 16.1 had occurred in this case.¹⁵ Centennial's Counsel is
2 not disputing that they should have disclosed Wolfe, Murray, and Sumera as witnesses and the
3 existence of the police statements. But, there is no evidence in the record showing that Centennial's
4 Counsel deliberately chose to conceal those witnesses and documents with the requisite intent to
5 harm Plaintiff.

6 For these reasons, the failure to disclose does not support the finding of a Nevada RPC 3.3
7 violation or any finding of willful concealment; consequently, this Court should not have stricken
8 Centennial's Answer as to liability on the grounds that its counsel engaged in willful misconduct.

9 III. CONCLUSION

10 Plaintiff's Opposition is lacking in any cogent argument that rebuts the principal legal issues
11 raised in Centennial's Motion. Plaintiff fails to identify any evidence that an employee of
12 Centennial *willfully* withheld evidence with the intent to harm Plaintiff. Without such a showing,
13 Centennial cannot be found to have acted willfully in failing to disclose relevant information. This
14 argument is set forth clearly in Centennial's Motion and supported by solid authority, yet Plaintiff
15 simply argues (without legal authority) that Centennial had knowledge of relevant information which
16 was not disclosed, and somehow that is enough to infer willfulness. It is not.

17 Plaintiff also fails to identify how Centennial and Centennial's Counsel had notice that the
18 Court would consider whether Centennial's Counsel had violated the Rules of Professional Conduct.
19 Plaintiff's repeated tactical reference to the Rules of Professional Conduct in her briefs is not a
20 substitute for notice that *the Court* would consider the issue (and again, Plaintiff provides no
21 authority that it could be). Further, the R&R (which Plaintiff drafted) contains nothing about the
22 Rules of Professional Conduct being at issue. Therefore, Centennial and its counsel had notice that
23 the Court would be considering only how to address the violations of the Rules of Civil Procedure,
24 and they were denied due process as a result.

25 ///


26 ///

28 ¹⁵ Order, 24:5-7.

1 The Court should vacate its Order striking Centennial's Answer as to liability and affirm the
2 sanctions imposed by the Discovery Commissioner.

3 DATED this 4th day of December, 2015.

4 BAILEY ♦ KENNEDY

5
6 By: 
7 DENNIS L. KENNEDY
8 JOSEPH A. LIEBMAN
9 JOSHUA P. GILMORE
10 MARK HESIAK

11 AND

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19 *Attorneys Defendants Centennial Hills Hospital*
20 *Medical Center and Universal Health Services,*
21 *Inc.*
22
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28

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 4th day of December, 2015, service of the foregoing **REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION** 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 addresses:

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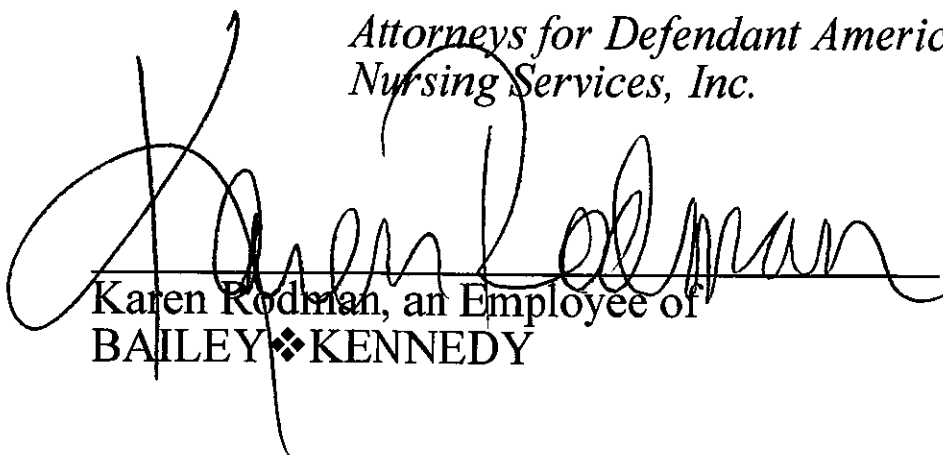
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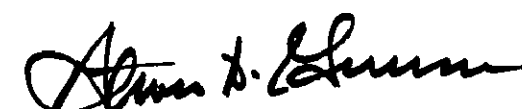
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TAB 29



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
39 that hearing in coming to its decision, and has again provided Centennial an opportunity to be
40 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

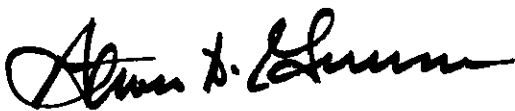
Ekley M. Keach, Esq.
ECKLEY M. KEACH, CHTD
Attorneys for Plaintiff

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

TAB 30



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

23 TO: ALL DEFENDANTS HEREIN; and
24 TO: THEIR RESPECTIVE COUNSEL OF RECORD
25 ///
26 ///
27 ///
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
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on December 11th, 2015, I served a copy of the foregoing NOTICE OF
3 ENTRY OF ORDER DENYING MOTION FOR RECONSIDERATION upon the parties to this
4 action via the court's Wiznet mandatory electronic service, addressed as follows:

5
6 Dennis L. Kennedy, Esq.
7 Joseph A. Liebman, Esq.
8 Joshua P. Gilmore, Esq.
9 Mark Hesiak, Esq.
10 Bailey Kennedy
11 8984 Spanish Ridge Avenue
12 Las Vegas, Nevada 89148

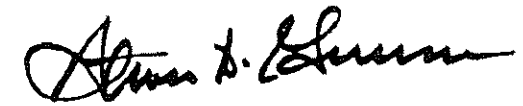
13
14 John F. Bemis, Esq.
15 Hall Prangle & Schoonveld, LLC
16 1160 North Town Center Dr., Suite 200
17 Las Vegas, NV 89144

18
19 Robert C. McBride, Esq.
20 Carroll, Kelly, Trotter, Franzen, McKenna & Peabody
21 701 North Green Valley Parkway, Suite 200
22 Henderson, NV 89074

23
24 S. Brent Vogel, Esq.
25 Amanda J. Brookhyser, Esq.
26 Lewis Brisbois Bisgaard & Smith
27 6385 South Rainbow Blvd., Suite 600
28 Las Vegas, NV 89118

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

/s/ Vera Minkova
An employee of Murdock & Associates, Chtd.



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.
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 There has been no change in the controlling law, nor is there any newly-discovered or
25 previously unanalyzed evidence that justifies reconsideration of the underlying Order. The
26 Court believes the sanction decision properly considered and weighed all of the pertinent
27 evidence in accordance with Nevada law. *See Young v Johnny Ribeiro Bldg.*, 106 Nev. 88
28 (1990); *see also Bahena v. Goodyear Tire & Rubber Co.*, 235 P.3d 592 (Nev. 2010). To
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
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

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

Richard F. Scotti
District Judge

Department Two
Las Vegas, NV 89155

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

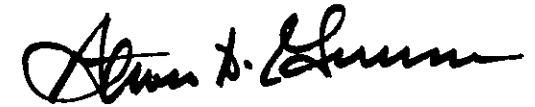
John H. Bemis, Esq.
Michael E. Prangle, Esq.
HALL, PRANGLE, SCHOVELD, LLC
Attorneys for Valley Health System LLC

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


Melody Howard
Judicial Executive Assistant

TAB 31

ORIGINAL



CLERK OF THE COURT

SAO

DENNIS L. KENNEDY

Nevada Bar No. 1462

JOSEPH A. LIEBMAN

Nevada Bar No. 10125

JOSHUA P. GILMORE

Nevada Bar No. 11576

MARK HESIAK

Nevada Bar No. 12397

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Nevada Bar No. 7205

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Nevada Bar No. 9509

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kwebster@hpslaw.com

jbemis@hpslaw.com

Attorneys for Defendants Centennial Hills

Hospital Medical Center and Universal Health

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;

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

**STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE**

| | |
|--|--|
| <input type="checkbox"/> Voluntary Dismissal | <input type="checkbox"/> Summary Judgment |
| <input type="checkbox"/> Involuntary Dismissal | <input type="checkbox"/> Stipulated Judgment |
| <input checked="" type="checkbox"/> Stipulated Dismissal | <input type="checkbox"/> Default Judgment |
| <input type="checkbox"/> Motion to Dismiss by Deft(s) | <input type="checkbox"/> Judgment of Arbitration |

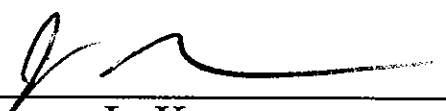
1 STEVEN DALE FARMER, an individual;
2 DOES I through X, inclusive; and ROE
3 CORPORATIONS I through X, inclusive,
4 Defendants.

5 Plaintiffs, by and through their counsel of record Murdock & Associates and Eckley M.
6 Keach, Chtd.; Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical
7 Center ("Valley") and Universal Health Services, Inc. ("UHS") (Valley and UHS are jointly referred
8 to as "Centennial Hills"), by and through their counsel of record Bailey❖Kennedy and Hall Prangle
9 & Schoonveld; Defendant American Nursing Services, Inc. ("ANS"), by and through its counsel of
10 record Lewis Brisbois Bisgaard & Smith and Pyatt Silvestri; and Defendant Steven Dale Farmer
11 ("Farmer"), by and through his counsel of record Carroll Kelly Trotter Franzen McKenna &
12 Peabody (Plaintiffs, Centennial Hills, ANS, and Farmer are collectively referred to as the "Parties"),
13 hereby stipulate and agree to dismiss, with prejudice, each and every claim asserted by the Parties in
14 the above-captioned matter, with each party to bear their own attorneys' fees and costs.

15 Additionally, the Parties hereby stipulate and agree that, notwithstanding the dismissal of this
16 matter and the terms of the Settlement Agreement and Release between the Parties, Centennial Hills
17 and Hall Prangle & Schoonveld hereby preserve their right to appeal the November 4, 2015 Order
18 Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct
19 (the "November Order"), along with the associated December 10, 2015 Order Denying Motion for
20 Reconsideration (the "December Order") (the November Order and the December Order are jointly
21 referred to as the "Sanction Order"). This Court shall retain jurisdiction over this matter until thirty
22 days following resolution of the appeal.

DATED this ^{February} 16 day of January, 2016.

BAILEY ♦ KENNEDY

By: 
DENNIS L. KENNEDY
JOSEPH A. LIEBMAN
JOSHUA P. GILMORE
MARK HESIAK
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302

AND

MICHAEL E. PRANGLE
KENNETH M. WEBSTER
JOHN F. BEMIS
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.*

DATED this ____ day of January, 2016.

MURDOCK & ASSOCIATES

By: _____
ROBERT E. MURDOCK
521 South Third Street
Las Vegas, Nevada 89101

AND

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

Attorneys for Plaintiffs

DATED this ____ day of January, 2016.

LEWIS BRISBOIS BISGAARD & SMITH

By: _____
S. BRENT VOGEL
AMANDA J. BROOKHYSER
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118

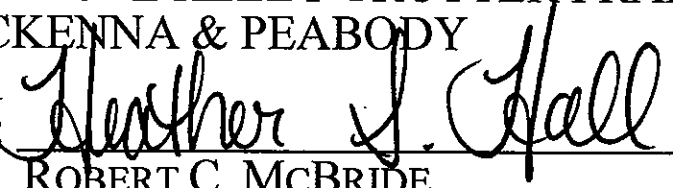
AND

JAMES P.C. SILVESTRI
PYATT SILVESTRI
701 Bridger Avenue, Suite 600
Las Vegas, Nevada 89101

*Attorneys for Defendant American Nursing
Services, Inc.*

DATED this 31st day of January, 2016.

CARROLL KELLY TROTTER FRANZEN
MCKENNA & PEABODY

By: 
ROBERT C. MCBRIDE
HEATHER S. HALL
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113

Attorneys for Defendant Steven Dale Farmer

1 DATED this ____ day of January, 2016.

2 BAILEY ♦ KENNEDY

3 By: _____

4 DENNIS L. KENNEDY
5 JOSEPH A. LIEBMAN
6 JOSHUA P. GILMORE
7 MARK HESIAK
8 8984 Spanish Ridge Avenue
9 Las Vegas, Nevada 89148-1302

10 AND

11 MICHAEL E. PRANGLE
12 KENNETH M. WEBSTER
13 JOHN F. BEMIS
14 HALL PRANGLE & SCHOONVELD,
15 LLC
16 1160 North Town Center Drive
17 Suite 200
18 Las Vegas, Nevada 89144

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

22 DATED this ____ day of January, 2016.

23 MURDOCK & ASSOCIATES

24 By: _____

25 ROBERT E. MURDOCK
26 521 South Third Street
27 Las Vegas, Nevada 89101

28 AND

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

Attorneys for Plaintiffs

DATED this ____ day of January, 2016.

LEWIS BRISBOIS BISGAARD & SMITH

By: _____

S. BRENT VOGEL
AMANDA J. BROOKHYSER
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118

AND

JAMES P.C. SILVESTRI
PYATT SILVESTRI
701 Bridger Avenue, Suite 600
Las Vegas, Nevada 89101

Attorneys for Defendant American Nursing
Services, Inc.

DATED this ____ day of January, 2016.

CARROLL KELLY TROTTER FRANZEN
MCKENNA & PEABODY

By: _____

ROBERT C. MCBRIDE
HEATHER S. HALL
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113

Attorneys for Defendant Steven Dale Farmer

BAILEY ♦ KENNEDY
8984 SPANISH RIDGE AVENUE
LAS VEGAS, NEVADA 89148-1302
702.562.8820

1 DATED this ____ day of January, 2016.

2 BAILEY ♦ KENNEDY

3 By: _____

4 DENNIS L. KENNEDY
5 JOSEPH A. LIEBMAN
6 JOSHUA P. GILMORE
7 MARK HESIAK
8 8984 Spanish Ridge Avenue
9 Las Vegas, Nevada 89148-1302

10 AND

11 MICHAEL E. PRANGLE
12 KENNETH M. WEBSTER
13 JOHN F. BEMIS
14 HALL PRANGLE & SCHOONVELD,
15 LLC
16 1160 North Town Center Drive
17 Suite 200
18 Las Vegas, Nevada 89144

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

22 DATED this ____ day of January, 2016.

23 MURDOCK & ASSOCIATES

24 By: _____

25 ROBERT E. MURDOCK
26 521 South Third Street
27 Las Vegas, Nevada 89101

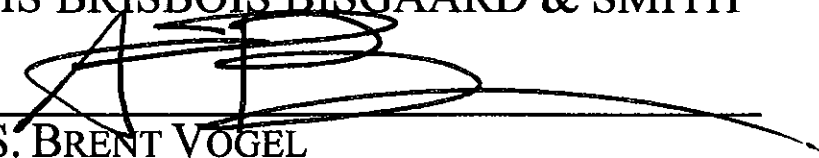
28 AND

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

Attorneys for Plaintiffs

DATED this 10 day of ^{February} ~~January~~, 2016.

LEWIS BRISBOIS BISGAARD & SMITH

By:  _____

S. BRENT VOGEL
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6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118

AND

JAMES P.C. SILVESTRI
PYATT SILVESTRI
701 Bridger Avenue, Suite 600
Las Vegas, Nevada 89101

Attorneys for Defendant American Nursing
Services, Inc.

DATED this ____ day of January, 2016.

CARROLL KELLY TROTTER FRANZEN
MCKENNA & PEABODY

By: _____

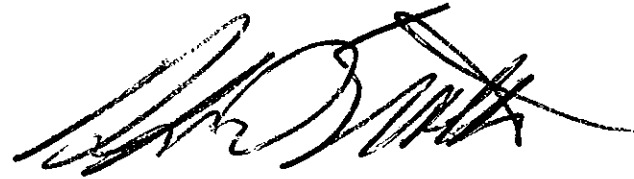
ROBERT C. MCBRIDE
HEATHER S. HALL
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113

Attorneys for Defendant Steven Dale Farmer

ORDER

Based on the foregoing Stipulation, and good cause appearing,

IT IS HEREBY ORDERED that each and every claim asserted by the Parties in this matter is hereby dismissed with prejudice, with each party to bear their own attorney's fees and costs. Centennial Hills and Hall Prangle & Schoonveld hereby preserve their right to appeal the Sanction Order and the Court will retain jurisdiction over this matter until thirty days following resolution of the appeal.



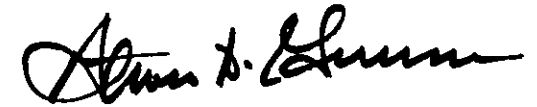
DISTRICT COURT JUDGE

AD

DATED: 18th February, 2016

A-69-595780-C

TAB 32



CLERK OF THE COURT

NESO

DENNIS L. KENNEDY

Nevada Bar No. 1462

JOSEPH A. LIEBMAN

Nevada Bar No. 10125

JOSHUA P. GILMORE

Nevada Bar No. 11576

MARK HESIAK

Nevada Bar No. 12397

BAILEY ♦ KENNEDY

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JOHN F. BEMIS, ESQ.

Nevada Bar No. 9509

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kwebster@hpslaw.com

jbemis@hpslaw.com

Attorneys for Defendants Centennial Hills

Hospital Medical Center and Universal Health

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;

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

**NOTICE OF ENTRY OF STIPULATION
AND ORDER FOR DISMISSAL WITH
PREJUDICE**

1 STEVEN DALE FARMER, an individual;
2 DOES I through X, inclusive; and ROE
3 CORPORATIONS I through X, inclusive,
Defendants.

4
5 PLEASE TAKE NOTICE that a Stipulation and Order for Dismissal with Prejudice was
6 entered on February 29, 2016, a true and correct copy of which is attached hereto.

7 DATED this 29th day of February, 2016.

8
9 BAILEY ♦ KENNEDY

10
11 By: /s/Joseph A. Liebman

12 DENNIS L. KENNEDY
13 JOSEPH A. LIEBMAN
14 JOSHUA P. GILMORE
15 MARK HESIAK

16
17 AND

18 MICHAEL E. PRANGLE, ESQ.
19 KENNETH M. WEBSTER, ESQ.
20 JOHN F. BEMIS, ESQ.
21 HALL PRANGLE & SCHOONVELD, LLC
22 1160 North Town Center Drive
23 Suite 200
24 Las Vegas, Nevada 89144

25 *Attorneys Defendants Centennial Hills Hospital*
26 *Medical Center and Universal Health Services,*
27 *Inc.*
28

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 29th day of February, 2016, service of the foregoing NOTICE OF ENTRY OF STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE 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

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ECKLEY M. KEACH, CHTD.
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Las Vegas, Nevada 89101

Email: KeachMurdock2@gmail.com

Attorneys for Plaintiff

Robert C. McBride, Esq.
Heather S. Hall, Esq.
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Attorneys for Defendant Steven Dale Farmer

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Amanda J. Brookhyser, Esq.
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*Email: Brent.Vogel@lewisbrisbois.com
Amanda.Brookhyser@lewisbrisbois.com*

Attorneys for Defendant American Nursing Services, Inc.

James P.C. Silvestri, Esq.
Ryan W. Biggar, Esq.
PYATT SILVESTRI
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Las Vegas, Nevada 89101

*Email: jsilvestri@pyattsilvestri.com
rbiggarr@pyattsilvestri.com*

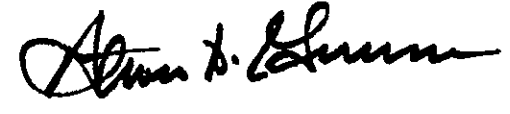
Attorneys for Defendant American Nursing Services, Inc.

/s/ Susan Russo

Susan Russo, an Employee of
BAILEY ♦ KENNEDY

ORIGINAL

Electronically Filed
02/29/2016 09:12:39 AM



CLERK OF THE COURT

1 **SAO**

DENNIS L. KENNEDY

2 Nevada Bar No. 1462

JOSEPH A. LIEBMAN

3 Nevada Bar No. 10125

JOSHUA P. GILMORE

4 Nevada Bar No. 11576

MARK HESIAK

5 Nevada Bar No. 12397

BAILEY ♦ KENNEDY

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KENNETH M. WEBSTER, ESQ.

12 Nevada Bar No. 7205

JOHN F. BEMIS, ESQ.

13 Nevada Bar No. 9509

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Las Vegas, Nevada 89144

15 Telephone: 702.889.6400

Facsimile: 702.384.6025

16 mprangle@hpslaw.com

kwebster@hpslaw.com

17 jbemis@hpslaw.com

18 *Attorneys for Defendants Centennial Hills*

Hospital Medical Center and Universal Health

19 *Services, Inc.*

20 DISTRICT COURT

21 CLARK COUNTY, NEVADA

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

24 Plaintiff,

25 vs.

26 VALLEY HEALTH SYSTEM LLC, a Nevada
limited liability company, d/b/a CENTENNIAL
HILLS HOSPITAL MEDICAL CENTER;
27 UNIVERSAL HEALTH SERVICES, INC., a
Delaware corporation; AMERICAN NURSING
28 SERVICES, INC., a Louisiana corporation;

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

**STIPULATION AND ORDER FOR
DISMISSAL WITH PREJUDICE**

| | |
|--|--|
| <input type="checkbox"/> Voluntary Dismissal | <input type="checkbox"/> Summary Judgment |
| <input type="checkbox"/> Involuntary Dismissal | <input type="checkbox"/> Stipulated Judgment |
| <input checked="" type="checkbox"/> Stipulated Dismissal | <input type="checkbox"/> Default Judgment |
| <input type="checkbox"/> Motion to Dismiss by Deft(s) | <input type="checkbox"/> Judgment of Arbitration |


1 STEVEN DALE FARMER, an individual;
2 DOES I through X, inclusive; and ROE
3 CORPORATIONS I through X, inclusive,
4
5 Defendants.

6 Plaintiffs, by and through their counsel of record Murdock & Associates and Eckley M.
7 Keach, Chtd.; Defendants Valley Health System, LLC d/b/a Centennial Hills Hospital Medical
8 Center ("Valley") and Universal Health Services, Inc. ("UHS") (Valley and UHS are jointly referred
9 to as "Centennial Hills"), by and through their counsel of record Bailey ♦ Kennedy and Hall Prangle
10 & Schoonveld; Defendant American Nursing Services, Inc. ("ANS"), by and through its counsel of
11 record Lewis Brisbois Bisgaard & Smith and Pyatt Silvestri; and Defendant Steven Dale Farmer
12 ("Farmer"), by and through his counsel of record Carroll Kelly Trotter Franzen McKenna &
13 Peabody (Plaintiffs, Centennial Hills, ANS, and Farmer are collectively referred to as the "Parties"),
14 hereby stipulate and agree to dismiss, with prejudice, each and every claim asserted by the Parties in
15 the above-captioned matter, with each party to bear their own attorneys' fees and costs.

16 Additionally, the Parties hereby stipulate and agree that, notwithstanding the dismissal of this
17 matter and the terms of the Settlement Agreement and Release between the Parties, Centennial Hills
18 and Hall Prangle & Schoonveld hereby preserve their right to appeal the November 4, 2015 Order
19 Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct
20 (the "November Order"), along with the associated December 10, 2015 Order Denying Motion for
21 Reconsideration (the "December Order") (the November Order and the December Order are jointly
22 referred to as the "Sanction Order"). This Court shall retain jurisdiction over this matter until thirty
23 days following resolution of the appeal.
24
25
26
27
28

1 DATED this ^{February} 16 day of January, 2016.

2 BAILEY ♦ KENNEDY

3 By: 
4 DENNIS L. KENNEDY
5 JOSEPH A. LIEBMAN
6 JOSHUA P. GILMORE
7 MARK HESIAK
8 8984 Spanish Ridge Avenue
9 Las Vegas, Nevada 89148-1302

10 AND
11 MICHAEL E. PRANGLE
12 KENNETH M. WEBSTER
13 JOHN F. BEMIS
14 HALL PRANGLE & SCHOONVELD,
15 LLC
16 1160 North Town Center Drive
17 Suite 200
18 Las Vegas, Nevada 89144

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

22 DATED this ____ day of January, 2016.

23 MURDOCK & ASSOCIATES

24 By: _____
25 ROBERT E. MURDOCK
26 521 South Third Street
27 Las Vegas, Nevada 89101

28 AND
ECKLEY M. KEACH
ECKLEY M. KEACH, CHTD.
521 South Third Street
Las Vegas, Nevada 89101

Attorneys for Plaintiffs

DATED this ____ day of January, 2016.

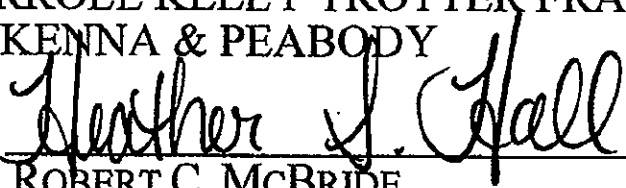
LEWIS BRISBOIS BISGAARD & SMITH

By: _____
S. BRENT VOGEL
AMANDA J. BROOKHYSER
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
AND
JAMES P.C. SILVESTRI
PYATT SILVESTRI
701 Bridger Avenue, Suite 600
Las Vegas, Nevada 89101

*Attorneys for Defendant American Nursing
Services, Inc.*

DATED this 31st day of January, 2016.

CARROLL KELLY TROTTER FRANZEN
MCKENNA & PEABODY

By: 
ROBERT C. MCBRIDE
HEATHER S. HALL
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113

Attorneys for Defendant Steven Dale Farmer

1 DATED this ____ day of January, 2016.

2 BAILEY ♦ KENNEDY

3 By: _____

4 DENNIS L. KENNEDY
5 JOSEPH A. LIEBMAN
6 JOSHUA P. GILMORE
7 MARK HESIAK
8 8984 Spanish Ridge Avenue
9 Las Vegas, Nevada 89148-1302

10 AND

11 MICHAEL E. PRANGLE
12 KENNETH M. WEBSTER
13 JOHN F. BEMIS
14 HALL PRANGLE & SCHOONVELD,
15 LLC
16 1160 North Town Center Drive
17 Suite 200
18 Las Vegas, Nevada 89144

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

22 DATED this ____ day of January, 2016.

23 MURDOCK & ASSOCIATES

24 By: _____

25 ROBERT E. MURDOCK
26 521 South Third Street
27 Las Vegas, Nevada 89101

28 AND

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

Attorneys for Plaintiffs

DATED this ____ day of January, 2016.

LEWIS BRISBOIS BISGAARD & SMITH

By: _____

S. BRENT VOGEL
AMANDA J. BROOKHYSER
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118

AND

JAMES P.C. SILVESTRI
PYATT SILVESTRI
701 Bridger Avenue, Suite 600
Las Vegas, Nevada 89101

Attorneys for Defendant American Nursing
Services, Inc.

DATED this ____ day of January, 2016.

CARROLL KELLY TROTTER FRANZEN
MCKENNA & PEABODY

By: _____

ROBERT C. MCBRIDE
HEATHER S. HALL
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113

Attorneys for Defendant Steven Dale Farmer

1 DATED this ____ day of January, 2016.

2 BAILEY ♦ KENNEDY

3 By: _____

4 DENNIS L. KENNEDY
5 JOSEPH A. LIEBMAN
6 JOSHUA P. GILMORE
7 MARK HESIAK
8 8984 Spanish Ridge Avenue
9 Las Vegas, Nevada 89148-1302

10 AND

11 MICHAEL E. PRANGLE
12 KENNETH M. WEBSTER
13 JOHN F. BEMIS
14 HALL PRANGLE & SCHOONVELD,
15 LLC
16 1160 North Town Center Drive
17 Suite 200
18 Las Vegas, Nevada 89144

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

22 DATED this ____ day of January, 2016.

23 MURDOCK & ASSOCIATES

24 By: _____

25 ROBERT E. MURDOCK
26 521 South Third Street
27 Las Vegas, Nevada 89101


28 AND

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

Attorneys for Plaintiffs

DATED this ^{February} 10 day of January, 2016.

LEWIS BRISBOIS BISGAARD & SMITH

By:  _____

S. BRENT VOGEL
AMANDA J. BROOKHYSER
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118

AND

JAMES P.C. SILVESTRI
PYATT SILVESTRI
701 Bridger Avenue, Suite 600
Las Vegas, Nevada 89101

Attorneys for Defendant American Nursing
Services, Inc.

DATED this ____ day of January, 2016.

CARROLL KELLY TROTTER FRANZEN
MCKENNA & PEABODY

By: _____

ROBERT C. MCBRIDE
HEATHER S. HALL
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113

Attorneys for Defendant Steven Dale Farmer

ORDER

Based on the foregoing Stipulation, and good cause appearing,

IT IS HEREBY ORDERED that each and every claim asserted by the Parties in this matter is hereby dismissed with prejudice, with each party to bear their own attorney's fees and costs. Centennial Hills and Hall Prangle & Schoonveld hereby preserve their right to appeal the Sanction Order and the Court will retain jurisdiction over this matter until thirty days following resolution of the appeal.



DISTRICT COURT JUDGE

AD

DATED: 18th FEBRUARY, 2016

A-09-595780-C

TAB 33

DEFENDANTS' EXHIBITS

CASE NO. A595780

[illegible]

TAB 34

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 |

| | | | |
|--|---------|----|---------|
| 1l. 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 |

| | | | |
|--|---------|----|---------|
| 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 |

TAB 35
PART ONE

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT

DOUGLAS C. GILLESPIE, Sheriff

Partners with the Community

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

May 8, 2013

AFFIDAVIT:

I, SUSANA S. MCCURDY, being duly sworn, on oath, depose and say:

That I am the Records Director of official police records maintained by the Las Vegas Metropolitan Police Department.

That I am in receipt of your Order served to us on May 6, 2013, ordering the entire case file regarding Case Number C245739.

That I have provided a copy of a CD containing photographs pertaining to event number 080516-1021, which was provided to me by the Las Vegas Metropolitan Police Department Photo Laboratory.

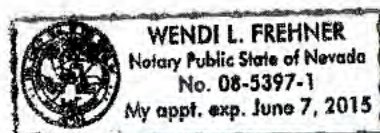
That the Las Vegas Metropolitan Police Department has redacted privileged private personal information regarding social security numbers in which a reasonable person would have a legitimate expectation of privacy. Therefore, the Las Vegas Metropolitan Police Department objects to the subpoena on the foregoing grounds pursuant to NRCP 45(c)(2)(B).

That I have provided true and correct copies of all responsive documents under my hand and not privileged by law, except as otherwise indicated above, 188 pages in all.

Susana S. McCurdy
Susana S. McCurdy
DIRECTOR, POLICE RECORDS BUREAU

SUBSCRIBED AND SWORN to before me
this 8th day of May, 2013, in the
County of Clark, State of Nevada by Susana S. McCurdy

Wendy L. Frehner
NOTARY PUBLIC



Incident Report

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
400 E STEWART
LAS VEGAS, NEVADA 89101
(702) 828-3111

CONFIDENTIAL

Incident Number: LLV080516001021

Incident Summary

Incident Type: CRIMINAL INCIDENT
Inc Occurred Address: 6900 N DURANGO DR CENTENNIAL HILLS HOS LAS VEGAS, NV
Inc Occurred Start: 05/16/2008 03:00 Inc Occurred End: 05/16/2008 05:00
Domestic: N Bias Motivation: NO Gang Related: N Substance: U
Contact Nature: Reported Date/Time: 05/16/2008 09:40
Reporting Officer: CASPER, M 6549 Primary Assigned Officer: SAUNDERS, M 6076
Report Type: FIELD INCIDENT REPORT
Sector/Beat: X5/X5
Report Taken: 05/16/2008 09:40

Offenses

Statute Code: SEXA200.366A Enhancers:
Statute Desc: SEXUAL ASSAULT
Counts: 1 Statute Severity: FELONY

Persons Involved

Person#: 0001 MNI: 3082374 Can ID Suspect: Yes
Event Association: VICTIM Contact Date/Time:
Name: CAGNINA, ROXANNE MARIE
DOB: 07/06/1973 Age: 34 - 34 Sex: FEMALE Race: WHITE/CAUCASIAN
Height: 5' 3" - 5' 3" Weight: 150 - 160 lbs Eye Color: GREEN Hair Color: RED
Address: 3717 LOWER SAXON NO. LAS VEGAS, NEVADA 89085 Sector/Beat:
Phone Type 1: RESIDENCE Phone# 1: (702) 870-5435 Ext 1:
Phone Type 2: Phone# 2: Ext 2:
Occupation: Employer/School: UNEMPLOYED

Person#: 0002 MNI: 8603647 Can ID Suspect: No
Event Association: CONTACT Contact Date/Time:
Name: CAGNINA, SCOTT
DOB: 07/03/1968 Age: 39 - 39 Sex: MALE Race: WHITE/CAUCASIAN
Height: 6' 1" - 6' 1" Weight: 230 - 230 lbs Eye Color: BLUE Hair Color: BALD / UNKNOWN
Address: 3717 LOWER SAXON NO. LAS VEGAS, NEVADA 89085 Sector/Beat:
Phone Type 1: RESIDENCE/HOM Phone# 1: (702) 870-5435 Ext 1:
Phone Type 2: BUSINESS/WORK Phone# 2: (702) 828-3111 Ext 2:
Occupation: CORRECTIONS OFFICER Employer/School: CCDC

Person#: 0003 MNI: 8603651 Can ID Suspect: No
Event Association: SUSPECT Contact Date/Time:
Name: FARMER, STEVEN DALE
DOB: Age: - Sex: MALE Race: WHITE/CAUCASIAN
Height: Weight: Eye Color: Hair Color:
Address: Sector/Beat:
Phone Type 1: Phone# 1: Ext 1:
Phone Type 2: Phone# 2: Ext 2:
Occupation: NURSE Employer/School:

CONFIDENTIAL

The Use and Dissemination of this
Record is Regulated by Law. Secondary
Dissemination of any kind is Prohibited
and could subject the offender to Criminal
and Civil Liability.

This Information Released To:

John Benis, 188 pages
By: W880AF Date: 5/7/13
Las Vegas Metro Police Dept.

I hereby certify this is a full, true and correct copy of the:
ORIGINAL DOCUMENT
(HARD COPY/COMPUTERIZED/MICROGRAPHIC COPY)

MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

Incident Report

CONFIDENTIAL

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
400 E STEWART
LAS VEGAS, NEVADA 89101
(702) 828-3111

Incident Number: LLV080516001021

Narratives

ENTERED DATE/TIME: 5/20/2008 09:35:20

NARRATIVE TYPE: INCIDENT CRIME REPORT

SUBJECT: SEXUAL ASSAULT

AUTHOR: CASPER, M 6549

THE VICTIM HAS A HISTORY OF SEIZURES AND THIS MORNING WHILE AT HER RESIDENCE SHE SUFFERED ANOTHER EPISODE. SHE HAS A PANIC ALARM AT HOME WHICH SUMMONS HELP. ROXANNE WAS TRANSPORTED TO CENTENNIAL HILLS HOSPITAL.

ROXANNE SAYS THAT WHILE IN THE ELEVATOR A MALE NURSE BEGAN TO STROKE HER LEG IN AN EFFORT TO COMFORT HER. ONCE THEY ARRIVED IN HER ROOM, ROXANNE SAYS THAT THE NURSE STARTED TO FONDLE HER BREASTS, STROKING HER NECK AND HE THEN USED TWO FINGERS TO PENETRATE HER VAGINA.

ROXANNE WAS HEAVILY MEDICATED DURING THE ASSAULT BUT SAYS THAT THE NURSE KEPT TELLING HER TO RELAX AND HE WAS DOING THESE THINGS TO HER RELAX. ROXANNE FURTHER STATED THAT THE NURSE THEN SAID TO HER AS HE REPEATEDLY PENETRATED HER WITH FINGERS, THAT HE WANTED ROXANNE TO "CUM". ROXANNE ALSO BELIEVES THAT SUSPECT ORALLY ASSAULTED HER AS WELL.

ROXANNE IS NOT SURE HOW LONG THE ASSAULT LASTED BUT SAYS SHE WAS VERY SCARED AND WASN'T SURE WHAT TO DO.

AFTER THE SUSPECT LEFT, SHE CALLED HER HUSBAND, SCOTT AND THEN SAYS SHE CALLED 911. THE SUSPECT RETURNED TO ROXANNE'S ROOM AT 0700, BUT THE NIGHT NURSE WAS IN THE ROOM AT THE TIME. THE SUSPECT AND NIGHT NURSE LEFT THE ROOM TOGETHER.

INITIALS

I hereby certify this is a full, true and correct copy of the:
ORIGINAL DOCUMENT
(HARD COPY/COMPUTERIZED/MICROGRAPHIC COPY)

MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Susana S. McCurdy
Director, Police Records Bureau Records Custodian

CONFIDENTIAL

| | | | |
|--|--|---|----------------|
| Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Biology/DNA Detail | | Distribution Date: JUL 29 2008 | |
| Subject(s): | Roxanne Cagnina (v) Steven Farmer (s) | Case: | 08 0516-1021 |
| | | Agency: | LVMPD |
| | | Incident: | Sexual Assault |
| | | Requester: | M. Pence |

The Biology/DNA Detail of the Las Vegas Metropolitan Police Department Forensic Laboratory examined evidence in this case and reports the following results:

| Pkg # | Item # | Lab # | Description | Results |
|------------|--------|-------|--|-----------------------------|
| SAK-Ebbert | | KP1 | Sexual Assault Kit – Roxanne Cagnina | |
| | | KP1A | Reference buccal swabs | • Full female profile |
| | | KP1B1 | Vaginal swabs | • Full female profile |
| | | KP1B2 | Cervical swabs | • Full female profile |
| | | KP1C1 | Face swab | • Full female profile |
| | | KP1C2 | Fingernail scrapings | • Partial DNA profile |
| | | KP1D | Pubic hair brushing | • Not examined |
| | | KP1E | Rectal swabs | • Full female profile |
| | | KP1F1 | Oral swabs | • Full female profile |
| | | KP1F2 | Floss | • DNA typing not performed |
| | | KP1G | Labial swabs | • Full female profile |
| | | KP1H | Paperwork | • Used for information only |
| | | KP1I1 | Breast swabs | • Mixture profile |
| | | KP1I2 | Thigh swabs | • Mixture profile |
| 8177-1 | 1 | KP2A | Right hand finger swabs | • Full male profile |
| | 2 | KP2B | Left hand finger swabs | • Full male profile |
| | 3 | KP2C | Right hand fingernail scrapings | • Possible mixture profile |
| | 4 | KP2D | Left hand fingernail scrapings | • Full male profile |
| 8177-2 | 5 | KP3 | Reference buccal swabs – Steven Farmer | • Full male profile |

CONCLUSIONS

Items KP1A, KP1B1, KP1B2, KP1C1, KP1C2, KP1E, KP1F1, KP1G, KP1I1, KP1I2, KP2A, KP2B, KP2C, KP2D, and KP3 were subjected to PCR amplification at the following STR genetic loci: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, and FGA. The sex-determining Amelogenin locus was also examined.

The DNA profiles obtained from the vaginal swabs (KP1B1), cervical swabs (KP1B2), face swabs (KP1C1), rectal swabs (KP1E), oral swabs (KP1F1), and labial swabs (KP1G) are consistent with Roxanne Cagnina (KP1A). Additional alleles below threshold were detected on the face swabs (KP1C1).

Due to limited information, conclusions with regard to the source of the partial DNA profile obtained from the fingernail scrapings (KP1C2) cannot be reached.

JAN 13 2013

I hereby certify this is a full, true and correct copy of the:
ORIGINAL DOCUMENT
(HARD COPY/COMPUTERIZED/MICROGRAPHIC COPY)

MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Summa S. McCurdy
Director, Police Records Bureau Records Custodian

CONFIDENTIAL

The DNA profile obtained from the breast swabs (KP111) is a mixture. The major profile is consistent with Roxanna Cagnina (KP1A). Steven Farmer (KP3) cannot be excluded as a minor DNA contributor. Greater than 99.99% of individuals in the population are excluded as possible contributors of DNA to the breast swabs (KP111).

The DNA profile obtained from the thigh swabs (KP112) is a mixture. The major profile is consistent with Roxanna Cagnina (KP1A). Steven Farmer (KP3) cannot be excluded as a minor DNA contributor. Greater than 99.88% of individuals in the population are excluded as possible contributors of DNA to the thigh swabs (KP112).

The DNA profiles obtained from the finger swabs (KP2A and KP2B) and the left hand fingernail scrapings (KP2D) are consistent with Steven Farmer (KP3). Possible additional alleles below threshold were detected on these samples.

The DNA profile obtained from the right hand fingernail scrapings (KP2C) is a possible mixture. The major profile is consistent with Steven Farmer (KP3). Due to limited information, conclusions with regard to possible minor contributors cannot be reached.

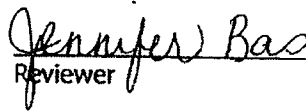
I returned the evidence to the vault.

I declare under penalty of perjury that the foregoing is true and correct.



Kristina Paulette, P#8805
Forensic Scientist II

July 16, 2008
Date


Reviewer

I hereby certify this is a full, true and correct copy of the:
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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

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| | | | |
|--|----------------------------------|--|-------------------|
| Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Biology/DNA Detail | | Distribution Date: DEC 19 2011 | |
| Subject(s): | FARMER, Steven (suspect) | Case: | 08 0516-1021 |
| | CAGNINA, Roxanne (victim) | Agency: | LVMPD |
| | | Incident: | Sexual Assault |
| | | Requester: | J. Merback - CCDA |

The Biology/DNA Detail of the Las Vegas Metropolitan Police Department Forensic Laboratory examined evidence in this case and reports the following results:

| Impound Pkg# | Impound Item# | Lab Pkg # | Description | Results |
|--------------|---------------|-----------|--|------------------------------------|
| SAK-Ebbert | | JM-1 | Sexual Assault Kit – Roxanne Cagnina | |
| | | | A) Buccal swabs | • Full female profile |
| | | | B) Vaginal and cervical swabs | • Not examined |
| | | | C) Debris/fingernail scrapings/bite marks/secretions | • Not examined |
| | | | D) Pubic hair brushing | • Not examined |
| | | | E) Rectal swabs | • Not examined |
| | | | F) Oral swabs/floss | • Not examined |
| | | | G) Labial swabs | • Not examined |
| | | | H) Paperwork | • Used for information only |
| | | | I) 1) Breast swabs. | • Partial possible mixture profile |
| | | | 2) Thigh swabs | • Possible mixture profile |
| 8177-2 | 5 | JM-2 | Buccal swabs – Steven Farmer | Full male profile |

CONCLUSIONS

Items JM-1A, JM-111, JM-112, and JM-2 were subjected to PCR amplification at the following STR genetic loci: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, and FGA. The sex-determining Amelogenin locus was also examined.

The full and partial DNA profiles obtained from the breast (JM-111) and thigh (JM-112) swabs are consistent with Roxanne Cagnina (JM-1A). There are indications of a mixture in these samples, including a male contributor below the interpretation threshold; however, sufficient data was not obtained for further comparison.

The evidence was returned to the vault.

Julie M. Marschner
Julie M. Marschner, P#8806 December 14, 2011
Forensic Scientist II

Beata Uda #14279
Administrative Reviewer

Kellie H. Harkins #8271
Technical Reviewer

AA1878

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Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

CONFIDENTIAL

Page 1 of 1LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event #

082516-1021

THIS PORTION TO BE COMPLETED BY OFFICER

| | | |
|--|----------------------------------|--|
| Specific Crime <u>SLA</u> | Date Occurred <u>05-16-08</u> | Time Occurred <u>0300-0500</u> |
| Location of Occurrence <u>1900 N. DUNINGO LV NV 89131</u> | Sector/Beat <u>X5</u> | <input type="checkbox"/> City <input type="checkbox"/> County |

| | | | | | | | | |
|--|-----------------|--|----------------------|--------------------|--------------------|--|---|------------------------------------|
| Your Name (Last / First / Middle) <u>CAGNINA, SCOTT MATTHEW</u> | | | | | | Date of Birth <u>7-3-68</u> | | |
| Race <u>W</u> | Sex <u>M</u> | Height <u>6'1"</u> | Weight <u>230</u> | Hair <u>BRO</u> | Eyes <u>BLU</u> | Work Schdl. (Hours) <u>0600-1800</u> | (Days Off) <u>ARTW</u> <u>SU-TU</u> | Business / School <u>LV MPD</u> |
| Residence Address: (Number & Street) <u>3717 LOWER SARDON AVE</u> | | Bldg./Apt.# <u></u> | | City <u>NLV</u> | | State <u>NV</u> | | Zip Code <u>89085</u> |
| Bus. (Local) Address: (Number & Street) <u>330 SO. CASINO CNTR BLVD</u> | | Bldg./Apt.# <u></u> | | City <u>LV</u> | | State <u>NV</u> | | Zip Code <u>89101</u> |
| Best place to contact you during the day <u>CELL PHONE 807-5458</u> | | Best time to contact you during the day <u></u> | | | | Can You Identify <input type="checkbox"/> Yes the Suspect? <input checked="" type="checkbox"/> No | | |

DETAILS ON 5/16/08 AT APPROXIMATELY 0640 HOURS MY WIFE, ROXANNE CAGNINA, CALLED ME AT HOME AND ASKED ME TO COME TO THE HOSPITAL. I TOLD HER I WAS GETTING THE KIDS READY FOR SCHOOL AND THAT I WOULD COME AS SOON AS POSSIBLE. SHE TOLD ME A MALE NURSE FROM THE EMERGENCY ROOM HAD TOUCHED HER INAPPROPRIATELY AND THAT HE HAD SAID HE WOULD COME BACK AND SEE HER AT SEVEN IN THE MORNING. I TOLD HER TO CONTACT HER NURSE AND LET THEM KNOW WHAT HAPPENED AND THAT I WOULD BE THERE AS SOON AS I COULD. UPON ARRIVING I FOUND A LORI WERN A SUPERVISOR IN ROXANNE'S ROOM INTERVIEWING HER. ROXANNE STATED THAT THE SUSPECT DID COME IN HER ROOM AT ABOUT SEVEN 0700 HOWEVER THE NIGHT NURSE WAS IN THE ROOM WHEN HE CAME IN AND THE NURSES THEN LEFT TOGETHER.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) CENTENIAL HILLS HOSPITAL ROOM 725 THE 16TH DAY OF MAY AT 1013 (AM/PM) 2008.

Witness/Officer: _____ (SIGNATURE)

M. CAGNINA

65709

AA1879

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
PROPERTY REPORT

CONFIDENTIAL

| | | | | | | | | | | | |
|---|--|--|--|--|--|---------------------------------|--|---|--|--|--|
| <input type="checkbox"/> Firearms Impounded <input type="checkbox"/> Recovered <input checked="" type="checkbox"/> Evidence <input type="checkbox"/> Found <input type="checkbox"/> Safekeeping <input type="checkbox"/> Seizure <input type="checkbox"/> Other | | | | Incident SEXUAL ASSAULT | | Date Prepared 5/16/08 | | Time Prepared 1500 | | PAGE 1 OF 1 | |
| | | | | <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Gross <input type="checkbox"/> Misd. | | Event # 880516-1021 | | | | | |
| Reporting Officer M. SALVENDY | | | | Unit 5122 | | P# 6074 | | Supervisor Approving P# | | CCW Permit <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Property Physically Impounded By: S/A | | | | Unit | | P# | | Property Checked Through: <input type="checkbox"/> Pawn <input type="checkbox"/> NCIC <input type="checkbox"/> SCOPE | | | |
| Property Physically Impounded By (Signature) M. B. | | | | Connecting Reports - Type & Event #: IRR/STMT | | | | | | | |

| | | | | | | | | | | | | |
|--------------------------------------|----|----|-----------------|--|--|--------------------|--|--|----|----------------|----------------|----------|
| S# | V# | A# | Last Name | | | First Name | | | MI | DOB | ID# | AKA |
| | | | | | | | | | | | | |
| | | | 1 FARMER | | | STEVEN DALE | | | | 3/16/52 | - | |
| Street Address | | | | | | | | | | | | |
| UNKNOWN | | | | | | | | | | | | |
| | | | 2 CAGINA | | | ROXANNE | | | | 7/6/73 | 1300587 | - |
| Street Address | | | | | | | | | | | | |
| 3717 LOWER SAGAN NW NV. 89085 | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| Street Address | | | | | | | | | | | | |
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| Street Address | | | | | | | | | | | | |

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|--|--|-----------|--|------------|--|--|-------|-------------------|-----------|--------------|
| Recovered By <input checked="" type="checkbox"/> Owner | | Last Name | | First Name | | MI | DOB | SS# | | |
| Reporting Officer <input type="checkbox"/> Finder | | | | | | | | | | |
| Street Address | | | | | | | | | | |
| | | | | Home Phone | | Business Phone | | | | |
| Location Of Recovery (Number & Street) | | | | | | Bldg.# | Apt.# | City | State | Zip Code |
| 6900 N. DURANGO | | | | | | | | LV | NV | 89147 |
| Owner Notified: By | | Date | | VIA | | Rlsd. to Owner? | | Owner's Signature | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | |

| | | | | | | | | | | | | |
|---|--|--|--|--|--|--|--|--|--|--|--|--|
| Circumstances | | | | | | | | | | | | |
| BELOW ITEMS WERE ON VICTIM & MOVED BY THE SUSPECT DURING THE S/A | | | | | | | | | | | | |
| | | | | | | | | | | | | |
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| PKG. # | ITEM # | OWNER # | Make or Brand | Model | Color | Caliber Size | Barrel Length | S=Ser.# O=OAN M=Misc | Serial Number / OAN | Qty. | Description | If firearm. Country Made / Importer |
|--------|--------|---------|---------------|-------|-------|--------------|---------------|----------------------------|---------------------|------|---------------|--|
| 1 | 1 | | - | | BLUE | | | | | 1 | HOSPITAL GOWN | |
| 2 | 2 | | - | | WHT | | | | | 2 | BED SHEET | |
| 3 | 3 | | - | | WHT | | | | | 3 | BLANKET | |
| | | | | | | | | | | | | |
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Corresponds to Incident Report

Check here if property listing is continued on continuation page. ☐

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Sharon S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

Page 2 of 24

| | | | | | | |
|--------------|---|---------------------------------------|-------|-------|------------------------|--------------|
| 11/27/05 Sun | Valley View Skilled Nursing Center 1162 South Dora Street Ukiah, CA 95482 P 707-462-1436 F 707-462-1247 | FILLED 6:30A - 3P 8.5 (1) (Per Diem) | 8.00 | 8.00 | CNA - SNF | C Kscott |
| 12/03/05 Sat | Friends House 684 Benilda Drive Santa Rosa, CA 95409 P 707-573-4517 F 707-573-4555 | FILLED 7A - 3P 8 (1) (Per Diem) | 7.50 | 8.00 | CNA - SNF | C Oditcharo |
| 12/05/05 Mon | Healdsburg District Hospital 1375 University Ave. Healdsburg, CA 95448 P 707-431-6377 or 431-6320 F 707-431-6579 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - MedSurg | C Kscott |
| 12/07/05 Wed | Healdsburg District Hospital 1375 University Ave. Healdsburg, CA 95448 P 707-431-6377 or 431-6320 F 707-431-6579 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 4.50 | CNA - MedSurg | C Kscott |
| 12/27/05 Tue | Friends House 684 Benilda Drive Santa Rosa, CA 95409 P 707-573-4517 F 707-573-4555 | FILLED 7A - 3P 8 (1) (Per Diem) | 7.50 | 7.00 | CNA - SNF | C ahaves |
| 06/29/07 Fri | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 | FILLED 5:30P - 10P 4.5 (2) (Per Diem) | 4.50 | 4.50 | CNA - Clinic - Kenneth | C bonniepyle |
| 07/20/07 Fri | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 | FILLED 12P - 8P 8 (2) (Per Diem) | 8.00 | 5.00 | CNA - Clinic | C bonniepyle |
| 07/21/07 Sat | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 | FILLED 8A - 8P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic | C llambert |
| 07/23/07 Mon | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 | FILLED 8A - 8P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic | C llambert |
| 07/24/07 Tue | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 | FILLED 8A - 8P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Dylan | C llambert |
| 07/29/07 Sun | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 | FILLED 8A - 8P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Dylan | C bonniepyle |

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Susana S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

Page 3 of 24

| | | | | | | |
|--------------|---|---------------------------------------|-------|-------|---------------------------|--------------|
| 07/30/07 Mon | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED 8A - 8P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Dylan | C bonniepyle |
| 07/31/07 Tue | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Department of Family Services-ChildHaven | FILLED 8A - 8P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Dylan | C bonniepyle |
| 08/03/07 Fri | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Department of Family Services-ChildHaven | FILLED 7:30A - 3:30P 8 (1) (Per Diem) | 7.50 | 7.50 | CNA - Orientation NonBill | C bonniepyle |
| 08/04/07 Sat | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED 7A - 7P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Lionel | C bonniepyle |
| 08/05/07 Sun | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED 8A - 8P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Dylan | C bonniepyle |
| 08/06/07 Mon | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED 8A - 8P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Dylan | C bonniepyle |
| 08/07/07 Tue | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED 8A - 8P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Dylan | C bonniepyle |
| 08/08/07 Wed | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED 7A - 7P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Lionel | C bonniepyle |
| 08/11/07 Sat | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Department of Family Services-ChildHaven | FILLED 7A - 7P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Lionel | C bonniepyle |
| 08/12/07 Sun | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Department of Family Services-ChildHaven | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3B Unit | C liambert |
| 08/13/07 Mon | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Department of Family Services-ChildHaven | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3B Unit | C liambert |

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Director, Police Records Bureau Records Custodian

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Page 4 of 24

| | | | | | | | |
|--------------|---|--------|--------------------------------|-------|-------|------------------------|--------------|
| 08/14/07 Tue | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3B Unit | C Lambert |
| 08/15/07 Wed | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3B Unit | C Lambert |
| 08/16/07 Thu | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3B Unit | C Lambert |
| 08/17/07 Fri | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 | FILLED | 7A - 6P 11 (1) (Per Diem) | 11.00 | 11.00 | CNA - Clinic - Lionel | C Bonniepyle |
| 08/19/07 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - H Pod 4B | C Bonniepyle |
| 08/19/07 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 1B Unit | C Bonniepyle |
| 08/21/07 Tue | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3B Unit | C Bonniepyle |
| 08/21/07 Tue | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11P - 1A 2 (3) (Per Diem) | 1.50 | 1.50 | CNA - Psych - 1A Unit | C Bonniepyle |
| 08/22/07 Wed | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | | | | | | |
| 08/23/07 Thu | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C Bonniepyle |
| 08/25/07 Sat | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 | FILLED | 7A - 7P 12 (1) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Lionel | C Bonniepyle |
| 08/26/07 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)455-5367 F 702-383-9574 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C Bonniepyle |

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Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

Page 5 of 24

| | | | | | | | |
|--------------|--|--------|---------------------------------|------|------|------------------------|--------------|
| 08/26/07 Sun | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - POU Unit | C bonniepyle |
| 08/27/07 Mon | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C bonniepyle |
| 08/28/07 Tue | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3B Unit | C bonniepyle |
| 08/29/07 Wed | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C flambert |
| 08/30/07 Thu | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C bonniepyle |
| 08/30/07 Thu | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - H Pod 4B | C bonniepyle |
| 08/31/07 Fri | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyle |
| | | | | | | CNA - Psych - H Pod 4B | C bonniepyle |
| 09/01/07 Sat | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - POU Unit | C bonniepyle |
| 09/02/07 Sun | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C bonniepyle |
| 09/04/07 Tue | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - H Pod 4A | C bonniepyle |
| 09/04/07 Tue | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 1B Unit | C bonniepyle |

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

| | | | | | | | |
|--------------|--|--------|---------------------------------|------|------|-----------------------|--------------|
| 09/05/07 Wed | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3A Unit | C bonnlepyla |
| 09/06/07 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonnlepyla |
| 09/06/07 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 1B Unit | C bonnlepyla |
| 09/07/07 Fri | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonnlepyla |
| 09/07/07 Fri | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 1B Unit | C bonnlepyla |
| 09/08/07 Sat | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11P 8 (2) (Per Diem) | 7.50 | 8.00 | CNA - Psych - 1B Unit | C bonnlepyla |
| 09/09/07 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11P 8 (2) (Per Diem) | 7.50 | 8.00 | CNA - Psych - 1B Unit | C bonnlepyla |
| 09/09/07 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 5.00 | 7.50 | CNA - Psych - 1B Unit | C bonnlepyla |
| 09/10/07 Mon | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonnlepyla |
| 09/11/07 Tue | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 5.00 | 7.50 | CNA - Psych - 1B Unit | C bonnlepyla |
| 09/12/07 Wed | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonnlepyla |
| 09/12/07 Wed | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C llambert |

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5/19/2008

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on file with the Las Vegas Metropolitan Police Department

Summa S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

Page 7 of 24

| | | | | | | | |
|--------------|--|--------|---------------------------------|-------|-------|------------------------|--------------|
| 09/12/07 Wed | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 1A Unit | C llambert |
| 09/13/07 Thu | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C llambert |
| 09/14/07 Fri | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 1P - 11:30P 10.5 (2) (Per Diem) | 10.00 | 10.00 | CNA - Psych - 1B Unit | C bonniepyle |
| 09/15/07 Sat | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyle |
| 09/16/07 Sun | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C llambert |
| 09/16/07 Sun | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 1B Unit | C bonniepyle |
| 09/17/07 Mon | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2A Unit | C bonniepyle |
| 09/17/07 Mon | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 1B Unit | C bonniepyle |
| 09/18/07 Tue | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyle |
| 09/18/07 Tue | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - H Pod 4A | C bonniepyle |
| 09/19/07 Wed | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C bonniepyle |
| 09/19/07 Wed | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 2A Unit | C bonniepyle |

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JAN 30 1970

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

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|--------------|--|--------|---------------------------------|------|------|------------------------|--------------|
| 09/20/07 Thu | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniapyle |
| 09/21/07 Fri | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 7A - 3P 8 (1) (Per Diem) | 7.50 | 8.00 | CNA - Psych - 1B Unit | C bonniapyle |
| 09/21/07 Fri | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 1B Unit | C bonniapyle |
| 09/22/07 Sat | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 7A - 3:30P 8.5 (1) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2A Unit | C bonniapyle |
| 09/22/07 Sat | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 7.50 | CNA - Psych - H Pod 4B | C bonniapyle |
| 09/23/07 Sun | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 7A - 3:30P 8.5 (1) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3A Unit | C bonniapyle |
| 09/23/07 Sun | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - G Pod 3B | C bonniapyle |
| 09/24/07 Mon | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C bonniapyle |
| 09/24/07 Mon | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 3B Unit | C bonniapyle |
| 09/25/07 Tue | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniapyle |
| 09/26/07 Wed | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - H Pod 4B | C bonniapyle |
| 09/26/07 Wed | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 2A Unit | C bonniapyle |
| 09/27/07 Thu | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2B Unit | C bonniapyle |

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Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

Page 9 of 24

| | | | | | | |
|--------------|--|--|-------|-------|-----------------------------|--------------|
| 09/27/07 Thu | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 2B Unit | C bonniepyle |
| 09/28/07 Fri | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2A Unit | C bonniepyle |
| 09/28/07 Fri | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 3B Unit | C bonniepyle |
| 09/29/07 Sat | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2B Unit | C bonniepyle |
| 09/29/07 Sat | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 2B Unit | C bonniepyle |
| 09/30/07 Sun | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED 7P - 7A 12 (2) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Juan- aschul | C bonniepyle |
| 10/01/07 Mon | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 10:30P - 6:30A 8 (2) (Per Diem) | 8.00 | 8.00 | CNA - Clinic - Chad-Alschul | C bonniepyle |
| 10/01/07 Mon | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 8A - 4:30P 8.5 (1) (Per Diem) | 8.00 | 8.00 | CNA - Orientation NonBill | C bonniepyle |
| 10/02/07 Tue | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyle |
| 10/02/07 Tue | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 2A Unit | C bonniepyle |
| 10/03/07 Wed | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - H Pod 4B | C bonniepyle |
| 10/03/07 Wed | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - H Pod 4B | C bonniepyle |

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on file with the Las Vegas Metropolitan Police Department

Suparna S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

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|--------------|--|--|------|------|------------------------|--------------|
| 10/04/07 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - H Pod 4B | C bonniepyle |
| 10/04/07 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - H Pod 4B | C bonniepyle |
| 10/05/07 Fri | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2B Unit | C bonniepyle |
| 10/05/07 Fri | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 1B Unit | C bonniepyle |
| 10/06/07 Sat | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C bonniepyle |
| 10/06/07 Sat | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - H Pod 4B | C bonniepyle |
| 10/07/07 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2B Unit | C bonniepyle |
| 10/07/07 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - H Pod 4B | C bonniepyle |
| 10/11/07 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C lambert |
| 10/11/07 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 1B Unit | C bonniepyle |
| 10/12/07 Fri | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C bonniepyle |
| 10/12/07 Fri | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - H Pod 4A | C bonniepyle |

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department.

Summa S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

| | | | | | | | |
|--------------|--|--------|---------------------------------|------|------|------------------------|--------------|
| 10/13/07 Sat | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C Lambert |
| 10/13/07 Sat | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 1B Unit | C emcurdy |
| 10/14/07 Sun | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2A Unit | C Lambert |
| 10/14/07 Sun | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 2A Unit | C Lambert |
| 10/15/07 Mon | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2A Unit | C Lambert |
| 10/16/07 Tue | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2A Unit | C Lambert |
| 10/17/07 Wed | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyla |
| 10/17/07 Wed | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - POU Unit | C bonniepyla |
| 10/18/07 Thu | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2B Unit | C bonniepyla |
| 10/19/07 Fri | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3A Unit | C bonniepyla |
| 10/19/07 Fri | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - POU Unit | C bonniepyla |
| 10/21/07 Sun | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3B Unit | C Lambert |

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on file with the Las Vegas Metropolitan Police Department

Susana S. McCurdy
Director, Police Records Bureau Records Custodian

| | | | | | | |
|--------------|--|--|------|------|------------------------|--------------|
| 10/21/07 Sun | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - H Pod 4B | C llambert |
| 10/22/07 Mon | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - H Pod 4B | C llambert |
| 10/23/07 Tue | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3B Unit | C bonniepyle |
| 10/24/07 Wed | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 3B Unit | C llambert |
| 10/25/07 Thu | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C llambert |
| 10/26/07 Fri | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 3A Unit | C llambert |
| 10/27/07 Sat | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3A Unit | C llambert |
| 10/28/07 Sun | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - POU Unit | C llambert |
| 10/29/07 Mon | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3B Unit | C bonniepyle |
| 10/30/07 Tue | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 3A Unit | C bonniepyle |
| 10/31/07 Wed | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C bonniepyle |

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Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

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|--------------|---|--------|---------------------------------|-------|-------|-------------------------------|---------------|
| 10/30/07 Tue | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 2A Unit | C bonnlepylle |
| 11/01/07 Thu | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3A Unit | C bonnlepylle |
| 11/01/07 Thu | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 3B Unit | C bonnlepylle |
| 11/02/07 Fri | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - West Charleston | C bonnlepylle |
| 11/02/07 Fri | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - POU Unit | C bonnlepylle |
| 11/03/07 Sat | Department of Family Services-ChildHeaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 7P - 11A 17 (5) (Per Diem) | 17.00 | 17.00 | CNA - Clinic - Lionel-Agassi | C bonnlepylle |
| 11/04/07 Sun | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2A Unit | C bonnlepylle |
| 11/11/07 Sun | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2B Unit | C bonnlepylle |
| 11/11/07 Sun | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 2B Unit | C bonnlepylle |
| 11/12/07 Mon | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2B Unit | C bonnlepylle |
| 11/12/07 Mon | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych | C msi/mmons |
| 11/14/07 Wed | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 8.00 | CNA - Psych - H Pod 4A | C bonnlepylle |

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on file with the Las Vegas Metropolitan Police Department
Susana S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

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|--------------|--|--------|---------------------------------|-------|-------|-------------------------------|--------------|
| 11/15/07 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 7:30A - 3P 7.5 (1) (Per Diem) | 7.00 | 7.00 | CNA - Psych - 2A Unit | C bonniepyle |
| 11/15/07 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2B Unit | C bonniepyle |
| 11/16/07 Fri | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 7:30A - 3:30P 8 (1) (Per Diem) | 7.50 | 7.50 | CNA - Psych - H Pod 4A | C bonniepyle |
| 11/16/07 Fri | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2B Unit | C bonniepyle |
| 11/17/07 Sat | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 | FILLED | 7P - 7A 12 (5) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Ellis | C bonniepyle |
| 11/18/07 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2B Unit | C bonniepyle |
| 11/21/07 Wed | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyle |
| 11/21/07 Wed | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 2A Unit | C bonniepyle |
| 11/22/07 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyle |
| 11/22/07 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - West Charleston | C bonniepyle |
| 11/25/07 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych | C msimmons |
| 11/25/07 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - H Pod 4A | C bonniepyle |

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on file with the Las Vegas Metropolitan Police Department

Suzana S. McArdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

Page 15 of 24

| | | | | | | | |
|--------------|--|--------|---------------------------------|------|------|-------------------------------|--------------|
| 11/26/07 Mon | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - H Pod 4A | C bonniepyle |
| 11/26/07 Mon | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - H Pod 4A | C bonniepyle |
| 11/26/07 Wed | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - H Pod 4B | C bonniepyle |
| 12/03/07 Mon | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3A Unit | C bonniepyle |
| 12/04/07 Tue | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C bonniepyle |
| 12/05/07 Wed | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C bonniepyle |
| 12/05/07 Wed | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - West Charleston | C bonniepyle |
| 12/09/07 Sun | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3A Unit | C bonniepyle |
| 12/09/07 Sun | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 3A Unit | C dditcharo |
| 12/10/07 Mon | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2B Unit | C bonniepyle |
| 12/13/07 Thu | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3A Unit | C bonniepyle |
| 12/13/07 Thu | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - POU Unit | C bonniepyle |

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Susana S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

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| | | | | | | |
|--------------|---|--|------|------|------------------------|--------------|
| 12/14/07 Fri | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3B Unit | C bonniepyle |
| 12/14/07 Fri | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - POU Unit | C bonniepyle |
| 12/15/07 Sat | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C bonniepyle |
| 12/15/07 Sat | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - POU Unit | C chough |
| 12/16/07 Sun | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2A Unit | C llambert |
| 12/16/07 Sun | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - H Pod 4B | C dditcharo |
| 12/17/07 Mon | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C bonniepyle |
| 12/17/07 Mon | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 3B Unit | C bonniepyle |
| 12/20/07 Thu | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3A Unit | C llambert |
| 12/23/07 Sun | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C bonniepyle |
| 12/23/07 Sun | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - H Pod 4B | C bonniepyle |
| 12/24/07 Mon | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C bonniepyle |
| 12/24/07 Mon | Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 | FILLED 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 1B Unit | C bonniepyle |

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Suparna S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

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|--------------|--|--------|---------------------------------|------|------|-------------------------------|--------------|
| 12/25/07 Tue | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyle |
| 12/25/07 Tue | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 1B Unit | C bonniepyle |
| 12/27/07 Thu | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyle |
| 12/27/07 Thu | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - 1B Unit | C bonniepyle |
| 12/28/07 Fri | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyle |
| 12/28/07 Fri | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyle |
| 12/29/07 Sat | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1A Unit | C bonniepyle |
| 12/29/07 Sat | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - POU Unit | C bonniepyle |
| 12/30/07 Sun | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C bonniepyle |
| 12/30/07 Sun | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 7.50 | CNA - Psych - POU Unit | C bonniepyle |
| 12/31/07 Mon | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 2A Unit | C bonniepyle |
| 01/01/08 Tue | P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Southern Nevada Adult Mental Health-Rawson Neal Hospital Las Vegas, NV 89146 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - West Charleston | C bonniepyle |

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Suparna S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

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|--------------|--|--------|---------------------------------|------|------|-------------------------------|--------------|
| 01/01/08 Tue | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 3A Unit | C bonniepyle |
| 01/03/08 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 3A Unit | C bonniepyle |
| 01/03/08 Thu | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - West Charleston | C bonniepyle |
| 01/06/08 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C bonniepyle |
| 01/06/08 Sun | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - POU Unit | C bonniepyle |
| 01/07/08 Mon | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C bonniepyle |
| 01/07/08 Mon | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - POU Unit | C bonniepyle |
| 01/08/08 Tue | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C bonniepyle |
| 01/08/08 Tue | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - POU Unit | C bonniepyle |
| 01/08/08 Tue | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C bonniepyle |
| 01/09/08 Wed | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - 1A Unit | C bonniepyle |
| 01/09/08 Wed | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - 1B Unit | C bonniepyle |
| 01/09/08 Wed | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 11:30P - 7:30A 8 (3) (Per Diem) | 7.50 | 7.50 | CNA - Psych - West Charleston | C bonniepyle |
| 01/22/08 Tue | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 | FILLED | 3P - 11:30P 8.5 (2) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C maimmons |

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Shana S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

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| | | | | | | | |
|--------------|--|--------|---------------------------------|-------|-------|------------------------------|--------------|
| 01/23/08 Wed | 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 F 702-486-0045 staff 486-0676 Department of Family Services-ChildHaven 701 N. Pecos | FILLED | 3p - 7p 4 (2) (Per Diem) | 3.50 | 4.00 | CNA - LateCancel MS | C msimmons |
| 01/26/08 Sat | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 7p - 7a 12 (5) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Lionel-Agassi | C bonniepyle |
| 01/27/08 Sun | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 7p - 7a 12 (5) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Lionel-Agassi | C bonniepyle |
| 01/28/08 Mon | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 1p - 10p 9 (2) (Per Diem) | 9.00 | 9.00 | CNA - Clinic - Chad | C bonniepyle |
| 01/31/08 Thu | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 10p - 7:30a 9.5 (5) (Per Diem) | 9.50 | 9.50 | CNA - Clinic - Lionel-Agassi | C bonniepyle |
| 02/01/08 Fri | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 10p - 7a 9 (5) (Per Diem) | 9.00 | 9.00 | CNA - Clinic - Lionel-Agassi | C bonniepyle |
| 02/02/08 Sat | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 7p - 7a 12 (5) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Lionel-Agassi | C bonniepyle |
| 02/05/08 Tue | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 11:30p - 10p 8.5 (2) (Per Diem) | 8.50 | 8.50 | CNA - Clinic - Chad-Alschul | C bonniepyle |
| 02/07/08 Thu | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 10p - 7a 9 (5) (Per Diem) | 9.00 | 9.00 | CNA - Clinic - Lionel-Agassi | C bonniepyle |
| 02/08/08 Fri | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 10p - 7:30a 9.5 (5) (Per Diem) | 9.50 | 9.50 | CNA - Clinic - Lionel-Agassi | C bonniepyle |
| 02/09/08 Sat | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 7p - 7a 12 (5) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Lionel-Agassi | C bonniepyle |
| 02/15/08 Fri | 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 10p - 7a 9 (5) (Per Diem) | 9.00 | 9.00 | CNA - Clinic - Lionel-Agassi | C msimmons |

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Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

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| | | | | | | | |
|--------------|--|--------|--------------------------------|-------|-------|------------------------------|--------------|
| 02/16/08 Sat | Las Vegas, NV 89101 p 702-455-5367 F 702-383-9574 Centennial Hills Hospital | FILLED | 7P - 7A 12 (5) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Lionel-Agassi | C msimmons |
| 02/18/08 Mon | 6900 N. Durango Drive Las Vegas, NV 89149-4409 p 702-835-9700 702629-1477 Staff | FILLED | 6P - 6A 12 (5) (Per Diem) | 11.50 | 11.50 | CNA - MedSurg | C msimmons |
| 02/19/08 Tue | 6900 N. Durango Drive Las Vegas, NV 89149-4409 p 702-835-9700 702629-1477 Staff | FILLED | 6P - 6A 12 (5) (Per Diem) | 11.50 | 11.50 | CNA - MedSurg | C msimmons |
| 02/20/08 Wed | 6900 N. Durango Drive Las Vegas, NV 89149-4409 p 702-835-9700 702629-1477 Staff | FILLED | 6P - 7A 13 (5) (Per Diem) | 12.50 | 12.50 | CNA - MedSurg | C bonnlepyle |
| 02/21/08 Thu | 6900 N. Durango Drive Las Vegas, NV 89149-4409 p 702-835-9700 702629-1477 Staff | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 11.50 | CNA - MedSurg | C bonnlepyle |
| 02/22/08 Fri | 6900 N. Durango Drive Las Vegas, NV 89149-4409 p 702-835-9700 702629-1477 Staff | FILLED | 7P - 7A 12 (5) (Per Diem) | 11.50 | 11.50 | CNA - MedSurg | C bonnlepyle |
| 02/23/08 Sat | 6900 N. Durango Drive Las Vegas, NV 89149-4409 p 702-835-9700 702629-1477 Staff | FILLED | 7P - 7A 12 (5) (Per Diem) | 11.50 | 11.50 | CNA - MedSurg | C bonnlepyle |
| 02/24/08 Sun | 6900 N. Durango Drive Las Vegas, NV 89149-4409 p 702-835-9700 702629-1477 Staff | FILLED | 7P - 7A 12 (5) (Per Diem) | 11.50 | 11.50 | CNA - MedSurg | C bonnlepyle |
| 02/26/08 Tue | 701 N. Pecos Las Vegas, NV 89101 p 702-455-5367 F 702-383-9574 Department of Family Services-ChildHaven | FILLED | 10P - 7A 9 (5) (Per Diem) | 9.00 | 9.00 | CNA - Clinic - Dylan-Bigelow | C bonnlepyle |
| 02/27/08 Wed | 6900 N. Durango Drive Las Vegas, NV 89149-4409 p 702-835-9700 702629-1477 Staff | FILLED | 7P - 7A 12 (5) (Per Diem) | 11.50 | 11.50 | CNA - MedSurg | C bonnlepyle |
| 02/28/08 Thu | 6900 N. Durango Drive Las Vegas, NV 89149-4409 p 702-835-9700 702629-1477 Staff | FILLED | 7P - 7A 12 (5) (Per Diem) | 11.50 | 11.50 | CNA - MedSurg | C bonnlepyle |
| 03/01/08 Sat | 6900 N. Durango Drive Las Vegas, NV 89149-4409 p 702-835-9700 702629-1477 Staff | FILLED | 7P - 8A 13 (5) (Per Diem) | 12.50 | 12.50 | CNA - MedSurg | C bonnlepyle |
| 03/02/08 Sun | 6900 N. Durango Drive Las Vegas, NV 89149-4409 | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonnlepyle |

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Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

TSS: Temp Schedule Report

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| | | | | | | |
|--------------|--|---------------------------------------|-------|-------|------------------------------|--------------|
| 03/05/08 Wed | P 702-835-9700 702629-1477 Staff Centennial Hills Hospital 5900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 03/06/08 Thu | Centennial Hills Hospital 5900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 03/07/08 Fri | Centennial Hills Hospital 5900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 03/07/08 Fri | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 P 702-383-9574 | FILLED 10P - 7A 9 (5) (Per Diem) | 9.00 | 9.00 | CNA - Clinic - Dylan-Bigelow | C bonniepyle |
| 03/08/08 Sat | Centennial Hills Hospital 5900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 11.5 (5) (Per Diem) | 11.00 | 11.00 | CNA - MedSurg | C bonniepyle |
| 03/09/08 Sun | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 P 702-383-9574 | FILLED 7P - 7A 12 (5) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Lionel-Agassi | C bonniepyle |
| 03/11/08 Tue | Centennial Hills Hospital 5900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C msimmons |
| 03/12/08 Wed | Centennial Hills Hospital 5900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C msimmons |
| 03/13/08 Thu | Department of Family Services-ChildHaven 701 N. Pecos Las Vegas, NV 89101 P (702)455-5367 P 702-383-9574 | FILLED 7P - 7A 12 (5) (Per Diem) | 12.00 | 12.00 | CNA - Clinic - Angele/Neveah | C msimmons |
| 03/15/08 Sat | Centennial Hills Hospital 5900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C msimmons |
| 03/16/08 Sun | Centennial Hills Hospital 5900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7A 12 (5) (Per Diem) | 11.50 | 12.00 | CNA - ER | C msimmons |
| 03/18/08 Tue | Centennial Hills Hospital 5900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7A 12 (5) (Per Diem) | 11.50 | 12.00 | CNA - ER | C msimmons |

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|--------------|--|---------------------------------------|-------|-------|------------------------|--------------|
| 03/19/08 Wed | Centennial Hills Hospital 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7A 12 (5) (Per Diem) | 11.50 | 12.00 | CNA - ER | C misimmons |
| 03/20/08 Thu | Centennial Hills Hospital 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 03/21/08 Fri | Centennial Hills Hospital 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C misimmons |
| 03/22/08 Sat | Southern Nevada Adult Mental Health-Rawson Neal Hospital 1650 Community College Drive Las Vegas, NV 89146 P (702)486-4400 (CELL) 702-917-9105 P 702-486-0045 staff 486-0676 | FILLED 11P - 7:30A 8.5 (3) (Per Diem) | 8.00 | 8.00 | CNA - Psych - POU Unit | C misimmons |
| 03/23/08 Sun | Centennial Hills Hospital 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C misimmons |
| 03/25/08 Tue | Centennial Hills Hospital 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 03/26/08 Sat | Centennial Hills Hospital 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 03/30/08 Sun | Centennial Hills Hospital 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 03/31/08 Mon | Centennial Hills Hospital 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7A 12 (5) (Per Diem) | 11.50 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/01/08 Tue | Centennial Hills Hospital 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/02/08 Wed | Centennial Hills Hospital 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/03/08 Thu | Centennial Hills Hospital 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff | FILLED 7P - 7P 24 (5) (Per Diem) | 23.50 | 12.00 | CNA - MedSurg | C bonniepyle |

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TSS: Temp Schedule Report

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| | | | | | | | |
|--------------|--|--------|--------------------------------|-------|-------|---------------|--------------|
| 04/04/08 Fri | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/05/08 Sat | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/06/08 Sun | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7P 24 (5) (Per Diem) | 23.50 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/08/08 Tue | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/09/08 Wed | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/10/08 Thu | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/13/08 Sun | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/14/08 Mon | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/22/08 Tue | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/23/08 Wed | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/25/08 Fri | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/26/08 Sat | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED | 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |

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|--|--|--|-------|-------|---------------|--------------|
| 04/27/08 Sun | Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 04/28/08 Mon | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED 7P - 8:30A 13.5 (5) (Per Diem) | 13.00 | 13.00 | CNA - MedSurg | C bonniepyle |
| 05/02/08 Fri | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 05/03/08 Sat | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED 7P - 12:30P 17.5 (5) (Per Diem) | 17.00 | 5.50 | CNA - MedSurg | C bonniepyle |
| 05/05/08 Mon | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED 7P - 7:30A 12.5 (5) (Per Diem) | 12.00 | 12.00 | CNA - MedSurg | C bonniepyle |
| 05/14/08 Wed | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED 7P - 7A 12 (5) (Per Diem) | 11.50 | 0.00 | CNA - MedSurg | C msimmons |
| 05/15/08 Thu | 6900 N. Durango Drive Las Vegas, NV 89149-4409 P 702-835-9700 702629-1477 Staff Centennial Hills Hospital | FILLED 7P - 7A 12 (5) (Per Diem) | 11.50 | 0.00 | CNA - MedSurg | C msimmons |
| Shifts: 283 Actual Hours: 2472.50 Clients Served: 7 Sched. Hours: 2545.00 | | | | | | |

| GRAND TOTALS | |
|------------------|---------|
| Shifts: | 283 |
| Scheduled Hours: | 2545.00 |
| Actual Hours: | 2472.50 |
| Temps Worked: | 1 |
| Clients Served: | 7 |

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Tyler, TX (903) 526-6877

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APPLICATION CURRICULUM VITAE

Today's Date 10/04/2005 Social Security Number _____
Name FARMER STEVEN PALE
Last First Middle
Present Address 1600 Cunningham Wy SANTA ROSA CA 95403
Street City State/Province Zip/Postal Code
Present Phone (707) 332 58 94 Work () SAME
Permanent Address _____
Street City State/Province Zip/Postal Code
Permanent Phone () _____ Work () _____
E-Mail Address SEANRIC@Yahoo.com Best Time to Reach You X a.m. X p.m.
Are you legally eligible for employment in the United States? Yes YES No _____
Were you previously employed by this company? Yes _____ No NO
Yes, give position(s) and date(s) worked _____

Have you ever worked or are you presently working with any traveling nurse companies? _____
If so, give name _____

*Have you ever been convicted of a Felony? Yes _____ No NO
If yes, attach separate sheet with explanation.

REFERRAL SOURCE: Journal Ad _____ Newspaper Ad _____
Name Name
Convention _____ Individual _____
Name Name
Other _____
Name

PERSONAL REFERENCES

PLEASE GIVE THREE REFERENCES, EXCLUDING RELATIVES AND FORMER EMPLOYERS, WHOM YOU HAVE KNOWN AT LEAST ONE YEAR.

| NAME | ADDRESS | PHONE | OCCUPATION | YEARS KNOWN |
|-------------------------|---------|-----------------------|--------------------------|-------------|
| 1. <u>ANDY CARR</u> | | <u>(707) 246-2691</u> | <u>NURSE(RN)</u> | |
| 2. <u>KAY ROSE</u> | | <u>(707) 253-1901</u> | <u>NURSE(RN)</u> | |
| 3. <u>LES LIE HELMS</u> | | <u>(707) 566 8490</u> | <u>CNA (over 10 yrs)</u> | |

*Conviction of a crime will not result in automatic disqualification
American Nurse Santa Rosa 707 528 9678 P.01

JUN-06-2007 09:43

11/11/2013

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5/16/08 12:43:06 iSeries Timekeeper: Centennial Hills.....340
 STOUTC
 Emp#: 74100403 AMERICAN NURSING 3 Badge: 74100403 Pay Period
 Options: 1=Edit 4=Del B=Brkdw A=Appr F=ForceOT From: 5/11/08
 Position: To: 5/24/08
 Opt Date In Out Hours Sch Pcd Ap Department Notes
 WE 5/14/08 18:49 U 7:23 12.25 0 6060 A
 TH 5/15/08 18:53 U 7:25 12.00 0 6060 A

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REGS1 24.25 Bottom
 Breakdown: 24.25 Total: 24.25
 F6=Add F7=Open/Close F8=Adjust F9/10=Pr/Nx F11=Charge F12=Cancel
 F13=Rounded F14=Defaults F15=Punches F16=Audit F18=Schedule
 F19=Ins Pun F20=Del Pun F21=Attend F22=OT Eq F23=Summary F24=Shift Hrs

JAT/EGF/HOO

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| CENTENNIAL HILLS ED ADMIT LOG | | | | | | | | | |
|---|--|-------------------------------------|---|--------------|------------------|-------------------------|------------------------|-----------------------------|------------------|
| PAGE 2 | | | | | | | | | |
| DATE 5/16/2008 | | | | | | | | | |
| Date | Patient's Name | Diagnosis | ER DR | Admitting DR | Disposition Time | Time Super. Was Called | In Patient Bed # | Time To Floor | Reason For Delay |
| 5/15/08 Time Into ED Bed 0230 10 |  8000118219 CAGNINA, ROXANNE DOB: 07/06/1973 34 SX: F EMR MRN: 7009528 ADM/REG DT: 05/15/08 | Seizure Headache | Slaughter Time Seen by ER DR 2040 | Slaughter | 0230 MS23 | 0230 | 717 0235 | 0351 AD 7 BED REQUEST | MIDAS |
| 5/16/08 Time Into ED Bed 0110 9 |  8000118417 BUTLEX, NANDA DOB: 04/22/1949 58 SX: F EMR MRN: 7009543 ADM/REG DT: 05/16/08 | CP | Slaughter Time Seen by ER DR 0115 | Slaughter | 0950 MT23 | 0400 | | | MIDAS |
| 5/16/08 Time Into ED Bed 0510 14 |  8000118474 MORIEL, PERLA DOB: 05/26/1932 75 SX: F EMR MRN: 7009540 ADM/REG DT: 05/16/08 | L3 Compression Fr. Intractable Pain | Jesek Time Seen by ER DR 0005 | Jesek | 0605 MS23 | 0620 | | | MIDAS |
| Time Into ED Bed Bed # | | | Time Seen by ER DR | | Disposition Time | Time Super. Was Called | In Patient Bed # | Time To Floor | Reason For Delay |
| | | | | | Bed Type | Time Super. Called Back | Time Room Was Assigned | Copy Initials | BED REQUEST |
| Time Into ED Bed Bed # | | | Time Seen by ER DR | | Disposition Time | Time Super. Was Called | In Patient Bed # | Time To Floor | Reason For Delay |
| | | | | | Bed Type | Time Super. Called Back | Time Room Was Assigned | Copy Initials | BED REQUEST |
| Time Into ED Bed Bed # | | | Time Seen by ER DR | | Disposition Time | Time Super. Was Called | In Patient Bed # | Time To Floor | Reason For Delay |
| | | | | | Bed Type | Time Super. Called Back | Time Room Was Assigned | Copy Initials | BED REQUEST |

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Admission Date: 05/15/2008 20:21
Med. Record No: 7009528
Visit Number: 8000118219
Attending Phys: Shuja, Amir MD
Resident Phys: NA

Centennial Hills Hospital Medical Center
Individual Patient Note
and Any/All Addenda

Patient: CAGNINA, ROXANNE
DOB: 07/06/1973 Age: 34 y
Gender: Female
Location: 7N
Room/Bed: 725/01

NUR Note, performed 05/16/2008 05:44, entered 05/16/2008 05:48 by Murray, RN, Christine.

0445: Pt to floor on stretcher-VSS-heavily sedated-needed assistance to walk to the bathroom. Stated "My headache is still not gone" I told her to sleep and that would help her HA.

0530: Pt sleeping no s/s of distress noted at this time-railings have been padded to protect pt from harm

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Centennial Hills Medical Center

Admission Date: 5/15/08
Med. record No.: 7009528
Visit No.: 8000118219
Attending Phys.: Shuja, Amir, MD
Allergies: No Known Allergies

Admission Assessment

Patient: Cagnina, Roxanne
D.O.B.: 7/6/1973, Age: 34
Gender: Female
Location: 7N
Room/Bed: 725/01

Scheduled: 5/16/08 02:42

User: Christine Murray, RN

Performed: 5/16/08 04:50

Status: Finished

Current Illness

Information obtained from patient. Diagnosis: and Seizures/Headaches. Patient was not hospitalized in the last 60 days. Patient does not object to a blood transfusion if needed. No history of previous blood transfusion. History of previous anesthesia. Date of previous anesthesia: 02/10/2005. No reaction to anesthesia.

Past Medical/Surgical History

Patient's HEENT past medical history includes headache.

Reproductive History

LMP: 04/20/2008. Patient is not pregnant.

Psych-Social History

Patient has not used tobacco in the last 12 months. Caregiver has not used tobacco in the last 12 months. Patient denies being threatened or physically hurt in the last 12 months. There is no evidence of abuse and/or neglect.

Nutrition History

Nutrition history assessed and no concerns were identified.

Vaccine Information

Patient has not received the influenza vaccine.
Patient has not received the pneumonia vaccine.

Diabetes

Patient does not have diabetes.

Vitals on Admission

Patient's stated height is 160 cm (5 ft 3 in). Patient's stated weight is 56.7 kg (125 lb).
Oral temperature 98.1 F (36.72 C).
Brachial pulse 78 bpm while patient lying.
RR 18.
Patient on room air.
Right Arm BP 110/ 74 mmHg. via machine while patient lying.

Arrival Data

Patient Arrived onto unit: 05/16/2008 04:45. Arrived via stretcher. Admitted from ED. Emergency contact is Scott; Relation to patient: Friend. Can be reached at 702-807-5408 (Work). Patient oriented to the following: electrical appliances, visiting hours, bathroom call light, bed operation, smoking policy, phone, call light and dietary services. ID bracelet on. Allergy bracelet not applicable.

Assistive Devices Inventory

Reported: 5/16/08 11:04

Patient (Hosp/Visit) No.: 8000118219

Cagnina, Roxanne

11/13/00

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

Reported: 5/16/08 11:04

Patient (Hosp/Visit) No.: 8000118219

Cagnina, Roxanne

Assistive Devices Inventory (continued)

No assistive devices at time of admission.

Advance Directives

Patient does not have an Advance Directive. Information offered to patient and was refused.

Braden Risk

Sensory Perception: No Impairment; Moisture: Rarely Moist; Activity: Walks Occasionally; Mobility: Slightly Limited; Nutrition: Adequate; Friction/Shearing: No Problem; Braden Risk Score = 20. Basic standards of practice were implemented per hospital policy, based on the Braden Risk Assessment score and clinical judgement.

Fall Risk Assessment

Fall Risk Score= 30.

History of falling since admission or within the last 3 months: No.

Secondary diagnosis noted which could increase risk of a fall: No.

Ambulatory aid: None or on bed rest.

IV/Saline Lock present: Yes.

Gait/Transferring: Weak.

Mental status: Oriented to own ability.

Patient is taking 3 or less medications from the following list: Anesthesia within past 48 hours,

Anticoagulants, Antidepressants, Benzodiazepines, Laxative/diuretics, Opioids (narcotics),

Sedatives/hypnotics, Vasodilators.

Standard (low risk) Fall Prevention Interventions were implemented, based on a score of 25 - 50 obtained using the Fall Assessment and Intervention policy.

Pain Initial

Patient's level of pain is 0 (no pain). Numerical pain scale used to assess patient's pain level. Use of pain scale was explained to patient and/or family.

Home Medication

Phenobarb 64.8mgAM/1/2NitePO, last dose prior to admission 05/14/2008; left at home.

Learning Needs

Primary language is English. Patient does not have any barriers to learning.. Patient does not have cultural restrictions. Patient does not have religious restrictions.

Anticipated Discharge Plan

Patient lives with family. Family relationship/name: Scott/Friend. Anticipated discharge/transfer to home.

Person who can assist is Scott & family ; can be reached at (702) 807-5408. Relation to patient: family.

Education Needs

Patient exhibits knowledge about health problem/treatment. Patient exhibits knowledge about managing the health problem/treatment. Patient's preferred learning methods include 1:1. No factors affect the patient's ability to learn. Plan of Care initiated: yes.

Spiritual Assessment

No religious or spiritual concerns. Patient does not wish to specify a religious or spiritual preference.

Reported: 5/16/08 11:04

Patient (Hosp/Visit) No.: 8000118219

Cagnina, Roxanne

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Reported: 5/16/08 11:04

Patient (Hosp/Visit) No.: 8000118219

Cagnina, Roxanne

HEENT

Blurred vision bilaterally. Additional HEENT related comments: Blurred vision before seizures.

NeuroMusculoSkeletal

WNL as evidenced by: Alert and oriented to person, place and time. Moves all extremities. Glasgow Coma Scale assessment not required at this time. GCS: 0.

Orthopaedic Assessment

Orthopaedic assessment is not indicated for this patient at this time.

Cardiovascular

WNL as evidenced by: Pulses regular and palpable. No peripheral edema. Skin warm, dry to touch, color within individual normal limits.

Respiratory

WNL as evidenced by: Respirations even and unlabored. Breath sounds clear bilaterally.

Gastrointestinal

WNL as evidenced by: Abdomen soft, non-tender, bowel sounds active. Last BM date: 05/16/2008.

Genitourinary

WNL as evidenced by: Continent, voids without difficulty or pain. Urine color within individual normal limits.

Integumentary

WNL as evidenced by: Skin integrity intact. Tissues show no evidence of redness, inflammation, rashes, ulcerations or wounds. No surgical tubes/drains.

IV Information

Peripheral IV in Right Forearm. Gauge: 20. Site is patent. Inserted 05/15/2008.

Functional Assessment

WNL as evidenced by: Ability to stand and walk with steady gait. No change in patients usual level of functioning.

Equipment

No additional equipment is being used at this time.

Restraints

Patient is not in restraints.

Psych/Knowledge

Patient's behavior/mood is sedated. Patient is not at risk for wandering. Additional Psych/Knowledge related comments: Pt sedated c/o HA-verbally rambling-needs assistant to the bathroom.

Occurrence History for Admission Assessment

| Effective | Status | User |
|---------------|------------|-----------------------|
| 5/16/08 06:29 | Finished | Murray, RN, Christine |
| 5/16/08 05:18 | Unfinished | Murray, RN, Christine |

Reported: 5/16/08 11:04

Patient (Hosp/Visit) No.: 8000118219

Cagnina, Roxanne

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Suparna S. McCurdy
Director, Police Records Bureau Records Custodian

Reported: 5/16/08 11:04

Patient (Hosp/Visit) No.: 8000118219

Cagnina, Roxanne

Consults & Notices Needed**Referrals and Notices****Standard Notice Information**

No factors affect the patient's ability to learn.

Patient's preferred learning methods include 1:1.

Primary language is English.

Diagnosis: and Seizures/Headaches.

Basic standards of practice were implemented per hospital policy, based on the Braden Risk Assessment score and clinical judgement.

Belongings Inventory

The following belongings were identified: shirt/blouse described as print-green&red kept at bedside; pants/slacks described as blue jeans kept at bedside; shoes/slippers described as white slipper socks kept at bedside; underwear described as grey bra-panties beige kept at bedside; wallet/purse described as tapestry/black kept at bedside; sunglasses described as white kept at bedside; electronics described as maroon cell phone kept at bedside; no other belongings noted.

Home Medication

Phenobarb 64.8mgAM/1/2NitePO, last dose prior to admission 05/14/2008; left at home.

Money in Patient's Possession on Arrival

If money was in patient's possession upon arrival, the nurse admitting the patient and a witness must sign below confirming the amount documented in the Valuables Inventory Section above. (Leave blank if no money in patient's possession on arrival.)

Admitting Nurse_____
Date & Time_____
Employee Witness_____
Date & Time**Liability Waiver for Personal Belongings/Medications**

The hospital will not be responsible for valuables that are not considered necessary for the patients activities of daily living such as credit cards, jewelry, and cash that are not checked in with Security.

Printed name_____
Relationship to patient_____
Signature_____
Date & Time

Reported: 5/16/08 11:04

Patient (Hosp/Visit) No.: 8000118219

Cagnina, Roxanne

1307M03

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on file with the Las Vegas Metropolitan Police Department

Susana S. McCurdy
Director, Police Records Bureau Records Custodian

BRANDY N. SHEELY
(504) 596-2866
Fax (504) 596-2870
bsheely@mcglinchey.com

May 23, 2008

Via Email H8651J@LVMPD.COM

I/S Ruth Gorski (for Sgt. Pence)
c/o Heather Jackson, P8651
Las Vegas Metropolitan Police Department

Re: Administrative Subpoena Issued to American Nursing Services, Inc.
Our File No.: 018719.PM15214


Dear Ms. Gorski:

Please find attached documents responsive to the Administrative Subpoena issued to American Nursing Services, Inc. At your convenience, please confirm that the Administrative Subpoena has been satisfied.

Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely yours,

McGlinchey Stafford, PLLC



Monica A. Frois
Brandy N. Sheely

Attachments

cc: Ms. Johnette Spellman (via e-mail) (w/attachments)

755993.1

AA1946

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Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

MAY-16-2008 15:59

American Nurse Las Vegas

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American Nursing Services INC.
PROFESSIONALS WHO CARE

www.american-nurse.com

Corporate Office - 3012 26th Street, Metairie, LA 70002 • (800) 444-6877



American Health Care Recruiters

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Baton Rouge, LA (225) 761-6996
Dallas, TX (214) 987-3366
Gulfport, MS (228) 896-7001

Jackson, MS (601) 321-0599
Lafayette, LA (337) 593-8600
Las Vegas, NV (702) 638-1200
Lexington, KY (859) 299-2339
Mandeville, LA (985) 951-8283

Miami, FL (305) 629-2657
Monroe, LA (318) 325-5100
Rochester, NY (585) 244-0010
San Antonio, TX (210) 614-9009
Santa Rosa, CA (707) 527-0700

Shreveport, LA (318) 425-2641
Tampa, FL (813) 288-1977
Tyler, TX (903) 526-6877

APPLICATION CURRICULUM VITAE

Today's Date 10/04/2005 Social Security Number : _____
Name FARMER STEVEN DALE
Last First Middle
Present Address 1600 Cunningham Wy Santa Rosa CA 95403
Street City State/Province Zip/Postal Code
Present Phone (707) 332 58 94 Work () SAME
Permanent Address _____
Street City State/Province Zip/Postal Code
Permanent Phone () _____ Work () _____
E-Mail Address SFMR16@Yahoo.com Best Time to Reach You X a.m. X p.m.
Are you legally eligible for employment in the United States? Yes YES No _____
Were you previously employed by this company? Yes _____ No NO
If Yes, give position(s) and date(s) worked _____

Have you ever worked or are you presently working with any traveling nurse companies? _____
If so, give name _____

*Have you ever been convicted of a Felony? Yes _____ No NO

If yes, attach separate sheet with explanation.

REFERRAL SOURCE: Journal Ad _____ Newspaper Ad _____
Name Name
Convention _____ Individual _____
Name Name
Other _____
Name

PERSONAL REFERENCES

PLEASE GIVE THREE REFERENCES, EXCLUDING RELATIVES AND FORMER EMPLOYERS, WHOM YOU HAVE KNOWN AT LEAST ONE YEAR.

| NAME | ADDRESS | PHONE | OCCUPATION | YEARS KNOWN |
|-------------------------|---------|-----------------------|-------------------|-------------|
| 1. <u>ANDY CARR</u> | | <u>(707) 246-2691</u> | <u>NURSE (RN)</u> | |
| 2. <u>KAY ROSE</u> | | <u>(707) 253-1901</u> | <u>NURSE (RN)</u> | |
| 3. <u>LES LIE HELMS</u> | | <u>(707) 566 8490</u> | <u>CNA (RN)</u> | |

*Conviction of a crime will not result in automatic disqualification
American Nurse Santa Rosa 707 638 8522 P.01

JUN-06-2007 09:43

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

EMPLOYMENT PREFERENCE

POSITION CNA DATE AVAILABLE TO BEGIN WORK 10/04/2005
 PERMANENT PLACEMENT X SHORT TERM ASSIGNMENT X NUMBER WEEKS DESIRED _____
 CLINICAL AREA OF NURSING IN WHICH YOU HAVE WORKED (LISTING MOST RECENT FIRST):
 1. _____ YEARS OF EXPERIENCE _____
 2. _____ YEARS OF EXPERIENCE _____
 3. _____ YEARS OF EXPERIENCE _____
 SHIFT PREFERENCE: 1. _____ 2. _____ 3. _____
 DESIRED GEOGRAPHICAL LOCATION OR FACILITY: 1. _____
 2. _____ 3. _____

LICENSURE

List all states in which you are currently licensed or have been licensed. Please attach photocopies of all current licenses.
 STATE LICENSE # EXP. DATE STATE LICENSE # EXP. DATE

LIST ANY INACTIVE LICENSES YOU MAY HAVE _____
 HAS YOUR NURSING LICENSE EVER BEEN SUSPENDED, REVOKED, OR INVESTIGATED? YES _____ NO _____
 IF YES, ATTACH SEPARATE SHEET WITH EXPLANATION.

MALPRACTICE INSURANCE

DO YOU HAVE MALPRACTICE INSURANCE? YES _____ NO X
 IF YES, MALPRACTICE INSURANCE POLICY NO. _____
 COMPANY _____
 EXPIRATION DATE OF POLICY _____
 ENCLOSE COPY OF POLICY.

EDUCATION

| EDUCATION | NAME AND ADDRESS OF SCHOOL | YEARS ATTENDED | YEARS COMPLETED | DID YOU GRADUATE | DEGREE | GPA |
|------------------------------|----------------------------|----------------|-----------------|------------------|--------|-----|
| HIGH SCHOOL | CITY STATE | FROM | 1 2 | YES | DEGREE | |
| | | TO | 3 4 | NO | MAJOR | |
| COLLEGE OR SCHOOL OF NURSING | CITY STATE | FROM | 1 2 | YES | DEGREE | |
| | | TO | 3 4 | NO | MAJOR | |
| GRADUATE SCHOOL | CITY STATE | FROM | 1 2 | YES | DEGREE | |
| | | TO | 3 4 | NO | MAJOR | |
| OTHER (SPECIFY) | CITY STATE | FROM | 1 2 | YES | DEGREE | |
| | | TO | 3 4 | NO | MAJOR | |

CONTINUING EDUCATION / CERTIFICATION

CONTINUING EDUCATION (PLEASE ENCLOSE COPIES) _____ EKG COURSE YES _____ NO _____
 CRITICAL CARE COURSE _____
 ARE YOU CPR/BCLS CERTIFIED? YES X NO _____ DATE TAKEN: OCT 2005 EXPIRATION DATE: 02/2008
 PLEASE ENCLOSE COPIES OF CPR CERTIFICATION. YOU MUST HAVE CURRENT CPR PRIOR TO ASSIGNMENT.
 SPECIALTY CERTIFICATION (CORN, CEN etc.) PLEASE ENCLOSE COPIES _____

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Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

EMPLOYMENT HISTORY

List most recent employment first.
All employment must be recorded; use additional sheets as necessary.

Any breaks in employment must be explained.
Explanations, if necessary.

| | |
|---------------------------------------|---|
| Employer _____ | Dept. / Unit / Floor _____ |
| Immediate Supervisor _____ | Phone () _____ |
| Address _____ | Dates Employed (Mo./Day/Yr.): From _____ To _____ |
| City / State / Province / Zip _____ | Duties _____ |
| Position Held _____ | Charge Experience _____ |
| Specialty _____ | Number and Title of Employees Supervised _____ |
| Number of beds _____ | Reason For Leaving _____ |
| Type of Nursing (Primary, etc.) _____ | Was this a travel assignment? Yes _____ No _____ |
| Average No. Hours per week _____ | |
| Employer _____ | Dept. / Unit / Floor _____ |
| Immediate Supervisor _____ | Phone () _____ |
| Address _____ | Dates Employed (Mo./Day/Yr.): From _____ To _____ |
| City / State / Province / Zip _____ | Duties _____ |
| Position Held _____ | Charge Experience _____ |
| Specialty _____ | Number and Title of Employees Supervised _____ |
| Number of beds _____ | Reason For Leaving _____ |
| Type of Nursing (Primary, etc.) _____ | Was this a travel assignment? Yes _____ No _____ |
| Average No. Hours per week _____ | |
| Employer _____ | Dept. / Unit / Floor _____ |
| Immediate Supervisor _____ | Phone () _____ |
| Address _____ | Dates Employed (Mo./Day/Yr.): From _____ To _____ |
| City / State / Province / Zip _____ | Duties _____ |
| Position Held _____ | Charge Experience _____ |
| Specialty _____ | Number and Title of Employees Supervised _____ |
| Number of beds _____ | Reason For Leaving _____ |
| Type of Nursing (Primary, etc.) _____ | Was this a travel assignment? Yes _____ No _____ |
| Average No. Hours per week _____ | |
| Employer _____ | Dept. / Unit / Floor _____ |
| Immediate Supervisor _____ | Phone () _____ |
| Address _____ | Dates Employed (Mo./Day/Yr.): From _____ To _____ |
| City / State / Province / Zip _____ | Duties _____ |
| Position Held _____ | Charge Experience _____ |
| Specialty _____ | Number and Title of Employees Supervised _____ |
| Number of beds _____ | Reason For Leaving _____ |
| Type of Nursing (Primary, etc.) _____ | Was this a travel assignment? Yes _____ No _____ |
| Average No. Hours per week _____ | |
| Employer _____ | Dept. / Unit / Floor _____ |
| Immediate Supervisor _____ | Phone () _____ |
| Address _____ | Dates Employed (Mo./Day/Yr.): From _____ To _____ |
| City / State / Province / Zip _____ | Duties _____ |
| Position Held _____ | Charge Experience _____ |
| Specialty _____ | Number and Title of Employees Supervised _____ |
| Number of beds _____ | Reason For Leaving _____ |
| Type of Nursing (Primary, etc.) _____ | Was this a travel assignment? Yes _____ No _____ |
| Average No. Hours per week _____ | |

employment history continued on next page...

11/11/11

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on file with the Las Vegas Metropolitan Police Department
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

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MAY-16-2008 16:00

American Nurse Las Vegas

702 638 8522 P.04

employment history continued...

HAVE YOU EVER BEEN DISCHARGED FROM A JOB OR FORCED TO RESIGN? YES _____ NO X
IF YES, PLEASE EXPLAIN _____

MAY WE CONTACT YOUR PRESENT AND FORMER EMPLOYER(S)? YES X NO _____

EMERGENCY

Please notify in case of emergency

1) Name TRACY FARMER Relationship BROTHER
Address 148 1/2 HAVA CALIENTE City/State/Zip SONOMA CA 95476
Phone (707) 996 7292 Phone (707) 287-2581

2) Name SANDEA FARMER Relationship SISTER
Address _____ City/State/Zip SANTA ROSA CA 95403
Phone (707) 568 1513 Phone (707) 707 623 2408

I certify that all answers to questions in this application are true. I understand that any false or misleading information or omissions in this application shall result in ineligibility for employment or immediate dismissal. I further understand and agree American Nursing Services, Inc./American Health Care Recruiters, Inc., will require a health assessment prior to my employment and periodically thereafter as a condition of employment. I authorize American Nursing Services, Inc./American Health Care Recruiters, Inc., its agents, servants and employees to investigate all statements made in this application and to contact former employers, educational institutions, licensing and any and all other institutions, persons or agencies, and hereby authorize American Nursing Services, Inc./American Health Care Recruiters, Inc., its agents, servants, and employees, and said herein before-identified organizations and persons to release any and all records, documents, and information relative to such inquiries, and I further hereby release any and all of said parties from any liability or responsibility in connection therewith. I agree that my references and/or a copy of my application may be disclosed to an authorized representative from a client hospital/institution of American Nursing Services, Inc./American Health Care Recruiters, Inc. as required by JCAHO requirements.

The Civil Rights Act of 1964 prohibits discrimination in employment because of race, color, religion, sex or national origin. Federal law also prohibits discrimination on the basis of age with respect to certain individuals. The laws of most States also prohibit some or all of the above types of discrimination as well as some additional types such as discrimination based upon ancestry, marital status or physical or mental handicap or disability.

DATE 10/04/2005 SIGNATURE Tracy Farmer

DATE 10/19/06 INTERVIEWER K. [unclear]

New CNA grad - working PT thru AHA
@ Healthmng Senior living
③ shift 1st choice
o acute experience !!

P.04 707 623 9678

American Nurse Santa Rosa

JUN-06-2007 09:43

AA1953

... 1207M00

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on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

Steve Farmer
 P O BOX 18 Eldridge, CA 95431
 (707) 332-5894

Objective

Secure a position as a CNA in a positive and caring community that allows me to use my diverse skills and experience.

5 YR Work Experience**Healdsburg District Hospital**

11-2005 to Present

Sub-acute Med-Surg: Under the direction of an RN/LVN provided basic nursing care in a manner that promoted safety, comfort and maintained a healing environment, communicated to RN/LVN observations regarding patient conditions. I cared for patients with tracheotomy, colostomies, Foleys, G-tubes, in post-vegetative states, with brain tumors, strokes, dementia, diabetes, Alzheimer's, multiple heart attacks, and spinal cord injuries. I worked as Telly-Technician, hooked-up EKG leads, monitored heart rates and rhythms for patients. I also worked as a ward clerk building files, printing labels, processed admission papers work from ER, submitting MD orders to the pharmacy, entering information and orders into computer for appointments to OT, PT, labs, diets, activity levels and allergies.

Skilled Nursing**American Nursing and At Home Nursing (both registries)**

9-2005 to 11-2005

Under the direction of an RN/LVN did total care for patients with conditions ranging from stroke, COPD, dementia, hip replacements, age related fall risk, wheelchair bound, obesity, dementia, diabetes, Alzheimer's, multiple heart attacks and other skilled nursing related illnesses. I also worked patients with spinal cord injuries Paraplegic and Quadriplegic.

In Home Support Services

11-2001 to 11-2004

Worked with patients in homes under the supervision of an RN/LVN took care of patient for 4 years with multiple strokes, diabetes (took blood sugars and monitored levels 4 times daily), multiple heart attacks, dysphasia, depression, de-cubits, assisted with all ADL's, transfers and prepared meals. I participated in patient education, included dietary and medication interactions, implemented programs and planned activities that supported speech therapy, PT, OT, handwriting skills, and other motor skills. Multiple strokes impeded recovery from hip replacement; provided motivation and training in use of a walker to minimize fall risk for patient recovery.

Prior related experience

1988 - 1989

Under the supervision of an RN/LVN worked with patient with inoperative terminal brain tumors. including complete patient care for all ADL's and outings until death.

Capabilities and Skills

CPR and First Aid Instructor for Red Cross. Strong motivation for assisting others in loving the life they are living. Dedicated and mature with a professional attitude and willing to work. Work extremely well independently and as a team member, flexible and willing to assist where needed in situations of overload, remain calm and work well under demanding conditions. I am able to focus despite distractions and changing priorities, multi-task and coordinate projects to meet deadlines. Worked with people with diverse cultures and backgrounds, I have supervised and keep schedules for 15 + people. Tact and listening when asked for or when confronted with judgments concerning sensitive matters. Demonstrate communications skills both written and orally. I have excellent confidentiality and patient skills.

Education

| | |
|---|------|
| Santa Rosa Jr College | 2006 |
| Red Cross CNA School | 2005 |
| Red Cross Home Health Aide | 2005 |
| Red Cross Acute Care Training | 2005 |
| Red Cross CPR and First Aide Instructor | 2005 |
| Certified Masseuse | 1996 |
| Chaffey High School (Grad) | 1970 |
| Chaffey Jr College | 1973 |

17130710

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on file with the Las Vegas Metropolitan Police Department
Suzana S. McGurdy
Director, Police Records Bureau Records Custodian

MAY-16-2008 16:00

American Nurse Las Vegas

702 638 8522 P.06

Employment History

| | | | | | | | |
|-------|---------|--------------|---|-----------------|----------------|---------------------|-------------------------|
| From: | 11/05 | Company Name | Healdsburg District Hospital | May we contact: | No | Contact Person: | Isabel |
| To: | Present | & Address: | 1300 University Ave Healdsburg, CA 95413 | Phone #: | (707) 431-8300 | Reason For Leaving: | Relocating to Las Vegas |

| | | | | | | | |
|-------|---------|--------------|---|-----------------|----------------|---------------------|--|
| From: | 09/05 | Company Name | American Nursing | May we contact: | Yes | Contact Person: | Kelly Scott |
| To: | Present | & Address: | 1260 Dutton St. Ste Santa Rosa, CA 95403 | Phone #: | (707) 527-0700 | Reason For Leaving: | They have an office in Las Vegas, Transferring |

| | | | | | | | |
|-------|---------|--------------|---|-----------------|----------------|---------------------|-----------------|
| From: | 09/05 | Company Name | At Home Nursing | May we contact: | Yes | Contact Person: | Human Resources |
| To: | Present | & Address: | 2227 Capricorn Way Ste 110b Santa Rosa, CA 95407 | Phone #: | (707) 546-8773 | Reason For Leaving: | Inactive |

| | | | | | | | |
|-------|-------|--------------|---|-----------------|----------------|---------------------|-----------|
| From: | 01/05 | Company Name | Red Cross School | May we contact: | Yes | Contact Person: | |
| To: | 05/05 | & Address: | 5297 Aero Drive Santa Rosa, CA 95403 | Phone #: | (707) 577-7800 | Reason For Leaving: | Graduated |

| | | | | | | | |
|-------|-------|--------------|--|-----------------|-----|---------------------|-----------------------------------|
| From: | 12/00 | Company Name | In-Home Support Services | May we contact: | Yes | Contact Person: | |
| To: | 11/04 | & Address: | 2280 Northpoint Pkwy Santa Rosa, CA 95403 | Phone #: | | Reason For Leaving: | Patient Passed and went to school |

| | | | | | | | |
|-------|--------|--------------|-----------------------------|-----------------|--|---------------------|--|
| From: | 1990 | Company Name | Self Employed (Real Estate) | May we contact: | | Contact Person: | |
| To: | Oct-00 | & Address: | San Diego, CA 92008 | Phone #: | | Reason For Leaving: | |

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on file with the Las Vegas Metropolitan Police Department

Shirley S. McCurdy
Director, Police Records Bureau Records Custodian

Steven D Farmer

1600 Cunningham Way, Santa Rosa, CA 95403
(707) 332-5884

Position Applying for:

Capabilities & Skills

- ♦ CPR and First Aid Instructor for Red Cross taking
- ♦ Strong motivation to assisting others in living a life they love
- ♦ Dedicated, professional attitude, mature and willing to work
- ♦ Work extremely well independently and cooperatively as a team member
- ♦ Ability to work with people from diverse cultures
- ♦ Manage special projects as necessary
- ♦ Demonstrate communications skills, both orally and in writing
- ♦ Flexibility and willing to assist where needed during periods of overload
- ♦ Tact and listening when asked for or confronted with judgments concerning sensitive matters
- ♦ Ability to focus despite distractions and changing priorities
- ♦ Able to prioritize, multi-task, coordinate and handle multiple projects to meet deadlines
- ♦ Excellent patient skills and confidentiality experience
- ♦ Remain calm and work well under demanding conditions
- ♦ Supervised and kept schedules for 15+ people, including client database management
- ♦ Have received awards for ability to work with people for meeting or exceeding goals/achievements

Cared for patients with:

Multiple-Heart Attacks
Brain Tumors
COPD Problems
Diabetes

Multiple-Stroke
Dementia
Dysphasia
Depression

Hip Replacement
Incontinent
Esophagi
Spinal Injury

Patient Care Experience

- ♦ Participated in patient education including dietary and medicine interaction and intervention
- ♦ Home hospice care for patient with terminal brain tumors until death.
- ♦ Implementations of program and planned activities that support patients recovery
- ♦ On two different occasions confronted with a crisis situations resulted in two saved lives
- ♦ Reinforced P.T. instructions and monitored patients' physical therapy to increase mobility.
- ♦ Taking, recording, assessing blood sugar 4 x daily and giving injections of insulin as needed
- ♦ Assisted with occupational therapy activities such as dressing, eating, drinking, speech therapy and handwriting skills and other motor functions

Work History

| | |
|--|-----------|
| Care for patient through IHSS | 2004-2005 |
| Worked with stroke/diabetic/COPD patient in home for four years. | 2001-2005 |
| Customer Service/troubleshoot and promoting public relations | 2000-2004 |
| Customer Consultant (Real Estate Sales & Loans) | 1995-2000 |

Education

| | |
|--|---------|
| Graduated CNA (nursing assistant) | 08/2005 |
| Passed State Test | 08/2005 |
| Completed HHA (Home Health Aid) | 07/2005 |
| Completed Acute Care Training | 07/2005 |
| CPR and First Aid Instructor for Red Cross | 10/2004 |
| Certified masseuse | 06/1998 |

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

CONFIDENTIAL

MAY-16-2008 16:01

American Nurse Las Vegas

702 638 8522 P.23



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Health Care
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EMPLOYMENT REFERENCE

The individual whose signature appears below has applied for employment and has submitted your name as a former employer for reference purposes.

Due to the critical nature of our responsibility to our patients and client hospitals any consideration of this individual by this agency is dependent upon receipt of satisfactory references. Please be assured that your response will be kept in strictest confidence. Thank You.

Date 10/19/05 Agency Representative [Signature]

I hereby authorize you to fulfill the above request for information.

Date 10/19/2005 Applicant's Signature St. John Farmer

Applicant's Name Steve Farmer Social Security Number _____
Position Applied For CNA
Name of Former Employer (Hospital/Agency/etc.) HELEN FARMER 1854 Rose California Springs Ca. 95916
Attention Andy Carr Title LNA
Address 1854 Rose California Springs Ca. 95916
City Healdsburg State/Province CA Zip/Postal Code _____ Phone () _____

Position Held in Your Employ: CNA
Employment Dates From _____ to _____
Reason For Leaving: Resigned _____ Terminated _____ Temporary Employee YES
Is The Applicant Eligible For Rehire? Yes / No _____ If no, please explain. _____

| REFERENCE | REFERENCE | REFERENCE | REFERENCE | REFERENCE |
|-----------------------------------|-----------|-----------|-----------|-----------|
| QUALITY OF WORK | | ✓ | | |
| QUANTITY OF WORK | | ✓ | | |
| CLINICAL NURSING COMPETENCE | | ✓ | | |
| JUDGMENT | | ✓ | | |
| ATTITUDE | ✓ | | | |
| INITIATIVE | | ✓ | | |
| INTERPERSONAL SKILLS | | ✓ | | |
| EMOTIONAL STABILITY | | ✓ | | |
| ADAPTABILITY TO WORK SITUATIONS | | ✓ | | |
| DEPENDABILITY | | ✓ | | |
| COOPERATION / TEAMWORK | ✓ | ✓ | | |
| ABILITY TO ACCEPT LEADERSHIP ROLE | | ✓ | | |
| ATTENDANCE & PUNCTUALITY | ✓ | | | |
| PERSONAL APPEARANCE | ✓ | | | |

COMMENTS

[Signature] [Signature] [Signature]
707 638 8878 P.27 American Nurse Santa Rosa 08147 JUN-08-2007

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Shirana S. McCurdy
Director, Police Records Bureau Records Custodian

MAY-16-2008 16:01

American Nurse Las Vegas

702 638 9522 P.24



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 HOUSTON, TX • (713) 898-9888
 SAN DIEGO, CA • (619) 513-8222
 LAS VEGAS, NV • (702) 838-1200



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 METARRE, LA 70082
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EMPLOYMENT REFERENCE

The individual whose signature appears below has applied for employment and has submitted your name as a former employer for reference purposes.

Due to the critical nature of our responsibility to our patients and client hospitals, your consideration of this individual by this agency is dependent upon receipt of satisfactory references. Please be assured that your response will be kept in strictest confidence. Thank You.

Date 10/19/06 Agency Representative [Signature]

I hereby authorize you to fulfill the above request for information.

Date 10/19/2005 Applicant's Signature [Signature]

Applicant's Name Steve Garner Social Security Number _____
 Position Applied For CNA
 Name of Previous Employer (Hospital/Agency/etc.) HELEN FARMER 145 1/2 N. W. Gillette, San Jose, CA 95176
 Attention Kate A. Rule Title Admission nurse
 Address 101 Golden Gate Circle
 City San Jose State/Province CA Zip/Postal Code 94533 Phone (408) 253-1901

Position Held in Your Employ: CNA
 Employment Dates: From Sept 7, 2005 to presently
 Reason For Leaving: Resigned _____ Terminated _____ Temporary Employee _____
 Is The Applicant Eligible For Rehire? Yes _____ No _____ If no, please explain: _____

| PERFORMANCE AREA | REFERENCE | ADVERSE REFERENCE | ADVERSE | ADVERSE REFERENCE | ADVERSE |
|-----------------------------------|-----------|-------------------|---------|-------------------|---------|
| QUALITY OF WORK | ✓ | | | | |
| QUANTITY OF WORK | | ✓ | | | |
| CLINICAL NURSING COMPETENCE | | ✓ | | | |
| JUDGEMENT | | ✓ | | | |
| ATTITUDE | ✓ | | | | |
| INITIATIVE | ✓ | | | | |
| INTERPERSONAL SKILLS | ✓ | | | | |
| EMOTIONAL STABILITY | | ✓ | | | |
| ADAPTABILITY TO WORK SITUATIONS | | ✓ | | | |
| DEPENDABILITY | ✓ | | | | |
| COOPERATION / TEAMWORK | ✓ | | | | |
| ABILITY TO ACCEPT LEADERSHIP ROLE | | ✓ | | | |
| ATTENDANCE & PUNCTUALITY | ✓ | | | | |
| PERSONAL APPEARANCE | ✓ | | | | |

COMMENTS _____

10/19/05 Kate A. Rule [Signature]
 707 623 9678 American Nurse Santa Rosa 09:47 JUN-06-2007

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Susana S. McCurdy
Director, Police Records Bureau Records Custodian

1/30/06

Re: Steve Farmer

To whom it may Concern:

I have worked with Steve Farmer at Healdsburg District Hospital. As a Certified Nurses assistant he is one of the best I have ever worked with in my fifteen years of nursing. He does a great job with each and every patient. He is kind, compassionate and caring. He is great about reporting appropriate changes of conditions in vital signs, skin conditions and other important issues. He is always well groomed and clean. He works well with other staff and patients alike. He is efficient and able to complete his work well. He works well within his scope of practice.

I would highly recommend Steve Farmer to ANY facility.

Sincerely,



Valerie K. Bender

Registered Nurse
4346 S.P. Road
Casper, Wyoming 82604
(307) 237-2286

JAN 19 1963

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department.

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

AA1966

2/1/04

To Whom it may concern.

I have worked with Steve Farmer since the time he has worked at Henderson District. Steve is always punctual and professional. His care to the patients cannot be beat. I never have to worry if my vitals are going to be taken and reported. The patients are turned, cleaned and mouth care given without having to ask Steve. Steve knows what needs to be done and does it no questions asked. Steve also goes the extra mile - for instance he brought a patient a TV guide because he knew she would enjoy the TV guide. I would give Steve a recommendation anytime - he is a great nurses aid. Steve is a member of the staff and makes a great part of a team - always willing to help with anything - he enjoys learning.

Thank You
Brigid Meko RN
423-902-6903

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department.

Summa S. McCurdy
Director, Police Records Bureau Records Custodian

August 24, 2006

To Whom it May Concern,

I came to the Healdsburg District Hospital as a travel nurse in May, 2006. I met Steve Farmer there and had the privilege to get to know and work with him. Steve has a fantastic work ethic. I have observed him consistently meet the patient care goals that have been assigned to him, with compassion for the patients and respect for the nurses and his fellow workers. Steve is a strong asset to our team and would benefit any organization that has a need for his experience in patient care. I've truly enjoyed working with him and wish him the absolute best.

Sincerely,



Randall L. Ernst RN
(586) 260-5074

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Sharon S. McCurdy
Director, Police Records Bureau Records Custodian

February 01, 2006

To whom it may concern,

I am writing this letter of recommendation on behalf of Steven Farmer. I have been working with Steven Farmer at Healdsburg District Hospital. I am very pleased with his performance as a certified nursing assistant. Steve is eager and willing to learn how to improve his skills, he works well with others and needs little or no supervision. Steve also works very hard to provide excellent care for the patients he is assigned, he accomplishes this by anticipating their needs in advance. I can always count on him notifying me of any changes in conditions or concerns he might have for their well-being. Steve also brings new ideas to assist in providing better care for his patients. He completes his duties and documentation accurately, completely and in a timely manner. I would recommend him highly; Steve Farmer would be an asset to any facility he works for!

Sincerely,

Tina Marrufo RN

Tina Marrufo RN
831-A University Street
Healdsburg, CA 95448
(574) 551-6156

44-1110-1000

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

September 9, 2006

To Whom It May Concern:

Re: Letter of Recommendation

It gives me great pleasure to write this Letter of Recommendation for Mr. Steve Farmer, whom I have had the privilege of being his charge nurse for the last seven months at Healdsburg District Hospital Subacute unit.

Mr. Farmer has been an exceptional asset to our unit as a Certified Nursing Assistant, and has exhibited true leadership in his job. I have come to rely upon Mr. Farmer to be my eyes and ears with the patient's needs and families needs as well. Our Subacute unit is a very strenuous and emotional draining milieu, as we have many patient's who have suffered serious head traumas and are in a most vulnerable state of health.


Mr. Farmer has always been willing to assist the Registered Nurses and Licensed Vocational Nurses in a variety of tasks, within his scope of practice; he has been accountable, responsible, honest, trustworthy and dependable. His innate ability to prioritize his duties and manage his time on our unit has allowed for him to assist with training new C.N.A employees, and also nursing employees.

He is always willing to go that extra mile for the patient's, their families and staff. His work is impeccable, and he continues to provide safe, and compassionate care to our patient's, and uphold a manner of professionalism in all he does.

Mr. Farmer continues to seek new ways to better our environment and continues to remain teachable, in that he has enrolled in the telemetry classes offered here, so that he can expand his knowledge base.

I am saddened that we are losing such a valued member of our team, here at Healdsburg District Hospital. I know Mr. Farmer will be successful wherever he is employed and will be an asset to you and your company.

Sincerely,


Barbara McEntee, LVN
P.O. Box 5671
Santa Rosa, CA 95402-5671
(707) 758-3197

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

CONFIDENTIAL

Tsegai Haile, RN
2039 Bedford street
Santa Rosa, CA 95404, (707) 761-2996
Email: tsegaihaile@comcast.net

05/24/2007

To whom it may concern:
Dear Sir or Madam:

I worked alongside with Mr. Steve Farmer for the past 9 months at HDH, Healdsburg Dist. Hosp., Healdsburg CA as a Lead Nurse, I was the senior on-site administrator at the facility when I was on duty in addition to providing a direct patient care. As such I'm always into contact with Mr. Farmer who is our telemetry technician as well as our CNA.

As a Tele. tech. Steve is very responsible person and extremely efficient in running the department's affairs smoothly always working above and beyond call of duty. As a CNA Steve is very caring and compassionate to his patients, Super team player, Considerate and respectful to his peers. Steve is very energetic he always assumes his duties with interest and vigor. He is actually one of the best CNAs and Tele Techs I've ever worked with. Steve is a great asset to any employer and will make a great addition.

Best regards,

I am very truly yours



Tsegai Haile, RN

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on file with the Las Vegas Metropolitan Police Department.
Suparna S. McGurdy
Director, Police Records Bureau Records Custodian

AA1976

MAY-16-2008 16:00

American Nurse Las Vegas

702 638 8622 P.13

Employment History

From: 08/2005 Telephone: 800 300-5616
To: Present May we contact: Yes

Company: Unemployment
Address: P.O. Box 12631
City: San Diego State: CA
Zip: 92112-0631
Supervisor: None
Title:
Your Title: Unemployed
Duties: Look For Work
Start Salary: 684.00 mo End Salary: 684.00 mo

Reason For Leaving: Currently collecting

From: 04/2005 Telephone: 707 577-7600
To: 07/2005 May we contact: Yes

Company: CNA School American Red Cross
Address: 5297 Arco Drive
City: Santa Rosa State: CA
Zip: 95403
Supervisor: Sally Sweeney
Title: Teacher
Your Title: Student
Duties: Student
Start Salary: 834.00 mo End Salary: 684.00

Reason For Leaving: Graduated

From: 12/2004 Telephone: 800 300-5616
To: 04/2005 May we contact: Yes

Company: Unemployment
Address: P.O. Box 12631
City: San Diego State: CA
Zip: 92112-0631
Supervisor: Kathy White
Title: Job-Link Counselor
Your Title: WIA Candidate
Duties: Research for Grant For School
Start Salary: 834.00 mo End Salary: 684.00 mo

Reason For Leaving: Went to school

From: 12/2001 Telephone: 707 996-7272
To: 12/2004 May we contact: No

Company: In-Home Support Services
Address: 2280 Northpoint Parkway
City: Santa Rosa State: CA
Zip: 95402-1949
Supervisor: Helen Farmer
Title: Patient
Your Title: Care Giver
Duties: Refer to resume Attached
Start Salary: 9.50 hr End Salary: 9.50

Reason For Leaving: Death

From: 05/2002 Telephone: 510 547-119
To: 01/2003 May we contact: Yes

Company: Radio Shack
Address: 100 Throckmorton Street Ste 1900
City: Fort Worth State: TX
Zip: 76102
Supervisor: Dorothy Lino-Casa
Title: Senior Manager
Your Title: Salesman/Manager
Duties: Make Schedules, Keep Records, Customer Service, Set Up Displays, Bank Deposits, Sales, Managerial Tasks, Attend Manager Meetings, Hold Sale Meetings, etc
Start Salary: Com/36,000 yr End Salary: 45,000 yr

Reason For Leaving: Mother Very Ill, Strokes, Diabetes

From: 01/1996 Telephone:
To: 11/2001 May we contact: No

Company: Self Employed
Address: 2804 El Camino Real
City: San Diego State: CA
Zip: 92008
Supervisor:
Title:
Your Title: Real Estate Salesman/Loans Officer
Duties: Generated Leads, Sold Real Estate, Originated Real Estate Loans, Customer Service, Computer Work, All Aspect of Real Estate Sales and Loan Origination
Start Salary: Com End Salary: Com

Reason For Leaving: Mother Very Ill, Moved To Sonoma, CA

P.08 8296 829 207

American Nurse Santa Rosa

JUN-08-2007 09:44

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on file with the Las Vegas Metropolitan Police Department.
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

AA1978

Past Address

| Dates | | Address | City | St | ZIP |
|-------|---------|------------|-----------------------|------------|----------|
| From | 08/2004 | To Present | 1800 Cunningham Way | Santa Rosa | CA 95403 |
| From | 02/2004 | To 08/2004 | 145 1/2 Agua Caliente | Sonoma | CA 95476 |
| From | 05/2003 | To 02/2004 | 39 Creekside Court | Willits | CA 95490 |
| From | 11/2002 | To 06/2003 | 89 Cavedale Road | Sonoma | CA 95476 |
| From | 11/2001 | To 06/2001 | 145 1/2 Agua Caliente | Sonoma | CA 95476 |
| From | 1995 | To 11/2001 | 2804 El Camino Real | San Diego | CA 92008 |

Educational History

| Name | High Location | Major | Highest Grade Completed |
|---------------------|---------------|---------|-------------------------|
| Chaffey High School | Ontario, CA | General | 12 |

| Name | College Location | Major | Highest Grade Completed |
|------------------------|----------------------|----------|-------------------------|
| Chaffey Junior College | Rancho Cucamonga, CA | Business | 15 units |

Professional School

| Name | Location | Major | Completed |
|--------------------|----------------|---------------------------|-----------|
| American Red Cross | Santa Rosa, CA | Certified Nurse Assistant | 06/2005 |
| American Red Cross | Santa Rosa, CA | Home Health Aid | 06/2005 |
| American Red Cross | Santa Rosa, CA | Acute Care | 07/2005 |
| H & R Tax School | Santa Rosa, CA | Certified Tax Preparer | 11/2004 |
| American Red Cross | Santa Rosa, CA | CPR Instructor | 11/2004 |

Professional Licensure - Registration - Certification

| Type | Number | State | Issue Date | Expiration Date |
|-------------------------------|----------------|-------|------------|-----------------|
| Nursing Assistant | 00659300 | CA | 08/09/2005 | 03/16/2008 |
| Home Health Aide | 00198703 | CA | 08/09/2005 | 03/16/2008 |
| Red Cross CPR Instructor | Sonoma Chapter | CA | 11/08/2004 | 11/08/2005 |
| CPR/AED For The Pro - Rescuer | Sonoma Chapter | CA | 02/28/2005 | 02/28/2008 |

Professional References

| Name | Address | Telephone | Occupation | How Does This Person Know you |
|-------------------|----------------|--------------|------------------------------------|-------------------------------|
| Nancy Buti | Sonoma, CA | 707 938-9141 | Recreational Therapist | I worked for her and friend |
| Dorothy Liro-Casa | Vallejo, CA | 510 547-1918 | District Manager for H & R Block | I worked for her and friend |
| Teresa Fredricks | Santa Rosa, CA | 707 525-4457 | Site Manager Counsel for The Aging | I worked for her and friend |
| Julie Carse | Sonoma, CA | 707 364-5835 | Department of Motor Vehicle | She worked for me and friend |

MAY - 8 2013

AA1980

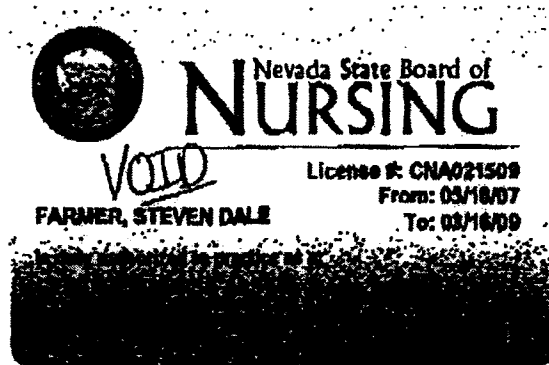
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MAY-16-2008 16:00

American Nurse Las Vegas

702 638 8522

P.15



Steven Dale Farmer
Signature

BY SIGNATURE CHASE

NSBN WEB SITE

www.nursingboard.state.nv.us

LICENSEE

You are required by law to only practice with a current active license. The law also requires you to inform the Board in writing of any address change.

EMPLOYER

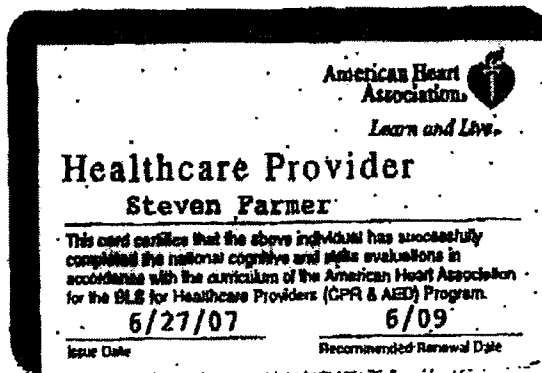
Always verify current licensure status.

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Suzanne S. McGurdy
Director, Police Records Bureau Records Custodian

AA1984

702 638 8522 P.17

AHA WESTERN STATES AFFILIATE
 Region SUNRISE HOSPITAL & MED. CNTR.
 Community SUNRISE CHILDRENS HOSPITAL
 Training Center LAS VEGAS, NV. 89109
 Training Site LIFESAVERS C.F.R. 236-9094.
 Instructor LYNN PRESCOTT
 Holder's Signature Stan L. Farmer
 CCRHS American Heart Association The nearest BLS site and not a BLS site 70-2015

2.11.13.07.10.0

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on file with the Las Vegas Metropolitan Police Department
Suzana S. McCurdy
Director, Police Records Bureau Records Custodian

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| JUN-JULY 08 | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S |
|----------------|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|---|---|---|---|
| CLINICAL COOR. | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 1 | 2 | 3 | 4 | 5 |
| CURLEE,DARBY | C | C | C | | | | | | C | > | | | C | C | > | | | | C | C | C | C | | | | > | C | C |
| AUGUSTO,AMY | | | | C | C | C | > | C | C | | | | C | | | C | C | > | | C | C | C | C | | | | | |
| 7P-7A RN FT | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CIPOLLINI,SHER | B | | | | | B | B | B | B | B | | | | | | | | B | B | B | B | | | | | B | B | B |
| FERNANDEZ,RO | | | | B | B | B | | | | | B | B | B | | | | B | B | B | B | | | | B | B | B | B | B |
| SUMERA,RENAT | B | | B | B | | | | | ! | B | | | B | B | B | | | B | B | B | | | B | B | B | B | B | B |
| WOLFE,MARGA | | | | | B | B | B | | | B | B | B | | | | B | | | B | B | B | B | B | B | B | | B | B |
| CHRISTENSEN,G | B | B | B | | | | B | | | | B | B | B | B | B | B | B | | | B | B | B | B | B | B | | B | B |
| DAVIS,KIMBERL | | | | B | B | | B | | | B | | | B | B | B | B | B | B | B | | | | B | B | B | | B | B |
| FERNANDEZ,YV | | | | B | B | | B | B | B | B | | | | | | B | B | B | B | | | | B | B | | | B | B |
| BRECK,SHANNO | | B | B | | | | B | B | B | B | | | | | | | | B | B | B | B | | | | | | B | B |
| STEVENS,DANIE | P | P | P | | | | | | B | ! | B | | B | B | B | B | | B | ! | | | | B | B | B | ! | | B |
| PAGAN,SANDRA | B | B | B | B | | | | | | B | B | B | B | B | B | B | B | | | | | | B | B | B | ! | B | B |
| GOODHART,KAR | B | B | | | | B | B | B | | B | B | B | | e | | B | B | B | | | | | | B | B | B | B | B |
| BROCK,JESSICA | ! | | ! | B | B | B | B | B | | | ! | | B | B | B | | | | B | B | B | B | B | B | ! | B | ! | |
| PER DIEM RN'S | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| JONES,KAREN | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| HIGHTOWER,TO | | | | | | | B | B | | | | | | | | | | | | B | | | | | | | | |
| UCITECH 7P | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MONTGOMERY,J | B | B | B | ! | | | | | B | B | B | ! | | ! | B | B | B | B | | | | | | | B | B | B | ! |
| PHILBIN,SHAWN | | | | B | B | B | B | | | | B | B | B | B | B | | | | B | B | B | B | B | B | | | | |
| GOMEZ,J.J. | B | B | B | ! | | | B | B | B | B | ! | | | B | B | B | B | ! | | | ! | B | B | B | B | | | |
| DEGRE,AVA | B | | | | | B | B | B | | | | | B | B | | | | | B | B | B | B | | | B | B | B | B |
| 7P-7A RN'S | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 5 | 5 | 5 | 5 | 6 | 6 | 6 | 6 | 5 | 6 | 6 | 6 | 6 | 6 |
| 7P-7A UCITECH | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 3 | 2 | 2 | 2 | 2 | 2 | 2 |

c = charge RN 7P-7A
 > = (+) 12 charge RN 7P-7A
 B = 7P-7A

! = (+) 12 7P-7A
 e = education
 P = PTO

Find 5-29-06
 Add Linda

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Shirana S. McCurdy
Director, Police Records Bureau Records Custodian

AA1988

Date: May 16, 2008

CONFIDENTIAL

Donna Lamonte/Mike McDonald
Nevada Power Company
Corporate Investigations
Office phone (702) 227-2359
FAX (702) 227-2008

In Response,
Please Reply To:

Inv. Ruth Gorski
Sexual Assault Section
(702) 828-5676/ FAX 828-3073

Greetings;

Our Department is conducting a criminal investigation involving the below listed person(s) and/ or address(es). Pursuant to NRS 704.201, we are requesting that you conduct a search of your customer records and provide us with the respective name of the customer and address, as applicable.

We request this inquiry be handled in a confidential manner and thank you for your cooperation.

Name: FARMER, STEVEN DALE

DOB: 03-16-1952

Address: UNKNOWN -REQUESTED

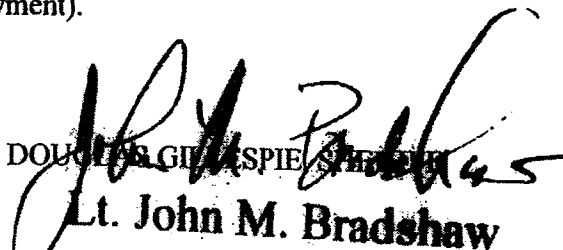
Employment: PLEASE ADVISE IF KNOWN

Phone#: UNKNOWN- PLEASE PROVIDE ANY YOU HAVE LISTED.

Cut-In Date: REQUESTED **Cut-Out Date:** REQUESTED

NOTE: We are specifically looking for verification of ADDRESS, as well as contact phone numbers (home and/or employment).

Sincerely,


Lt. John M. Bradshaw
Section Supervisor
PW3648

By:

Please include complete address such as building number, apartment number, street, court, avenue, trail, road, etc....If possible, check last known address in the other section.

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzana S. McCurdy
Director, Police Records Bureau Records Custodian

AA1990

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ADMINISTRATIVE SUBPOENA

ISSUED PURSUANT TO NRS. 704.201

CONFIDENTIAL

THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT

SENDS GREETINGS TO:

AMERICAN NURSING SERVICE ATTN: JOHNETTE SPELLMAN/HR DIR.

(INSERT NAME OF PUBLIC UTILITY)

CUSTODIAN OF RECORDS

FAX #: 504-210-2975

YOU ARE HEREBY COMMANDED, pursuant to the authority granted a law enforcement agency in Nevada Revised Statute 704.201, that all and singular business excuses being set aside, you produce:

A true and accurate copy of your customer records, including the name(s), address(es), social security number(s) and date(s) of birth of the person(s) listed as the customer(s) for the following service address and/or phone number:

SUBJECT: FARMER, STEVEN DALE, DOB/03-16-1952,

II. All records in your customer file pertaining to the following person(s):

The records shall be delivered on or before the 16TH day of MAY, 20 08, to the Las Vegas Metropolitan Police Department via fax #: 702-828-3073 to the attention of Det. I/S R. GORSKI (for SGT. PENCE).

☒ Check here if EMERGENCY REQUEST and is needed as soon as possible.

This subpoena is made to further a criminal/civil investigation being conducted by the Las Vegas Metropolitan Police Department.

If you have any questions about this subpoena, contact: Det. SGT. PENCE at: 702-828-3421

Failure to produce these records may subject you to liability for contempt and for costs and fees expended in the enforcement of this subpoena. You are requested not to disclose the existence of this subpoena. Any such disclosure could obstruct and impede the investigation being conducted and thereby interfere with the enforcement of the law.

DATED this 16TH day of MAY, 20 08

DOUGLAS C. GILLESPIE, Sheriff

By:


Lt. John M. Bradshaw
Bureau Commander, CAYF/SAS (Insert Bureau Name)
Las Vegas Metropolitan Police Department

Expense to Cost Center: 5000155020

GL: 662300

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

AA1992

ARREST REPORT

CONFIDENTIAL

| | | | | | |
|-------------------------------|--|---|-----------------------------------|-------------|----|
| <input type="checkbox"/> City | <input checked="" type="checkbox"/> County | <input checked="" type="checkbox"/> Adult | <input type="checkbox"/> Juvenile | Sector/Beat | X6 |
|-------------------------------|--|---|-----------------------------------|-------------|----|

| | | | | |
|--|--|----------------|-------|--|
| ID/EVENT# | ARRESTEE'S NAME (Last, First, Middle) | | S.S.# | |
| | Farmer, Steven Dale | | | |
| ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) | | | | |
| 1841 Leonard Las Vegas, NV. | | | | |
| CHARGES: Sexual Assault (3cts) / Open & Gross Lewdness (3cts) | | | | |
| OCURRED: | DATE | DAY OF WEEK | TIME | LOCATION OF ARREST (Number, Street, City, State, Zip Code) |
| | 5/16/08 | Friday | 0445 | 1841 Leonard Las Vegas NV. |
| RACE | SEX | D.O.B. | HT | WT |
| W | M | 3/16/52 | | |
| HAIR | EYES | PLACE OF BIRTH | | |
| | | CA. | | |

CIRCUMSTANCES OF ARREST

On May 16th, 2008, Detective M. Saunders P# 6076 and I, Sergeant M. Pence P# 4950 were contacted by patrol officers reference LVMPD Event # 080516-1021. According to details provided, a patient at Centennial Hills Hospital was reporting that she had been sexually assaulted by a male nurse who moved her from the Emergency Room to her assigned room at the hospital. Details also stated that the assault occurred in room 725. Detectives were advised that the LVMPD was contacted by the victim's husband identified as Scott Cagnina DOB 07/03/1968 who was still with the victim at the hospital.

Upon arrival, the victim was identified as Roxanne Cagnina DOB 07/06/1973. A taped interview was conducted with R. Cagnina. The following is a summary of that interview and is not verbatim. Cagnina stated she had been transported to the Emergency Room at Centennial Hills Hospital due to a seizure. While in the Emergency Room, Cagnina was given Phenyl barbitol and Ativan. Sometime around what Cagnina believed was 0300 hours, she was admitted to the hospital and was taken by Farmer (DOB: 3/16/52) up to her assigned room (#725) on the seventh floor. While in the elevator alone, Cagnina realized that Farmer put his hands under her blankets and was rubbing the top of her thigh and legs, moving his hands closer to her groin area. When Cagnina told Farmer to stop all he said was that he was just trying to relax her so she could go to sleep. Cagnina stated she then propped up her knees to get him to stop or to prevent him from touching her legs. When the elevator doors opened, Farmer stopped touching her and pushed her gurney in to room 725.

When they got in to the room, Farmer closed the door and moved Cagnina from the gurney to her bed. Cagnina said that Farmer began to rub her shoulders and when she told him "that's not necessary", Farmer said he was just trying to relax her and that she should be sleeping. Cagnina became fearful as Farmer again began to rub on her legs and thighs underneath her blanket, sheet and gown. Farmer told Cagnina that everything was okay, and that what he was doing to relax her was considered "procedure". Farmer began to rub her on her face and told her how beautiful she was. Farmer then put his hands underneath Cagnina's gown and began touching/fondling both of her breasts with his hands (Open & Gross Lewdness 1 count). Cagnina again told him to stop but Farmer continued to touch and feel on her breasts. Farmer then slid his hands under her gown and used his fingers to penetrate her vagina. (Sexual Assault 1 Count) Cagnina immediately told him to "stop", "Please stop", but Farmer told her to "just relax" and "this will help you go to sleep". Cagnina stated she then froze and did not know what to do. She stated Farmer was using both hands while penetrating her vagina multiple times (Sexual Assault 1 Count). Farmer told her to put her arms over her head and Cagnina complied because she was so afraid and scared. Farmer then went back to feeling and touching her breasts with his hands (Open & Gross Lewdness 1 count). Farmer again began to penetrate her vagina with his fingers (Sexual Assault 1 Count). Cagnina stated that she had her cellular phone under her pillow and while Farmer was touching her she attempted to use the camera to take pictures of what Farmer was doing. When she could hear the camera making noises, she stopped after a few attempts fearing that Farmer would hear the camera clicking. Farmer then moved the blankets aside and began to perform oral sex on Cagnina. Cagnina stated

| | | | |
|----------------------|------|-------------|---|
| ARRESTING OFFICER(S) | P# | APPROVED BY | CONNECTING RPTS. (Type or Event Number) |
| M. Pence | 4950 | | |
| C. JEX | 5597 | | |

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy

Director, Police Records Bureau Records Custodian

AA1994

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

CONFIDENTIAL

Event Number: 0

Page 2 of 2

that Farmer used his mouth and tongue on her vagina and she could feel his tongue inside of her (Sexual Assault 1 Count). During the entire assault, Farmer kept telling her that he was doing this to help her to relax. Farmer told Cagnina that he "had thick fingers" and that he wanted to make her "cum", because it would make her relax and go to sleep. Before leaving, Farmer told Cagnina that he would come back to check on her around 0700 to make sure she was okay. Cagnina stated that she fell asleep because of the medication she was on and woke up at approximately 0630, called her husband Scott Cagnina, vaguely told him what occurred and asked him to come to the hospital. Scott Cagnina told her to contact the Head Nurse and report the incident.

According to Cagnina, sometime around 0700, Farmer walked into her room while another nurse was there. When the other nurse asked Farmer why he was in the room, Farmer told the nurse that Cagnina was his patient in the Emergency Room and he was just checking on her. Before Farmer left, Cagnina stated that he gave her a threatening look and then walked out. She took his look as a threat to not say anything about what he had done to her. Cagnina then asked to talk to the Head Nurse to report what had happened. Cagnina also stated that she attempted to call 9-1-1, but hung up as the phone call connected because she was scared and didn't know what to say.

Cagnina gave permission for Detective Saunders to review her cell phone pictures and recent calls. Her cell phone showed two pictures being taken at approximately 0447 and 0450 hours on 05/16/07. Both pictures showed only a black screen. There was a 9-1-1 call showing at approximately 0754 hours on 05/16/08.

Detective Saunders made telephone contact with Nurse Goodall, who was working with Farmer in the Emergency Room and attending to Cagnina. Goodall said it seemed like Farmer was gone "quite a long time" when he transported Cagnina from the Emergency Room to room 725. Upon his return, Farmer told Goodall he had to help transfer Cagnina to her bed because of her condition and then he had to look for an IV stand.

A Sexual Assault examination was conducted by SANE Nurse L. Ebbert. According to Ebbert, Cagnina had three (3) crescent shape tears/lacerations between the 5-7 o'clock position of her vagina. These tears are consistent with the assault as described by Cagnina.

A photo line up was conducted with Cagnina. During this photo line-up, Cagnina positively identified Farmer as the nurse who sexually assaulted her. This was witnessed by both myself and Detective Saunders.

Cagnina described that during the incident, Farmer penetrated her vagina at least twice with his fingers and once with his mouth and tongue. Cagnina also described that Farmer touched and fondled her breasts at least twice and legs at least once during the 15 minutes that the assault lasted.

During the follow up investigation, detectives obtained Farmer's cell phone number. A Pen Register was obtained and signed by the Honorable Judge Alan Earl. The cell phone signal was located at 1841 Leonard. A knock and talk to conducted at that location and the homeowner, Raymond McCormick DOB: 6/08/37, answered the door. McCormick stated he rents a room to Farmer and allowed detectives inside his residence and directed them to Farmer's room. Contact was made with Farmer, who was sleeping in his bed. Farmer was arrested and transported to the detective bureau, located at 4750 W. Oakey. An interview was attempted with Farmer, who invoked his right to an attorney.

Due to the fact that Farmer did subject Cagnina to a sexual penetration with his hands, fingers, mouth and tongue, at least 3 times, against her will and without her consent, he was arrested for Sexual Assault (3 cts). Due to the fact Farmer rubbed and touched Cagnina's breasts and legs at least 3 times, against her will and without her consent, he was arrested for Open and Gross Lewdness (3 cts).

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department.
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

AA1996

ARREST REPORT

CONFIDENTIAL

☐ City ☒ County ☒ Adult ☐ Juvenile Sector/Beat P1

| | | | | |
|---|---|----------------------|-----------------------|---|
| ID/EVENT# 2679879 | ARRESTEE'S NAME (Last, First, Middle) Farmer, Steven Dale | | S.S.# | |
| ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 1841 Leonard Las Vegas, Nevada 89108 | | | | |
| CHARGES: Open 7 Gross Lewdness | | | | |
| OCCURRED: | DATE December 2007 | DAY OF WEEK | TIME 2200 | LOCATION OF ARREST (Number, Street, City, State, Zip Code) CCDC / Re-Booking |
| RACE W | SEX M | D.O.B. 03/16/1952 | HT 5'10 | WT 200 |
| HAIR White | | EYES Blue | PLACE OF BIRTH MO. | |

CIRCUMSTANCES OF ARREST

On 05/28/08, the victim identified as Frances Rose DOB 04/08/1964 contacted the LVMPD to identify herself as a person who had been victimized by the suspect Farmer. An interview with Rose was scheduled and completed to gather the information as described by Rose on 05/31/08.

During the interview said the following. That in December 2007, while she was a patient at Neal-Rawson Mental Health Facility she met the suspect Farmer who was employee of the facility. Sometime between the dates of December 25th and 27th, 2007, she had formed a friendship with him and that they would talk at night. One evening while talking, she reached to take a cup of coffee from Farmer. Farmer then grabbed her hand instead and placed it directly on top of his penis on the outside of his clothing. According to Rose, Farmer stated to her, "this is what you do to me", as he let go of her hand. Rose immediately pulled away and quickly left the area upset by what had just occurred. Rose stated that she could feel that Farmer had an erect penis under his clothing when he used her hand to touch himself. (Open & Gross Lewdness 1 Count) Rose stated that she did not report it because she felt that no one would believe her as she was in a mental health facility. Rose also said that she believed and feared that Farmer would deny the incident and try to get her in trouble or even extend how long she would have to stay, as she was due to be released within a few days.

Rose then saw the news that Farmer had been arrested for other sexual related crimes. It was then she decided to contact the LVMPD.

Rose also stated that what she believed Farmer meant by his comment "this is what you do to me" was that he was inferring that she turns him on in a sexual way. She also said that the way Farmer touched her and made her touch him caused her to feel dirty and scared.

Due to the facts and circumstance, Farmer was then re-booked in to the Clark County Detention Center for 1 count of Open And Gross Lewdness on Rose.

| | | | |
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| ARRESTING OFFICER(S) | P# | APPROVED BY | CONNECTING RPTS. (Type or Event Number) |
| M. Saunders | 6076 | M. Pence P# 4950 | |
| | | | |

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

AA1998

ARREST REPORT

CONFIDENTIAL

☐ City ☒ County ☒ Adult ☐ Juvenile Sector/Beat X5

| | | | | |
|---|---|-----------------------|-----------------------|--|
| ID/EVENT# 2679879 | ARRESTEE'S NAME (Last, First, Middle) Farmer, Steven D. | | S.S.# | |
| ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 1841 Leonard | | | | |
| CHARGES: Open & Gross Lewdness / Indecent or Obscene Exposure | | | | |
| OCURRED: | DATE 04/27/08 | DAY OF WEEK Sunday | TIME 1900 | LOCATION OF ARREST (Number, Street, City, State, Zip Code) Re-Booking |
| RACE W | SEX M | D.O.B. 03/16/52 | HT 5'10 | WT 200 |
| HAIR White | | EYES Blue | PLACE OF BIRTH Mo. | |

CIRCUMSTANCES OF ARREST

That this detective was contacted by the victim identified as Ledahlia Spurlock DOB 01/04/73 who stated that she believes that she had been victimized by the suspect identified as Steven D. Farmer. On 05/31/08, a taped interview was conducted with Spurlock who stated the following.

Spurlock stated that on 04/27/08 she was a patient in the Emergency Room at Centennial Hills Hospital. While she was awaiting to be transferred to another facility, she had two of her aunts with her in the room identified as Ernestine Smith DOB 03/25/36 and Ada Dotson DOB 07/23/37. At that time, a male nurse came who verbally identified himself as to them Steven Farmer. Spurlock went on to describe the suspect as a white male, 40's to 50's, white hair, and a neatly trimmed white beard and mustache. As Farmer entered, he approached the bottom edge of the bed as both Smith and Dotson were already standing on either side of Spurlock's bed. According to Spurlock, Farmer grabbed her feet as he stood there talking and began to pull them towards him, specifically his groin area. As she attempted to pull her feet away, Farmer held on tighter and continued to push his groin against the bottom of her feet as her pulled her feet towards him. Spurlock stated that this went on for several moments and that it made her very uncomfortable and scared. Spurlock attempted to pull her feet away from Farmer several times, but he continued to hold on to and pull her feet back to him and continued to push/pull her feet against his groin / penis. (Open & Gross Lewdness) She said that his behavior and actions was also witnessed by both of her aunts. After Farmer stopped and left they all three began to talk about what had just occurred. Spurlock then asked both Smith and Dotson to stay with her until she was transferred to the other facility as she was scared of what Farmer may do to her if she was left alone. She was now very concerned as Farmer was her nurse the previous evening when she was admitted. Spurlock said that she was on medications that made her sleep, and was now fearful that he may have done something else to her that she was unaware of. Spurlock said that she was unsure whether or not Farmer had an erection while he rubbed her feet against his penis/ groin area, but she felt his actions were sexual in nature for his gratification.

On 06/05/08, I contacted and conducted a taped interview Ernestine Smith at her residence. Ernestine said that on the evening of 04/27/08 while she was at Centennial Hills Hospital with her sister Dotson visiting her niece Spurlock who was in the E.R. waiting to be transferred to another facility. While they were all talking a white, male adult nurse came in Spurlock's room and identified himself as Steven Farmer. She gave the same description of the suspect as Spurlock.

While Farmer began talking to them, he approached the bottom of Spurlock's bed, and grabbed a hold of her feet and began pulling them towards him. This was immediately noticeable to Smith who continued to watch Farmer's actions with her niece Spurlock. Smith stated that as she watched, she could see Spurlock was visibly upset and trying to pull her feet away from Farmer and it appeared that he was rubbing her feet against his groin / penis area. Smith said that she could see that Farmer would physically pull Spurlock's feet back to

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| ARRESTING OFFICER(S) | P# | APPROVED BY | CONNECTING RPTS. (Type or Event Number) |
| M. Saunders | 6076 | M. Pence P# 4950 | |

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McGurdy
Director Police Records Bureau Records Custodian

AA2000

CONTINUATION REPORT

CONFIDENTIAL

ID/Event Number: 2679879

Page 2 of 2

him when she was able to briefly pull them away from Farmer. After several minutes, Farmer let go of Spurlock's feet and left the room. Smith stated that she believes Farmer didn't think that she, Dotson, or even Spurlock realized what he was doing, but that they all did see and observe the same actions of Farmer. Smith said that she was disgusted by Farmer's actions. After Farmer left, Spurlock asked both Smith and Dotson to stay with her because she was scared of Farmer and what he may do if he came back to her room.

On 06/05/08, I also contacted and conducted a taped interview with Ada Dotson at her residence. Dotson provided the same date, times and location as Smith did. Dotson also gave a very similar description of the incident as described by both Spurlock and Smith. Dotson stated it was very obvious to her of what Farmer was doing and that she could clearly see Farmer rubbing Spurlock's feet against his groin / penis area. (See transcripts for further)

Due to the facts and circumstances, Farmer was then re-booked into CCDC for another count of Open & Gross Lewdness for the rubbing of Spurlock's feet against his groin / penis for his sexual gratification as described by the victim Spurlock and both witnesses Smith and Dotson.

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suparna S. McCurdy
Director, Police Records Bureau Records Custodian

AA2002

CONFIDENTIAL**ARREST REPORT**

☐ City ☒ County ☒ Adult ☐ Juvenile Sector/Beat X5

| | | | | | | |
|---|---|-------------------------|------------|--------------|--|--------------|
| ID/EVENT# 2679879 | ARRESTEE'S NAME (Last, First, Middle) Farmer, Steven D. | | | | S.S.# | |
| ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 1841 Leonard | | | | | | |
| CHARGES: Open & Gross Lewdness / Indecent or Obscene Exposure | | | | | | |
| OCCURRED: DATE 05/15/08 | | DAY OF WEEK Thursday | | TIME 1900 | LOCATION OF ARREST (Number, Street, City, State, Zip Code) Re-Booking | |
| RACE W | SEX M | D.O.B. 03/16/52 | HT 5'10 | WT 200 | HAIR White | EYES Blue |
| PLACE OF BIRTH Mo. | | | | | | |

CIRCUMSTANCES OF ARREST

Detectives were contacted by the PR Lehan who stated that he believed that his girlfriend Shank was also victimized by Farmer while she was a patient at Centennial Hills Hospital back on or about 05/16/08. Both Lehan and Shank gave taped statements providing the following information.

Shank stated that Farmer was transporting her on a gurney from the ER to her assigned room during the evening hours of 05/15/08. While in the elevator alone with Farmer, he made the comment that we should remove the electrodes because they will hurt more later if you wait to remove them. Without Shank consenting, Farmer open the front of her gown all the way down to her waistline exposing her bare breasts and immediately began to remove 2 electrodes, one at the top of each breast. After Farmer removed the first two electrodes, Shank realized that Farmer was now only staring at her exposed breasts and covered herself back up preventing Farmer from touching her further. Shank stated that she has had electrodes placed on and removed on her before at this same hospital and has never had a male nurse or any nurse attempt to remove the electrodes without another nurse or person present. She stated that in the past she herself removed the electrodes after being told to do so by her assigned nurse. Farmers actions made Shank very uncomfortable and she believes that Farmer exposed and touched her more for his personal pleasure than of any medical necessity. (Open & Gross 1 count)

Lehan stated that earlier in the evening on or about 05/15/08, he escorted Shank back to her bed in the ER. As she laid down, she immediately went back to sleep due to the medication that she was given. After assisting Shank on to the bed, Farmer entered the room and said that he would re-adjust the leads from the EKG machine because they were tangled in the sheets and Shanks' gown. Lehan who is familiar with EKG machines and patient medical practices, watched as Farmer opened Shanks gown exposing her bare breasts and body down to her waistline. Farmer then began to disconnect the leads attached to the electrodes and not from the machine. Lehan believing that this was improper for a male nurse to do, told Farmer to stop and Lehan covered up Shank with her gown. Lehan then re-attached the leads to the machine and not from the electrode pads as Farmer was trying to do. Lehan stated that he is a Radiological Technologist, and it is very common practice where a female patient is concerned to keep them covered as much as possible and untangle the leads from the machine itself, not from the electrodes that will expose the patient. When Lehan told Farmer that he will do it and covered up Shank, Farmer immediately left and did not returned to the room while Lehan was still there. Lehan believes that Farmer exposed Shank on purpose in order to see Shanks breasts. (Indecent /Obscene Exposure)

Photo line-ups were conducted separately with both Shank and Lehan. Both immediately and positively identified Steven Farmer as the suspect who committed these crimes against Shank.

| | | | |
|----------------------|------|------------------|---|
| ARRESTING OFFICER(S) | P# | APPROVED BY | CONNECTING RPTS. (Type or Event Number) |
| M. Saunders | 6076 | M. Pence P# 4950 | |

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on file with the Las Vegas Metropolitan Police Department.

Summer S. McCurdy
Director, Police Records Bureau Records Custodian

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

CONFIDENTIAL

ID/Event Number: 2679879

Page 2 of 2

Farmer is the subject of several ongoing investigations. The facts involved as described by both Shank and Lehan were not known to the public, and are very similar to Farmers method of operandi involved in other crimes now being investigated.

Due to the facts and circumstances, Farmer was re-booked in to the CCDG for one count of Open & Gross lewdness for the exposure and touching of Shank's breasts while in the elevator alone with her, and one count of Indecent/Obscene exposure for purposefully exposing Shank's breasts as she lay sleeping while in the presence of Lehan.

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on file with the Las Vegas Metropolitan Police Department.
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

DATE: 5/17/2008
TIME: 0018

CONFIDENTIAL

LVMPD DETENTION SERVICES DIVISION
BOOKING VOUCHER

ID# 2679879
.....

NAME: FARMER, STEVEN DALE DOB: 03/16/1952

SEX: M RACE: W AGE: 56 HGT: 5'10" WGT: 200 HAIR: GRY EYES: BLU

POB: MO

AKA: FARMER, STEVEN D

RES ADDR: 1841 LEONARD LV, NV 89108
.....

ARREST: 05/16/2008 2215 OFFICER: JEX, CRAIG C. P#: 5597
BOOKING: 05/17/2008 0012 AGENCY: LAS VEGAS METRO POLICE

CHG CHARGE LITERAL

ENTERED
SCOPE
W9727L

COURT: JUSTICE COURT LV CASE#:

- | | | | |
|---|--------|---|----------------|
| 1 | C05023 | SEXUAL ASSAULT | NRS: 200.366 |
| | | PCN#: 25053152 PCN SEQ: 001 | |
| | | TYPE: PROBABLE CAUSE BAIL STAT: STANDARD BAIL | |
| | | EVENT: 0805161021 AMT: 10000.00 CIT/WARR: | |
| 2 | C05023 | SEXUAL ASSAULT | NRS: 200.366 |
| | | PCN#: 25053152 PCN SEQ: 002 | |
| | | TYPE: PROBABLE CAUSE BAIL STAT: STANDARD BAIL | |
| | | EVENT: 0805161021 AMT: 10000.00 CIT/WARR: | |
| 3 | C05023 | SEXUAL ASSAULT | NRS: 200.366 |
| | | PCN#: 25053152 PCN SEQ: 003 | |
| | | TYPE: PROBABLE CAUSE BAIL STAT: STANDARD BAIL | |
| | | EVENT: 0805161021 AMT: 10000.00 CIT/WARR: | |
| 4 | C05108 | OPEN AND GROSS LEWDNESS | NRS: 201.2101A |
| | | PCN#: 25053152 PCN SEQ: 004 | |
| | | TYPE: PROBABLE CAUSE BAIL STAT: STANDARD BAIL | |
| | | EVENT: 0805161021 AMT: 1000.00 CIT/WARR: | |
| 5 | C05108 | OPEN AND GROSS LEWDNESS | NRS: 201.2101A |
| | | PCN#: 25053152 PCN SEQ: 005 | |
| | | TYPE: PROBABLE CAUSE BAIL STAT: STANDARD BAIL | |
| | | EVENT: 0805161021 AMT: 1000.00 CIT/WARR: | |
| 6 | C05108 | OPEN AND GROSS LEWDNESS | NRS: 201.2101A |
| | | PCN#: 25053152 PCN SEQ: 006 | |
| | | TYPE: PROBABLE CAUSE BAIL STAT: STANDARD BAIL | |
| | | EVENT: 0805161021 AMT: 1000.00 CIT/WARR: | |

D13104S

AA2007

100-1000000

I hereby certify this is a full, true and correct copy of the
ORIGINAL DOCUMENT
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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department.

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

AA2008

DATE: 7/12/2008
TIME: 0833

CONFIDENTIAL

LVMPD DETENTION SERVICES DIVISION
BOOKING VOUCHER

ID# 2679879

NAME: FARMER, STEVEN DALE

DOB: 03/16/1952

SEX: M RACE: W AGE: 56 HGT: 5'10" WGT: 200 HAIR: WHI EYES: BLU

POB: MO

AKA: FARMER, STEVEN D

RES ADDR: 1841 LEONARD LV, NV 89108

ARREST: 07/12/2008 0720 OFFICER: SAUNDERS, MICHAEL R P#: 6076
BOOKING: 07/12/2008 0805 AGENCY: LAS VEGAS METRO POLICE

CHG CHARGE LITERAL

COURT: JUSTICE COURT LV CASE#: 08F13671X

- 1 C05023 SEXUAL ASSAULT NRS: 200.366
PCN#: 27179313 PCN SEQ: 001
TYPE: ARREST WARRANT BAIL STAT: NON-STANDARD BAIL
EVENT: 0805161021 AMT: 10000.00 CIT/WARR:
080615 7655
- 2 C09810 OPEN AND GROSS LEWDNESS NRS: 201.2101B
PCN#: 27179313 PCN SEQ: 005
TYPE: ARREST WARRANT BAIL STAT: NON-STANDARD BAIL
EVENT: 0805161021 AMT: 1000.00 CIT/WARR:
- 3 C09810 OPEN AND GROSS LEWDNESS NRS: 201.2101B
PCN#: 27179313 PCN SEQ: 004
TYPE: ARREST WARRANT BAIL STAT: NON-STANDARD BAIL
EVENT: 0805161021 AMT: 1000.00 CIT/WARR:
- 4 C09810 OPEN AND GROSS LEWDNESS NRS: 201.2101B
PCN#: 27179313 PCN SEQ: 002
TYPE: ARREST WARRANT BAIL STAT: NON-STANDARD BAIL
EVENT: 0805161021 AMT: 1000.00 CIT/WARR:
- 5 C09810 OPEN AND GROSS LEWDNESS NRS: 201.2101B
PCN#: 27179313 PCN SEQ: 003
TYPE: ARREST WARRANT BAIL STAT: NON-STANDARD BAIL
EVENT: 0805161021 AMT: 1000.00 CIT/WARR:
- 6 C09810 OPEN AND GROSS LEWDNESS NRS: 201.2101B
PCN#: 27179313 PCN SEQ: 008
TYPE: ARREST WARRANT BAIL STAT: NON-STANDARD BAIL
EVENT: 0805161021 AMT: 1000.00 CIT/WARR:
- 7 C05109 INDECENT OR OBSCENE EXPOSURE NRS: 201.2201A
PCN#: 27179313 PCN SEQ: 007
TYPE: ARREST WARRANT BAIL STAT: NON-STANDARD BAIL
EVENT: 0805161021 AMT: 1000.00 CIT/WARR:

REG NOIC



JAN 13 2013

I hereby certify this is a full, true and correct copy of the:
ORIGINAL DOCUMENT
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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Suzanne S. McGurk
Director, Police Records Bureau Records Custodian

AA2010

CONFIDENTIAL

8 C05109 INDECENT OR OBSCENE EXPOSURE NRS: 201.2201A
PCN#: 27179313 PCN SEQ: 006
TYPE: ARREST WARRANT BAIL STAT: NON-STANDARD BAIL
EVENT: 0805161021 AMT: 1000.00 CIT/WARR:

C8965R



ATTENTION

I hereby certify this is a full, true and correct copy of the
ORIGINAL DOCUMENT
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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

AA2012

PID
LN
LT
NO HIT

I hereby certify this is a full, true and correct copy of the
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(HARD COPY/COMPUTERIZED/MICROGRAPHIC COPY)

MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

AA2014

CONFIDENTIAL

DUPLICATE ORIGINAL SEARCH WARRANT

NRS 179.045

Copy

STATE OF NEVADA }
 }
 }

The State of Nevada, to any Peace Officer in the County of Clark. Proof having been made before me by
Det. CODY By oral statement given under oath, incorporated herein by reference, that there
is probable cause to believe that certain evidence, to wit:

1. BUCAL SWAB
2. FINGER SWAB
3. FINGER NAIL CLIPPINGS

is presently located at: STEVE FARMER A WHITE MALE ADULT DOB 3/14/52
PRESENTLY LOCATED AT FSD 4750 W. OAKLEY

and as I am satisfied that there is probable cause to believe that said evidence is located as set forth above and based
upon the statement of Det. CODY 7294 there are sufficient grounds for the issuance of the Search
Warrant.

You are hereby commanded to search said premises/vehicle for said property, serving this warrant (At any
hour of the day or night) (Between 7 am and 7 pm) and if the property is there to seize it and leave a written
inventory and make a return before me within 10 (ten) days.

Dated this 16 day of MAY, 200 at 1030 o'clock P m.

(Print Judge's Name) WILLIAM V. JY

Signed by Detective CODY 7294 acting upon oral authorization of Judge V. JY

Witnessed by CHRYSTLE SEAT

ENDORSED this _____ day of _____, _____.

JUDGE

201307100

I hereby certify this is a full, true and correct copy of the
ORIGINAL DOCUMENT
~~(HARD COPY)~~ COMPUTERIZED/MICROGRAPHIC COPY

MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

RETURN

(Must be made within 10 days of issuance of Warrant)

CONFIDENTIAL

The Search and Seizure Warrant authorizing a search and seizure at the following described location(s):

STEVEN FARMER D.O.B 3/16/52

was executed on

5/16/08

(month, day, year)

A copy of this inventory was left with

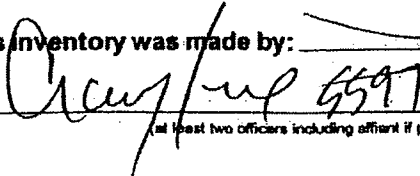
STEVEN FARMER D.O.B 3/16/52

(name of person or "at the place of search")

The following is an inventory of property taken pursuant to the warrant:

1. Buccal swabs
2. FINGER SWABS
3. FINGERPRINT CLIPPINGS

This inventory was made by:


5597

7284

(at least two officers including affiant if present. If person from whom property is taken is present include that person.)

JAN 15 2013

I hereby certify this is a full, true and correct copy of the
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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McGurdy
Director, Police Records Bureau Records Custodian

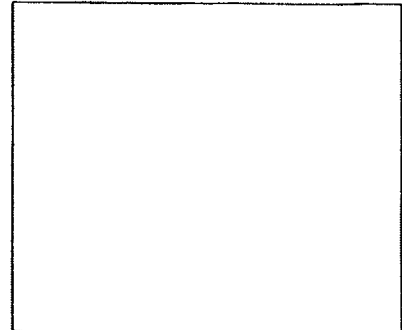
AA2018

CONFIDENTIAL

Las Vegas Metro Prosecutor's Report Offense A of C

| | | | | | | | | | |
|---|--|--|--|--|--|--|--|--|--|
| Citation # E07277144605448A | | | | | | | | | |
| Court Case # | | CLARK COUNTY REGIONAL MISDEMEANOR CITATION/COMPLAINT | | | | | COURT | | |
| STATE OF NEVADA | | Complaint/Accident | | <input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile | | Event # | | | |
| Las Vegas Municipal Court | | | | | ID # | | | | |
| Traffic | Com Veh | Non-Traffic | Accident Radar | School Z | Const Z | Injuries | Officer's Report | Crime Report | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N |
| THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF NEVADA | | | | | | | | | |
| Name (Last, First, Initial) FARMER, STEVEN | | | | | | | | | |
| Res. Address 1831 LEONARD | | | | | City Las Vegas | | State NV | | Zip 89108 |
| DOB 03/16/1952 | Orig W | Sex M | Ht 5' 10" | Wt 200 | Hair Grey | Eyes BLU | S.S. No | | |
| Driver's License No. E0046991 | | | State CA | | Class C | Exp. Date 03/16/09 | Restrictions | | |
| VIOLATION DATE Month Day Year 10/04/2007 | | | Time 14:48 | | DATE OF ISSUANCE Month Day Year 10/04/2007 | | | | |
| At Location: charleston West of arville | | | | | Name of Business (If Applicable) | | | | |
| DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND | | | | | | | | | |
| Vehicle No. 5PQC506 | Year 06 | Month 06 | State CA | Veh. Yr. 1999 | Make Pontiac | Body Type 2D | Color(s) Blue | | |
| Reg. Owner's Name FARMER, STEVEN | | | | Address 1831 LEONARD | | | | | |
| DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES/INFRACOIONS | | | | | | | | | |
| Violation 00103 | | | State NRS 482.545(1) | | City Ord LVO-10.02.010 | | | | |
| County Code CCO-1.08.010 | | | | | | | | | |
| Title Expired license plates | | | | | | | | | |
| To Wrt exp 6/06 | | | | | | | | | |
| | | | | | Bail Amount | | | | |
| I certify (or declare) under penalty of perjury under the laws of the state of Nevada that I have reasonable grounds/probable cause to believe and do believe the above named person committed the above infraction(s) and/or offense(s) contrary to law. | | | | | | | | | |
| Officer/Complainant's PRINTED Name Laythorpe, Michael | | | Officer/Complainant's Signature | | | P No 5448 | Bureau LVMPD | | |
| Las Vegas Justice Court 200 Lewis Ave Las Vegas, NV 89155 -671-3444 877-671-3183 | Henderson Municipal Court 243 Water St Henderson, NV 89015 267 3300 | Family Youth Services Building S, 601 N Pecos Rd. Las Vegas, NV 89101 455-5200 | Las Vegas Municipal Court 200 Lewis Ave Las Vegas, NV 89101 382-6878 800-654-6856 | NLV Township Justice Court 2428 Martin Luther King Blvd, North | N Las Vegas Municipal Court 2240 Civic Center Dr N. Las Vegas NV 89030 633-1130 | Laughlin Justice Court 101 Civic Way Suite 2, Laughlin, NV 89029 298-4622 | | | |
| Jurisdiction Las Vegas Municipal Court | | | | | | | | | |
| You are hereby ordered to appear on the 1 day of November year 2007 at OR <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Business Hours | | | | | | | | | |
| to answer the above charges | | | | | | | | | |
| Without admitting having committed each of the above infractions/offenses, I hereby promise to respond as described on this notice and waive my right to be taken immediately before a magistrate | | | | | | | | | |
| Total Bail Amount | | | | | | | | | |
| Defendant's Signature | | | | | <input type="checkbox"/> Interpreter Needed LANGUAGE | | | | |
| FRP. 5-01 1v1000 Failure to comply with this complaint or future dates relating to this complaint will constitute a separate offense. | | | | | | | | | |

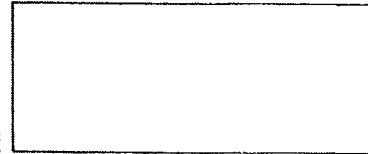
Scene Diagram



NOTICE: Any charges listed on this citation prosecuted in Las Vegas Municipal Court will be severed into separate individual cases before filing with the Court

Reason for Stop:
Traffic Stop

Officer Signature



I hereby certify this is a full, true and correct copy of the:
ORIGINAL DOCUMENT
(HARD COPY/~~COMPUTERIZED~~/MICROGRAPHIC COPY)

MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

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ORIGINAL DOCUMENT
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MAY - 8 2013

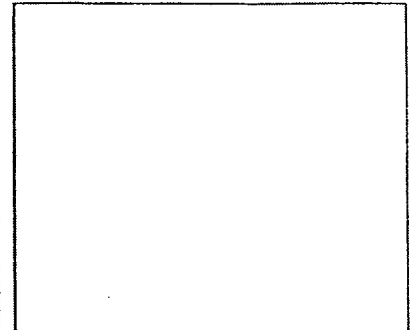
on file with the Las Vegas Metropolitan Police Department
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

CONFIDENTIAL

Las Vegas Metro Prosecutor's Report Offense B of C

| | | | | | | | | | | | |
|---|--|---|--|--|--|--|--|---|--|---|--|
| Citation # E07277144605448B | | | | | | | | | | | |
| Court Case # | | | | CLARK COUNTY REGIONAL MISDEMEANOR CITATION/COMPLAINT | | | | COURT | | | |
| STATE OF NEVADA | | | | Complaint/Accident <input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile | | | | Event # | | | |
| Las Vegas Municipal Court | | | | | | | | ID # | | | |
| Traffic <input checked="" type="checkbox"/> | | Com Veh <input type="checkbox"/> | | Non-Traff <input type="checkbox"/> | | Accident Radar <input type="checkbox"/> | | School Z <input type="checkbox"/> | | Const Z <input type="checkbox"/> | |
| Injuries <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | | Officer's Report <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | | Crime Report <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | | | | | | | |
| THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF NEVADA | | | | | | | | | | | |
| Name (Last, First, Initial) FARMER, STEVEN | | | | | | | | | | | |
| Res. Address 1831 LEONARD | | | | | | City Las Vegas | | State NV | | Zip 89108 | |
| DOB 03/16/1952 | | Orig W | | Sex M | | Ht 5' 10" | | Wt 200 | | Hair Grey | |
| Eyes BLU | | S.S. No | | | | | | | | | |
| Driver License No. E0046991 | | | | State CA | | Class C | | Exp. Date 03/16/09 | | Restrictions | |
| VIOLATION DATE Month Day Year 10/04/2007 | | | | Time 14:48 | | DATE OF ISSUANCE 10/04/2007 | | | | | |
| At Location: charleston West of arville | | | | | | Name of Business (If Applicable) | | | | | |
| DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND | | | | | | | | | | | |
| Vehicle No. 5PQC506 | | Year 06 | | Month 06 | | State CA | | Veh. Yr. 1999 | | Make Pontiac | |
| Body Type 2D | | Color(s) Blue | | | | | | | | | |
| Reg. Owner's Name FARMER, STEVEN | | | | Address 1831 LEONARD | | | | | | | |
| DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES/INFRACTIONS | | | | | | | | | | | |
| Violation 00111 | | | | State NRS NRS-485.187 | | | | City Ord LVO-10.02.010 | | | |
| County Code CCO-1.08.010 | | | | | | | | | | | |
| Title No proof of insurance in vehicle | | | | | | | | | | | |
| To Wh | | | | | | | | | | | |
| Bail Amount | | | | | | | | | | | |
| I certify (or declare) under penalty of perjury under the laws of the state of Nevada that I have reasonable grounds/probable cause to believe and do believe the above named person committed the above infraction(s) and/or offense(s) contrary to law. | | | | | | | | | | | |
| Officer/Complainant's PRINTED Name Laythorpe, Michael | | | | Officer/Complainant's Signature | | | | P No 5448 | | Bureau LVMPD | |
| Las Vegas Justice Court 200 Lewis Ave Las Vegas, NV 89155-671-3444 877-671-3183 | | Henderson Municipal Court 243 Water St. Henderson, NV 89015 267 3300 | | Family, Youth Services Building S, 601 N Pecos Rd. Las Vegas, NV 89101 455-5200 | | Las Vegas Municipal Court 200 Lewis Ave Las Vegas, NV 89101 382-6878 800-654-6856 | | NLV Township Justice Court 2428 Martin Luther King Blvd, North | | N Las Vegas Municipal Court 2240 Chic Center Dr N. Las Vegas NV 89030 633-1130 | |
| Laughlin Justice Court 101 Civic Way Suite 2, Laughlin, NV 89029 298-4622 | | | | | | | | | | | |
| Jurisdiction Las Vegas Municipal Court | | | | | | | | | | | |
| You are hereby ordered to appear on the 1 day of November year 2007 at OR <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Business Hours | | | | | | | | | | | |
| To answer the above charges | | | | | | | | | | | |
| Without admitting having committed each of the above infractions/offenses, I hereby promise to respond as described on this notice and waive my right to be taken immediately before a magistrate | | | | | | | | | | | |
| Total Bail Amount | | | | | | | | | | | |
| Defendant's Signature | | | | <input type="checkbox"/> Interpreter Needed | | | | LANGUAGE | | | |
| FRP, 5-01 1v1000 Failure to comply with this complaint or future dates relating to this complaint will constitute a separate offense. | | | | | | | | | | | |

Scene Diagram



NOTICE: Any charges listed on this citation prosecuted in Las Vegas Municipal Court will be severed into separate individual cases before filing with the Court

Reason for Stop:
Traffic Stop

Officer Signature



2013-05-08

I hereby certify this is a full, true and correct copy of the
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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

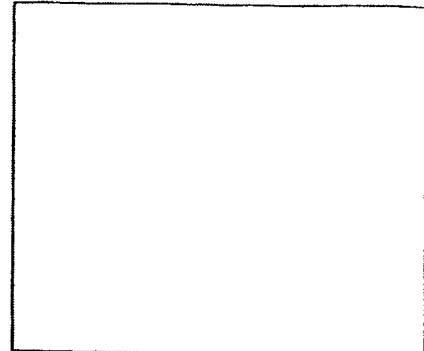
Suzana S. McCurdy
Director, Police Records Bureau Records Custodian

CONFIDENTIAL

Las Vegas Metro Prosecutor's Report Offense C of C

| | | | | | | | | | | | |
|---|--|--|--|--|--|--|--|---|--|--|--|
| Citation # E07277144605448C | | | | | | | | | | | |
| Court Case # | | | | CLARK COUNTY REGIONAL MISDEMEANOR CITATION/COMPLAINT | | | | COURT | | | |
| STATE OF NEVADA | | | | Complaint/Accident | | <input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile | | Event # | | | |
| Las Vegas Municipal Court | | | | | | | | ID # | | | |
| Traffic | | ComVeh | | Non-Traff | | Accident Radar | | School Z | | Const Z | |
| <input checked="" type="checkbox"/> | | <input type="checkbox"/> | | <input type="checkbox"/> | | <input type="checkbox"/> | | <input type="checkbox"/> | | <input type="checkbox"/> | |
| | | | | | | | | | | | |
| THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF NEVADA | | | | | | | | | | | |
| Name (Last, First, Initial) FARMER, STEVEN | | | | | | | | | | | |
| Res. Address 1831 LEONARD | | | | | | | | City Las Vegas | | State NV | |
| DOB 03/16/1952 | | Orig W | | Sex M | | Ht 5' 10" | | Wt 200 | | Hair Grey | |
| | | | | | | | | | | Eyes BLU | |
| Driver License No. E0046991 | | | | State CA | | Class C | | Exp. Date 03/16/09 | | Restrictions | |
| VIOLATION DATE Month Day Year 10/04/2007 | | | | Time 14:48 | | DATE OF ISSUANCE 10/04/2007 | | Month Day Year | | | |
| At Location: charleston West of arville | | | | Name of Business (If Applicable) | | | | | | | |
| DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND | | | | | | | | | | | |
| Vehicle No. 5PQC506 | | Year 06 | | Month 06 | | State CA | | Veh. Yr. 1999 | | Make Pontiac | |
| | | | | | | | | | | Body Type 2D | |
| | | | | | | | | | | Color(s) Blue | |
| Reg. Owner's Name FARMER, STEVEN | | | | Address 1831 LEONARD | | | | | | | |
| DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES/INFRACTIONS | | | | | | | | | | | |
| Violation 00200 | | | | State NRS NRS-483.550(1) | | | | City Ord LVO-10.02.010 | | | |
| Title No Drivers License - Every person in control must be licensed. | | | | County Code CCO-1.08.010 | | | | | | | |
| To Wt no record ca/nv | | | | | | | | | | | |
| Bail Amount | | | | | | | | | | | |
| I certify (or declare) under penalty of perjury under the laws of the state of Nevada that I have reasonable grounds/probable cause to believe and do believe the above named person committed the above infraction(s) and/or offense(s) contrary to law. | | | | | | | | | | | |
| Officer/Complainant's PRINTED Name Laythorpe, Michael | | | | Officer/Complainant's Signature | | | | P No 5448 | | Bureau LVMPD | |
| Las Vegas Justice Court 200 Lewis Ave Las Vegas, NV 89155 -671-3444 877-671-3183 | | Henderson Municipal Court 243 Water St Henderson, NV 89015 267 3300 | | Family Youth Services Building S, 601 N Pecos Rd. Las Vegas, NV 89101 455-5200 | | Las Vegas Municipal Court 200 Lewis Ave Las Vegas, NV 89101 382-6878 800-654-6856 | | NLV Township Justice Court 2428 Martin Luther King Blvd, North | | N Las Vegas Municipal Court 2240 Civic Center Dr N. Las Vegas NV 89030 633-1130 | |
| | | | | | | | | | | Laughlin Justice Court 101 Civic Way Suite 2, Laughlin, NV 89029 298-4622 | |
| Jurisdiction Las Vegas Municipal Court | | | | | | | | | | | |
| You are hereby ordered to appear on the 1 day of November year 2007 at OR <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Business Hours | | | | | | | | | | | |
| Without admitting having committed each of the above infractions/offenses, I hereby promise to respond as described on this notice and waive my right to be taken immediately before a magistrate | | | | | | | | | | | |
| Total Bail Amount | | | | | | | | | | | |
| Defendant's Signature | | | | <input type="checkbox"/> Interpreter Needed LANGUAGE | | | | | | | |
| FRP, 5-01 1v1000 Failure to comply with this complaint or future dates relating to this complaint will constitute a separate offense. | | | | | | | | | | | |

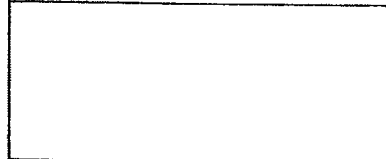
Scene Diagram



NOTICE: Any charges listed on this citation prosecuted in Las Vegas Municipal Court will be severed into separate individual cases before filing with the Court

Reason for Stop:
Traffic Stop

Officer Signature



I hereby certify this is a full, true and correct copy of the:
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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzana S. McCurdy
Director, Police Records Bureau Records Custodian

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST

CONFIDENTIAL

ID#: _____

EVENT: 080516-1021

| TRUE NAME: | DATE OF ARREST: | TIME OF ARREST: |
|--------------------|-----------------|-----------------|
| STEVEN DALE FARMER | 5/16/08 | 2215 |

OTHER CHARGES RECOMMENDED FOR CONSIDERATION:

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of 13 years.

That I learned the following facts and circumstances which lead me to believe that STEVEN DALE FARMER committed (or was committing) the offense of Sexual Assault (3 cts) and Open & Gross Lewdness (3 cts) at the location of 6900 N. Durango #725, Las Vegas, NV. 89149.

That the offense occurred at approximately 0445 hours on the 16th day of May, 2008.

On May 16th, 2008, Detective M. Saunders P# 6076 and I, Sergeant M. Pence P# 4950 were contacted by patrol officers reference LVMPD Event # 080516-1021. According to details provided, a patient at Centennial Hills Hospital was reporting that she had been sexually assaulted by a male nurse who moved her from the Emergency Room to her assigned room at the hospital. Details also stated that the assault occurred in room 725. Detectives were advised that the LVMPD was contacted by the victim's husband identified as Scott Cagnina DOB 07/03/1968 who was still with the victim at the hospital.

Upon arrival, the victim was identified as Roxanne Cagnina DOB 07/06/1973. A taped interview was conducted with R. Cagnina. The following is a summary of that interview and is not verbatim. Cagnina stated she had been transported to the Emergency Room at Centennial Hills Hospital due to a seizure. While in the Emergency Room, Cagnina was given Phenyl barbitol and Ativan. Sometime around what Cagnina believed was 0300 hours, she was admitted to the hospital and was taken by Farmer (DOB: 3/16/52) up to her assigned room (#725) on the seventh floor. While in the elevator alone, Cagnina realized that Farmer put his hands under her blankets and was rubbing the top of her thigh and legs, moving his hands closer to her groin area. When Cagnina told Farmer to stop all he said was that he was just trying to relax her so she could go to sleep. Cagnina stated she then propped up her knees to get him to stop or to prevent him from touching her legs. When the elevator doors opened, Farmer stopped touching her and pushed her gurney in to room 725.

When they got in to the room, Farmer closed the door and moved Cagnina from the gurney to her bed. Cagnina said that Farmer began to rub her shoulders and when she told him "that's not necessary", Farmer said he was just trying to relax her and that she should be sleeping. Cagnina became fearful as Farmer again began to rub on her legs and thighs underneath her blanket, sheet and gown. Farmer told Cagnina that everything was okay, and that what he was doing to relax her was considered "procedure". Farmer began to rub her on her face and told her how beautiful she was. Farmer then put his hands underneath Cagnina's gown and began touching/fondling both of

1A11430F1A00

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department.

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST CONTINUATION
Page 2

CONFIDENTIAL

ID#: _____

EVENT: 080516-1021

her breasts with his hands (Open & Gross Lewdness 1 count). Cagnina again told him to stop but Farmer continued to touch and feel on her breasts. Farmer then slid his hands under her gown and used his fingers to penetrate her vagina. (Sexual Assault 1 Count) Cagnina immediately told him to "stop", "Please stop", but Farmer told her to "just relax" and "this will help you go to sleep". Cagnina stated she then froze and did not know what to do. She stated Farmer was using both hands while penetrating her vagina multiple times (Sexual Assault 1 Count). Farmer told her to put her arms over her head and Cagnina complied because she was so afraid and scared. Farmer then went back to feeling and touching her breasts with his hands (Open & Gross Lewdness 1 count). Farmer again began to penetrate her vagina with his fingers (Sexual Assault 1 Count). Cagnina stated that she had her cellular phone under her pillow and while Farmer was touching her she attempted to use the camera to take pictures of what Farmer was doing. When she could hear the camera making noises, she stopped after a few attempts fearing that Farmer would hear the camera clicking. Farmer then moved the blankets aside and began to perform oral sex on Cagnina. Cagnina stated that Farmer used his mouth and tongue on her vagina and she could feel his tongue inside of her (Sexual Assault 1 Count). During the entire assault, Farmer kept telling her that he was doing this to help her to relax. Farmer told Cagnina that he "had thick fingers" and that he wanted to make her "cum", because it would make her relax and go to sleep. Before leaving, Farmer told Cagnina that he would come back to check on her around 0700 to make sure she was okay. Cagnina stated that she fell asleep because of the medication she was on and woke up at approximately 0630, called her husband Scott Cagnina, vaguely told him what occurred and asked him to come to the hospital. Scott Cagnina told her to contact the Head Nurse and report the incident.

According to Cagnina, sometime around 0700, Farmer walked into her room while another nurse was there. When the other nurse asked Farmer why he was in the room, Farmer told the nurse that Cagnina was his patient in the Emergency Room and he was just checking on her. Before Farmer left, Cagnina stated that he gave her a threatening look and then walked out. She took his look as a threat to not say anything about what he had done to her. Cagnina then asked to talk to the Head Nurse to report what had happened. Cagnina also stated that she attempted to call 9-1-1, but hung up as the phone call connected because she was scared and didn't know what to say.

Cagnina gave permission for Detective Saunders to review her cell phone pictures and recent calls. Her cell phone showed two pictures being taken at approximately 0447 and 0450 hours on 05/16/07. Both pictures showed only a black screen. There was a 9-1-1 call showing at approximately 0754 hours on 05/16/08.

Detective Saunders made telephone contact with Nurse Goodall, who was working with Farmer in the Emergency Room and attending to Cagnina. Goodall said it seemed like Farmer was gone "quite a long time" when he transported Cagnina from the Emergency Room to room 725. Upon his return, Farmer told Goodall he had to help transfer Cagnina to her bed because of her condition and then he had to look for an IV stand.

A Sexual Assault examination was conducted by SANE Nurse L. Ebbert. According to Ebbert, Cagnina had three (3) crescent shape tears/lacerations between the 5-7 o'clock position of her vagina. These tears are consistent with the assault as described by Cagnina.

1A11B0710

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department.

Shirley S. McCurdy
Director, Police Records Bureau Records Custodian

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST CONTINUATION
Page 3

CONFIDENTIAL

ID#: ____

EVENT: 080516-1021

A photo line up was conducted with Cagnina. During this photo line-up, Cagnina positively identified Farmer as the nurse who sexually assaulted her. This was witnessed by both myself and Detective Saunders.

Cagnina described that during the incident, Farmer penetrated her vagina at least twice with his fingers and and once with his mouth and tongue. Cagnina also described that Farmer touched and fondled her breasts at least twice and legs at least once during the 15 minutes that the assault lasted.

During the follow up investigation, detectives obtained Farmer's cell phone number. A Pen Register was obtained and signed by the Honorable Judge Alan Earl. The cell phone signal was located at 1841 Leonard. A knock and talk to conducted at that location and the homeowner, Raymond McCormick DOB: 6/08/37, answered the door. McCormick stated he rents a room to Farmer and allowed detectives inside his residence and directed them to Farmer's room. Contact was made with Farmer, who was sleeping in his bed. Farmer was arrested and transported to the detective bureau, located at 4750 W. Oakey. An interview was attempted with Farmer, who invoked his right to an attorney.

Due to the fact that Farmer did subject Cagnina to a sexual penetration with his hands, fingers, mouth and tongue, at least 3 times, against her will and without her consent, he was arrested for Sexual Assault (3 cts). Due to the fact Farmer rubbed and touched Cagnina's breasts and legs at least 3 times, against her will and without her consent, he was arrested for Open and Gross Lewdness (3 cts).

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Declarant

M. Pence 4950
MISTY PENCE

CONFIDENTIAL

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on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

CONFIDENTIAL

Operator this is Det. C. Jex, P#5597. I will be conducting one
interview reference event # 080516-1021

The location of the interview is 4750 W. OAKLEY
DALE

The person being interviewed is STEVEN FARMER
DOB 3-16-52

Address 1841 LEONARD LUNN 89108

Phone # 707-332-5894

Also Present is Det. SGT. M. PENLE 4950

Today's Date 5-16-08 Start time 2205

End Time 2209

INTOKED MIRANDA

NO QUESTIONS

2013072600

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on file with the Las Vegas Metropolitan Police Department
Susana S. McCurdy
Director, Police Records Bureau Records Custodian

CRIME SCENE REPORT

| | | | | | |
|---|--|---|------------------------|-------------------------------|------------------|
| INCIDENT SEXUAL ASSAULT | | SECTOR/BEAT U3 | | EVENT # 080516-1021 | |
| REQUESTING OFFICER JEX P# 5597 | | DIVISION ISD | DATE 5-16-08 | TIME 2309 | RELATED EVENT #S |
| VICTIM ROXANNE CAGNINA (7-6-73) | | LOCATION 4750 W. OAKLEY BLVD. | | | |

THE FOLLOWING REPORTS ARE ATTACHED WITH THIS NARRATIVE

☒ EVIDENCE IMPOUND ☐ FIREARMS INFORMATION ☐ DIAGRAM ☐ OTHER _____

1. PHOTOGRAPHY

- ☐ Black and White Negatives Exposed
☐ Color Negatives were Exposed
☒ DIGITAL IMAGES TAKEN

2. LATENT PRINT PROCESSING

- ☐ Processing for Latent Prints Conducted
☐ Latent Finger/Palm Prints were Recovered
☐ Elimination Prints were Recovered
☐ Negative Results
☐ _____

3. FIREARM EVIDENCE

- ☐ Weapon(s) Recovered
☐ Cartridge(s) Recovered
☐ Cartridge Case(s) Recovered
☐ Bullet(s)/Fragment(s) Recovered
☐ _____

4. FOOTWEAR - TIRE IMPRESSIONS

- ☐ Footwear ☐ Tire Impression
☐ Photographed ☐ Original Surface
☐ Cast/Lift ☐ _____

5. BIOLOGICAL MATERIAL

- ☐ Apparent Blood ☐ Presumptive Test
☐ Apparent Semen ☐ Presumptive Test
☒ Buccal Sample ☐ _____
☐ _____ ☒ FINGERNAIL SCRAPINGS
☒ Swabs ☐ Original Surface

6. TOOL MARK EVIDENCE

- ☐ Tool(s) Recovered
☐ Original Surface Recovered
☐ Casting
☐ _____
☐ _____

GENERAL INFORMATION

At approximately 2309 I responded to the ISD building located at 4750 W. Oakley Blvd. At this location digital images were taken of Steven Farmer (DOB 3-16-52) for identification and overall condition, and of search warrant paperwork.

Fingernail scrapings, finger/hand swabs, and a buccal swab kit were taken from the above individual and impounded as evidence (see Evidence Impound Report for additional information).

No further action was taken.

| | | | | |
|--|-------------------|--|-------------------|-------------------|
| CRIME SCENE ANALYST SUPERVISOR <i>A. Reed</i> | PN 3731 | CRIME SCENE ANALYST J. Smith | PN 8177 | CODE 12 |
|--|-------------------|--|-------------------|-------------------|

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on file with the Las Vegas Metropolitan Police Department.
Suzana S. McCurdy
Director, Police Records Bureau Records Custodian

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
EVIDENCE IMPOUND REPORT

CONFIDENTIAL

EVIDENCE ☒

FOUND PROPERTY ☐

SAFEKEEPING ☐

EVENT #:

080516-1021

INCIDENT: SEXUAL ASSAULT

DATE:

5-16-08

LOCATION: 4750 W. OAKLEY BLVD.

Victim #1: ROXANNE CAGNINA (7-6-73)

Victim #2:

EVIDENCE

LOCATION RECOVERED

PACKAGE 8177-1

ITEM #1 - Two (2) finger swabs - right hand.

From the right hand of Steven Farmer (DOB 3-16-52).

ITEM #2 - Two (2) finger swabs - left hand.

From the left hand of Steven Farmer (DOB 3-16-52).

ITEM #3 - Fingernail scrapings - right hand.

From the right hand of Steven Farmer (DOB 3-16-52).

ITEM #4 - Fingernail scrapings - left hand.

From the left hand of Steven Farmer (DOB 3-16-52).

PACKAGE 8177-2

ITEM #5 - One (1) buccal swab kit.

From Steven Farmer (DOB 3-16-52).

MAY 19 8 17 AM '08

REMOVED:

P#:

3731

CRIME SCENE ANALYST:

J. Smith

P#:

8177

1A111301400

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on file with the Las Vegas Metropolitan Police Department.

Suzana S. McCurdy
Director, Police Records Bureau Records Custodian

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY EXAMINATION REQUEST
CHEMISTRY AND BIO/DNA ANALYSIS

Primary Event/Case # **080516-1021**

Date **5/17/08**
 Court Date (If Known) **Unknown**

| | | | | |
|---|--|--|--|--|
| Requested by M. Pence, P#4950 | Detail/Bureau CAYF/Sex Assault | Agency LVMPD | Phone # 828-3421 | Court Date (If Known) Unknown |
| Booked By M. Saunders | | Has there been a previous request submitted on this case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Incident S/A | <input type="checkbox"/> Justice <input type="checkbox"/> District |
| Suspect(s) Farmer, Steven | | | Suspect(s) in Custody <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Victim(s) Cagnina, Roxanne | | | | |

Was a VALID Evidential Breath Test Given? ☐ Yes Result: ☐ No

☐ Blood Alcohol (Submit Blood Alcohol Kit. Blood in gray top tube.)

☐ Blood Drug Screen

DRUG(S) SUSPECTED

☐ Urine Drug Screen

DRUG(S) SUSPECTED

☐ Controlled Substances
(non-biological materials)

List items that need to be analyzed below.
Indicate the drug suspected in
"Description of Evidence" below.

☐ Headlight Examination

☐ Fiber:

☐ Identify

☐ Comparison (Submit Known Standards)

(X type of fiber analysis)

☐ Arson Analysis

☐ Paint:

☐ Victim Vehicle Impact Point

☐ Victim Vehicle Known (near impact point)

☐ Other

(X submitted materials)

☐ Suspect Vehicle Impact Point

☐ Suspect Vehicle Known (near impact point)

CHECK X TO REQUEST ANALYSIS

Evidence/Standards Submitted:

☒ Buccal Swab(s) from (names): **Steven Farmer**

☒ Sexual Assault Kit(s) from (names): **Roxanne Cagnina**

☐ Medical Examiner Kit(s) from (names):

☒ Other (describe): **Linens**

EVIDENCE TO BE EXAMINED - List items and reference any associated Event #s (other than primary #) below

| | | | | |
|---|-----|-------------|--------------------------------|-----------------------------------|
| 1 | 1-3 | M. Saunders | Hospital Gown, sheet & blanket | Check for suspect or victim's DNA |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

DETAILS / PERTINENT INFORMATION

We need the following: Victim & Suspect's DNA profile; Victim's S/A kit examined for suspect's DNA; Suspect's oral swabs, finger swabs & fingernail scrapings examined for the victim's DNA; Hospital gown, sheet & blanket checked for victim & suspect's DNA.

****The S/A consisted of the suspect digitally penetrating the victim & perform oral sex on the victim. No semen/sperm should be involved.****

Any questions, please call.

7/7/03
105-1-1

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department.
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
**FORENSIC LABORATORY EXAMINATION REQUEST
COMPARATIVE ANALYSIS**

Primary Event/Case # **080516-1021**

080516-1021

Date

5/17/08

| | | | | |
|---|--|------------------------|--|--|
| Requested by M. Pence, P#4950 | Detail/Bureau CAYF/Sex Assault | Agency LVMPD | Phone # 828-3421 | Court Date (If Known) Unknown |
| Booked By M. Saunders | Has there been a previous request submitted on this case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | Incident S/A | <input type="checkbox"/> Justice <input type="checkbox"/> District |
| Suspect(s) Farmer, Steven | | | Suspect(s) in Custody <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |

Victim(s) **Cagnina, Roxanne**

☐ Latent Print Development

Please list evidence items under "Evidence To Be Examined".

☐ Latent Print Comparison

Please list names and ID#s of persons to be compared.

| NAME | ID# |
|------|-----|
| | |
| | |
| | |
| | |

| NAME | ID# |
|------|-----|
| | |
| | |
| | |
| | |

☐ AFIS Entry

Search AFIS eligible prints through database(s).

☐ Shoe Print Comparison

☐ Tire Impression

(List items to be compared below or indicate photos on file.)

☐ Hand-writing / Hand-printing Comparison
(Submit Exemplars)

☐ Altered Documents

☐ Other

(Describe below if necessary).

☐ NIBIN* Entry

*National Integrated Ballistics Information Network

☐ Toolmark Comparison (e.g., pry mark to chisel)

☐ Distance Determination

☐ Bullets / Cartridge Cases to Gun

☐ Firearm Function Test / Test Firing

☐ Gunshot Residue Analysis (SEM Disks)

☐ Caliber/Gun Make Determination

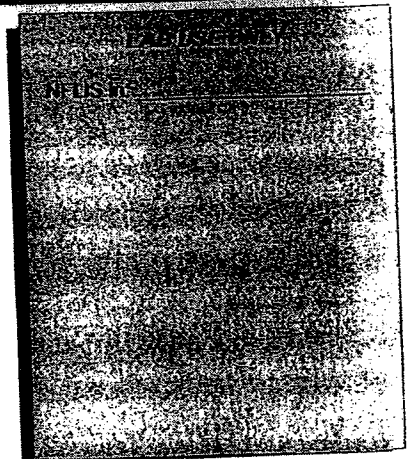
☐ Serial Number Restoration

☐ Other (Describe below if necessary).

EVIDENCE TO BE EXAMINED

| | | | | |
|--|--|--|--|--|
| | | | | |
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| | | | | |
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DETAILS / PERTINENT INFORMATION



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on file with the Las Vegas Metropolitan Police Department.

Susana S. McCurdy
Director, Police Records Bureau Records Custodian

Arrested: 5/16/08
Submitted: 5/19/08

CONFIDENTIAL

NOTICE OF DENIAL OF REQUEST
CLARK COUNTY DISTRICT ATTORNEY

TO: **METRO SAU**
JEX #5597

DATE: **May 19, 2008**

YOUR DR#: **0805161021**

DA FILE #: **08F10344X/TK8**

STATE vs.

FARMER, Steven Dale #2679879

CHARGE: **SEE NOTES BELOW**

REASON FOR DENIAL

CASE APPROVED AS: SEXUAL ASSAULT (3 CTS); O/G LEWDNESS (2 CTS).

ALL OTHER CHARGES DENIED.

DISTRICT ATTORNEY

BY: **ALEXANDRA C. CHRYSANTHIS/cas**
Chief Deputy

DISTRIBUTION: Addressee D.A. SCOPE Metro Jail

11-7100

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MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

AA2043

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
PHOTO LINE-UP WITNESS INSTRUCTIONS

CONFIDENTIAL

NAME: CAGNINA, ROXANNE
ADDRESS: 3717 ~~SA~~ LOWER SANJON
PHONE NUMBER: 702 870-5435

NLV NV
89085

EVENT#: 080516-1021

INTERVIEWED BY: M. SAUNDERS

LOCATION: 6900 N. DURANGO
LVN 59149

DATE & TIME: 5/14/08 / 1400

"In a moment I am going to show you a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. The fact that the photos are being shown to you should not cause you to believe or guess that the guilty person has been caught. You do not have to identify anyone. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty. Please keep in mind that hair styles, beards, and mustaches are easily changed. Also, photographs do not always depict the true complexion of a person - it may be lighter or darker than shown in the photo. You should pay no attention to any markings or numbers that may appear on the photos. Also, pay no attention to whether the photos are in color or black and white, or any other difference in the type or style of the photographs. You should study only the person shown in each photograph. Please do not talk to anyone other than Police Officers while viewing the photos. You must make up your own mind and not be influenced by other witnesses, if any. When you have completed viewing all the photos, please tell me whether or not you can make an identification. If you can, tell me in your own words how sure you are of your identification. Please do not indicate in any way to other witnesses that you have or have not made an identification. Thank you."

SIGNED:

DATE & TIME: 5/14/08 / 1400

STATEMENT:

IT IS EITHER 2 OR 3. DEFINATELY / 3 LOOKS MORE LIKE HIM.
THE MUSTACHE IS THINNER

SIGNED:

DATE & TIME: 5/14/08 1403

OFFICER'S NAME & P#: M. SAUNDERS #607C

LVMPD 104 (REV 5-96) - AUTOMATEDWV12

AA2044

CONFIDENTIAL

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on file with the Las Vegas Metropolitan Police Department.

Susana S. McGurdy
Director, Police Records Bureau Records Custodian

AA2045

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
PHOTO LINE-UP RECORD

CONFIDENTIAL

EVENT #: 080516-1021

SUSPECT NAME: Steven D. Farmer

DATE: 05/16/08 TIME: 1400

| Position # | Name | I.D. # | DATE PHOTO TAKEN |
|------------|-------------------|---------|------------------|
| 1. | William Southwick | 2584931 | 12/15/06 |
| 2. | Scott Darts | 1244670 | 09/19/02 |
| 3. | Steven D. Farmer | 2679879 | 03/16/05 |
| 4. | Daniel Drumm | 1714630 | 09/17/07 |
| 5. | Richard Morelli | 190930 | 10/20/00 |
| 6. | John Wynn | 933195 | 12/26/03 |
| 7. | | | |
| 8. | | | |

OFFICER CONDUCTING LINE-UP: M. Saunders P# 6076

REMARKS:

R. Cagnina

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on file with the Las Vegas Metropolitan Police Department.
Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
PHOTO LINE-UP RECORD

CONFIDENTIAL

EVENT #: 080516-1021

SUSPECT NAME: Steven D. Farmer

DATE: 05/16/08 TIME: 1400

| Position # | Name | I.D. # | DATE PHOTO TAKEN |
|------------|-------------------|---------|------------------|
| 1. | William Southwick | 2584931 | 12/15/06 |
| 2. | Scott Darts | 1244670 | 09/19/02 |
| 3. | Steven D. Farmer | 2679879 | 03/16/05 |
| 4. | Daniel Drumm | 1714630 | 09/17/07 |
| 5. | Richard Morelli | 190930 | 10/20/00 |
| 6. | John Wynn | 933195 | 12/26/03 |
| 7. | | | |
| 8. | | | |

OFFICER CONDUCTING LINE-UP: M. Saunders P# 6076

REMARKS:

R. Cagnina

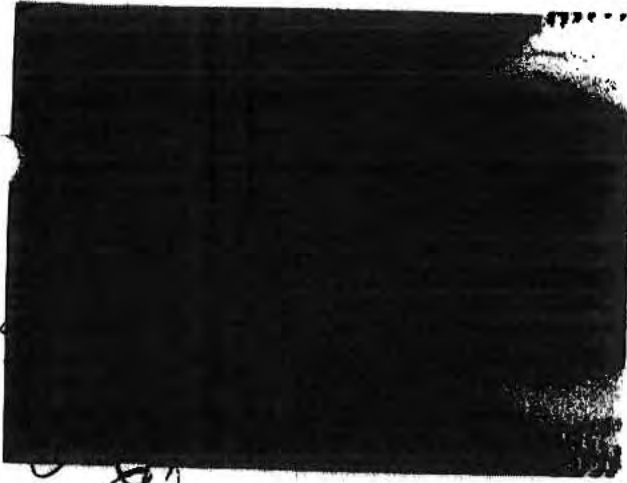
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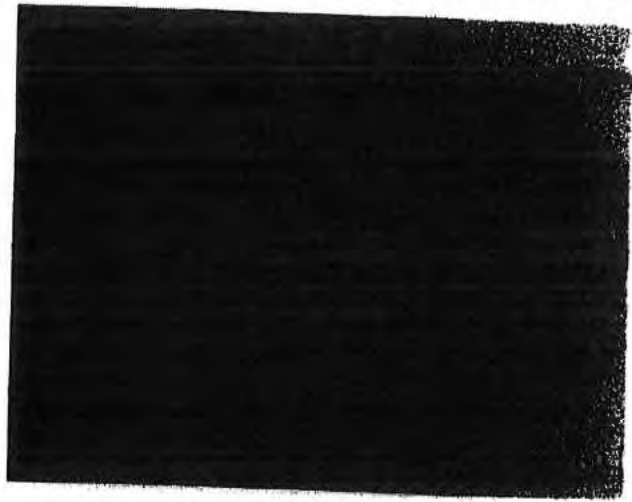
MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department.
Suparna S. McCurdy
Director, Police Records Bureau Records Custodian

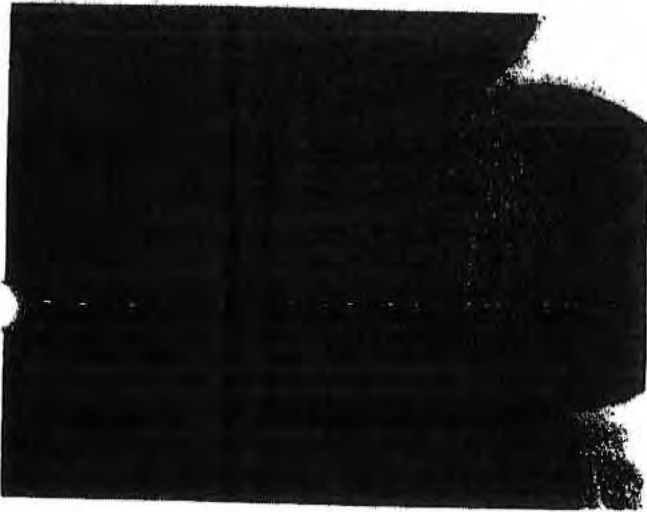
AA2049



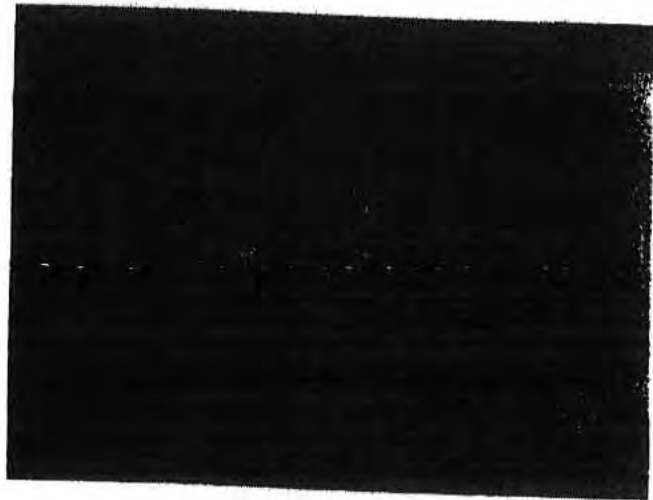
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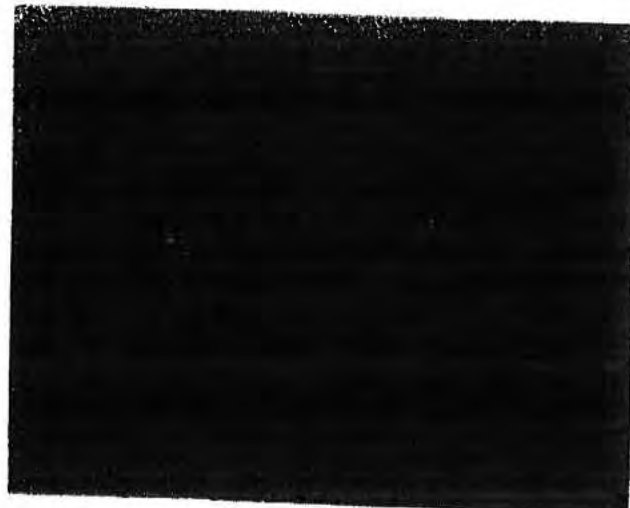
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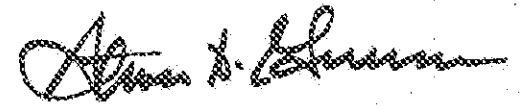
MAY - 8 2013

on file with the Las Vegas Metropolitan Police Department

Suzanne S. McCurdy
Director, Police Records Bureau Records Custodian

EXHIBIT “4”

EXHIBIT “4”



CLERK OF THE COURT

Robert E. Murdock, Esq.
Nevada Bar No. 4013
MURDOCK & ASSOCIATES, CHTD.
521 South Third Street
Las Vegas, NV 89101
702-685-6111

Eckley M. Keach, Esq.
Nevada Bar No. 1154
ECKLEY M. KEACH, CHTD.
521 South Third Street
Las Vegas, NV 89101
702-685-6111
Attorneys for Plaintiffs

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 TAKING
DEPOSITION OF
CHRISTINE MURRAY, R.N.

DATE: December 9, 2014
TIME: 9:30 a.m.

TO: ALL DEFENDANTS HEREIN; and

TO: THEIR RESPECTIVE COUNSEL OF RECORD

///

///

1 Pursuant to Rules 26 and 30 of the Nevada Rules of Civil Procedure, please take notice
2 that on Tuesday, December 9, 2014, at 9:30 a.m. at Murdock & Associates, Chtd., 521 South
3 Third Street, Las Vegas, Nevada 89101, Plaintiff will take the deposition of Christine Murray,
4 R.N.
5

6 Said deposition will be taken by stenographic and video tape means before a notary public,
7 or before some other officer authorized by law to administer oaths. Testimony shall continue from
8 day to day until completed. You are invited to attend and cross-examine.

9 DATED this 17th day of November, 2014.

10 MURDOCK & ASSOCIATES, CHTD.
11 ECKLEY M. KEACH, CHTD.
12

13 /s/ Robert E. Murdock
14 Robert E. Murdock Bar No. 4013
15 Eckley M. Keach Bar No. 1154
16 521 South Third Street
17 Las Vegas, NV 89101
18 Attorneys for Plaintiffs
19
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5 Las Vegas, NV 89101
6 702-685-6111

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

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

12
13 ESTATE OF JANE DOE, by and through its)
14 Special Administrator, Misty Petersen,)
15)
16 Plaintiff,)

16 vs.)

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

23 Defendants.)

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

SUBPOENA RE: DEPOSITION OF
CHRISTINE MURRAY, R.N.

DATE: December 9, 2014
TIME: 9:30 a.m.

25 THE STATE OF NEVADA SENDS GREETINGS TO:

26 CHRISTINE MURRAY, R.N.
27 c/o Centennial Hills Hospital
28 6900 North Durango Drive
Las Vegas, NV 89149

YOU ARE HEREBY COMMANDED that all and singular business and excuses set aside, you appear and attend on the 9th day of December, 2014 at 9:30 a.m., at Murdock & Associates, Chtd., 521 South Third Street, Las Vegas, Nevada 89101 (702-685-6111). If you fail to attend, you will be deemed guilty of contempt of court and liable to pay all losses and damages caused by your failure to appear and in addition, forfeit the sum of One Hundred Dollars (\$100.00).

DATED this 17th day of November, 2014.

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

/s/ Robert E. Murdock
Robert E. Murdock Bar No. 4013
Eckley M. Keach Bar No. 1154
521 South Third Street
Las Vegas, NV 89101
Attorneys for Plaintiffs

EXHIBIT “5”

EXHIBIT “5”

HPS

Hall Prangle and Schoonveld LLC
Attorneys at Law

1160 North Town Center Drive, Suite 200
Las Vegas, Nevada 89144
P 702.889.6400
F 702.384.8025
www.hpslaw.com

John F. Bemis, Esq.
jbemis@hpslaw.com

December 8, 2014

ELECTRONICALLY SERVED
12/08/2014 09:15:11 AM

VIA ELECTRONIC SERVICE

Robert Murdock, Esq.
521 South Third Street
Las Vegas, Nevada 89101

Re: Estate of Jane Doe vs. Centennial Hills Hospital

Dear Mr. Murdock,

Christine Murray is not employed by Centennial Hills Hospital. We have attempted to contact her at her last known address: 9051 Echelon Point Drive, Building 1, Unit 1006, Las Vegas, NV 89149.

Additionally, we have attempted to contact her by telephone. Her number is no longer in service. Please advise if you have been able to serve her with a subpoena and whether tomorrow's deposition is going forward. Should we get in contact with Ms. Murray, we will immediately advise.

Sincerely,

HALL PRANGLE & SCHOONVELD, LLC

/s/ John Bemis

Dictated but not read

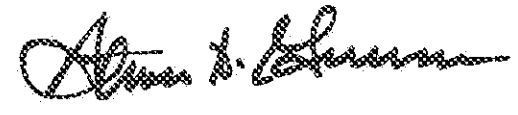
John F. Bemis, Esq.

JFB/djc

4838-8033-4368, v. 1

EXHIBIT “6”

EXHIBIT “6”



CLERK OF THE COURT

Robert E. Murdock, Esq.
Nevada Bar No. 4013
MURDOCK & ASSOCIATES, CHTD.
520 South Fourth Street
Las Vegas, NV 89101
702-384-5563

Eckley M. Keach, Esq.
Nevada Bar No. 1154
ECKLEY M. KEACH, CHTD.
520 South Fourth Street
Las Vegas, NV 89101
702-384-5563
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

**PLAINTIFF'S SEVENTEENTH
SUPPLEMENT TO CASE
CONFERENCE
DISCLOSURES PURSUANT
TO NRCP 16.1**

COMES NOW Plaintiff Estate of Jane Doe, by and through its Special Administrator,
Misty Petersen, by and through its attorneys of record, Murdock & Associates, Chtd. and Eckley
M. Keach, Chtd., and hereby supplements her early case conference disclosures pursuant to NRCP
16.1 as follows. **New information appears in bold.**

DOCUMENTS

- 1
2 1. Plaintiff's medical and billing records from Centennial Hills Hospital Medical
3 Center. Said records will be provided upon receipt of same.
- 4 2. Medical records from Centennial Hospital Medical Center for date of admission of
5 May 14, 2008.
- 6 3. Indictment filed on November 19, 2008 in the case of *The State of Nevada v. Steven*
7 *Dale Farmer*, Case No. C249693.
- 8 4. Indictment Warrant filed on November 19, 2008 in the case of *The State of Nevada*
9 *v. Steven Dale Farmer*, Case No. C249693.
- 10 5. Indictment Warrant Return filed on November 20, 2008 in the case of *The State of*
11 *Nevada v. Steven Dale Farmer*, Case No. C249693.
- 12 6. Notice dated November 26, 2008.
- 13 7. Reporter's Transcript of Proceedings of November 18, 2008 Before the Grand Jury
14 Impaneled by the Aforesaid District Court in the case of *The State of Nevada v. Steven Dale*
15 *Farmer*, Case No. 08AGJ078X.
- 16 8. Information filed July 2, 2008 in the case of *The State of Nevada v. Steven Dale*
17 *Farmer*, Case No. C245739.
- 18 9. Reporter's Transcript of Preliminary Hearing on July 1, 2008 in the case of *The*
19 *State of Nevada v. Steven Dale Farmer*, Case No. 08F10344X.
- 20 10. Certificate filed on July 31, 2008, Commitment and Order to Appear, Register of
21 Appearances – Hearing, Amended Criminal Complaint, Criminal Complaint, Las Vegas
22 Metropolitan Police Department Temporary Custody Record, Declaration of Arrest for Event No.
23 080516-1021, Arrest Report of Steven Dale Farmer, Charge/Bail Review Request, Justice Court,
24 Las Vegas Township, four Pretrial Services Information Sheets, two Media Request & Order in
25 Las Vegas Justice Court Case No. 08F10344X, Facsimile Transmission cover sheet dated 6/18/08
26 to JCT 8 from Summer Clarke with Amended Criminal Complaint.
- 27 11. "Received of Justice Court the Following Items: Justice Court Proceedings and
28 Documents" dated July 3, 2008.

- 1 12. Media Request and Order for Camera Access to Court Proceedings filed July 24,
2 2008 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.
- 3 13. Notification of Media Request filed July 24, 2008 in the case of *The State of*
4 *Nevada v. Steven Dale Farmer*, Case No. C245739.
- 5 14. Motion for Discovery filed December 30, 2008 in the case of *The State of Nevada*
6 *v. Steven Dale Farmer*, Case No. C245739.
- 7 15. State's Opposition to Defendant's Motion for Discovery filed January 16, 2009 in
8 the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.
- 9 16. Motion to Continue Trial Date filed January 20, 2009 in the case of *The State of*
10 *Nevada v. Steven Dale Farmer*, Case No. C245739.
- 11 17. Defendant's Reply to State's Opposition to Motion for Discovery filed January 21,
12 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.
- 13 18. Ex Parte Motion for Release of Medical Records relating to Denise Hanna filed
14 January 22, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.
- 15 19. Ex Parte Motion for Release of Medical Records relating to Frances Rose filed
16 January 22, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.
- 17 20. Ex Parte Motion for Release of Medical Records filed January 22, 2009 in the case
18 of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.
- 19 21. Ex Parte Motion for Release of Medical Records relating to Roxanne Cagnina filed
20 January 22, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.
- 21 22. Ex Parte Motion for Release of Medical Records relating to Heather Shank filed
22 January 22, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.
- 23 23. Ex Parte Motion for Release of Medical Records relating to Ledahlia Spurlock filed
24 January 22, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.
- 25 24. Order Releasing Medical Records of Ledahlia Spurlock filed February 4, 2009 in
26 the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.
- 27 25. Order Releasing Medical Records of Denise Hanna filed February 4, 2009 in the
28 case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

1 26. Order Releasing Medical Records filed February 4, 2009 in the case of *The State of*
2 *Nevada v. Steven Dale Farmer*, Case No. C245739.

3 27. Order Releasing Medical Records of Frances Rose filed February 4, 2009 in the
4 case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

5 28. Order Releasing Medical Records of Heather Shank filed February 4, 2009 in the
6 case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

7 29. Notification of Media Request filed February 9, 2009 in the case of *The State of*
8 *Nevada v. Steven Dale Farmer*, Case No. C245739.

9 30. Media Request and Order for Camera Access to Court Proceedings filed February
10 9, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

11 31. Order Releasing Medical Records of Roxanne Cagnina filed February 12, 2009 in
12 the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

13 32. Expedited Ex Parte Order for Transcript filed May 15, 2009 in the case of *The State*
14 *of Nevada v. Steven Dale Farmer*, Case No. C245739.

15 33. Motion to Continue Trial Date filed June 5, 2009 in the case of *The State of Nevada*
16 *v. Steven Dale Farmer*, Case No. C245739.

17 34. Amended Notice of Witnesses and/or Expert Witnesses filed June 5, 2009 in the
18 case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

19 35. Notice of Witnesses and/or Expert Witnesses filed June 4, 2009 in the case of *The*
20 *State of Nevada v. Steven Dale Farmer*, Case No. C245739.

21 36. Documents received from Rawson-Neal Psychiatric Hospital pursuant to a
22 subpoena duces tecum.

23 37. Recorder's Transcript Re: Calendar Call, Defendant's Motion for Discovery and
24 Defendant's Motion to Continue Trial filed on June 9, 2009 in the case of *The State of Nevada v.*
25 *Steven Dale Farmer*, Case No. C245739.

26 38. Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234] filed on
27 September 28, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.
28 //

- 1 39. Second Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]
2 filed on September 28, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No.
3 C245739.
- 4 40. Third Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]
5 filed on October 16, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No.
6 C245739.
- 7 41. Ex Parte Order for Transport filed on October 23, 2009 with Receipt of Copy
8 signed by Clark County Detention Center in the case of *The State of Nevada v. Steven Dale*
9 *Farmer*, Case No. C245739.
- 10 42. Ex Parte Order for Transport filed on November 3, 2009 in the case of *The State of*
11 *Nevada v. Steven Dale Farmer*, Case No. C245739.
- 12 43. Ex Parte Order for Transport filed on November 3, 2009 in the case of *The State of*
13 *Nevada v. Steven Dale Farmer*, Case No. C245739.
- 14 44. Ex Parte Order for Transport filed on November 5, 2009 in the case of *The State of*
15 *Nevada v. Steven Dale Farmer*, Case No. C245739.
- 16 45. Deposition transcript of Christine Murray taken on January 27, 2010 in the case of
17 *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
- 18 46. Deposition transcript of Karen Sue Goodhart taken on January 27, 2010 in the case
19 of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
- 20 47. Deposition transcript of Lisa Doty taken on February 2, 2010 in the case of
21 *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
- 22 48. Deposition transcript of Harold Collins Suto taken on February 3, 2010 in the case
23 of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
- 24 49. Deposition transcript of Lorraine Wescott taken on February 4, 2010 in the case of
25 *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
- 26 50. Deposition transcript of Carine Antoinette Brown taken on February 8, 2010 in the
27 case of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
- 28 //

- 1 51. Deposition transcript of Amy Bochenek taken on March 10, 2010 in the case of
2 *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
- 3 52. Deposition transcript of Douglas Nichols taken on March 24, 2010 in the case of
4 *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
- 5 53. Deposition transcript of Evette Wilson taken on April 7, 2010 in the case of
6 *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
- 7 54. Documents received from the Henderson Police Department pursuant to a
8 subpoena duces tecum to the Henderson Detention Center.
- 9 55. CD of photos and audio recording from the Henderson Detention Center relating to
10 Defendant Steven Dale Farmer.
- 11 56. Declaration and documents produced by Michelle Simmons pursuant to a subpoena
12 duces tecum.
- 13 57. Correspondence dated February 14, 2013 and documents produced by Nevada State
14 Board of Nursing pursuant to a subpoena duces tecum.
- 15 58. Motion to Continue Trial Date filed on February 14, 2013 in the case of *State v.*
16 *Farmer*, Case No. C245739.
- 17 59. Exemplar of Centennial Hills Hospital Medical Center staff badge.
- 18 60. Order Denying Motion for Modification of an Order Lifting Stay by American
19 Nursing Services, Inc. filed on June 24, 2013 in the case of *In Re: American Nursing Services,*
20 *Inc., et al.*, Case No. 09-13411 (PJW), United States Bankruptcy Court for the District of
21 Delaware.
- 22 61. Six (6) pages of notes from Jane Doe (Bates JD0001-JD0006) (redaction on
23 JD0005 – see Privilege Log).
- 24 62. Transcript of Jane Doe's testimony on January 20, 2012 in the case of *State of*
25 *Nevada v. Steven Dale Farmer*, Case No. C245739 in the District Court, State of Nevada.
- 26 63. CD containing Jane Doe's diary (Bates JDD00001-JDD00025) (redaction on
27 JDD00015 and JDD00021 - see Plaintiff's Second Privilege Log).
- 28 //

64. Criminal discovery provided to Steven Farmer. (This is protected but will be released after the criminal trial of Mr. Farmer and as soon as Plaintiff receives same pursuant to earlier subpoenas.)

65. All documents from the Las Vegas Metropolitan Police Department investigation of Steven Farmer. (This is protected but will be released after the criminal trial of Mr. Farmer and as soon as Plaintiff receives same pursuant to earlier subpoenas.)

66. Plaintiff reserves the right to supplement this list of documents as further information becomes available.

67. Plaintiff further reserves the right to identify any and all documents identified by any of the Defendants.

WITNESSES

1. Jane Doe, c/o Murdock & Associates, Chtd. and Eckley M. Keach, Chtd., 520 South Fourth Street, Las Vegas, Nevada 89101, will testify regarding the facts and circumstances of the subject incident.

2. Person(s) Most Knowledgeable of Centennial Hills Hospital Medical Center, c/o Hall Prangle & Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is/are expected to testify regarding his/her knowledge of the facts and circumstances of the subject incident.

3. Person(s) Most Knowledgeable of Universal Health Services, c/o Hall Prangle & Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is/are expected to testify regarding his/her knowledge of the facts and circumstances of the subject incident.

4. Person(s) Most Knowledgeable of Valley Health System, LLC, c/o Hall Prangle & Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is/are expected to testify regarding his/her knowledge of the facts and circumstances of the subject incident.

5. Person(s) Most Knowledgeable of American Nursing Services, c/o Lewis Brisbois Bisgaard & Smith, LLP, 400 South Fourth Street, Suite 500, Las Vegas, Nevada 89101, is/are

1 expected to testify regarding his/her knowledge of the facts and circumstances of the subject
2 incident.

3 6. Steven Dale Farmer, c/o Mandelbaum, Schwarz, Ellerton & McBride, 2012
4 Hamilton Lane, Las Vegas, Nevada 89106, is expected to testify regarding his knowledge of the
5 facts and circumstances of the subject incident.

6 7. Investigating Personnel, Las Vegas Metropolitan Police Department, 400 Stewart
7 Avenue, Las Vegas, Nevada 89101, are expected to testify regarding the investigated conducted of
8 the subject incident.

9 8. Plaintiff's treating medical personnel are expected to testify regarding the treatment
10 provided to Plaintiff following the subject incident.

11 9. Custodian of Records of Centennial Hills Hospital Medical Center, c/o Hall
12 Prangle & Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada
13 89144, is expected to testify regarding the search for and authenticity of the records produced.

14 10. Custodian of Records of the Eighth Judicial District Court, 200 Lewis Avenue, Las
15 Vegas, Nevada 89155, is expected to testify regarding the search for and authenticity of the
16 records produced.

17 11. Frances V. Rose, 2104 Club Pacific Way, No. 19-102, Las Vegas, Nevada 89128,
18 is expected to testify regarding her sexual assault by Steven Dale Farmer while she was a patient
19 at Rawson-Neal Psychiatric Hospital.

20 12. Ledahlia Spurlock, 4408 San Gabriel Hill Avenue, Las Vegas, Nevada 89115, is
21 expected to testify regarding her sexual assault by Steven Dale Farmer while she was a patient at
22 Centennial Hills Hospital Medical Center.

23 13. Heather Shank, 5209 Fireside Ranch Avenue, Las Vegas, Nevada 89131, is
24 expected to testify regarding her sexual assault by Steven Dale Farmer while she was a patient at
25 Centennial Hills Hospital Medical Center.

26 14. Denise Hanna, 7932 Olympus Avenue, Las Vegas, Nevada 89131, is expected to
27 testify regarding the sexual assault by Steven Dale Farmer while she was a patient at Centennial
28 Hills Hospital Medical Center.

1 15. Person Most Knowledgeable of Rawson-Neal Psychiatric Hospital, 1650
2 Community College Drive, Las Vegas, Nevada 89146, is expected is testify regarding various
3 allegations concerning Steven Dale Farmer and Rawson-Neal advising American Nursing
4 Services, Inc. about said allegations.

5 16. Custodian of Records of Rawson-Neal Psychiatric Hospital, 1650 Community
6 College Drive, Las Vegas, Nevada 89146, is expected is testify regarding the search for and
7 authenticity of the records produced.

8 17. Custodian of Records of the Eighth Judicial District Court, 200 Lewis Avenue, Las
9 Vegas, Nevada 89155, is expected to testify regarding the search for and authenticity of the
10 records produced.

11 18. Custodian of Records of Litigation Services, 1640 Alta Drive, Suite 4, Las Vegas,
12 Nevada 89106, is expected to testify regarding the search for and authenticity of the transcripts
13 produced.

14 19. Kristen Grega, Custodian of Records of Henderson Police Department, 223 Lead
15 Street, Henderson, Nevada 89015, is expected to testify regarding the search for and authenticity
16 of the records produced.

17 20. Michelle Simmons, c/o Lewis Brisbois Bisgaard & Smith LLP, 6385 South
18 Rainbow Boulevard, Suite 600, Las Vegas, Nevada 89118, is expected to testify regarding the
19 search for and authenticity of the records produced, as well as her knowledge of American
20 Nursing Services, Inc.

21 21. Frederick R. Olmstead, General Counsel, Nevada State Board of Nursing, 5011
22 Meadowood Mall Way, Suite 300, Reno, Nevada 89502, is expected to testify regarding the
23 search for and authenticity of the records produced.

24 22. Jeff Maningo, Esq., Deputy Public Defender, 309 South Third Street, Suite 226,
25 Las Vegas, Nevada 89155, is expected to testify regarding Defendant Steven Farmer's criminal
26 matter and the Motion to Continue Trial Date filed on February 14, 2013.

27 23. Philip J. Kohn, Esq., Public Defender, 309 South Third Street, Suite 226, Las
28 Vegas, Nevada 89155, is expected to testify regarding Defendant Steven Farmer's criminal matter.

1 24. Amy Feliciano, Deputy Public Defender, 309 South Third Street, Suite 226, Las
2 Vegas, Nevada 89155, is expected to testify regarding Defendant Steven Farmer's criminal matter.

3 25. Person Most Knowledgeable of Valley Health System LLC, c/o Hall Prangle &
4 Schoonveld, LLC, 1160 North Town Center Dr., Suite 200, Las Vegas, Nevada 89144, is expected
5 to testify regarding the authenticity of the exemplar of Centennial Hills Hospital Medical Center
6 staff badge produced at the deposition of Person(s) Most Knowledgeable of Valley Health System
7 LLC on March 12, 2013.

8 26. John F. Bemis, Esq., Hall Prangle & Schoonveld, LLC, 1160 North Town Center
9 Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify regarding his meeting with the
10 Public Defender for Steven Dale Farmer and documents being provided to the Public Defender's
11 Office for Steven Dale Farmer.

12 27. S. Brent Vogel, Esq., Lewis Brisbois Bisgaard & Smith LLP, 6385 South Rainbow
13 Boulevard, Suite 600, Las Vegas, Nevada 89118, is expected to testify regarding his meeting with
14 the Public Defender for Steven Dale Farmer and documents being provided to the Public
15 Defender's Office for Steven Dale Farmer.

16 28. Amanda J. Brookhyser, Esq., Lewis Brisbois Bisgaard & Smith LLP, 6385 South
17 Rainbow Boulevard, Suite 600, Las Vegas, Nevada 89118, is expected to testify regarding her
18 meeting with the Public Defender for Steven Dale Farmer and documents being provided to the
19 Public Defender's Office for Steven Dale Farmer.

20 29. Person(s) Most Knowledgeable, Chubb Commercial Insurance, 15 Mountain View
21 Road, Warren, New Jersey 07059, is expected to testify regarding the payments made for
22 attorney's fees for Steven Dale Farmer.

23 30. Person(s) Most Knowledgeable, Interstate Fire and Casualty Company, 33 West
24 Monroe Street, Suite 1400, Chicago, Illinois 60603, is expected to testify regarding the payments
25 made for attorney's fees for Steven Dale Farmer.

26 31. Johnette Spellman, c/o Ochsner Health System, Human Resources Department,
27 1601 Jefferson Highway, New Orleans, Louisiana 70121, is expected to testify regarding her
28 knowledge of American Nursing Services, Inc.

1 32. Timothy J. Fagan, c/o Jay C. Ong, Esq., Munsch Hardt Kopf & Harr, 401 Congress
2 Avenue, Suite 3050, Austin, Texas 78701, is expected to testify regarding his knowledge of
3 American Nursing Services, Inc.

4 33. Deann Anderson, c/o Rawson Neal Psychiatric Hospital, 1650 Community
5 College Drive, Las Vegas, Nevada 89146, is expected to testify as to the rules, regulations,
6 procedures, and events occurring with Steven Farmer.

7 34. Dr. Frederick M. Brown, c/o Rawson Neal Psychiatric Hospital, 1650
8 Community College Drive, Las Vegas, Nevada 89146, is expected to testify as to the rules,
9 regulations, procedures, and events occurring with Steven Farmer.

10 35. Carol Butler, Centennial Hills Hospital, c/o Hall Prangle & Schoonveld, LLC,
11 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify as
12 to the rules, regulations, procedures, and events occurring with Steven Farmer.

13 36. Roxanne Cagnina, 3717 Lower Saxon Avenue, North Las Vegas, Nevada
14 89085, is expected to testify regarding her knowledge of the subject incident.

15 37. Michelle Casper, LVMPD #06549, 400 South Martin Luther King Boulevard,
16 Las Vegas, Nevada 89106, is expected to testify regarding the investigation into the the
17 subject incident.

18 38. Lora Cody, LVMPD #07294, 400 South Martin Luther King Boulevard, Las
19 Vegas, Nevada 89106, is expected to testify regarding the investigation into the the subject
20 incident.

21 39. John Coldsmith, Centennial Hills Hospital, c/o Hall Prangle & Schoonveld,
22 LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to
23 testify as to the rules, regulations, procedures, and events occurring with Steven Farmer.

24 40. Kimberly Davis, R.N., Centennial Hills Hospital, c/o Hall Prangle &
25 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is
26 expected to testify as to the proper protocols and procedures when treating patients in a
27 nursing capacity.

28 //

1 41. Luke Doty, LVMPD #09368, Centennial Hills Hospital, c/o Hall Prangle &
2 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is
3 expected to testify as to the rules, regulations, procedures, and events occurring with Steven
4 Farmer.

5 42. Christen Edwards, R.N., Centennial Hills Hospital, c/o Hall Prangle &
6 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is
7 expected to testify as to the rules, regulations, procedures, and events occurring with Steven
8 Farmer.

9 43. Craig Fabert, CCDA, SVU Investigations, 200 Lewis Avenue, Las Vegas,
10 Nevada 89155, is expected to testify regarding the investigation of the subject incident.

11 44. Karen Goodhart, R.N., Centennial Hills Hospital, c/o Hall Prangle &
12 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is
13 expected to testify as to the rules, regulations, procedures, and events occurring with Steven
14 Farmer.

15 45. Thomas Hanna, 7932 Olympus Avenue, Las Vegas, Nevada, is expected to
16 testify regarding his knowledge of the subject incident.

17 46. Jeanine James, R.N., Centennial Hills Hospital, c/o Hall Prangle &
18 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is
19 expected to testify as to the rules, regulations, procedures, and events occurring with Steven
20 Farmer.

21 47. Craig Jex, LVMPD #05597, 400 South Martin Luther King Boulevard, Las
22 Vegas, Nevada 89106, is expected to testify regarding the investigation into the subject
23 incident.

24 48. Elaine Knepp, CCDA, SVU Investigations, 200 Lewis Avenue, Las Vegas,
25 Nevada 89155, is expected to testify regarding the investigation of the subject incident.

26 49. Timothy Lehan, 5209 Fireside Ranch Avenue, Las Vegas, Nevada 891131, is
27 expected to testify regarding his knowledge of the subject incident.

28 //

1 50. Ruth Leon, CCDA, SVU Investigations, 200 Lewis Avenue, Las Vegas, Nevada
2 89155, is expected to testify regarding the investigation of the subject incident.

3 51. Raymond McCormick, 1841 Leonard, Las Vegas, Nevada, is expected to
4 testify regarding his knowledge of the subject incident.

5 52. Ronald Miller, LVMPD #03233, 400 South Martin Luther King Boulevard,
6 Las Vegas, Nevada 89106, is expected to testify regarding the investigation into the subject
7 incident.

8 53. Julie Montero, R.N., Centennial Hills Hospital, c/o Hall Prangle &
9 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is
10 expected to testify as to the rules, regulations, procedures, and events occurring with Steven
11 Farmer.

12 54. Christine Murray, R.N., Centennial Hills Hospital, c/o Hall Prangle &
13 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is
14 expected to testify as to the rules, regulations, procedures, and events occurring with Steven
15 Farmer.

16 55. Sandra Pagain, R.N., Centennial Hills Hospital, c/o Hall Prangle &
17 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is
18 expected to testify as to the rules, regulations, procedures, and events occurring with Steven
19 Farmer.

20 56. Misty Pence, LVMPD #04950, 400 South Martin Luther King Boulevard, Las
21 Vegas, Nevada 89106, is expected to testify regarding the investigation into the subject
22 incident.

23 57. Julie Rackley, R.N., Centennial Hills Hospital, c/o Hall Prangle & Schoonveld,
24 LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to
25 testify as to the rules, regulations, procedures, and events occurring with Steven Farmer.

26 58. Pam Robertson, R.N., Centennial Hills Hospital, c/o Hall Prangle &
27 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is
28 expected to testify as to the rules, regulations, procedures, and events occurring with Steven

1 Farmer.

2 59. Michael Saunders, LVMPD #06076, 400 South Martin Luther King
3 Boulevard, Las Vegas, Nevada 89106, is expected to testify regarding the investigation into
4 the subject incident.

5 60. Jackie Schumacher, R.N., Centennial Hills Hospital, c/o Hall Prangle &
6 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is
7 expected to testify as to the rules, regulations, procedures, and events occurring with Steven
8 Farmer.

9 61. Jeffery Smith, LVMPD #08177, 400 South Martin Luther King Boulevard,
10 Las Vegas, Nevada 89106, is expected to testify regarding the investigation into the subject
11 incident.

12 62. Margaret Wolfe, R.N., Centennial Hills Hospital, c/o Hall Prangle &
13 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is
14 expected to testify as to the rules, regulations, procedures, and events occurring with Steven
15 Farmer.

16 63. Plaintiff reserves the right to supplement this list of documents as discovery
17 continues.

18 64. Plaintiff further reserves the right to identify any and all documents identified by
19 any of the Defendants.

20 DATED this 29th day of January, 2014.

21 MURDOCK & ASSOCIATES, CHTD.
22 ECKLEY M. KEACH, CHTD.

23
24 /s/ Robert E. Murdock
25 Robert E. Murdock Bar No. 4013
26 Eckley M. Keach Bar No. 1154
27 520 South Fourth Street
28 Las Vegas, NV 89101
Attorneys for Plaintiff

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CERTIFICATE OF MAILING

The undersigned hereby declares she is an employee of Murdock & Associates, Chtd. and that on January 29, 2014 she deposited a true copy of the foregoing PLAINTIFF'S SEVENTEENTH SUPPLEMENT TO EARLY CASE CONFERENCE DISCLOSURES in the United States mail, postage fully prepaid, addressed as follows:

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

Robert C. McBride, Esq.
Mandelbaum, Ellerton & McBride
2012 Hamilton Lane
Las Vegas, NV 89106

S. Brent Vogel, 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

/s/ Karen A. Kilmartin
An employee of Murdock & Associates, Chtd.

EXHIBIT “7”

EXHIBIT “7”

DISTRICT COURT

CLARK COUNTY, NEVADA

JANE DOE,

Plaintiff,

vs.

CASE NO. 09-A-595780

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.

~~~~~

DEPOSITION OF

CHRISTINE MURRAY, RN

Thursday, January 8, 2015

1:30 p.m.

521 S. Third Street

Las Vegas, Nevada

Carol O'Malley, CCR 178, RMR



800.211.DEPO (3376)  
EsquireSolutions.com

1 Q. You're talking about the --

2 A. Patient.

3 Q. -- what you termed the little crazy old  
4 lady patient, is that correct?

5 A. The patient, yes.

6 Q. But that's the patient we're talking about  
7 here, right?

8 A. Yes.

9 Q. Now, outside of telling the police about  
10 this -- what you termed "the little crazy old lady,"  
11 and the incident with Mr. Farmer -- did you ever tell  
12 anybody else about that?

13 A. No.

14 Q. After the incident took place, after the  
15 arrest, and Ms. Cagnina, things like that, did you  
16 ever tell anybody at the hospital about this  
17 incident?

18 A. No.

19 Q. So the first and only time you ever  
20 discussed this patient, the little crazy old lady  
21 patient with anyone, would have been with this  
22 detective. Is that correct?

23 A. No. Wait a minute. The director of  
24 nursing called me down and we talked about this, too,  
25 after I talked to the police. When she got a copy of

1 this, I talked to her. And that was it.

2 Q. Who was the director of nursing at the  
3 time?

4 A. I really don't know.

5 Q. But the director of nursing called you down  
6 after she read the statement, is that correct?

7 A. Yes. She talked to all of us.

8 Q. What do you mean, she talked to all of you?

9 A. She talked to all the nurses that were  
10 involved in this.

11 Q. Did you go through the statement with her?

12 A. She asked me what happened. I told her  
13 what I knew. We didn't pick this up and go through  
14 it line by line like we are now, but she knew what  
15 was -- I mean she had read it.

16 Q. Did she ask you about the little crazy old  
17 lady patient? Was that something you discussed?

18 A. You know, I'm not sure. She just asked  
19 about what I knew. No, I don't believe we did go  
20 through that. We went through the other part,  
21 because that was what was coming up.

22 Q. And outside of me asking you about this  
23 little crazy old lady patient, and the detective, has  
24 anybody else ever asked you about it?

25 A. No.

REPORTER'S CERTIFICATE

STATE OF NEVADA     )  
                              )     ss.  
COUNTY OF CLARK    )

I, Carol O'Malley, Nevada Certified Court  
Reporter 178, do hereby certify:

That I reported the taking of the deposition  
of CHRISTINE MURRAY, RN on January 8, 2015 commencing  
at the hour of 1:30 p.m.;

That prior to being examined, the witness was by  
me duly sworn to testify to the truth, the whole  
truth, and nothing but the truth;

That I thereafter transcribed my said  
shorthand notes into typewriting and that the  
typewritten transcription of said deposition is a  
complete, true, and accurate transcription of my said  
shorthand notes taken down at said time. Review of  
the transcript was not requested.

I further certify that I am not a relative or  
employee of an attorney or counsel involved in said  
action, nor financially interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand  
in my office in the County of Clark, State of Nevada,  
this 15th day of January, 2015.

*Carol O'Malley*  
Carol O'Malley, CCR No. 178

# EXHIBIT “8”

# EXHIBIT “8”

DISTRICT COURT  
CLARK COUNTY, NEVADA

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

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.

DEPOSITION OF AMY BLASING, MSN, RN

1:00 p.m.

July 28, 2015

Williams & Associates  
1608 Fifth Street, NW  
Albuquerque, New Mexico

PURSUANT TO THE RULES OF CIVIL PROCEDURE, this  
deposition was:

TAKEN BY: MR. ROBERT E. MURDOCK  
Attorney for the Plaintiffs

REPORTED BY: Dawn Redwine, RPR, CRI, NM CCR #165  
WILLIAMS & ASSOCIATES, LLC  
1608 Fifth Street, NW  
Albuquerque, NM 87102  
(505) 843-7789  
www.WilliamsNM.com

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505-843-7789

1 A. Not that I recall.

2 Q. Okay. In other words, did you give a recorded  
3 statement to anybody?

4 A. Not that I recall.

5 Q. Did you ever give a written statement?

6 A. Not -- As part of an investigation, I'm not sure if  
7 -- I don't know that I ever wrote anything down.

8 Q. Okay.

9 A. I know that we had discussions, internal  
10 discussions about the incident, following.

11 Q. Okay. And who did you have internal discussions  
12 with?

13 A. Carol Butler, Quality and Risk.

14 Q. Who was at Quality and Risk?

15 A. I believe that was Janet Callahan and Yvette Wilson  
16 at the time.

17 Q. Okay. Any other people that you had discussions  
18 with?

19 A. Carol and I had discussions with employees after  
20 the incident.

21 Q. Where did those discussions take place?

22 A. In the hospital.

23 Q. I understand that. Where?

24 A. But I couldn't tell you specifically.

25 Q. Was it in a conference room?

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1 A. I'd be guessing if I answered. It could've been an  
2 office or a conference room.

3 Q. Was it on the floor?

4 A. I don't recall.

5 Q. Okay. Do you believe -- Is it more likely than not  
6 that it occurred in an office or a conference room type of  
7 setting?

8 A. That would be more likely.

9 Q. Okay. And it was you and Carol. Is that correct?

10 A. To my knowledge, yes.

11 Q. Was there anybody else there?

12 A. Not that I recall.

13 Q. Was there a lawyer there?

14 A. Not that I recall.

15 Q. Okay. Who did you speak with?

16 A. I remember speaking with Ray Sumera, Karen  
17 Goodhart, Darby Curlee.

18 Q. Anybody else?

19 A. Margaret Wolfe later. There may have been more  
20 people, but those are the names I recall.

21 Q. When you say "later," how much later?

22 A. I don't know the timing, but the conversation with  
23 Margaret was more specific to additional concerns that she  
24 shared, so I know it was later for that reason.

25 Q. Would you agree with me that it would've been

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1 within two months of the initial conference you had with  
2 Sumera, Goodhart, and Curlee?

3 A. That sounds right.

4 Q. Okay. So if the initial conference occurred  
5 in late May, could we put an outside date on it of about  
6 August 1st? Would you agree with that?

7 A. That sounds fair. I don't recall the exact date.

8 Q. Okay. And were there notes taken at that meeting?

9 A. Not that I recall.

10 Q. Did you take any notes?

11 A. Not that I recall.

12 Q. Did Carol take any notes?

13 A. Not that I recall.

14 Q. Were the meetings tape-recorded?

15 A. No.

16 Q. Were they video-taped?

17 A. No.

18 Q. I'm sorry?

19 A. No.

20 Q. I'm curious. Why didn't you take any notes?

21 A. I just don't remember taking notes. It doesn't  
22 mean that I didn't.

23 Q. Oh, okay. So it's possible you took notes?

24 A. It was several years ago, so...

25 Q. I understand. So it's possible you took notes?

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1 A. It's possible, but I don't recall taking them.

2 Q. Okay. When you're in a meeting-type setting like  
3 that, would you agree with me it's more likely than not that  
4 you actually took notes?

5 A. Depends on the situation. If I'm having a  
6 conversation with someone, I don't always write anything down.

7 Q. Okay. This was more -- more than a conversation,  
8 though. You were actually investigating what occurred. Right?

9 A. Investigations were more Risk and Quality.

10 Q. Okay. So why were you talking to these people?

11 A. Our conversations, Carol and I, were more about did  
12 we miss anything, did the staff know that they could come  
13 forward if they felt uncomfortable about anything. Just more  
14 kind of follow-up to the concerns that we had become aware of,  
15 and making sure that we weren't missing any opportunities.

16 Q. Okay. So you don't know if you took notes or not.

17 A. Correct.

18 Q. If you took notes -- let's assume, just for the  
19 sake of argument, you did -- where would those notes be today?

20 A. I don't have any way of knowing that.

21 Q. Okay. What would you have done with them after the  
22 meeting? In other words, did you have a secretary who you  
23 would say, you know, "Type these up" --

24 A. No.

25 Q. -- or did you have a file, things like that?

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1 A. I did not.

2 Q. Okay. Did you have anything at all where you would  
3 have put notes?

4 A. Not formally, no.

5 Q. What about informally?

6 A. If I were to take notes on a notepad, it might be  
7 something that I used, like, to work with that day.

8 Q. Okay.

9 A. But if it wasn't part of any formal investigation  
10 or anything that I was typing up, I don't know where it would  
11 end up. I honestly don't recall taking any notes specific to  
12 this case.

13 Q. Okay. So, in other words, it's possible you did.  
14 You're just not sure. Is that right?

15 A. I don't remember taking any.

16 Q. Okay. So it's more likely than not that you didn't  
17 take any.

18 A. That's correct.

19 Q. Okay. Do you recall Carol Butler taking any notes  
20 at these meetings?

21 A. I don't.

22 Q. After the meetings, did you have discussions with  
23 Carol about your -- about your meetings with these nurses?

24 A. It's fair to say that that would have happened, but  
25 I couldn't tell you specifics.

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1 Q. How long afterwards would you have had that  
2 meeting?

3 A. Most likely, immediately.

4 Q. Okay. Now, the Margaret Wolfe meeting took place a  
5 couple of months later. Right?

6 A. I don't know the exact date. I just --

7 Q. No.

8 A. -- know it was after.

9 Q. I know.

10 A. But within a couple of months is fair.

11 Q. Within a couple of months.

12 A. Uh-huh.

13 Q. When did -- Did you have a discussion with Carol  
14 Butler about the Margaret Wolfe meeting?

15 A. I'm sure that we did. I can't tell you specifics.

16 Q. Why did you meet with Carol -- with Margaret Wolfe?

17 A. What I remember is that we were made aware that  
18 Margaret had expressed concerns, and we were following up to  
19 find -- it was new information to us, so we were both following  
20 up to get more information and making sure that people knew  
21 what the proper channel would be if they had concerns in the  
22 future.

23 Q. In fact, my understanding is that you became aware  
24 that a -- that Margaret had spoken with the police about the  
25 situation. Is that right?

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1 A. That sounds familiar, but I couldn't tell you  
2 specifics.

3 Q. Right. And as a -- as a matter of fact, you became  
4 aware, and this was back in -- In between May of 2008 and  
5 August of 2008, you became aware that there actually was a  
6 police report, where Margaret spoke to the police. Right?

7 A. I don't remember the specifics.

8 Q. Well --

9 A. I became aware that she had shared information. I  
10 don't know that I had knowledge of the police report or not.

11 Q. Okay. Did you ever ask for a police report?

12 A. No.

13 Q. Have you ever read a police report?

14 A. Not that I recall.

15 Q. It's possible you did? You just don't know?

16 A. I don't recall ever seeing a police report related  
17 to this case.

18 Q. Okay. Well, that's funny, because I understand  
19 that you had a meeting with several of the nurses where you  
20 actually went over some of the police reports. Do you remember  
21 that?

22 A. I remember meeting with the nurses about how to  
23 escalate concerns, but I don't remember ever having copies of  
24 police reports or sharing them.

25 Q. Okay. Do you remember meeting with a nurse by the

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1 name of Christine Murray?

2 A. I don't.

3 Q. Okay.

4 A. I don't remember who that is.

5 Q. Margaret Wolfe told the police on May 30th, 2008,  
6 that -- about conversations she had with Mr. Ray Sumera. Do  
7 you remember that?

8 A. I remember that, yes.

9 Q. Okay. Did you ever confirm that with Mr. Sumera?

10 A. Carol and I, I believe, spoke to Ray.

11 Q. And Ray confirmed it, I assume.

12 A. Ray remembered having a conversation with Margaret,  
13 but the content was different.

14 Q. Okay. Did you ever speak to Margaret about that?  
15 In other words, did you confront her with that and say, "Well,  
16 wait a minute. Ray says you had a different conversation"?

17 A. I believe that we did, but I don't know the  
18 specifics.

19 Q. Okay. And, of course, did you make a report of it?

20 A. Report?

21 Q. Well, she lied to you.

22 A. I think we --

23 MR. PRANGLE: Well, that's argumentative.

24 Q. I don't know. If she lied to you or -- I mean, she  
25 told you something that Ray didn't remember.

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1 A. I don't remember.

2 Q. Okay. So, in other words, you testified earlier  
3 today you've never seen a report, but now you know about the  
4 report.

5 A. I still haven't seen it.

6 Q. So tell me when the first time you found out about  
7 the report.

8 A. I couldn't tell you the details. I don't know if  
9 Margaret came and told us or if someone else did, but somehow  
10 it got back to us that Margaret had shared concerns with law  
11 enforcement. I don't -- I don't know that details were shared  
12 initially. And then we started talking about it with the team.

13 Q. Was that before you met with her in between May and  
14 August?

15 A. We became aware of it and then met with her, yes.

16 Q. Okay. But you -- as you sit here today, you have  
17 no idea how you became aware of it?

18 A. I can't remember. I don't want to guess.

19 Q. I don't want you to guess. Okay. So you have no  
20 idea how you became aware of it, but you actually became aware  
21 of the contents of it, as well. Right?

22 A. I became aware that she shared information.  
23 Contents of the police report, those are two different things  
24 to me.

25 Q. Well, you were aware, as you just told me before,

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1 that Margaret was saying that Ray came to her.

2 A. When she told the story of how she expressed the  
3 concerns, yes.

4 Q. When did she tell you that?

5 A. When we met with her and talked to her.

6 Q. Okay. So let's put it this way. As of August of  
7 2008, you, as the Department of Emergency -- as the head of  
8 Department of Emergency Services at Centennial Hills Hospital,  
9 you were aware that Margaret Wolfe was alleging that Ray Sumera  
10 had come to her and expressed concerns about Ray Sumera. Is  
11 that correct?

12 A. She didn't express concerns about Ray Sumera.

13 Q. I'm sorry. I'm sorry. Let me restate the  
14 question. That was my bad.

15 In between May and August 1 of 2008, you, as the  
16 department -- as the head of the Department of Emergency  
17 Services at Centennial Hills, became aware that -- through  
18 Margaret Wolfe that Ray Sumera had come to Margaret Wolfe with  
19 concerns about Steven Farmer. Is that correct?

20 A. I don't remember the details enough to say if I  
21 heard that directly from her or from someone else. What I  
22 remember is that Margaret had expressed concerns to Ray. Who  
23 initiated the conversation, I don't know what I was told  
24 initially.

25 Q. Well, you already -- you just testified somehow you

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1 were aware that Margaret stated that Ray told her about  
2 concerns. Right? About Farmer.

3 A. I remember there being several different versions  
4 of the story. One was that --

5 Q. Okay.

6 A. -- Ray went to Margaret and initiated a  
7 conversation. The other was that Margaret went to Ray and  
8 initiated the conversation.

9 Q. Let's just keep those two for right now. Whatever  
10 it is, okay, those two versions, at least.

11 A. Yes.

12 Q. You knew those two versions as of August 1, 2008.  
13 Would you agree with that?

14 A. At some point within a few --

15 Q. Is that fair?

16 A. -- months if we say August. I -- I can't validate  
17 the date, but that sounds fair, yes.

18 Q. Okay. When was the first time you spoke with  
19 counsel about this matter?

20 A. Cagnina case?

21 Q. Any. I don't care.

22 A. I don't -- I don't know that I could tell you.

23 Q. Okay. Did you ever investigate -- You said you  
24 had two different versions here. Did you have each of them,  
25 Mr. Sumera and Ms. Wolfe, write down their respective versions?

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DISTRICT COURT  
CLARK COUNTY, NEVADA

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

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.

REPORTER'S CERTIFICATE

I, DAWN REDWINE, RPR, CRI, NM CCR #165, DO HEREBY  
CERTIFY that on July 28, 2015, the deposition of AMY BLASING,  
MSN, RN, was taken before me at the request of, and the sealed  
original thereof was retained by attorney for plaintiffs:

Mr. Robert E. Murdock  
KEACH MURDOCK  
521 South Third Street  
Las Vegas, NV 89101

I FURTHER CERTIFY that copies of this Certificate  
have been mailed or delivered to all counsel, and parties to  
the proceedings not represented by counsel, appearing at the

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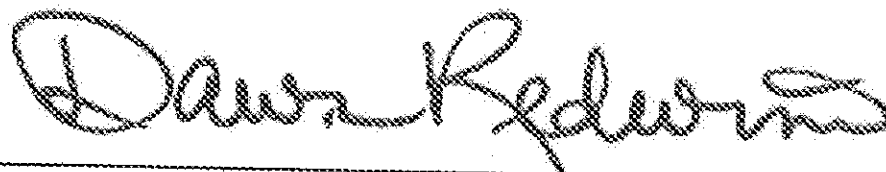
1 taking of the deposition.

2 I FURTHER CERTIFY that examination of this  
3 transcript and signature of the witness was requested by the  
4 witness and/or all parties present. On \_\_\_\_\_, a  
5 letter was mailed or delivered to the witness or his/her  
6 attorney regarding obtaining signature of the witness; and  
7 corrections, if any, will be appended to the original  
8 transcript, and copies sent to place in each copy of the  
9 deposition.

10 I FURTHER CERTIFY that the recoverable cost of the  
11 original and one copy of the deposition, including exhibits, to  
12 MR. ROBERT E. MURDOCK is \$ .

13 I FURTHER CERTIFY that I did administer the oath to  
14 the witness herein prior to the taking of this deposition; that  
15 I did thereafter report in stenographic shorthand the questions  
16 and answers set forth herein, and the foregoing is a true and  
17 correct transcript of the proceeding had upon the taking of  
18 this deposition to the best of my ability.

19 I FURTHER CERTIFY that I am neither employed by nor  
20 related to nor contracted with (unless excepted by the rules)  
21 any of the parties or attorneys in this case, and that I have  
22 no interest whatsoever in the final disposition of this case in  
23 any court.

24 

25 Dawn Redwine, RPR, CCR, CRI  
NM Certified Court Reporter #165  
License Expires: 12/31/15

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**EXHIBIT “9”**

**EXHIBIT “9”**



1 that refresh your recollection?

2 A -- in person or on the phone.

3 Q Do you remember you were in a conference  
4 room with them?

5 A No. I don't.

6 Q Okay. Who did you speak with? Can you  
7 name me some of them?

8 A I can't.

9 Q Did you speak with Ray Sumera?

10 A I don't recall.

11 Q Do you know who Ray Sumera was?

12 A I do know Ray.

13 Q What was Ray?

14 A Ray was one of our charge nurses in the  
15 emergency department.

16 Q Okay. And Ray, wouldn't he have been  
17 one of the people that you would normally talk to,  
18 assuming he was there that night?

19 A If he was on shift; yes.

20 Q Right. Okay. Margaret Wolfe? You  
21 might want to talk to her; right?

22 A If she was on shift --

23 Q Okay.

24 A -- that day.

25 Q Okay. And so if these people were on

1 shift, am I correct that you did talk to them? You  
2 believe you talked to them at least?

3 A I believe so.

4 Q Okay. And when you talked to them, did  
5 you write notes about that?

6 A I don't recall.

7 Q I'm -- I'm trying to figure out how you  
8 cannot recall whether or not you took notes from  
9 conversations with staff members. How is that  
10 possible?

11 MR. PRANGLE: Objection. Argumentative.

12 A How many years ago was this?

13 Q (BY MR. MURDOCK) Oh, so, again, if I  
14 asked you five years ago, you might have a better  
15 answer; right? Your memory?

16 A Certainly.

17 Q So I guess you went home that night;  
18 right?

19 A Eventually, I'm sure I did.

20 Q Okay. By the way, that entire day, did  
21 you ever go look to see if there was a policy and  
22 procedure that you should follow?

23 A I don't recall.

24 Q That entire day, did you ever go speak  
25 with Ms. Cagnina?



1 investigation under patient safety; is that correct?

2 A Correct.

3 Q Okay. Are you back and forth from

4 Sitka?

5 A Yes.

6 Q How often?

7 A Every other weekend.

8 Q Oh, okay, good. Just in case.

9 Okay. So you -- do you, by the way,

10 present at the internal investigation? Is that

11 something that you did? Was there actual committee

12 meetings?

13 A There was a meeting to review the

14 incident.

15 Q Okay. When was it?

16 A I don't recall.

17 Q Can you give me an estimate as to when

18 it was?

19 A To my recollection, it was within a few

20 days.

21 Q Okay. That would have been, I assume,

22 after you spoke with all of the staff who was on duty

23 that night; is that correct?

24 A I believe that we had spoken with

25 everyone that was present at that time before that

1                   At some point, did you obtain witness  
2 statements that nurses or staff members, CNAs or  
3 whoever might have given to the police?

4                   A     No. Police. No.

5                   Q     Do you remember a nurse by the name of  
6 Christine Murray? Does that name sound familiar?

7                   A     I do remember.

8                   Q     Do you remember speaking with Christine  
9 Murray about this incident?

10                  A     I don't remember specifically speaking  
11 with Christine about this incident.

12                  Q     Okay. Do you remember attending a  
13 meeting where you spoke with not just Christine Murray,  
14 but all the staff in one setting about this incident?

15                  A     All the staff ... you mean all the staff  
16 that might have witnessed this incident?

17                  Q     Yeah. Yes.

18                  A     I -- I guess I would assume that those  
19 were the people that were present for the sentinel  
20 event meeting.

21                  Q     Okay. And the reason I'm asking you  
22 that is -- let's mark this.

23                             (Exhibit 1 marked.)

24                   MR. VOGEL: What are you looking at,  
25 Rob?

1 MR. PRANGLE: It's Christine Murray's.

2 Q (BY MR. MURDOCK) Showing you what's  
3 been marked as Plaintiff's Exhibit 1, have you ever  
4 seen that document before?

5 A I don't recall ever seeing this document  
6 before.

7 Q (BY MR. MURDOCK) Okay. Christine  
8 Murray testified under oath, quote, The director of  
9 nursing called me down and we talked about this, too,  
10 after I talked to the police. When she got a copy of  
11 this, I talked to her. And this -- she's talking about  
12 her report, by the way -- or this statement,  
13 Plaintiff's Exhibit 1.

14 A Okay.

15 Q So does that refresh your recollection a  
16 little bit?

17 A No.

18 Q Okay.

19 "Question: Who was the director of  
20 nursing at the time?"

21 She answered:

22 "I really don't know."

23 "Question: But the director of nursing  
24 called you down after she read the statement; is that  
25 correct?"

1 a look and read through pages 14 through 16 of that  
2 statement. Maybe that will refresh your recollection a  
3 little bit.

4 A (Deponent reviewing exhibit.)

5 So I'm --

6 MR. PRANGLE: Wait for a question.

7 Q (BY MR. MURDOCK) Does that refresh your  
8 recollection --

9 A Refresh my recollection?

10 Q -- of speaking with Ms. Murray about  
11 this incident?

12 A No.

13 Q Does that refresh your recollection as  
14 to whether or not you reviewed that incident -- that  
15 transcribed witness statement before today?

16 A No.

17 Q So, just so I'm clear, today, June of  
18 2015 is the first time you are ever seeing that witness  
19 statement; is that right?

20 A As far as I recall, yes.

21 Q Do you recall speaking with Ms. Murray  
22 at all?

23 A I do not recall speaking with Ms. Murray  
24 specifically, no.

25 Q Do you recall that she was part of the

1 incident? That she was a witness to the incident?

2 A I do not. As I've said, I couldn't --

3 Q So if --

4 A -- bring forth the names.

5 Q If she says she met with you and you say  
6 you don't recall, you're not saying you didn't meet  
7 with her? You're just saying you don't recall?

8 A I don't recall.

9 Q It's possible you did; right?

10 A It's possible.

11 Q And if she says she did meet with you,  
12 you're not calling her a liar, are you?

13 A I am saying I don't recall meeting with  
14 her.

15 Q Okay. Now --

16 A Is she saying she met before the  
17 incident with Ms. Cagnina, or after?

18 Q After.

19 A Okay.

20 Q Does that make a difference to you?

21 A Maybe.

22 Q Why is that? In your memory?

23 A No. It doesn't make a difference in my  
24 memory at all.

25 Q What does it make a difference about?

1 and the quality and risk manager at the time --

2 Q Okay.

3 A -- if there were people who had  
4 knowledge of these incidents or had witnessed anything  
5 that had not come forward to raise the red flag, and  
6 what I was told was that no, no one had witnessed  
7 anything and that no one had knowledge of inappropriate  
8 actions on his part.

9 Q Well, in May of 2008, Ms. Wolfe gave a  
10 statement to the Las Vegas Metropolitan Police  
11 Department. Are you aware of that?

12 A I think I became aware of it at some  
13 point. Someone informed me of that.

14 MR. SILVESTRI: Can you read back the  
15 question, please? I'm sorry.

16 (The referred-to question was read by  
17 the reporter.)

18 MR. SILVESTRI: And the answer?

19 (The referred-to answer was read by the  
20 reporter.)

21 Q (BY MR. MURDOCK) When was that?

22 MR. PRANGLE: Again, he doesn't want to  
23 know anything that I told you.

24 Q (BY MR. MURDOCK) Not in the past couple  
25 of weeks, but before the past couple weeks, were you

1     aware of that?

2             A     I think someone told me after she gave a  
3     statement that a statement had been made.

4             Q     Okay. Did you ever talk to her about  
5     the statement?

6             A     I don't recall talking to her about the  
7     statement.

8             Q     But you knew she had given a statement?  
9     It was pretty close to the time that she gave a  
10    statement; correct? I mean, she gave it to -- if she  
11    gave it on May 30, 2008, would you agree with me that  
12    you found out that she gave a statement about the  
13    incident, let's say, by August 1, 2008? Would that  
14    make sense?

15            A     Probably.

16            Q     Okay. That would make sense; right?

17            A     Yes.

18            Q     It's more likely than not; correct?

19            A     Correct.

20            Q     Okay. Ms. Wolfe stated in her statement  
21    Ray Sumera had told me to watch Steve Farmer around her  
22    female patients. Do you remember that?

23            A     No. I do not.

24            Q     She said that Ray Sumera was concerned  
25    because he was very overly attentive to female patients

1 and very anxious to connect them to the monitors and  
2 disconnect -- and disconnect them from the monitors,  
3 which would require him to reach into their clothing.  
4 Are you aware of that?

5 A No.

6 Q Okay. You never asked to see the  
7 statement; right?

8 A No, I did not.

9 Q But you knew she had made a statement;  
10 right?

11 A I knew she had made a statement.

12 Q By August 1 of 2008, you knew she had  
13 made a statement?

14 A Sure.

15 (There was a discussion off the record.)

16 Q (BY MR. MURDOCK) Do you know what a  
17 shift report is?

18 A Yes.

19 Q Were there notes taken at shift reports?

20 A Yes.

21 Q What happens to those notes? Are they  
22 thrown out?

23 A Usually, at the end of the shift.

24 Q They're thrown out?

25 A Because they are notes simply from one



1 pre-huddle?

2 A There was a handoff between the two  
3 charge nurses.

4 Q That's what it's called? The handoff?

5 A Uh-huh.

6 Q Okay. Try and let me finish my  
7 question. I know you're anticipating it, but our court  
8 reporter -- we're going to try and be kind to her  
9 without taking down two of us speaking at the same  
10 time.

11 The statement that -- that Ms. Wolfe  
12 gave that somebody told you about -- I mean, they told  
13 you she gave a statement to the police; right?

14 A Correct.

15 Q And it just -- you would ask -- wouldn't  
16 you ask your nurses, What did you talk to the police  
17 about?

18 A I asked Amy Bochenek and -- because my  
19 concern was, again, did someone know something prior to  
20 this. Her response to me was that Margaret had some  
21 vague concerns about him being overly attentive to  
22 women. And again, I said, Okay, who did she tell?  
23 And --

24 Q Did she tell you she told the police?

25 A I asked Amy, Did you ever hear about

1 this prior to this? And she said no.

2 Q She told you she told the police? Amy  
3 said that?

4 MR. PRANGLE: Amy said Amy told the  
5 police?

6 Q (BY MR. SILVESTRI) Did Amy tell you  
7 that Margaret told the police that?

8 A Amy told me that Margaret had made that  
9 statement to her.

10 Q Oh, to her. Okay. And did she tell you  
11 when she had made that statement to Amy?

12 A It was after Ms. Cagnina had complained  
13 and we had already started the police investigation.  
14 So -- and that was my question to Amy was had you ever  
15 heard about any of this prior to this? And she said  
16 no.

17 Q Was there some reason you didn't just  
18 call Ms. Wolfe in and ask her directly? You're the  
19 director of nursing.

20 A Again, the internal investigation was  
21 being handled by -- by risk and quality management.

22 Q But this was a different investigation,  
23 wasn't it? This was concerns that, now, you're hearing  
24 that one of your nurses have and you're the director of  
25 nursing. Would it not have been appropriate for you

1 to -- either yourself go to Ms. Wolfe, or call the risk  
2 manager and both of you go and talk to Ms. Wolfe?

3 A I don't know because I don't recall if  
4 Ms. Wolfe was involved in the meetings that we were  
5 having to -- to investigate or not.

6 Q Was -- did -- did you ever take  
7 Ms. Bochenek's statement to you to the risk manager?

8 A I don't recall. I know the risk manager  
9 spoke with Amy directly.

10 Q That wasn't my question. My question  
11 was is Ms. Bochenek comes and tells you that one of  
12 your nurses has come and talked to the cops -- excuse  
13 me -- has said that a nurse has concerns about  
14 Mr. Farmer. Did you take that statement to the risk  
15 manager?

16 A I don't recall.

17 Q That wasn't something you would have  
18 written up and sent up the line of command?

19 A It -- it completely depends on how that  
20 information was conveyed to me.

21 Q Okay. Mr. Murdock asked you some  
22 questions about whether you would want to know if a  
23 particular nurse or CNA was being overly attentive with  
24 respect to female patients. Do you remember that line  
25 of questioning?

## C E R T I F I C A T E

STATE OF COLORADO )  
 ) ss  
COUNTY OF ARAPAHOE )

I, Bonnie Carpenter, duly appointed to take the deposition of CAROL BUTLER, do hereby certify that previous to the commencement of the examination of the said above-named Deponent, she was first by me duly sworn to testify the truth, the whole truth and nothing but the truth touching and concerning the matters in controversy between the parties hereto, so far as she should be interrogated concerning the same;

That said deposition was stenographically reported by me at the time and place heretofore set forth, and was reduced to typewritten form under my supervision as per the foregoing;

That the foregoing is a true and correct transcript of my shorthand notes then and there taken;

That after the deposition was transcribed, the same was submitted by letter to the Deponent for reading and signing, a copy of which is hereto annexed;

That I am not kin or in anywise associated with any of the parties to said cause of action or their counsel and that I am not interested in the event thereof;

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Bonnie Carpenter  
12510 East Iliff  
Suite 120  
Aurora, CO 80014

# EXHIBIT “10”

# EXHIBIT “10”

SUPP

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

JOHN F. BEMIS, ESQ.

Nevada Bar No. 9509

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*Attorneys for Defendant*

*Valley Health System, LLC d/b/a*

*Centennial Hills Hospital Medical Center*

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 CORPORATIONS I  
through X, inclusive,

Defendants.

CASE NO. A595780  
DEPT NO. II

DEFENDANT VALLEY HEALTH SYSTEM, LLC d/b/a CENTENNIAL HILLS  
HOSPITAL MEDICAL CENTER'S TENTH SUPPLEMENT TO IT'S INITIAL  
EARLY CASE CONFERENCE LIST OF WITNESSES AND DOCUMENTS

HALL PRANGLE & SCHOONVELD, LLC

1160 NORTH TOWN CENTER DRIVE

SUITE 200

LAS VEGAS, NEVADA 89144

TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

1 DEFENDANT VALLEY HEALTH SYSTEM, LLC, d/b/a CENTENNIAL HILLS  
2 HOSPITAL MEDICAL CENTER (hereafter Centennial Hills Hospital), by and through its  
3 attorneys of record, the law firm of HALL PRANGLE & SCHOONVELD, LLC, hereby submits  
4 its Ninth Supplement to its NRCP 16.1 List of Witnesses and Documents as follows  
5 (supplements provided in bold):  
6

7 I.

8 WITNESSES

- 9 1. Jane Doe  
10 c/o Robert E. Murdock, Esq.  
11 MURDOCK & ASSOCIATES, CHTD.  
12 521 South Third Street  
13 Las Vegas, Nevada 89101

14 Jane Doe is expected to testify as to the facts and circumstances surrounding this matter  
15 and her alleged damages.

- 16 2. Jane Doe's two sons

17 Jane Doe's two sons are expected to testify as to the facts and circumstances surrounding  
18 this matter, their mother's alleged damages and conversations they had with their mother about  
19 the incident.

- 20 3. Steven Dale Farmer  
21 c/o Robert C. McBride, Esq.  
22 CARROLL, KELLY, TROTTER, FRANZEN, MCKENNA & PEABODY  
23 701 North Green Valley Parkway, Suite 200  
24 Henderson, Nevada 89074

25 Mr. Farmer is expected to testify as to the facts and circumstances surrounding this  
26 matter and the allegations made against him.

- 27 4. Debra Scott, MSN, RN, FRE  
28 Executive Director  
Nevada State Board of Nursing  
5011 Meadowwood Mall Way, Suite 300  
Reno, NV 89502-6567

Ms. Scott is expected to testify regarding The certification process, background check  
and investigation performed by the Nevada Board of Nursing prior to certification. The

1 Certification Process for a Certified Nurses Assistant. Revocation of Steven Dale Farmer's CNA  
2 Certificate (CNA021509). Investigation of Steven Dale Farmer by the Nevada Board of Nursing  
prior to revocation of Steven Dale Farmer's CNA certificate (CNA021509).

- 3 5. Michael Egstad, Manager I  
4 Licensing and Certification Program  
5 California Department of Public Health (CDPH)  
6 ATCS - MS 3301  
7 P.O. Box 997416  
1615 Capitol Avenue  
Sacramento, CA 95899-7416

8 Mr. Egstad is expected to testify regarding The certification process, background check  
9 and investigation performed by the California Board of Nursing prior to CNA certification. The  
10 Certification Process for a Certified Nurses Assistant. The Certification Process for Steven D.  
Farmer (Home Health Certificate Number 00199703, Nurse Assistant Certificate 00659300).  
11 Revocation of Steven Dale Farmer's CNA Certificate (Home Health Certificate Number  
00199703, Nurse Assistant Certificate 00659300).

- 12 6. Collado Jeunnesse, RN  
13 Kim Moon, RN  
14 Abraham Deppa, CNA  
15 Nikki Carter, CNA  
16 Marina McDowell, CNA  
17 Alana Schons, CNA  
18 Nelina Arante, RN  
19 Ronald Lodevico  
20 Venise Abelard, CNA  
Paula Mosley, RN  
Pamela Flagg, CNA  
Amber Vergara  
Loretta Korinis  
Michelle Lucas

21 The above identified nurses and certified Nurses' Assistants are expected to testify as to  
22 the care and treatment rendered as well as the facts and circumstances surrounding this matter.

- 23 7. Curtis E. Bazemore, M.D.  
24 Cobinder S. Chopra, M.D.  
25 James E. Mock, M.D.

26 The above identified physicians are expected to testify as to the care and treatment  
27 rendered as well as the facts and circumstances surrounding this matter.

28 ...



- 1 8. Employees, former employees, representatives  
2 of and former representatives of American  
3 Nursing Services, Inc.,  
4 c/o LEWIS BRISBOIS BISGAARD & SMITH  
5 6385 South Rainbow Blvd., Suite 600  
6 Las Vegas, NV 89118

7 The above described witnesses are expected to be identified during discovery and to  
8 testify in regards to all facts and circumstances surrounding Steven Farmer and the incident in  
9 questions including but not limited to investigations performed, background checks performed  
10 regarding Steven Farmer and the assignment of Steven Farmer to Centennial Hills Hospital.

- 11 9. Crystal Johnson  
12 4650 North Rainbow Blvd., #2109  
13 Las Vegas, NV 89108  
14 714-580-5383

15 Ms. Johnson is expected to testify as to the facts and circumstances surrounding this  
16 matter. THIS INDIVIDUAL IS REPRESENTED BY COUNSEL.

- 17 10. Douglas Nichols  
18 c/o John F. Bemis, Esq.  
19 HALL PRANGLE & SCHOONVELD, LLC  
20 1160 North Town Center Drive, Suite 200  
21 Las Vegas, NV 89144

22 Mr. Nichols is expected to testify as to the facts and circumstances surrounding this  
23 matter.

- 24 11. Mary Jo Solon  
25 Southwest Medical Associates

26 Ms. Solon is expected to testify as to the facts and circumstances surrounding this matter.

- 27 12. Matthew Ross  
28 Rawson-Neal Psychiatric Hospital  
1650 Community College Dr.  
Las Vegas, NV 89146

Mr. Ross is expected to testify as to the facts and circumstances surrounding this matter.

13. Michelle Simmons  
5336 Fireside Ranch Ave.  
Las Vegas, NV 89131

1 Ms. Simmons is expected to testify as to the facts and circumstances surrounding this  
2 matter.

3 14. Salvatore Sparacino  
4 c/o John F. Bemis, Esq.  
5 HALL PRANGLE & SCHOONVELD, LLC  
6 1160 North Town Center Drive, Suite 200  
7 Las Vegas, NV 89144

8 Mr. Sparacino is expected to testify as to the facts and circumstances surrounding this  
9 matter.

10 15. Nida Ibasco Canque, RN  
11 7940 Quail Breast Lane  
12 Las Vegas, NV 89131  
13 *(This is last known address)*

14 Nurse Canque was a night-shift nurse during the time period of February through  
15 June 2008, and therefore, may have knowledge and information about the facts and  
16 circumstances surrounding this matter.

17 16. Asuncion Layug, RN  
18 8920 Rendon Street  
19 Las Vegas, NV 89143  
20 *(This is last known address)*

21 Nurse Layug was a night-shift nurse during the time period of February through  
22 June 2008, and therefore, may have knowledge and information about the facts and  
23 circumstances surrounding this matter.

24 17. Alxenia Priscilla Brown-Gay, RN  
25 5973 Spinnaker Point Avenue  
26 Las Vegas, NV 89110  
27 *(This is last known address)*

28 Nurse Brown-Gay was a night-shift nurse during the time period of February  
through June 2008, and therefore, may have knowledge and information about the facts  
and circumstances surrounding this matter.

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18. Emma Birrey Cortez, RN  
1835 Pallid Swift Court  
North Las Vegas, NV 89084  
(This is last known address)

Nurse Cortez was a night-shift nurse during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

19. Maria Asuncion Katri E. Dakudao, RN  
5201 Meadows Lily Avenue  
Las Vegas, NV 89108  
(This is last known address)

Nurse Dakudao was a night-shift nurse during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

20. Jenette Luoang Banas, RN  
c/o Michael E. Prange, Esq., and  
John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD, LLC  
1160 North Town Center Drive, Suite 200  
Las Vegas, NV 89144

Nurse Banas was a night-shift nurse during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

21. Tiffiney Diane Bills, CNA  
4230 Valley Regents Drive  
North Las Vegas, NV 89032  
(This is last known address)

Ms. Bills was a night-shift CNA during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

22. Deepa Abraham, LPN  
4515 N. Las Vegas Blvd., Bldg. 78, #1003  
Las Vegas, NV 89115  
(This is last known address)

Ms. Abraham was a night-shift CNA during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

- 1 23. Cindy L. Parmelee  
2 4516 Mohawk River Avenue  
3 North Las Vegas, NV 89031  
4 *(This is last known address)*

5 Ms. Parmelee was a night-shift RN during the time period of February through  
6 June 2008, and therefore, may have knowledge and information about the facts and  
7 circumstances surrounding this matter.

- 8 24. Marie Bayrotie Pierre, RN  
9 8914 Bonneville Peak Court  
10 Las Vegas, NV 89148  
11 *(This is last known address)*

12 Nurse Pierre was a night-shift RN during the time period of February through June  
13 2008, and therefore, may have knowledge and information about the facts and  
14 circumstances surrounding this matter.

- 15 25. Ana Maria P. Salcedo, RN  
16 3832 Kettle Falls Avenue  
17 North Las Vegas, NV 89085  
18 *(This is last known address)*

19 Nurse Salcedo was a RN who sometimes worked double shifts (from day to night)  
20 during the time period of February through June 2008, and therefore, may have knowledge  
21 and information about the facts and circumstances surrounding this matter.

- 22 26. Charlene Walker-Lexing,  
23 3829 Moonshine Falls Avenue  
24 North Las Vegas, NV 89085  
25 *(This is last known address)*

26 Ms. Walker-Lexing was a LPN who sometimes worked double shifts (from day to  
27 night) during the time period of February through June 2008, and therefore, may have  
28 knowledge and information about the facts and circumstances surrounding this matter.

- 29 27. Virginia D. De Chavez  
30 12338 Holly Jane Court  
31 Orlando, FL 32824  
32 *(This is last known address)*

33 De Chavez was an RN who sometimes worked double shifts (from day to night)  
34 during the time period of February through June 2008, and therefore, may have knowledge  
35 and information about the facts and circumstances surrounding this matter.

28. Maria Amoy Hutchinson, CNA a.k.a. Maria Gayle  
3937 Sierra Sun Street  
North Las Vegas, NV 89032  
(This is last known address)

On information and belief, Ms. Hutchinson was a night-shift CNA during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

29. Carol A. Mosley, RN a.k.a. Carol A. Broughton, RN  
224 Algiers Drive  
Venice, FL 34293  
(This is last known address)

Nurse Mosley was a RN who sometimes worked double shifts (from day to night) during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

30. Paula L. Mosley, RN  
5880 Boulder Falls Street  
Henderson, NV 89011  
(This is last known address)

Nurse Mosley was a RN who sometimes worked double shifts (from day to night) during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

31. Amy Dee Schuele, RN  
5277 Drifting Sands Court  
Las Vegas, NV 89149  
(This is last known address)

Nurse Schuele was a RN who sometimes worked double shifts (from day to night) during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

32. Victoria Stringer, RN  
2208 Frostproof Street  
Las Vegas, NV 89128  
(This is last known address)

Nurse Stringer was a RN who sometimes worked double shifts (from day to night) during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

- 1 33. Lorraine F. Wescott, RN  
2 8888 Sparkling Creek Avenue  
3 Las Vegas, NV 89143  
4 *(This is last known address)*

5 Nurse Wescott was a RN who sometimes worked double shifts (from day to night)  
6 during the time period of February through June 2008, and therefore, may have knowledge  
7 and information about the facts and circumstances surrounding this matter.

- 8 34. Ma Ramona Ticao Albunan  
9 10 Forest Grove Drive, #21  
10 Daly City, CA 94015  
11 *(This is last known address)*

12 Nurse Albunan was a RN who sometimes worked as the evening Nurse Clinical  
13 Supervisor during the time period of February through June 2008, and therefore, may  
14 have knowledge and information about the facts and circumstances surrounding this  
15 matter.

- 16 35. Vickie A. Johnson, RN  
17 9129 Amber Waves Street  
18 Las Vegas, NV 89123  
19 *(This is last known address)*

20 Nurse Johnson was a former Director of Nursing during the time period of  
21 February through June 2008, and therefore, may have knowledge and information about  
22 the facts and circumstances surrounding this matter.

- 23 36. Lilibeth Parejas, RN  
24 37. Bernadine Rebogio, RN  
25 38. Janice Collado, RN  
26 39. Darlene Infante Carbonell, RN  
27 40. Maria Dacquell, CNA  
28 41. Rhona Lopez  
42. Aman McPherson  
43. Ailynne Belbis  
44. Larena Abdul  
45. Rebecca Cronister  
c/o John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD, LLC  
1160 North Town Center Drive, Suite 200  
Las Vegas, NV 89144

The above-named individuals, Parejas -- Cronister (#36-45), are current employees of Defendant, Valley Health System, LLC, and have been identified by Defendant as having worked with Defendant Steven Farmer and Christine Murray, RN on the same shift and/or floor

1 in February and/or March of 2008, and may have knowledge and information about the alleged  
2 incident with the elderly patient to which Nurse Murray referred in her deposition testify.

3 46. Carol Butler  
4 9079 William Cody Dr.  
5 Evergreen, CO 80439

6 Ms. Butler is the former Chief Nursing Officer at Centennial Hills during the time  
7 of the events surrounding the instant litigation.

8 47. Amy Blasing, formerly Amy Bochenek  
9 9521 San Mateo Blvd. NE  
10 Albuquerque, NM 87113

11 Ms. Blasing is the former director of the Emergency Department at the time of the  
12 events surrounding the instant litigation.

13 48. Darby Curly  
14 4021 Cherokee Rose Ave  
15 N Las Vegas, NV 89031

16 Mr. Curly is a former charge nurse in the Emergency Department at the time of the  
17 events surrounding the instant litigation.

18 49. Defendant reserves the right to supplement its list of witnesses.

19 50. Defendant reserves the right to call any witnesses identified by any other parties  
20 in this litigation.

## 21 II.

### 22 DOCUMENTS

- 23 1. Jane Doe's medical records Bates Stamped CH00001 through CH00317  
24 (Exhibit A on CD).
- 25 2. Centennial Hills Hospital Daily Security Logs  
26 Bates Numbered SDAL 000001 - 001421 (Exhibit B on CD).
- 27 3. Records produced by Nevada State Board of Nursing  
28 (Exhibit C on CD).
4. Centennial Hills Hospital Job Description for CNA  
Bates Numbered Unit Coord/C N A - 1 -8 (Exhibit D on attached CD).



5. Daily Patient Assignment Sheets for the 6<sup>th</sup> Floor dated 05/13/2008 – 05/18/2008. Bates Numbered ASSIGN000001 – 000012 (Exhibit E)
6. Critical Care Services Assignment Sheets for the 5<sup>th</sup> Floor dated 05/13/2008 – 05/18/2008. Bates Numbered ASSIGN000013 – 000023 (Exhibit F)
7. Emergency Department Daily Assignments dated 05/13/2008 – 05/18/2008. Bates Numbered ASSGIN000024 – 000035 (Exhibit G)
8. Steven Dale Farmer Staffing Sheets. Bates Numbered STAFF000001 – 000003 (Exhibit H)
9. Broadlane, Inc. Contract dated 08/12/2007 Bates Numbered BROADLANE000001 – 000050 (Exhibit I)
10. Privilege Log for Schedule of Steven Dale Farmer (Exhibit J)
11. Schedule of Steven Dale Farmer at Centennial Hills Hospital from April 13, 2008 through June 7, 2008 bates labeled CHH00318 – CHH00321 (Exhibit K)
12. Privilege Log for Schedule of Steven Dale Farmer (Exhibit L)
13. Schedule of Steven Dale Farmer at Centennial Hills Hospital on May 14, 2008 bates labeled CHH00322 – CHH00325 (Exhibit M)
14. Privilege Log for Centennial Hills Hospital HR File for Steven Dale Farmer (Exhibit N)
15. Centennial Hills Hospital HR File for Steven Dale Farmer bates labeled CHH00326 – CHH00365 (Exhibit O)
16. Privilege Log for Agency Payroll Spreadsheets for February 2008, March 2008, April 2008 and May 2008 (Exhibit P)

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17. Agency Payroll Spreadsheets for February 2008, March 2008, April, 2008, and May 2008 bates labeled CHH00366 – CHH00372 (Exhibit Q)
18. Medical Records from Clark County Adult Mental Health bates labeled CCAMH00001 – CCAMH00022 (Exhibit R attached hereto via CD)
19. Medical Records from Gary Chopra Gobinder, MD bates labeled Chop00001 – Chop00038 (Exhibit S attached hereto via CD)
20. Medical Records from MountainView Hospital bates labeled MVH00001 – MVH00159 (Exhibit T attached hereto via CD)
21. Medical Records from Southern Hills Hospital bates labeled Shills00001 – Shills00241 (Exhibit U attached hereto via CD)
22. Medical Records from University Medical Center bates labeled UMC00001 – UMC00209 (Exhibit V attached hereto via CD)
23. Las Vegas Metropolitan Police Department's Criminal File of Steven Dale Farmer bates labeled LVMPD00001 – LVMPD0190 with Privilege Log. (Exhibit W attached hereto via CD)  
CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER.
24. Las Vegas Metropolitan Police Department's Color Photos of Steven Dale Farmer bates labeled LVMPD0191 – LVMPD0196. (Exhibit X attached hereto via CD)  
CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER.
25. Las Vegas Metropolitan Police Department's Audio File of 911 Call (Exhibit Y attached hereto via CD)  
CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER.
26. Policy and Procedure – Domestic Violence (or Spousal Abuse) (Exhibit Z attached hereto bates labeled P&P0001 – 0005)
27. Policy and Procedure – Abuse/Neglect of Neonates/Children (Exhibit AA attached hereto bates labeled P&P0006 – 0010)
28. Policy and Procedure – Abuse/Neglect of the Elderly (Exhibit BB attached hereto bates labeled P&P0011 – 0013)
29. Privilege Log regarding Patient Safety Committee Minutes and Documentation from June, July, August and September of 2008. (Exhibit CC)

30. Defendant reserves the right to supplement this list of documents.

31. Defendant reserves the right to utilize any document utilized or identified by any other party to this litigation.

DATED this 16<sup>th</sup> day of June, 2015.

HALL PRANGLE & SCHOONVELD, LLC

By: /s/ John Bemis  
MICHAEL E. PRANGLE, ESQ.  
Nevada Bar No. 8619  
JOHN F. BEMIS, ESQ.  
Nevada Bar No. 9509  
1160 North Town Center Drive, Suite 200  
Las Vegas, NV 89144  
Attorneys for Defendant  
Valley Health System, LLC d/b/a  
Centennial Hills Hospital Medical Center

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 16<sup>th</sup> day of June, 2015, I served a true and correct copy of the foregoing DEFENDANT VALLEY HEALTH SYSTEM, LLC d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER'S TENTH SUPPLEMENT TO IT'S INITIAL EARLY CASE CONFERENCE LIST OF WITNESSES AND DOCUMENTS via E-Service on Wiznet pursuant to mandatory NEFCR 4(b) to the following parties:

Robert E. Murdock, Esq.  
MURDOCK & ASSOCIATES, CHTD.  
520 South Fourth Street  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff*

Eckley M. Keach, Esq.  
ECKLEY M. KEACH, CHTD.  
520 South Fourth Street  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff*

S. Brent Vogel, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH  
6385 South Rainbow Blvd., Suite 600  
Las Vegas, NV 89118  
-and-

Robert C. McBride, Esq.  
CARROL, KELLY, TROTTER,  
FRANZEN, MCKENNA & PEABODY  
8329 W. Sunset Road, Suite 260  
Las Vegas, NV 89113

James P.C. Silvestri, Esq.  
PYATT SILVESTRI  
701 Bridger Ave., Suite 600  
Las Vegas, NV 89101  
*Attorneys for Defendant*  
*American Nursing Services, Inc.*

*Attorneys for Defendant,*  
*Steven Dale Farmer Attorneys for*  
*Defendant*  
*Steven Dale Farmer*

  
An employee of HALL PRANGLE & SCHOONVELD, LLC

4841-6653-5205, v. 1

# EXHIBIT "CC"

**PRIVILEGE LOG  
PATIENT SAFETY REPORTS**

| Document ID No.             | Description of Document                                           | Date of Document | Privilege Claimed                                                                                                 |
|-----------------------------|-------------------------------------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------|
| PTSAFETY<br>JUNE0001 – 0005 | Minutes from patient safety committee meeting                     | June 26, 2008    | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY<br>JUNE0006        | Patient Safety Committee Agenda                                   | June 26, 2008    | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY<br>JUNE0007-0009   | Risk Alert Flyer regarding prevention of medication dosing errors | May, 2008        | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY<br>JUNE0010        | Flyer regarding documentation seminar                             | June, 2008       | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY JUNE<br>0011-39    | 2009 Joint Commission National Patient Safety Goals               | 2008             | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY<br>JULY0001-0003   | Minutes from patient safety committee meeting                     | July 18, 2008    | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY JULY<br>0004       | Patient Safety Committee Agenda                                   | July 18, 2008    | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-                    |

|                           |                                                                                                                                            |                    |                                                                                                                                   |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------|
|                           |                                                                                                                                            |                    | 439.890; Relevancy.                                                                                                               |
| PTSAFETY<br>JULY0005-0007 | Patient safety<br>committee email<br>regarding wireless<br>systems interacting with<br>medical devices                                     | July 8, 2008       | Review Committee<br>privileges: NRS 49.117,<br>NRS 49.119, NRS<br>49.265, NRS 439.875,<br>and NRS 439.800-<br>439.890; Relevancy. |
| PTSAFETY<br>JULY0008-0011 | Joint Commission<br>Sentinel Event Alert                                                                                                   | July 9, 2008       | Review Committee<br>privileges: NRS 49.117,<br>NRS 49.119, NRS<br>49.265, NRS 439.875,<br>and NRS 439.800-<br>439.890; Relevancy. |
| PTSAFETY<br>JULY0012-0016 | Patient safety<br>committee<br>memorandum regarding<br>appropriate vs.<br>inappropriate physician<br>behavior and the fair<br>hearing plan | July 2008          | Review Committee<br>privileges: NRS 49.117,<br>NRS 49.119, NRS<br>49.265, NRS 439.875,<br>and NRS 439.800-<br>439.890; Relevancy. |
| PTSAFETY<br>AUG0001       | Patient safety<br>committee sign in                                                                                                        | August 15,<br>2008 | Review Committee<br>privileges: NRS 49.117,<br>NRS 49.119, NRS<br>49.265, NRS 439.875,<br>and NRS 439.800-<br>439.890; Relevancy. |
| PTSAFETY<br>AUG0002       | Patient safety<br>committee agenda                                                                                                         | August 15,<br>2008 | Review Committee<br>privileges: NRS 49.117,<br>NRS 49.119, NRS<br>49.265, NRS 439.875,<br>and NRS 439.800-<br>439.890; Relevancy. |
| PTSAFETY<br>AUG0003-0007  | Patient safety<br>committee minutes                                                                                                        | August 15,<br>2008 | Review Committee<br>privileges: NRS 49.117,<br>NRS 49.119, NRS<br>49.265, NRS 439.875,<br>and NRS 439.800-<br>439.890; Relevancy. |
| PTSAFETY<br>AUG0008       | Core Risk Assessment<br>Worksheet                                                                                                          | Undated            | Review Committee<br>privileges: NRS 49.117,<br>NRS 49.119, NRS<br>49.265, NRS 439.875,<br>and NRS 439.800-<br>439.890; Relevancy. |
| PTSAFETY<br>AUG0009-0023  | Risk management term<br>survey presentation to                                                                                             | August,<br>2008    | Review Committee<br>privileges: NRS 49.117,                                                                                       |

|                           |                                                                            |                    |                                                                                                                   |
|---------------------------|----------------------------------------------------------------------------|--------------------|-------------------------------------------------------------------------------------------------------------------|
|                           | patient safety committee                                                   |                    | NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy.                                          |
| PTSAFETY<br>AUG0024       | Email from HR to risk manager regarding hostile work environment reporting | August 11, 2008    | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY<br>AUG0025-0026  | Risk Solutions #7 "back to basics on medication safety"                    | July 24, 2008      | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY<br>AUG0027-0030  | Recall letter regarding anesthesia machine                                 | August, 2008       | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY<br>AUG0031-0065  | Patient safety performance review                                          | July 25, 2008      | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY<br>SEPT0001-0003 | Patient safety minutes                                                     | September 19, 2008 | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY<br>SEPT0004      | Patient safety committee agenda                                            | September 19, 2008 | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |
| PTSAFETY<br>SEPT0005-0013 | Sentinel Event Report                                                      | September 17, 2008 | Review Committee privileges: NRS 49.117, NRS 49.119, NRS 49.265, NRS 439.875, and NRS 439.800-439.890; Relevancy. |

|                           |                                                             |         |                                                                                                                                   |
|---------------------------|-------------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------|
| PTSAFETY<br>SEPT0014-0016 | Risk management<br>medication issues year<br>to date report | Undated | Review Committee<br>privileges: NRS 49.117,<br>NRS 49.119, NRS<br>49.265, NRS 439.875,<br>and NRS 439.800-<br>439.890; Relevancy. |
| PTSAFETY<br>SEPT0017-0018 | Risk management fall<br>issues year to date<br>report       | Undated | Review Committee<br>privileges: NRS 49.117,<br>NRS 49.119, NRS<br>49.265, NRS 439.875,<br>and NRS 439.800-<br>439.890; Relevancy. |
|                           |                                                             |         |                                                                                                                                   |

4842-1162-2437, v. 1



**EXHIBIT “11”**

**EXHIBIT “11”**

SUPP

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

JOHN F. BEMIS, ESQ.

Nevada Bar No. 9509

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*Attorneys for Defendants*

*Valley Health System, LLC d/b/a*

*Centennial Hills Hospital Medical Center and*

*Universal Health 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 CORPORATIONS I  
through X, inclusive,

Defendants.

CASE NO. A595780  
DEPT NO. II

DEFENDANT VALLEY HEALTH SYSTEM, LLC d/b/a CENTENNIAL HILLS  
HOSPITAL MEDICAL CENTER'S SIXTEENTH SUPPLEMENT TO IT'S INITIAL  
EARLY CASE CONFERENCE LIST OF WITNESSES AND DOCUMENTS

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

1 DEFENDANT VALLEY HEALTH SYSTEM, LLC, d/b/a CENTENNIAL HILLS  
2 HOSPITAL MEDICAL CENTER (hereafter Centennial Hills Hospital), by and through its  
3 attorneys of record, the law firm of HALL PRANGLE & SCHOONVELD, LLC, hereby submits  
4 its Sixteenth Supplement to its NRCP 16.1 List of Witnesses and Documents as follows  
5 (supplements provided in bold):  
6

7 I.

8 WITNESSES

- 9 1. Jane Doe  
10 c/o Robert E. Murdock, Esq.  
11 MURDOCK & ASSOCIATES, CHTD.  
12 521 South Third Street  
13 Las Vegas, Nevada 89101

14 Jane Doe is expected to testify as to the facts and circumstances surrounding this matter  
15 and her alleged damages.

- 16 2. Jane Doe's two sons

17 Jane Doe's two sons are expected to testify as to the facts and circumstances surrounding  
18 this matter, their mother's alleged damages and conversations they had with their mother about  
19 the incident.

- 20 3. Steven Dale Farmer  
21 c/o Robert C. McBride, Esq.  
22 CARROLL, KELLY, TROTTER, FRANZEN, MCKENNA & PEABODY  
23 701 North Green Valley Parkway, Suite 200  
24 Henderson, Nevada 89074

25 Mr. Farmer is expected to testify as to the facts and circumstances surrounding this  
26 matter and the allegations made against him.

- 27 4. Debra Scott, MSN, RN, FRE  
28 Executive Director  
Nevada State Board of Nursing  
5011 Meadowwood Mall Way, Suite 300  
Reno, NV 89502-6567

Ms. Scott is expected to testify regarding The certification process, background check  
and investigation performed by the Nevada Board of Nursing prior to certification. The

Certification Process for a Certified Nurses Assistant. Revocation of Steven Dale Farmer's CNA Certificate (CNA021509). Investigation of Steven Dale Farmer by the Nevada Board of Nursing prior to revocation of Steven Dale Farmer's CNA certificate (CNA021509).

5. Michael Egstad, Manager I  
Licensing and Certification Program  
California Department of Public Health (CDPH)  
ATCS - MS 3301  
P.O. Box 997416  
1615 Capitol Avenue  
Sacramento, CA 95899-7416

Mr. Egstad is expected to testify regarding The certification process, background check and investigation performed by the California Board of Nursing prior to CNA certification. The Certification Process for a Certified Nurses Assistant. The Certification Process for Steven D. Farmer (Home Health Certificate Number 00199703, Nurse Assistant Certificate 00659300). Revocation of Steven Dale Farmer's CNA Certificate (Home Health Certificate Number 00199703, Nurse Assistant Certificate 00659300).

6. Collado Jeunnesse, RN  
Kim Moon, RN  
Abraham Deppa, CNA  
Nikki Carter, CNA  
Marina McDowell, CNA  
Alana Schons, CNA  
Nelina Arante, RN  
Ronald Lodevico  
Venise Abelard, CNA  
Paula Mosley, RN  
Pamela Flagg, CNA  
Amber Vergara  
Loretta Korinis  
Michelle Lucas

The above identified nurses and certified Nurses' Assistants are expected to testify as to the care and treatment rendered as well as the facts and circumstances surrounding this matter.

7. Curtis E. Bazemore, M.D.  
Cobinder S. Chopra, M.D.  
James E. Mock, M.D.

The above identified physicians are expected to testify as to the care and treatment rendered as well as the facts and circumstances surrounding this matter.

...  
...

- 1 8. Employees, former employees, representatives  
2 of and former representatives of American  
3 Nursing Services, Inc.,  
4 c/o LEWIS BRISBOIS BISGAARD & SMITH  
5 6385 South Rainbow Blvd., Suite 600  
6 Las Vegas, NV 89118

7 The above described witnesses are expected to be identified during discovery and to  
8 testify in regards to all facts and circumstances surrounding Steven Farmer and the incident in  
9 questions including but not limited to investigations performed, background checks performed  
10 regarding Steven Farmer and the assignment of Steven Farmer to Centennial Hills Hospital.

- 11 9. Crystal Johnson  
12 4650 North Rainbow Blvd., #2109  
13 Las Vegas, NV 89108  
14 714-580-5383

15 Ms. Johnson is expected to testify as to the facts and circumstances surrounding this  
16 matter. THIS INDIVIDUAL IS REPRESENTED BY COUNSEL.

- 17 10. Douglas Nichols  
18 c/o John F. Bemis, Esq.  
19 HALL PRANGLE & SCHOONVELD, LLC  
20 1160 North Town Center Drive, Suite 200  
21 Las Vegas, NV 89144

22 Mr. Nichols is expected to testify as to the facts and circumstances surrounding this  
23 matter.

- 24 11. Mary Jo Solon  
25 Southwest Medical Associates

26 Ms. Solon is expected to testify as to the facts and circumstances surrounding this matter.

- 27 12. Matthew Ross  
28 Rawson-Neal Psychiatric Hospital  
1650 Community College Dr.  
Las Vegas, NV 89146

Mr. Ross is expected to testify as to the facts and circumstances surrounding this matter.

13. Michelle Simmons  
5336 Fireside Ranch Ave.  
Las Vegas, NV 89131

1 Ms. Simmons is expected to testify as to the facts and circumstances surrounding this  
2 matter.

3 14. Salvatore Sparacino  
4 c/o John F. Bemis, Esq.  
5 HALL PRANGLE & SCHOONVELD, LLC  
6 1160 North Town Center Drive, Suite 200  
7 Las Vegas, NV 89144

8 Mr. Sparacino is expected to testify as to the facts and circumstances surrounding this  
9 matter.

10 15. Nida Ibasco Canque, RN  
11 7940 Quail Breast Lane  
12 Las Vegas, NV 89131  
13 *(This is last known address)*

14 Nurse Canque was a night-shift nurse during the time period of February through June  
15 2008, and therefore, may have knowledge and information about the facts and circumstances  
16 surrounding this matter.

17 16. Asuncion Layug, RN  
18 8920 Rendon Street  
19 Las Vegas, NV 89143  
20 *(This is last known address)*

21 Nurse Layug was a night-shift nurse during the time period of February through June  
22 2008, and therefore, may have knowledge and information about the facts and circumstances  
23 surrounding this matter.

24 17. Alxenia Priscilla Brown-Gay, RN  
25 5973 Spinnaker Point Avenue  
26 Las Vegas, NV 89110  
27 *(This is last known address)*

28 Nurse Brown-Gay was a night-shift nurse during the time period of February through  
June 2008, and therefore, may have knowledge and information about the facts and  
circumstances surrounding this matter.

///

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///

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18. Emma Birrey Cortez, RN  
1835 Pallid Swift Court  
North Las Vegas, NV 89084  
(This is last known address)

Nurse Cortez was a night-shift nurse during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

19. Maria Asuncion Katri E. Dakudao, RN  
5201 Meadows Lily Avenue  
Las Vegas, NV 89108  
(This is last known address)

Nurse Dakudao was a night-shift nurse during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

20. Jenette Luoang Banas, RN  
c/o Michael E. Prangle, Esq., and  
John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD, LLC  
1160 North Town Center Drive, Suite 200  
Las Vegas, NV 89144

Nurse Banas was a night-shift nurse during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

21. Tiffiney Diane Bills, CNA  
4230 Valley Regents Drive  
North Las Vegas, NV 89032  
(This is last known address)

Ms. Bills was a night-shift CNA during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

22. Deepa Abraham, LPN  
4515 N. Las Vegas Blvd., Bldg. 78, #1003  
Las Vegas, NV 89115  
(This is last known address)

Ms. Abraham was a night-shift CNA during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

23. Cindy L. Parmelee  
4516 Mohawk River Avenue  
North Las Vegas, NV 89031  
(This is last known address)

Ms. Parmelee was a night-shift RN during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

24. Marie Bayrotie Pierre, RN  
8914 Bonneville Peak Court  
Las Vegas, NV 89148  
(This is last known address)

Nurse Pierre was a night-shift RN during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

25. Ana Maria P. Salcedo, RN  
3832 Kettle Falls Avenue  
North Las Vegas, NV 89085  
(This is last known address)

Nurse Salcedo was a RN who sometimes worked double shifts (from day to night) during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

26. Charlene Walker-Lexing,  
3829 Moonshine Falls Avenue  
North Las Vegas, NV 89085  
(This is last known address)

Ms. Walker-Lexing was a LPN who sometimes worked double shifts (from day to night) during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

27. Virginia D. De Chavez  
12338 Holly Jane Court  
Orlando, FL 32824  
(This is last known address)

De Chavez was an RN who sometimes worked double shifts (from day to night) during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.



1 28. Maria Amoy Hutchinson, CNA a.k.a. Maria Gayle  
2 3937 Sierra Sun Street  
3 North Las Vegas, NV 89032  
4 *(This is last known address)*

5 On information and belief, Ms. Hutchinson was a night-shift CNA during the time period  
6 of February through June 2008, and therefore, may have knowledge and information about the  
7 facts and circumstances surrounding this matter.

8 29. Carol A. Mosley, RN a.k.a. Carol A. Broughton, RN  
9 224 Algiers Drive  
10 Venice, FL 34293  
11 *(This is last known address)*

12 Nurse Mosley was a RN who sometimes worked double shifts (from day to night) during  
13 the time period of February through June 2008, and therefore, may have knowledge and  
14 information about the facts and circumstances surrounding this matter.

15 30. Paula L. Mosley, RN  
16 5880 Boulder Falls Street  
17 Henderson, NV 89011  
18 *(This is last known address)*

19 Nurse Mosley was a RN who sometimes worked double shifts (from day to night) during  
20 the time period of February through June 2008, and therefore, may have knowledge and  
21 information about the facts and circumstances surrounding this matter.

22 31. Amy Dee Schuele, RN  
23 5277 Drifting Sands Court  
24 Las Vegas, NV 89149  
25 *(This is last known address)*

26 Nurse Schuele was a RN who sometimes worked double shifts (from day to night) during  
27 the time period of February through June 2008, and therefore, may have knowledge and  
28 information about the facts and circumstances surrounding this matter.

32. Victoria Stringer, RN  
2208 Frostproof Street  
Las Vegas, NV 89128  
*(This is last known address)*

Nurse Stringer was a RN who sometimes worked double shifts (from day to night) during  
the time period of February through June 2008, and therefore, may have knowledge and  
information about the facts and circumstances surrounding this matter.

33. Lorraine F. Wescott, RN  
8888 Sparkling Creek Avenue  
Las Vegas, NV 89143  
(This is last known address)

Nurse Wescott was a RN who sometimes worked double shifts (from day to night) during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

34. Ma Ramona Ticao Albunan  
10 Forest Grove Drive, #21  
Daly City, CA 94015  
(This is last known address)

Nurse Albunan was a RN who sometimes worked as the evening Nurse Clinical Supervisor during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

35. Vickie A. Johnson, RN  
9129 Amber Waves Street  
Las Vegas, NV 89123  
(This is last known address)

Nurse Johnson was a former Director of Nursing during the time period of February through June 2008, and therefore, may have knowledge and information about the facts and circumstances surrounding this matter.

36. Lilibeth Parejas, RN  
37. Bernadine Rebogio, RN  
38. Janice Collado, RN  
39. Darlene Infante Carbonell, RN  
40. Maria Dacquell, CNA  
41. Rhona Lopez  
42. Aman McPherson  
43. Ailynne Belbis  
44. Larena Abdul  
45. Rebecca Cronister  
c/o John F. Bemis, Esq.  
HALL PRANGLE & SCHOONVELD, LLC  
1160 North Town Center Drive, Suite 200  
Las Vegas, NV 89144

The above-named individuals, Parejas – Cronister (#36-45), are current employees of Defendant, Valley Health System, LLC, and have been identified by Defendant as having worked with Defendant Steven Farmer and Christine Murray, RN on the same shift and/or floor

1 in February and/or March of 2008, and may have knowledge and information about the alleged  
2 incident with the elderly patient to which Nurse Murray referred in her deposition testify.

3 46. Carol Butler  
4 9079 William Cody Dr.  
5 Evergreen, CO 80439

6 Ms. Butler is the former Chief Nursing Officer at Centennial Hills during the time of the  
7 events surrounding the instant litigation.

8 47. Amy Blasing, formerly Amy Bochenek  
9 9521 San Mateo Blvd. NE  
10 Albuquerque, NM 87113

11 Ms. Blasing is the former director of the Emergency Department at the time of the events  
12 surrounding the instant litigation.

13 48. Darby Curly  
14 4021 Cherokee Rose Ave  
15 N Las Vegas, NV 89031

16 Mr. Curly is a former charge nurse in the Emergency Department at the time of the  
17 events surrounding the instant litigation.

18 49. Christine Murray  
19 9051 Echelon Point Drive, Building 1, Unit 1006  
20 Las Vegas, NV 89149

21 50. Renato Sumera  
22 9461 Canyon Hollow Ave.  
23 Las Vegas, NV 89149

24 51. Margaret Wolfe  
25 P.O. Box 751322  
26 Las Vegas, NV 89136

27 52. Defendant reserves the right to supplement its list of witnesses.

28 53. Defendant reserves the right to call any witnesses identified by any other parties  
in this litigation.

II.

DOCUMENTS

1. Jane Doe's medical records Bates Stamped CH00001 through CH00317 (Exhibit A on CD).
2. Centennial Hills Hospital Daily Security Logs Bates Numbered SDAL 000001 – 001421 (Exhibit B on CD).
3. Records produced by Nevada State Board of Nursing (Exhibit C on CD).
4. Centennial Hills Hospital Job Description for CNA Bates Numbered Unit Coord/C N A – 1 -8 (Exhibit D on attached CD).
5. Daily Patient Assignment Sheets for the 6<sup>th</sup> Floor dated 05/13/2008 – 05/18/2008. Bates Numbered ASSIGN000001 – 000012 (Exhibit E)
6. Critical Care Services Assignment Sheets for the 5<sup>th</sup> Floor dated 05/13/2008 – 05/18/2008. Bates Numbered ASSIGN000013 – 000023 (Exhibit F)
7. Emergency Department Daily Assignments dated 05/13/2008 – 05/18/2008. Bates Numbered ASSGIN000024 – 000035 (Exhibit G)
8. Steven Dale Farmer Staffing Sheets. Bates Numbered STAFF000001 – 000003 (Exhibit H)
9. Broadlane, Inc. Contract dated 08/12/2007 Bates Numbered BROADLANE000001 – 000050 (Exhibit I)
10. Privilege Log for Schedule of Steven Dale Farmer (Exhibit J)
11. Schedule of Steven Dale Farmer at Centennial Hills Hospital from April 13, 2008 through June 7, 2008 bates labeled CHH00318 – CHH00321 (Exhibit K)
12. Privilege Log for Schedule of Steven Dale Farmer (Exhibit L)

13. Schedule of Steven Dale Farmer at Centennial Hills Hospital on May 14, 2008 bates labeled CHH00322 – CHH00325 (Exhibit M)
14. Privilege Log for Centennial Hills Hospital HR File for Steven Dale Farmer (Exhibit N)
15. Centennial Hills Hospital HR File for Steven Dale Farmer bates labeled CHH00326 – CHH00365 (Exhibit O)
16. Privilege Log for Agency Payroll Spreadsheets for February 2008, March 2008, April 2008 and May 2008 (Exhibit P)
17. Agency Payroll Spreadsheets for February 2008, March 2008, April, 2008, and May 2008 bates labeled CHH00366 – CHH00372 (Exhibit Q)
18. Medical Records from Clark County Adult Mental Health bates labeled CCAMH00001 – CCAMH00022 (Exhibit R attached hereto via CD)
19. Medical Records from Gary Chopra Gobinder, MD bates labeled Chop00001 – Chop00038 (Exhibit S attached hereto via CD)
20. Medical Records from MountainView Hospital bates labeled MVH00001 – MVH00159 (Exhibit T attached hereto via CD)
21. Medical Records from Southern Hills Hospital bates labeled Shills00001 – Shills00241 (Exhibit U attached hereto via CD)
22. Medical Records from University Medical Center bates labeled UMC00001 – UMC00209 (Exhibit V attached hereto via CD)
23. Las Vegas Metropolitan Police Department's Criminal File of Steven Dale Farmer bates labeled LVMPD00001 – LVMPD0190 with Privilege Log. (Exhibit W attached hereto via CD)  
CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER.
24. Las Vegas Metropolitan Police Department's Color Photos of Steven Dale Farmer bates labeled LVMPD0191 – LVMPD0196. (Exhibit X attached hereto via CD)  
CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER.
25. Las Vegas Metropolitan Police Department's Audio File of 911 Call (Exhibit Y attached hereto via CD)

CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER.

26. Policy and Procedure – Domestic Violence (or Spousal Abuse)  
(Exhibit Z attached hereto bates labeled P&P0001 - 0005)
27. Policy and Procedure – Abuse/Neglect of Neonates/Children  
(Exhibit AA attached hereto bates labeled P&P0006 – 0010)
28. Policy and Procedure – Abuse/Neglect of the Elderly  
(Exhibit BB attached hereto bates labeled P&P0011 – 0013)
29. Privilege Log regarding Patient Safety Committee Minutes and Documentation  
from June, July, August and September of 2008. (Exhibit CC)
30. Centennial Hills Hospital Managerial Hierarchy Chart  
(Exhibit DD attached hereto and bates labeled CHH00373)
31. Job Description – RN I  
(Exhibit EE attached hereto and bates labeled CHH00374 – 00380)
32. Job Description – RN III  
(Exhibit FF attached hereto and bates labeled CHH00381 – 00387)
33. Job Description – Unit Coordinator/ED Tech  
(Exhibit GG attached hereto and bates labeled CHH00388 – 00395)
34. Policy and Procedure – Chain of Command  
(Exhibit HH attached hereto and bates labeled P&P0014-0017)
35. Privilege Log Regarding Patient Relations Log from February, March,  
April and May, 2008 (Exhibit II attached hereto)
36. Patient Relations Log  
(Exhibit JJ attached hereto and bates labeled PtRelations0001-0009)
37. Privilege Log Regarding Risk Events from February, March,  
April and May, 2008 (Exhibit KK attached hereto)
38. Risk Events  
(Exhibit LL attached hereto and bates labeled RiskEvents0001-0026)
39. Privilege Log Regarding Grievance Log (Exhibit MM attached hereto)
40. Grievance Log  
(Exhibit NN attached hereto and bates labeled Grievance0001-0018)

HALL PRANGLE & SCHOONVELD, LLC

1160 NORTH TOWN CENTER DRIVE

SUITE 200

LAS VEGAS, NEVADA 89144

TELEPHONE: 702-389-6400 FACSIMILE: 702-384-6025

41. Bureau of Health Care Quality and Compliance for Centennial Hills Hospital Medical Center (Exhibit OO attached hereto and bates Labeled BHCQ0001-0038)
42. Privilege Log Regarding Incident Report (Exhibit PP attached hereto)
43. Centennial Hills Hospital Incident Report (Exhibit QQ attached hereto and bates labeled CHH Incident Report00001-00005)
44. 2009 Patient Safety Fair Documents (Exhibit RR attached hereto and bates labeled 09PTSFTY00001-00002)
45. Service Excellence Commitment Agreement (Exhibit SS attached hereto and bates labeled Service00001-00006)
46. Policy and Procedure – Event Reporting System (Midas RDE) (Exhibit TT attached hereto and bates labeled P&P00018-00022)
47. Valley Health System Supplemental Staffing Orientation (Exhibit UU attached hereto and bates labeled CHH00369-00414)
48. Defendant reserves the right to supplement this list of documents.
49. Defendant reserves the right to utilize any document utilized or identified by any other party to this litigation.

DATED this 28<sup>th</sup> day of August, 2015.

HALL PRANGLE & SCHOONVELD, LLC

By: /s/ John Bemis  
MICHAEL E. PRANGLE, ESQ.  
Nevada Bar No. 8619  
JOHN F. BEMIS, ESQ.  
Nevada Bar No. 9509  
1160 North Town Center Drive, Suite 200  
Las Vegas, NV 89144  
Attorneys for Defendant  
Valley Health System, LLC d/b/a  
Centennial Hills Hospital Medical Center

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 28<sup>th</sup> day of August, 2015, I served a true and correct copy of the foregoing DEFENDANT VALLEY HEALTH SYSTEM, LLC d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER'S SIXTEENTH SUPPLEMENT TO IT'S INITIAL EARLY CASE CONFERENCE LIST OF WITNESSES AND DOCUMENTS via E-Service on Wiznet pursuant to mandatory NEFCR 4(b) to the following parties:

Robert E. Murdock, Esq.  
Eckley M. Keach, Esq.  
KEACH MURDOCK, LTD.  
521 South Third Street  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff*

Robert C. McBride, Esq.  
CARROL, KELLY, TROTTER,  
FRANZEN, MCKENNA & PEABODY  
8329 W. Sunset Road, Suite 260  
Las Vegas, NV 89113  
*Attorneys for Defendant*  
*Steven Dale Farmer Attorneys for*  
*Defendant Steven Dale Farmer*

S. Brent Vogel, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH  
6385 South Rainbow Blvd., Suite 600  
Las Vegas, NV 89118  
-and-  
James P.C. Silvestri, Esq.  
PYATT SILVESTRI  
701 Bridger Ave., Suite 600  
Las Vegas, NV 89101  
*Attorneys for Defendant*  
*American Nursing Services, Inc.*

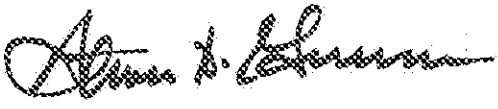
/s/ Diana Cox  
An employee of HALL PRANGLE & SCHOONVELD, LLC

4811-7854-3399, v. 1



**EXHIBIT “12”**

**EXHIBIT “12”**



CLERK OF THE COURT

1 RTRAN

2  
3  
4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 ESTATE OF JANE DOE, ET AL.,

9 Plaintiffs,

10 vs.

11 VALLEY HEALTH SYSTEM LLC, ET  
12 AL.,

13 Defendants.  
14

CASE NO. A595780

DEPT. II

15 BEFORE THE HONORABLE BONNIE A. BULLA, DISCOVERY COMMISSIONER  
16 WEDNESDAY, JUNE 3, 2015

17 RECORDER'S TRANSCRIPT OF PROCEEDINGS  
18 PLAINTIFFS' MOTION FOR NRCP 37 SANCTIONS AGAINST VALLEY HEALTH  
19 SYSTEM LLC d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER AND  
20 UNIVERSAL HEALTH SERVICES  
21  
22  
23  
24

25 RECORDED BY: FRANCESCA HAAK, COURT RECORDER

1 DISCOVERY COMMISSIONER: Do you know if these individuals had any input  
2 into that meeting?

3 MR. BEMIS: I do not know that.

4 DISCOVERY COMMISSIONER: Do you have a way of finding out?

5 MR. BEMIS: I do.

6 DISCOVERY COMMISSIONER: See, here's the problem. Mr. Murdock, I know  
7 the Rule 37 solution that you want, but, quite candidly, I think it's probably cleaner just to  
8 strike an answer, but in order to do that, you'd have to have an evidentiary hearing to  
9 determine whether or not it's intentional. And, quite candidly, that's a hearing I'm going to  
10 defer to the District Court Judge because of the facts and circumstances of the case since it  
11 may, in fact, require almost a mini trial, and I don't want to be in the position of doing that  
12 and then having the Judge have to redo it.

13 MR. MURDOCK: I understand.

14 DISCOVERY COMMISSIONER: However, having said that, I am dismayed when I  
15 look back at the 16.1 disclosure and I see the identity of multiple nurses, and these  
16 individuals are not listed; why not?

17 MR. BEMIS: I can't give you a good answer, Your Honor. The only answer I can  
18 give you is at that time not all the identities were known.

19 DISCOVERY COMMISSIONER: Okay. Even though they talked to the charge  
20 nurses, even though you indicated to me that Ms. Murray's statement was different than what  
21 she told you all, which I'm assuming was prior to 2009?

22 MR. BEMIS: That is correct.

23 DISCOVERY COMMISSIONER: Unless you can find some information for me that  
24 suggests that the identity of Ms. Murray, Ms. Wolfe, and Mr. Sumera were not known at the  
25 time that you made your initial disclosures, there is a significant problem here.

**EXHIBIT “13”**

**EXHIBIT “13”**

*Murdock & Associates, Chtd.*

*A Professional Law Corporation  
521 South Third Street  
Las Vegas, Nevada 89101  
E-mail: LasVegasJustice@aol.com*

*Telephone  
(702) 685-6111*

*Facsimile  
(702) 685-6222*

Robert E. Murdock

May 15, 2015

John F. Bemis, Esq.  
Hall Prangle & Schoonveld, LLC  
1160 N. Town Center Drive, #200  
Las Vegas, Nevada 89144

Re: Jane Doe v. Valley Health System, LLC *et al.*  
Case No.: 09-A-595780-C

Dear Mr. Bemis,

As you are aware, Rule 3.3 of the Nevada Rules of Professional Conduct states "(a) A lawyer shall not knowingly: (1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer."

In the Writ to the Nevada Supreme Court, you state that Centennial Hills "urged that there were no known prior acts or any other circumstances that could have put Centennial Hills on notice that Farmer would sexually assault Ms. Doe." While it is certainly true that your statement is correct in what you advised the District Court, at least at the time of filing your Writ, you were well aware of Nurse Wolfe's statement to the LVMPD and what Charge Nurse Ray Sumera told her weeks before the sexual assault upon Jane Doe (among the others). Though I am giving you the benefit of the doubt, *at this point*, that you were unaware of same in October of 2014 and until the PD's Office produced the discovery, when you filed the Writ you had Ms. Wolfe's statement, and, presumably, had even contacted her (and "offered" your services).

Hence, when you filed the Writ, you were well aware that Nurse Wolfe told the LVMPD in May of 2008 that:

A: Um, the same nurse, Ray Sumera, had told me um, another time that he—to watch him around my female patients. That he was concerned because he was very overly attentive with female patients and very anxious to connect them to the monitors and disconnect them from the monitors which would require him to reach into their clothing.

...

A: He was just very suspicious in his activities. Um, such as going into rooms with doors closed with female patients when he was not asked to.

*Murdock & Associates, Chtd.*

*A Professional Law Corporation*

May 15, 2015

Mr. Bemis

Page 2

And, after you filed the writ you were aware that Nurse Wolfe testified (under oath) that:

Q: ... So at some point several weeks prior to the Denise Hanna situation, Mr. Sumera came to you and told you to watch Mr. Farmer around your female patients, correct?

A: Correct.

Q: And he told you that he was concerned because Mr. Farmer was overly attentive with female patients, correct?

A: Yes.

Q: And he told you that Mr. Farmer was very anxious to connect them to the monitors, correct?

A: Yes.

Q: And when you say "connect them to the monitors," was that the heart monitors that we talked about before?

A: Yes.

Q: The 5 leads?

A: Correct.

Q: And also disconnect them from the monitors?

A: Yes.

Q: And that's the same heart monitors, the 5 leads, correct?

A: Correct.

Q: And of course that would require him to reach into their clothing, correct?

A: Yes.

///

*Murdock & Associates, Chtd.*  
*A Professional Law Corporation*

May 15, 2015

Mr. Bemis

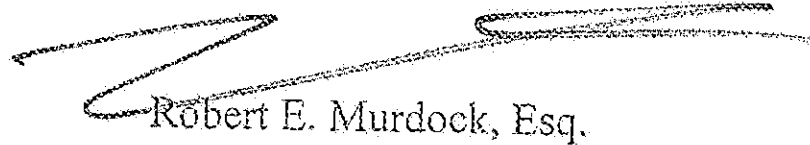
Page 3

Accordingly, you are well aware that your "urge" to the District Court, *repeated to the Supreme Court*, was false. You have a duty to immediately correct such a false statement. Demand is hereby made that you do so by Monday, May 18, 2015. Hence, you must immediately file a corrective Writ to the Supreme Court and, you must inform the District Court that your earlier "urge" was false.

Failing that, we will take any and all appropriate measures to advise the Court(s) of the truth and of the falsity of your statements. We will also seek severe sanctions for your conduct.

Very truly yours,

MURDOCK & ASSOCIATES, CHTD.



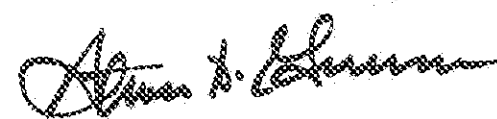
Robert E. Murdock, Esq.

REM/tnd

**EXHIBIT “14”**

**EXHIBIT “14”**





CLERK OF THE COURT

Robert E. Murdock, Esq.  
Nevada Bar No. 4013  
MURDOCK & ASSOCIATES, CHTD.  
521 South Third Street  
Las Vegas, NV 89101  
702-685-6111

Eckley M. Keach, Esq.  
Nevada Bar No. 1154  
ECKLEY M. KEACH, CHTD.  
521 South Third Street  
Las Vegas, NV 89101  
702-685-6111  
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

**MOTION FOR SUMMARY  
JUDGMENT AGAINST  
VALLEY HEALTH  
SYSTEM, LLC d/b/a  
CENTENNIAL HILLS  
HOSPITAL MEDICAL CENTER  
AND UNIVERSAL HEALTH  
SERVICES, INC.**

DATE:  
TIME:

COMES NOW Plaintiff Estate of Jane Doe (hereinafter "Plaintiff"), by and through its  
Special Administrator, Misty Petersen, by and through its attorneys of record, Murdock &  
Associates, Chtd. and Eckley M. Keach, Chtd., and hereby submits its Motion for Summary  
Judgment against Valley Health System LLC, d/b/a Centennial Hills Hospital Medical Center and  
Universal Health Services, Inc. (hereinafter "UHS"), as follows.

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POINTS AND AUTHORITIES

In the fall winter of 2014, the UHS Defendants (Centennial, Valley Health Systems, and UHS collectively "UHS") came to this Court and argued that the actions of Steven Farmer (hereinafter "Farmer") weren't remotely foreseeable as Farmer had done nothing at all to arouse suspicion. What was fascinating at the time was that the UHS Defendants simply told this Court the aforementioned without any Affidavits whatsoever. The UHS Defendants specifically told this Court, *without an Affidavit*, that Farmer's conduct was not foreseeable in that "there were absolutely no known prior acts by Mr. Farmer that could potentially put Centennial Hills on notice that Mr. Farmer would assault a patient." Centennial Opp. MSJ at 9. Now, we know why there was no Affidavit--**IT WAS FALSE**. Incredibly, the UHS Defendants recently reiterated this fiction before the Nevada Supreme Court. See Writ of Mandamus at 14-15.<sup>1</sup> Plaintiff recently came into the possession of Nurse Margaret Wolfe's (hereinafter "Wolfe") 5/30/08 statement to the LVMPD. There is no way the UHS Defendants did not have this document---as the UHS Defendants' counsel was a consultant to the criminal attorneys of Farmer and it would be hard to fathom that a criminal defendant's consultant would not have all of the statements.

While the conduct of the UHS Defendants is seriously an issue for this Court's review in that Mr. Bemis has violated Nev. R. Pro. Resp. 3.3 (and this Court should *sua sponte* take action regarding same), the issue herein is that there is no genuine issue of material fact regarding foreseeability. Summary judgment on the Affirmative Defense of NRS 41.745 must be granted and the UHS Defendants must be vicariously liable for the actions of Farmer. The UHS Defendants were well on notice of Farmer's actions.

///

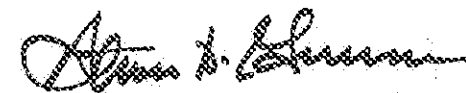
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<sup>1</sup> Then, in an Amended Writ, they did so again. See Amended Writ at 13.

**EXHIBIT “15”**

**EXHIBIT “15”**



CLERK OF THE COURT

MURDOCK & ASSOCIATES, CHTD.  
ECKLEY M. KEACH, CHTD.  
Robert E. Murdock, Esq.  
Nevada Bar No. 4013  
Eckley M. Keach, Esq.  
Nevada Bar No. 1154  
521 South Third Street  
Las Vegas, NV 89101  
702-685-6111  
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

**EVIDENTIARY HEARING BRIEF  
IN SUPPORT OF THE STRIKING  
OF DEFENDANT CENTENNIAL  
HILLS HOSPITAL'S ANSWER  
TO PLAINTIFF'S AMENDED  
COMPLAINT AND  
AFFIRMATIVE DEFENSES**

DATE:  
TIME:

**I. INTRODUCTION**

This case has been going on since 2009. It has had numerous twists and turns, stays and starts. Between discovery and pleadings, this case has kept all counsel busy. But, the Motion for Sanctions, which was heard by the Discovery Commissioner, and resulted in \$18,000 worth of sanctions and an evidentiary hearing to determine whether Centennial's answer should be struck, is different. Centennial has blatantly and flagrantly ignored the rules in this case in an effort to prevent Plaintiff from discovering information that goes to the heart of foreseeability. Their

1 and were certainly known in 2009, at the initial 16.1 and there was no identification. There was  
2 no Privilege Log or any indication that there was something "out there" that, as Centennial  
3 concedes could be relevant to Plaintiff's case."

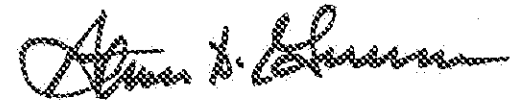
4  
5 Now in terms of misleading look at the timing again. Rule 3.3 of the Nevada Rules of  
6 Professional Conduct states "(a) A lawyer shall not knowingly: (1) Make a false statement of  
7 fact or law to a tribunal or fail to correct a false statement of material fact or law previously made  
8 to the tribunal by the lawyer." Giving Centennial every benefit of the doubt, at the very least, as  
9 of May of 2013, Centennial had the Wolfe and Murray LVMPD Statements, knew that  
10 Nurse Murray discussed a sitter situation with Farmer and Nurse Wolfe discussed what  
11 Nurse Sumera told her, and they knew it "could be relevant" to Plaintiff's case. Still,  
12 Centennial and its counsel told this Court in October of 2014, a minimum of eighteen (18) months  
13 after admitting they had the criminal file with the names and statements, that "In the instant  
14 situation, there were absolutely no known prior acts by Mr. Farmer that could potentially put  
15 Centennial on notice that Mr. Farmer would assault a patient." CH. Opp. to MSJ at 9. That was  
16 simply untrue. Then, to make matters worse, Centennial filed a Writ in May 2015 with the  
17 Nevada Supreme Court and made the same statement: Centennial "urged that there were no known  
18 prior acts or any other circumstances that could have put Centennial on notice that Farmer would  
19 sexually assault Ms. Doe." Writ at 14-15. That was simply untrue.

20  
21 Centennial concedes that it knew the witnesses and documents could be relevant to  
22 Plaintiff's case. So, telling this Court and the Nevada Supreme Court that Centennial had no  
23 knowledge about any issues with Farmer, was misleading. And, intentionally so.

24  
25 The impact on this case is memory loss. Centennial doesn't remember much. See Butler  
26 at 75-76, Blasing at 32-35. Centennial cannot even determine when the "sitter" incident occurred  
27 with Nurse Murray. (Attorney Ken Webster will confirm this). And, as this Court knows, Nurse  
28

**EXHIBIT “16”**

**EXHIBIT “16”**



CLERK OF THE COURT

**BREF**

MICHAEL E. PRANGLE, ESQ.  
Nevada Bar No. 8619  
JOHN F. BEMIS, ESQ.  
Nevada Bar No. 9509  
HALL PRANGLE & SCHOONVELD, LLC  
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Email: [efile@hpslaw.com](mailto:efile@hpslaw.com)  
*Attorneys for Defendants*  
*Valley Health System, LLC d/b/a*  
*Centennial Hills Hospital and*  
*Universal Health 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 CORPORATIONS I  
through X, inclusive,

Defendants.

CASE NO. A595780  
DEPT NO. II

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

HEARING DATE: August 28, 2015  
HEARING TIME: 9:00 a.m.

COME NOW, Defendants, VALLEY HEALTH SYSTEMS, LLC d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER AND UHS OF DELAWARE, INC., (hereinafter  
“Hospital Defendants”) by and through their attorneys, HALL PRANGLE & SCHOONVELD,  
LLC, and hereby file their Brief In Support of Their Position Concerning the Court’s Evidentiary

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

1 C. The Hospital Defendants Have Not Misled The Court.

2 While the Discovery Commissioner was not specific on this point, Plaintiff has  
3 previously asserted that given the knowledge of Nurses Wolfe, Sumera and Murray and the  
4 content of the police file in May of 2013, the Hospital Defendants should not thereafter have  
5 argued in their court papers that Farmer's criminal sexual assaults on Ms. Doe were not  
6 reasonably foreseeable to them. The unfounded nature of this assertion is reflected in this  
7 Court's July 7, 2015 Order (Exhibit N), denying Plaintiff's Motion for Summary Judgment on  
8 the ground that considering the deposition testimony of these three nurses, their interactions with  
9 Farmer, and the content of the police file, a reasonable juror could conclude that Farmer's  
10 criminal sexual assaults on Ms. Doe were not reasonably foreseeable to the Hospital Defendants  
11 under the facts and circumstances of this case.  
12  
13

14 III.

15 CONCLUSION

16 Based on the foregoing, Defendants Centennial Hills Hospital and UHS  
17 respectfully request this Honorable Court decide against issuing case-terminating sanctions.  
18

19 DATED this 26th day of August, 2015.

20 HALL PRANGLE & SCHOONVELD, LLC

21 /s/ John Bemis

22 MICHAEL E. PRANGLE, ESQ.

23 Nevada Bar No.: 8619

24 JOHN F. BEMIS, ESQ.

25 Nevada Bar No. 9509

26 1160 North Town Center Drive, Suite 200

27 Las Vegas, NV 89144

28 *Attorneys for Defendants*

*Valley Health System, LLC d/b/a*

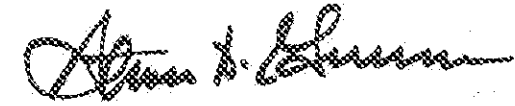
*Centennial Hills Hospital Medical Center*

*and Universal Health Services, Inc.*



**EXHIBIT “17”**

**EXHIBIT “17”**



CLERK OF THE COURT

1 NOAC  
2 DENNIS L. KENNEDY  
3 Nevada Bar No. 1462  
4 JOSEPH A. LIEBMAN  
5 Nevada Bar No. 10125  
6 JOSHUA P. GILMORE  
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19 *Attorneys Appearing for Defendants Centennial*  
20 *Hills Hospital and Universal Health Services, Inc.*

21 DISTRICT COURT  
22 CLARK COUNTY, NEVADA

23 MISTY PETERSON, AS SPECIAL  
24 ADMINISTRATOR OF THE ESTATE OF  
25 JANE DOE,

26 Plaintiff,

27 vs.

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

NOTICE OF ASSOCIATION OF  
COUNSEL

///

///

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8984 SPANISH RIDGE AVENUE  
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702.562.8820

1 PLEASE TAKE NOTICE that Dennis L. Kennedy, Joseph A. Liebman, Joshua P. Gilmore,  
2 and Mark D. Hesiak of the law firm Bailey ♦ Kennedy, are associating with Michael E. Prangle, Esq.  
3 and John F. Bernis, of the law firm Hall Prangle and Schoonveld, LLC as counsel of record for  
4 Defendant Valley Health System LLC, dba Centennial Hills Hospital Medical Center and Universal  
5 Health Services, Inc.

6 Request is made that Dennis L. Kennedy, Joseph A. Liebman, Joshua P. Gilmore, and Mark  
7 D. Hesiak, of the law firm Bailey ♦ Kennedy, be included on the service or mailing list for all  
8 pleadings, correspondence, and other papers filed or served.

9 DATED this 16th day of November, 2015.

10 BAILEY ♦ KENNEDY

11  
12 By 

13 DENNIS L. KENNEDY  
14 JOSEPH A. LIEBMAN  
15 JOSHUA P. GILMORE  
16 MARK HESIAK

17 *Attorneys Appearing for Defendants*  
18 *Centennial Hills Hospital and Universal*  
19 *Health Services, Inc.*  
20  
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CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 16th day of November, 2015, service of the foregoing NOTICE OF ASSOCIATION OF COUNSEL 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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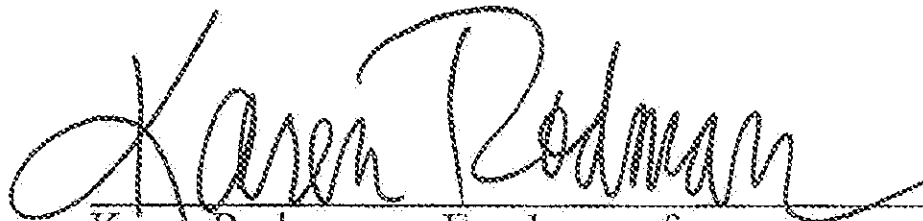
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Nursing Services, Inc.*

  
Karen Rodman, an Employee of  
BAILEY ♦ KENNEDY

**EXHIBIT “18”**

**EXHIBIT “18”**



CLERK OF THE COURT

1 **OPP**

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4 JOHN F. BEMIS, ESQ.

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12 *Attorneys for Defendants*

13 *Centennial Hills Hospital and*

14 *Universal Health Services, Inc.*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

15 MISTY PETERSON, AS SPECIAL  
16 ADMINISTRATOR OF THE ESTATE OF  
17 JANE DOE,

18 Plaintiff,

19 vs.

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

Defendants.

CASE NO. A595780  
DEPT NO. II

**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**

COMES NOW, Defendants, CENTENNIAL HILLS HOSPITAL and UNIVERSAL  
HEALTH SERVICES, INC., by and through their attorneys of record, the law firm of HALL,

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

1 The Nevada Supreme Court has quoted, with approval, the California Court of Appeal in  
2 explaining foreseeability in the context of respondeat superior as follows:

3 Foreseeability, as a test for respondeat superior merely means that in the context of  
4 the particular enterprise an employee's conduct is not so unusual or startling that it  
5 would seem unfair to include the loss resulting from it among other costs of the  
6 employer's business. In other words, where the question is one of vicarious liability,  
7 the inquiry should be whether the risk was one 'that may fairly be regarded as typical  
8 of or broadly incidental' to the enterprise undertaken by the employer.

9 Under the modern rationale for respondeat superior, the test for determining whether  
10 an employer is vicariously liable for the tortious conduct of his employee is closely  
11 related to the test applied in workers' compensation cases for determining whether an  
12 injury arose out of or in the course of employment. See *Wood*, 121 Nev. at 740  
13 (citing *Rodgers v. Kemper Construction Co.*, 50 Cal.App.3d 608, 124 Cal.Rptr. 143,  
14 148-49 (1975)).

15 In *Wood*, the Nevada Supreme Court concluded that the because the assailant had no prior  
16 criminal record in the United States or Mexico, and because there was no prior complaints  
17 against the assailant for sexual harassment, that it was not reasonably foreseeable that the  
18 assailant would sexually assault a Safeway employee. 121 Nev. at 740. In *Vaughan*, the Nevada  
19 Supreme Court held that based on a lack of a criminal record and no worker complaints of  
20 violent assault, Harrah's could not be held liable for its employee assaulting a patron in the  
21 bathroom. *Exhibit C*, 2008 WL 6124455, 2.

22 In the instant situation, there were absolutely no known prior acts by Mr. Farmer that  
23 could potentially put Centennial Hills on notice that Mr. Farmer would assault a patient. Prior  
24 to the alleged incident, Steven Farmer was a certified nurses' assistant in California and Nevada.  
25 Mr. Farmer went through a background check to receive his certification in both states.  
26 Centennial Hills was provided with a criminal background check, proof of negative drug test and  
27 employment background information prior to booking shifts with Mr. Farmer. Thereafter,  
28 Centennial Hills performed a primary source verification with the Nevada State Board of  
Nursing prior to hiring Mr. Farmer. Further, in reviewing Mr. Farmer's employment file at

**EXHIBIT “19”**

**EXHIBIT “19”**



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IN THE SUPREME COURT OF THE  
STATE OF NEVADA

VALLEY HEALTH SYSTEM, LLC, a  
Delaware limited liability company,  
d/b/a CENTENNIAL HILLS  
HOSPITAL MEDICAL CENTER and  
UNIVERSAL HEALTH SERVICES,  
INC., a Delaware corporation,

*Petitioners,*

vs.

EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK, and THE  
HONORABLE RICHARD F. SCOTTI,

*Respondents,*

and

AMERICAN NURSING SERVICES,  
INC., a Louisiana corporation; ESTATE  
OF JANE DOE, by and through its  
Special Administrator, Misty Peterson;  
STEVEN DALE FARMER, an  
individual; DOES I through X,  
inclusive; and ROE CORPORATIONS  
I through X, inclusive,

*Real Parties in Interest.*

Supreme Court Case  
No.: \_\_\_\_\_

District Court No.  
09-A-595780-C

Dept. II

Electronically Filed  
Apr 29 2015 08:40 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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

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Nevada Bar No. 8619  
JOHN F. BEMIS, ESQ.  
Nevada Bar No. 9509  
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*Attorneys for Petitioners Valley Health System,  
LLC, d/b/a Centennial Hills Hospital Medical  
Center and Universal Health Services, Inc.*

4810-6907-6259, v. 1

1 against Jane Doe, which included sexual assault, open or gross lewdness, and  
2 indecent exposure. (WA0122-24, Vol. I).

3  
4 **C. Plaintiff Moves For Summary Judgment On Liability**

5 On September 29, 2014, Plaintiff moved for summary judgment on the issue  
6 of liability against all defendants, including ANS, Centennial Hills and UHS.  
7 (WA0053-124, Vol. I). Plaintiff urged that each of these corporate entities was  
8 vicariously liable as a matter of law for Farmer's criminal assaults on Ms. Doe.  
9 (WA0062-64, Vol. I). However, Plaintiff's initial motion did not cite to NRS  
10 41.745, or even argue the issue of foreseeability as to any of the corporate  
11 defendants. (WA0053-124, Vol. I).  
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15 Centennial Hills and UHS opposed Plaintiff's summary judgment motion,  
16 citing NRS 41.745 and urging that Plaintiff could not recover even at a jury trial,  
17 much less as a matter of law, as Centennial Hills and UHS urged that in criminally  
18 assaulting Ms. Doe, Farmer was engaged in a truly independent venture; that he  
19 was not acting within the course and scope of any assigned task or duties as nurse  
20 assistant; and that his criminal assaults of Ms. Doe were not reasonably foreseeable  
21 to Centennial Hills. (WA0129-38, Vol. I). Specifically, Centennial Hills and UHS  
22 relied upon this Court's decision in *Wood v. Safeway, Inc.*, 121 Nev. 724, 737, 121  
23 P.3d 1026, 1035 (2005), and urged that there were no known prior acts or any  
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1 other circumstances that could have put Centennial Hills on notice that Farmer  
2 would sexually assault Ms. Doe. (WA0132-35, Vol. I). ANS provided Centennial  
3 Hills with documentation showing that Farmer was certified as a CNA in both  
4 California and Nevada, that he had passed a criminal background test in both  
5 states, as well as a negative drug test. (WA0133-34, WA0170-72, WA0183; Vol.  
6 I). ANS also provided Centennial Hills with Farmer's prior employment  
7 information, which contained no reports of improper conduct or bad character.  
8 (WA0133-34, Vol. I).

12 In her Reply, Plaintiff urged that she was required to prove only the "general  
13 foreseeability" standard discussed in *State Dep't of Hum. Res. v. Jimenez*, 113 Nev.  
14 735, 941 P.2d 969 (1997), a Nevada Supreme Court opinion that was subsequently  
15 withdrawn. (WA0521, Vol. III). Although Plaintiff acknowledged that the Nevada  
16 legislature intended to overrule *Jimenez* when it drafted NRS 41.745 (WA0519, fn.  
17 9; Vol. III); nevertheless, she urged that it was sufficient for her to show that  
18 Farmer's sexual assaults were "not so unusual or startling," given that CNAs and  
19 other hospital personnel often have physical contact with a patient. (WA0521-24,  
20 Vol. III). Plaintiff even urged that foreseeability was established as to ANS by the  
21 fact that ANS had purchased liability insurance to cover sexual assaults.  
22 (WA0523, Vol. III). Plaintiff also provided "expert" affidavits asserting the  
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**CASE NO. 70083**

---

**IN THE  
SUPREME COURT OF NEVADA**

---

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

Appellants,

vs.

**ESTATE OF JANE DOE, BY AND THROUGH ITS SPECIAL  
ADMINISTRATOR, MISTY PETERSON,**

Respondent.

---

**APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT, CLARK  
COUNTY, NEVADA  
HONORABLE JUDGE RICHARD SCOTTI, CASE NO. A-09-595780-C**

---

**APPELLANTS' APPENDIX TO OPENING BRIEF**

**VOLUME IX of XVII**

---

---

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**APPENDIX TO APPELLANTS' OPENING BRIEF**

**VOLUME IX of XVII**

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| 26                        | Plaintiff's Opposition to Defendant's 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 filed December 2, 2015 | AA1590-<br>AA1821            |

**APPENDIX TO APPELLANTS' OPENING BRIEF**

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| Amended Complaint filed August 21, 2009                                                                                                                                                                                                                                                            | I                         | 2                      | AA0007-<br>AA0012        |
| Complaint filed July 23, 2009                                                                                                                                                                                                                                                                      | I                         | 1                      | AA0001-<br>AA0006        |
| Defendant American Nursing Services, Inc.'s 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 this Court's November 4, 2015 Order filed December 4, 2015 | X                         | 27                     | AA1822-<br>AA1824        |
| Defendant Steven Dale Farmer's Limited Opposition to Plaintiff's Motion for Summary Judgment Re: Liability filed October 13, 2014                                                                                                                                                                  | I                         | 5                      | AA0094-<br>AA0098        |
| Defendant Universal Health Services, Inc.'s Answer to Plaintiff's Amended Complaint filed September 11, 2013                                                                                                                                                                                       | I                         | 3                      | AA0013-<br>AA0021        |
| 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 October 16, 2014                                                   | I                         | 7                      | AA0113-<br>AA0116        |
| 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 filed August 26, 2015                                                                                          | IV                        | 20                     | AA0612-<br>AA0735        |

| <b><u>Document Title:</u></b>                                                                                                                                                                                      | <b><u>Volume No.:</u></b> | <b><u>Tab No.:</u></b> | <b><u>Page Nos.:</u></b> |
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| Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Joint Notice of Appeal filed March 30, 2016                                               | XVII                      | 84                     | AA3306-AA3308            |
| 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 filed November 19, 2015 | VIII                      | 25                     | AA1390-AA1589            |
| 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 filed May 13, 2015                 | III                       | 13                     | AA0469-AA0487            |
| Defendant's Exhibit A – Las Vegas Metropolitan Police Dept. File                                                                                                                                                   | X & XI                    | 35                     | AA1867-AA2050            |
| Defendant's Exhibit A-1 (Pictures of Defendant Farmer)                                                                                                                                                             | XI                        | 36                     | AA2244-AA2249            |
| Defendant's Exhibit List from Vault                                                                                                                                                                                | X                         | 33                     | AA1863                   |
| Discovery Commissioner's Report and Recommendations filed August 19, 2015                                                                                                                                          | IV                        | 19                     | AA0605-AA0611            |
| Evidentiary Hearing Brief in Support of the Striking of Defendant Centennial Hills Hospital's Answer to Plaintiff's Amended Complaint and Affirmative Defenses filed August 26, 2015                               | V                         | 21                     | AA0736-AA0948            |
| Notice of Entry of Order Denying Motion for Reconsideration filed December 11, 2015                                                                                                                                | X                         | 30                     | AA1842-AA1847            |
| Notice of Entry of Order on Plaintiff's Motion for Summary Judgment Re: Liability filed March 2, 2015                                                                                                              | III                       | 10                     | AA0352-AA0362            |
| Notice of Entry of Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct filed November 5, 2015                                                                         | VII                       | 24                     | AA1348-AA1389            |



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| Notice of Entry of Stipulation and Order for Dismissal with Prejudice filed February 29, 2016                                                                                                                 | X                         | 32                     | AA1854-AA1862            |
| Order Denying Motion for Reconsideration filed December 10, 2015                                                                                                                                              | X                         | 29                     | AA1839-AA1841            |
| Order Denying Petition for Writ of Mandamus or Prohibition filed May 20, 2015                                                                                                                                 | III                       | 14                     | AA0488-AA0489            |
| Order on Plaintiff's Motion for Summary Judgment Re: Liability filed February 27, 2015                                                                                                                        | III                       | 9                      | AA0344-AA0351            |
| Order Setting Evidentiary Hearing filed August 4, 2015                                                                                                                                                        | IV                        | 18                     | AA0602-AA0604            |
| Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct filed November 4, 2015                                                                                       | VII                       | 23                     | AA1309-AA1347            |
| Plaintiff's Exhibit 1 – Defendant Centennial Hills Hospital and Universal Health Services, Inc.'s Initial Early Case Conference List of Witnesses and Documents dated November 24, 2009                       | XI                        | 37                     | AA2250-AA2254            |
| Plaintiff's Exhibit 1 – Photo of Universal Health Services Address with Vault Exhibit Form                                                                                                                    | XI                        | 38                     | AA2255-AA2256            |
| Plaintiff's Exhibit 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 April 16, 2010 | XI                        | 39                     | AA2257-AA2262            |

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| Plaintiff's Exhibit 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 February 12, 2013 | XI                        | 40                     | AA2263-AA2269            |
| Plaintiff's Exhibit 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 March 11, 2013     | XI                        | 41                     | AA2270-AA2275            |
| Plaintiff's Exhibit 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 March 12, 2013    | XI                        | 42                     | AA2276-AA2281            |
| Plaintiff's Exhibit 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 March 18, 2013     | XI                        | 43                     | AA2282-AA2288            |
| Plaintiff's Exhibit 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 June 7, 2013       | XI                        | 44                     | AA2289-AA2296            |
| Plaintiff's Exhibit 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 October 27, 2014 | XII                       | 45                     | AA2297-AA2304            |

| <b><u>Document Title:</u></b>                                                                                                                                                                                                | <b><u>Volume No.:</u></b> | <b><u>Tab No.:</u></b> | <b><u>Page Nos.:</u></b> |
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| Plaintiff's Exhibit 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 April 22, 2015    | XII                       | 46                     | AA2305-AA2315            |
| Plaintiff's Exhibit 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 June 10, 2015      | XII                       | 47                     | AA2316-AA2326            |
| Plaintiff's Exhibit 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 June 16, 2015      | XII                       | 48                     | AA2327-AA2340            |
| Plaintiff's Exhibit 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 June 17, 2015   | XII                       | 49                     | AA2341-AA2354            |
| Plaintiff's Exhibit 1l – 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 July 10, 2015    | XII                       | 50                     | AA2355-AA2369            |
| Plaintiff's Exhibit 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 July 13, 2015 | XII                       | 51                     | AA2370-AA2384            |

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| Plaintiff's Exhibit 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 July 20, 2015                                                                                   | XII                       | 52                     | AA2385-AA2399            |
| Plaintiff's Exhibit 2 – Centennial Security Daily Activity Logs May 14-16, 2008                                                                                                                                                                                                                                | XII                       | 53                     | AA2400-AA2421            |
| Plaintiff's Exhibit 3 – Deposition Transcript of Renato Sumera, RN taken on May 1, 2015                                                                                                                                                                                                                        | XII                       | 54                     | AA2422-AA2461            |
| Plaintiff's Exhibit 4 – Universal Health Services Incident Report dated May 15, 2008                                                                                                                                                                                                                           | XII                       | 55                     | AA2462-AA2464            |
| Plaintiff's Exhibit 5 – Complaint for Money Damages, Cagnina v. Centennial Hills Hospital Medical Center, et al., Case No. A570756, filed September 2, 2008 and First Amended Complaint for Money Damages, Cagnina v. Centennial Hills Hospital Medical Center, et al., Case No. A570756, filed April 28, 2010 | XII                       | 56                     | AA2465-AA2489            |
| Plaintiff's Exhibit 6 – Deposition Transcript of Christine Murray dated January 27, 2010                                                                                                                                                                                                                       | XIII                      | 57                     | AA2490-AA2566            |
| Plaintiff's Exhibit 7 – Deposition Transcript of Amy Bochenek dated March 10, 2010                                                                                                                                                                                                                             | XIII                      | 58                     | AA2567-AA2589            |
| Plaintiff's Exhibit 8 – Deposition Transcript of Amy Blasing, MSN, RN dated July 28, 2015                                                                                                                                                                                                                      | XIII                      | 59                     | AA2590-AA2621            |
| Plaintiff's Exhibit 9 – Rule 16.1 Mandatory Pretrial Discovery Requirements                                                                                                                                                                                                                                    | XIII                      | 60                     | AA2622                   |
| Plaintiff's Exhibit 10 – Public Defender's Office E-mails                                                                                                                                                                                                                                                      | XIV                       | 61                     | AA2623-AA2757            |
| Plaintiff's Exhibit 10a – Chronology of Public Defender's Office E-mails                                                                                                                                                                                                                                       | XIV                       | 62                     | AA2758-AA2790            |

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| Plaintiff's Exhibit 11 – Letter from Amy Feliciano to McBride, Bemis & Vogel dated January 31, 2013                                                                                                                                                             | XIV                       | 63                     | AA2791                   |
| Plaintiff's Exhibit 12 – Notice of Entry of Order Re: Discovery Commissioner's Report and Recommendations dated May 6, 2013                                                                                                                                     | XIV                       | 64                     | AA2792-AA2804            |
| Plaintiff's Exhibit 13 – Christine Murray Voluntary Statement to Las Vegas Metropolitan Police Department dated June 13, 2008                                                                                                                                   | XIV                       | 65                     | AA2805-AA2820            |
| Plaintiff's Exhibit 14 – Margaret Wolfe Voluntary Statement to Las Vegas Metropolitan Police Department dated May 30, 2008                                                                                                                                      | XIV                       | 66                     | AA2821-AA2834            |
| Plaintiff's Exhibit 15 - Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.'s Objection to Discovery Commissioner Report and Recommendation filed July 30, 2015                             | III                       | 16                     | AA0566-AA0580            |
| Plaintiff's Exhibit 16 – Defendant Valley Health Systems, LLC d/b/a Centennial Hills Hospital Medical Center's Motion for Protective Order filed June 19, 2013                                                                                                  | XIV                       | 67                     | AA2835-AA2850            |
| Plaintiff's Exhibit 17 – Discovery Commissioner's Report and Recommendation filed September 4, 2013                                                                                                                                                             | XIV                       | 68                     | AA2851-AA2856            |
| Plaintiff's Exhibit 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 filed October 14, 2014 | I                         | 6                      | AA0099-AA0112            |

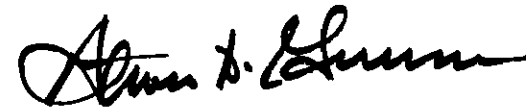
| <b><u>Document Title:</u></b>                                                                                                                                                                                                               | <b><u>Volume No.:</u></b> | <b><u>Tab No.:</u></b> | <b><u>Page Nos.:</u></b> |
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| Plaintiff's Exhibit 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 filed April 29, 2015                 | III                       | 11                     | AA0363-AA0406            |
| Plaintiff's Exhibit 20 – Rule 3.3 Candor Toward Tribunal                                                                                                                                                                                    | XIV                       | 69                     | AA2857                   |
| Plaintiff's Exhibit 21 – Recorder's Transcript of Proceedings – Plaintiff's Motion for NRCP 37 Sanctions Against Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services filed August 4, 2015 | IV                        | 17                     | AA0581-AA0601            |
| Plaintiff's Exhibit 22 – Deposition Transcript of Christine Murray dated January 8, 2015                                                                                                                                                    | XV                        | 70                     | AA2858-AA2880            |
| Plaintiff's Exhibit 23 – Deposition Transcript of Sajit Pullarkat dated August 7, 2015                                                                                                                                                      | XV                        | 71                     | AA2881-AA2896            |
| Plaintiff's Exhibit 24 – Deposition Transcript of PMK of Centennial Hills Hospital (Sajit Pullarkat) dated August 7, 2015                                                                                                                   | XV                        | 72                     | AA2897-AA2908            |
| Plaintiff's Exhibit 25 – Deposition Transcript of Janet Calliham dated August 18, 2015                                                                                                                                                      | XV                        | 73                     | AA2909-AA2964            |
| Plaintiff's Exhibit 26 – Deposition Transcript of Margaret Wolfe, RN dated May 5, 2015                                                                                                                                                      | XV                        | 74                     | AA2965-AA2984            |
| Plaintiff's Exhibit 27 – Defendant Valley Health System, LLC's Responses to Plaintiff's Eleventh Set of Interrogatories dated June 12, 2015                                                                                                 | XV                        | 75                     | AA2985-AA2989            |

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| Plaintiff's Exhibit 28 – Defendant Valley Health System, LLC's Responses to Plaintiff's Tenth Set of Interrogatories dated June 10, 2015                                                                                                                                                                                                                                          | XV                        | 76                     | AA2990-AA2993            |
| Plaintiff's Exhibit 29 – Las Vegas Metropolitan Police Department's Criminal file of Steven Dale Farmer bates labeled LVMPD00001-LVMPD00190 with Privilege Log (Exhibit W 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 dated October 27, 2014) | XVI                       | 77                     | AA2994-AA3185            |
| Plaintiff's Exhibit 30 – Excerpts of Deposition of Carol Butler dated June 9, 2015                                                                                                                                                                                                                                                                                                | XVII                      | 78                     | AA3186-AA3201            |
| Plaintiff's Exhibit 31 – Excerpts of Deposition of Renato Sumera, RN dated May 1, 2015                                                                                                                                                                                                                                                                                            | XVII                      | 79                     | AA3202-AA3213            |
| Plaintiff's Exhibit 32 – Excerpts of Deposition of Margaret Wolfe, RN dated May 5, 2015                                                                                                                                                                                                                                                                                           | XVII                      | 80                     | AA3214-AA3221            |
| Plaintiff's Exhibit 33 – Excerpts of Deposition of Amy Blasing, MSN, RN dated July 28, 2015                                                                                                                                                                                                                                                                                       | XVII                      | 81                     | AA3222-AA3246            |
| Plaintiff's Exhibit 34 – Excerpts of Deposition of Christine Murray, RN dated January 8, 2015                                                                                                                                                                                                                                                                                     | XVII                      | 82                     | AA3247-AA3251            |
| Plaintiff's Exhibit List from Vault                                                                                                                                                                                                                                                                                                                                               | X                         | 34                     | AA1864-AA1866            |
| 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 filed April 29, 2015                                                                                                                                                                                                 | III                       | 12                     | AA0407-AA0468            |

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| Plaintiff's Motion for Summary Judgment Re: Liability filed September 29, 2014                                                                                                                                                               | I                         | 4                      | AA0022-AA0093            |
| Plaintiff's Opposition to Defendant's 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 filed December 2, 2015 | IX                        | 26                     | AA1590-AA1821            |
| Reply in Support of Motion for Reconsideration filed December 4, 2015                                                                                                                                                                        | X                         | 28                     | AA1825-AA1838            |
| 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 filed May 21, 2015                                  | III                       | 15                     | AA0490-AA0565            |
| Reply to Defendants' Oppositions to Plaintiff's Motion for Summary Judgment Re: Liability filed November 21, 2014                                                                                                                            | II                        | 8                      | AA0117-AA0343            |
| Reporter's Transcript of Evidentiary Hearing and Motions held on August 28, 2015                                                                                                                                                             | VI & VII                  | 22                     | AA0949-AA1175            |
| Stipulation and Order for Dismissal with Prejudice filed February 29, 2016                                                                                                                                                                   | X                         | 31                     | AA1848-AA1853            |
| Transcript of Proceedings – Defendant 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                        | XVII                      | 83                     | AA3252-AA3305            |



TAB 26



CLERK OF THE COURT

1 **OPP**

2 Robert E. Murdock, Esq.

3 Nevada Bar No. 4013

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14 Attorneys for Plaintiff

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

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

15 Plaintiff,

16 vs.

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

26 Defendants.

CASE NO. 09-A-595780-C

DEPT. NO. II

**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**

Date: December 7, 2015

Time: 9 a.m.

23 COMES NOW Plaintiff Estate of Jane Doe, by and through its Special Administrator, Misty  
24 Petersen (hereinafter "Plaintiff"), by and through its attorneys of record, Murdock & Associates,  
25 Chtd. and Eckley M. Keach, Chtd., and hereby submits its Opposition to Defendant's Valley Health  
26 System, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Services, Inc.  
27  
28

1 (hereafter "Valley Health") Motion for Reconsideration of Court's November 4, 2015 Order as  
2 follows.

3 This Opposition is made and based upon the papers and pleadings on file herein, the  
4 attached Points and Authorities, and any oral argument as may be had by this Court.  
5

6 DATED this 2<sup>nd</sup> day of December, 2015.

7 MURDOCK & ASSOCIATES, CHTD.  
8 ECKLEY M. KEACH, CHTD.

9 /s/ Robert E. Murdock  
10 Robert E. Murdock Bar No. 4013  
11 Eckley M. Keach Bar No. 1154  
12 521 South Third Street  
13 Las Vegas, NV 89101  
14 Attorneys for Plaintiff

15 POINTS AND AUTHORITIES

16 The point of a Motion to reconsider is to advise the Court of something it missed or did  
17 wrong. It is not a place for a party to create new arguments based upon the same evidence or  
18 reargue all that went before. Valley Health wants to re-litigate briefs, arguments in front of the  
19 Discovery Commissioner, facts, the briefs before the Evidentiary Hearing, and the Evidentiary  
20 Hearing itself. While the Motion adds a new affidavit of a Metro Officer (who cannot definitively  
21 say anything about the evidence and is hearsay anyway), and a new affidavit of the Risk Manager at  
22 Centennial (Ms. Bell--who tells us that Ms. Butler and Ms. Bochenek were still employed at  
23 Centennial at the time of the filing of Plaintiff's lawsuit and for the 16.1—despite what Mr. Prangle  
24 told this Court time and again at the evidentiary hearing), no other "new" evidence is produced.  
25 And, regarding the Metro Officer and Ms. Bell, Valley Health forgets to advise why this couldn't  
26 have been produced at the evidentiary hearing (where they would have been subject to cross  
27 examination). That aside, in terms of alleged error, Valley Health faults this Court for using the  
28

1 “collective knowledge doctrine” which this Court did not use, and, faults the Court for a due  
2 process issue about notice that ignores that Valley Health and Hall Prangle were absolutely on  
3 notice. Incredibly, Valley Health faults this Court for “creating” a conflict of interest which Hall  
4 Prangle (and presumably Valley Health) were well aware of at the time of the evidentiary hearing.  
5 Finally, Valley Health wants to reargue the prejudice issue but does not even bother to allege any  
6 new evidence or error. Instead, in violation of the rules, Valley Health just wants to reargue.

8 Before its ruling, this Court had before it witnesses, depositions, arguments of counsel,  
9 briefs, and time. The parties submitted the evidence at the hearing without reservation.<sup>1</sup> This Court  
10 wrote a painstakingly comprehensive Order that Valley Health wants to pick apart as a Monday  
11 Morning Quarterback as if the evidentiary hearing was simply a meaningless prelude to the Motion  
12 for Reconsideration. The problem for Valley Health is that there is a record. And that record is its  
13 Achilles heel.

#### 15 1. Law Governing This Motion

16 The primary purpose of a petition for reconsideration is to inform the Court that it has  
17 overlooked an important argument or fact, or misread or misunderstood a case or fact in the record.  
18 See *Moore vs. City of Las Vegas*, 92 Nev. 402, 551 P.2d 244 (1976). “Only in very rare instances  
19 in which new issues of fact or law are raised supporting a ruling contrary to the ruling already  
20 reached should a motion for rehearing be granted.” *Id.* at 405. However, a motion to reconsider is  
21 not a chance to simply reargue. See, e.g., *Barron v. Cate*, 2013 U.S. Dist. LEXIS 178485 (E.D.  
22 Cal. Dec. 18, 2013)(“A motion to reconsider is not a vehicle to permit a party to reargue points  
23 previously presented, or to present contentions that might have been raised prior to the challenged  
24  
25  
26

---

27 <sup>1</sup> At the conclusion of the Plaintiff’s case in chief, Mr. Prangle advised that Valley Health had decided to “stand on our  
28 briefs [and] the openings and closings.” Tr. At 187. Now, apparently, Mr. Prangle wants to change that. This is similar  
to a roulette player betting on black and when the ball lands in red, the player says that he meant to bet on red. Mr.  
Prangle and Valley Health made their bed with their briefs and arguments. At this late date after the Order, they  
should not be allowed a “redo.”

1 order.”). Absent highly unusual circumstances, a district court should not grant a motion for  
2 reconsideration unless the court “(1) is presented with newly discovered evidence, (2) committed  
3 clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in  
4 controlling law.” **School Dist. No. 1J. Mutlinomah County v. ACandS, Inc.**, 5 F.3d 1255, 1263  
5 (9th Cir. 1993)(discussing FRCP 59(e) motions); see also **Allstate Ins. v. Herron**, 634 F.3d 1101,  
6 1111 (9th Cir. 2011). Furthermore, although the court enjoys discretion in granting or denying a  
7 motion under this rule, “amending a judgment after its entry remains an extraordinary remedy  
8 which should be used sparingly.” **Herron**, 634 F.3d at 1111 (quoting *McDowell v. Calderon*, 197  
9 F.3d 1253, 1255 n.1 (9th Cir. 1999)) (internal quotations omitted).

12 Motions for reconsideration are not “the proper vehicles for rehashing old arguments,”  
13 **Resolution Trust Corp. v. Holmes**, 846 F.2 Supp. 1310, 1316 (S.D. Tex. 1994) (footnotes  
14 omitted), and are not “intended to give an unhappy litigant one additional chance to sway the  
15 judge.” **Durkin v. Taylor**, 444 F. Supp.4 879, 889 (E.D. Va. 1977). A motion for reconsideration  
16 “is not a vehicle to reargue” previously litigated issues “or to present evidence which should have  
17 been raised before.” **United States v. Westlands Water District**, 134 F.Supp. 2d 1111, 1131 (E.D.  
18 Cal. 2001).

20 The sanctions issue is resolved under **Bahena v. Goodyear Tire & Rubber Co.**, 235 P.3d  
21 592 (Nev. 2010) and **Young v. Johnny Ribeiro Bldg.**, 106 Nev. 88 (Nev. 1990). The Court went  
22 through the so-called “Johnny Ribeiro factors” in a detailed fashion and, after weighing the  
23 evidence and the credibility of the witnesses, concluded that administrators at Valley Health and  
24 their counsel intentionally concealed witnesses and evidence prejudicing Plaintiff to the extent that  
25 the only proper sanction was the striking of Valley Health’s answer.

27 Now, after it received the Order, Valley Health and Hall Prangle want to add inadmissible  
28 evidence, change their arguments, complain about the process, and reargue the evidence. However,

1 instead of changing the Court's Order, the Motion makes it even more clear that the Court's Order  
2 was well within its discretion<sup>2</sup> and, Hall Prangle has mislead the Court again. This Court should  
3 take the opportunity to not only deny the Motion, but to very seriously consider additional sanctions  
4 for the pattern of misleading statements.  
5

## 6           2. Facts and Factual Analysis

7           Pages 5-12 of the Motion are an attempt at "recapping" the events that brought us to where  
8 we are. Of course, it does so in the light most favorable to the movants as opposed to the wealth of  
9 facts that place Valley Health and its counsel in a poor light. This Court has made factual findings  
10 though and seemingly, despite the 7 pages of "facts" in the Motion, Valley does not challenge the  
11 factual findings. Accordingly, the Court's "Findings of Fact" set forth in the Order at 5-21 govern  
12 the analysis.  
13

14           There is no point in rearguing the facts of what occurred. Valley Health does not get to  
15 reargue facts in a Motion for Reconsideration, especially when there was a complete and detailed  
16 evidentiary hearing and the time for arguing the facts (and the law) was at the evidentiary hearing.  
17 Hence, the 7 pages of fact argument is improper.  
18

### 19           a. The "New" Evidence

20           Valley seeks to introduce a "new" piece of evidence in the matter, an Affidavit of Officer  
21 Saunders. However, Valley Health does not explain why Officer Saunders testimony could not have  
22 been produced before, why it wasn't produced at the evidentiary hearing, or why Officer Saunders  
23 wasn't produced at the evidentiary hearing since the testimony about the witness statements (which  
24 Officer Saunders Affidavit discusses) was well known by all parties before the evidentiary hearing.  
25 Mr. Prangle told this Court that he would rely on the Briefs and argument at the hearing. Tr. At 187.  
26  
27  
28

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<sup>2</sup> Sanctions issues are within the discretion of the District Court. See *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev., 235 P.3d 592, 598-99 (2010)

1 Now, after some thought, he has decided that additional evidence is necessary. But, this is troubling  
2 for more reasons than the obvious hearsay nature of the affidavit.

3 Nurse Murray's testimony about the police statement was well known to all of the parties in  
4 this matter since her deposition was taken in January 2015<sup>3</sup>. Valley Health had from then until (and  
5 through) the Evidentiary Hearing to attempt to rebut her testimony. Valley Health could have taken  
6 his deposition. Or, Valley Health could have subpoenaed Officer Saunders for the Evidentiary  
7 Hearing. If there was a problem, they could have asked for a continuance to obtain his testimony.  
8 There was nothing to stop Valley Health from presenting Officer Saunders at the Hearing. At the  
9 hearing, Mr. Prangle never advised the parties or this Court that he wished to call another witness.  
10 Instead, they waited until after the Order to realize that they might have needed Officer Saunders  
11 testimony. But, doing so now, after the Order comes out smacks of bad faith. And, of course, it  
12 allows Valley Health the ability to produce testimony in an un-cross-examined form. This is  
13 inappropriate. The parties agreed to use depositions at the evidentiary hearing. See Tr. At 66-67.  
14 However, there was never any agreement to use affidavits or declarations. So, attempting to add  
15 Officer Saunders testimony via Declaration at this point in time should not be countenanced by the  
16 Court and is inadmissible hearsay. NRS 51.035; NRS 51.065. His Affidavit should be struck.

17 Additionally, this Court well knows that "new" evidence is not "new" if it could have been  
18 "found" during the relevant time frame. Evidence qualifies as newly discovered if "it could not have  
19 been discovered and produced for trial even with the exercise of reasonable diligence." *Servin v.*  
20 *State*, 117 Nev. 775, 791 (Nev. 2001). Officer Saunders was identified by the parties and has been  
21 known about for years. See Plaintiff's 17<sup>th</sup> 16.1 Supplement 1/29/14. As stated above, Nurse  
22

23  
24  
25  
26  
27  
28 <sup>3</sup> The deposition was originally set for December 9, 2014 after being noticed on 11/17/14. See Exhibit 4. However, the day before the deposition, Mr. Bemis advised Mr. Murdock that she was not employed by Centennial and Centennial could not find her. See Exhibit 5. Ms. Bell's affidavit states that she left in March 2009. For some reason, Mr. Bemis decided not to tell Plaintiff that and waited until the day before her deposition to advise that she could not be located.

1 Murray's testimony about the police report has been known by the parties from January 2015 when  
2 her deposition was taken. There is no reason that Officer Saunders testimony could not have been  
3 produced at the Evidentiary Hearing had Valley Health wanted to. Officer Saunders testimony is not  
4 new evidence and has no place in Valley's Motion.  
5

6 Officer Saunders doesn't even directly oppose Nurse Murray's testimony. He states that  
7 generally transcripts are not given to the employer of a witness. He also states his file contains no  
8 evidence that the transcripts were given to anyone nor does he have a recollection of giving them.  
9 Then, he states that giving them would be "highly unusual." Saunders Dec. at Par 10. Of course,  
10 conversely, that means in some circumstances, transcripts have been given. So, though he doesn't  
11 remember giving them, it is certainly possible he did, and, Nurse Murray was unequivocal that Ms.  
12 Butler had the statement (or had at least read it). See Murray Depo at 60-61.  
13

14 The fact that Officer Saunders does not remember giving it to Centennial and says it would  
15 be unusual to give it to them, does not negate the fact that Murray testified that Butler had it. And  
16 Butler "doesn't recall" if she had it. So, Officer Saunders truly adds little to the discussion and his  
17 affidavit should be stricken anyway due to its inadmissibility.  
18

19 The other "new" evidence argued by Valley is that Butler and Bochenek were employed by  
20 Valley when Jane Doe filed her lawsuit. This is amazing because it completely refutes Mr.  
21 Prangle's many statements on the subject, not to mention Mr. Prangle's argument time and again at  
22 the evidentiary hearing, that this Court cannot sanction Valley Health for the actions of Butler and  
23 Bochenek when they weren't even there—but they were.  
24

25 Jane Doe filed her lawsuit on July 23, 2009. Centennial Hills Answered on September 10,  
26 2009. Centennial's 16.1 disclosures were made on November 9, 2009. The 16.1 Case Conference  
27 was held on November 9, 2009. According to Ms. Bell's affidavit, at the time of the Case  
28 Conference (November 9, 2009), both Ms. Butler and Ms. Bochenek were still employed at



1 Centennial. This is somewhat amazing since Mr. Prangle told this Court that at the time the Jane  
2 Doe case was filed, both Butler and Bochenek were no longer employed at Centennial Hills. He  
3 asserted such in his opening statement. See Tr. At 47:20-22. He reaffirmed this so in his closing  
4 argument. Tr. At 220: 9-11. (Plaintiff will discuss this further, *infra*, because Mr., Prangle went on  
5 and on about them not being employed trying to defuse their conduct.)  
6

7 Amy Bochenek and Carol Butler, along with Quality and Risk people (Ms. Calliham and  
8 Ms. Wilson) had discussions with employees after the incident. Bochenek Depo at 28. She had a  
9 specific conversation with Sumera (Id. at 29) and later on, Ms. Wolfe. Id. And, that conversation  
10 with Ms. Wolfe occurred within two months of the initial conversations immediately following  
11 Farmer's arrest on May 18, 2008. Id. at 29-30. Ms. Bochenek does not recall taking notes, but she  
12 could have. Id. at 30. The reasons for her conversations with the nurses: "were more about did we  
13 miss anything, did the staff know that they could come forward if they felt uncomfortable about  
14 anything, just more kind of follow-up to the concerns that we had become aware of, and making  
15 sure that we weren't missing any opportunities." Id. at 31. After the meetings, it is fair to say she  
16 would have discussed such with Ms. Butler. Id. at 32. She is sure that she had a conversation with  
17 Ms. Butler after the Wolfe meeting. Id. at 33. **While she did not recall seeing the police report,**  
18 **Id. at 34, Ms. Bochenek then testified that she did recall that Ms. Wolfe told the police on May**  
19 **30, 2008 about conversations Ms. Wolfe had with Mr. Sumera.** Id at 35. She explained that she  
20 did not see the report but certainly knew about Ms. Wolfe and Mr. Sumera's issues with Farmer. Id.  
21 at 38-39. To be sure, her memory in 2015 was hazy about what she was told first and the contents of  
22 the issues. Id. at 39-40. However, by August 1 2008, she was aware that Wolfe and Sumera had  
23 expressed concerns about Farmer's inappropriate conduct with female patients, and that Wolfe  
24 provided a statement to the police regarding these concerns. Id. at 40.  
25  
26  
27  
28

1 Ms. Butler could not remember who she spoke with (Butler Depo at 75-76), but does recall  
2 that there was a meeting to review the incident. Id. at 86. She became aware that Ms. Wolfe gave a  
3 statement to the police—someone informed her of it. Id. at 113. She knew this by August 1, 2008.  
4 Id. at 114-115. She asked Amy Bochenek about the Wolfe statement and Ms. Bochenek told her  
5 that Wolfe had vague concerns about Farmer being overly attentive to female patients, Id. at 119.  
6 Bochenek told Butler that Wolfe described these concerns to Bochenek. Id. at 120. The internal  
7 investigation was being handled by risk and quality management. Id. at 120. She does not recall if  
8 she discussed the issue with the Risk person but she knows that the Risk Manager spoke with  
9 Bochenek directly. Id. at 121.

12 The point is, at the time of the 16.1, via the Director of Nursing Ms. Butler and the Director  
13 of Emergency Services Ms. Bochenek, as well as the Risk Manager, Centennial had specific  
14 knowledge that there was an issue with Farmer and that involved Mr. Sumera and Ms. Wolfe. And,  
15 each of them were aware, at the very least, of the existence of a police statement by Wolfe. Neither  
16 were identified. Indeed, until June 2015, neither Butler nor Bochenek were identified.<sup>4</sup> Each of  
17 them was specifically aware of issues relating to Farmer prior conduct and foreseeability. And,  
18 neither Murray, Wolfe, or Sumera were identified until August 28, 2015. (Valley Health's 16<sup>th</sup>  
19 Supplement).

21 Regarding Nurse Murray, Nurse Murray testified at her deposition that she had a  
22 conversation with the Director of Nursing specifically about the Police Report she gave:

24 Q. Now, outside of telling the police about this -- what you termed "the little crazy  
25 old lady," and the incident with Mr. Farmer -- did you ever tell anybody else about  
that?

26 A. No.

27 Q. After the incident took place, after the arrest, and Ms. Cagnina, things like that,  
did you ever tell anybody at the hospital about this incident?

28 A. No.

---

<sup>4</sup> Both Ms. Butler and Ms. Bochenek were not identified until June 16, 2015 (Valley Health's 10<sup>th</sup> Supplement).

1 Q. So the first and only time you ever discussed this patient, the little crazy old  
2 lady patient with anyone, would have been with this detective. Is that correct?

3 A. No. Wait a minute. The director of nursing called me down and we talked  
4 about this, too, after I talked to the police. When she got a copy of this, I talked  
5 to her. And that was it.

6 Q. Who was the director of nursing at the time?

7 A. I really don't know.

8 Q. But the director of nursing called you down after she read the statement, is  
9 that correct?

10 A. Yes. She talked to all of us.

11 Q. What do you mean, she talked to all of you?

12 A. She talked to all the nurses that were involved in this.

13 Q. Did you go through the statement with her?

14 A. She asked me what happened. I told her what I knew. We didn't pick this up  
15 and go through it line by line like we are now, but she knew what was -- I mean  
16 she had read it.

17 Q. Did she ask you about the little crazy old lady patient? Was that something you  
18 discussed?

19 A. You know, I'm not sure. She just asked about what I knew. No, I don't believe we  
20 did go through that. We went through the other part, because that was what was  
21 coming up.

22 Murray Depo at 60-61. Now, the Director of Nursing at the time was Ms. Butler. If Ms. Butler had  
23 read the report as Nurse Murray makes clear that she had, Ms. Butler would have known about the  
24 "sitter" situation with Farmer since it was in the police report. Ms. Butler remembers Nurse Murray,  
25 but does not recall specifically meeting with her. Butler Depo at 92. But, she did attend a meeting  
26 with all of the staff for the "sentinel event" meeting. Id. At her deposition taken in the summer of  
27 2015, Ms. Butler does not recall seeing the transcribed police statement of Nurse Murray before. Id.  
28 at 93, 96.<sup>5</sup> Nor does she recall ever specifically meeting with Nurse Murray. Id. at 97.

So, Nurse Murray says one thing and Ms. Butler doesn't deny she had read the report, and,  
doesn't deny meeting with Nurse Murray. She merely says that she cannot recall such. That is a far  
cry from saying it did not happen. Indeed, not remembering something does not equate with a  
denial. See *Beyers v. D.R. Horton, Inc.*, 2011 U.S. Dist. LEXIS 8102 (D. Nev. Jan. 26, 2011);  
*Wendell v. Johnson & Johnson*, 2014 U.S. Dist. LEXIS 89576 (N.D. Cal. June 30, 2014)(doctor's

<sup>5</sup> However, at first she did deny "obtaining" the statement. Id. at 92.

1 testimony that he did not remember reading medication label does not create question of fact);  
2 **Serton v. Lockheed Martin Corp.**, 2011 U.S. Dist. LEXIS 66738(S.D. Miss. June 22, 2011)("I  
3 don't remember" is not the type of evidence sufficient to rebut a proper motion for summary  
4 judgment); **Petrunti v. Cablevision**, 2009 U.S. Dist. LEXIS 21370 (E.D.N.Y. Dec. 30,2009)( lack  
5 of recollection is insufficient to create a triable issue of fact). If lack of recall does not create a  
6 question of fact, when the standard is the light most favorable which is NOT the standard herein,  
7 this Court can certainly make a proper finding based upon the party who recalls. So, Ms. Butler's  
8 lack of recall does not equate with a denial. And, without such, Nurse Murray's testimony is  
9 un rebutted.  
10  
11

12 All in all, what we know is this: As of the date of the Case Conference Report in November  
13 2009, Centennial Hills, via Ms. Butler and Ms. Bochenek, was absolutely aware of the Nurse  
14 Wolfe/Sumera issue and that she had given a statement to the police regarding Farmer's suspected  
15 prior misconduct. Those same Administrators who investigated the Wolfe/Sumera issues (Butler  
16 and Bochenek) were still employed by Centennial at the time of the Case Conference Report. And,  
17 according to Nurse Murray, Ms. Butler had read her police statement and the Administrator who  
18 spoke with Nurse Murray (Ms. Butler) was still employed at Centennial Hills on the date of the  
19 Case Conference report.  
20  
21

22 Let us recall that these two issues (Wolfe/Sumera and Murray) go specifically to  
23 foreseeability. And, despite whatever spin Valley wants to place upon them, they are the smoking  
24 guns regarding foreseeability.

### 25 3. Willfulness

26 The primary focus of the Motion for Reconsideration is the "willfulness" factor of **Young v.**  
27 **Johnny Ribiero Building, Inc.**, 106 Nev. 88, 93, 787 P.2d 777 (1990). Valley Health contends that  
28 this Court violated the "collective knowledge" doctrine in its Order in order to get to the

1 “willfulness” factor. However, Valley Health misses the mark on this as the Court did not aggregate  
2 the errors of Centennial and Hall Prangle personnel but, in actuality, found separate instances of  
3 willful misconduct any which of those could be the basis for the sanctions. See Order at 25-26.  
4 Each one of the Findings was based upon individual acts that the Court detailed in its Paragraphs  
5 19-85.  
6

7 Valley Health argues the collective knowledge doctrine as if no Court allows it. They don’t  
8 even tell this Court that our own Federal bench has offered differing opinions.

9 The seminal case that established the collective knowledge doctrine was **United States v.**  
10 **Bank of New England**, a First Circuit case from 1987 involving criminal violations of the  
11 Currency Transaction Reporting Act. The act imposed criminal liability if a financial institution  
12 “willfully” violated currency reporting requirements, interpreted as requiring “proof of the  
13 defendant’s knowledge of the reporting requirements and his specific intent to commit the crime.”  
14 The court upheld a jury instruction that instructed: “A financial institution’s knowledge is the sum  
15 of the knowledge of all of the employees. That is, the bank’s knowledge is the totality of what all of  
16 the employees know within the scope of their employment. So, if Employee A knows one facet of  
17 the currency reporting requirement, B knows another facet of it, and C a third facet of it, the bank  
18 knows them all.” **United States v. Bank of New England**, 821 F.2d 844, 855 (1st Cir. 1987). On  
19 appeal, the bank challenged that instruction. The First Circuit held that “the [trial] court’s collective  
20 knowledge instruction was not only proper but necessary.” The Circuit court explained that  
21 “[c]orporations compartmentalize knowledge, subdividing the elements of specific duties and  
22 operations into smaller components. The aggregate of those components constitutes the  
23 corporation’s knowledge of a particular operation.” *Id.* at 856. To be sure, the doctrine has its  
24 critics and its supporters. Nevada has not ruled on the issue.  
25  
26  
27  
28

1 Valley Health cites this Court to Judge Hick's opinion in *Ginena v. Alaska Airlines*, 2013  
2 U.S. Dist. Lexis 86162 (2013). The case did not involve sanctions<sup>6</sup> but, instead, involved  
3 defamation. The "willfulness" issue was based upon the need to establish "actual malice" in the  
4 defamation action. In essence, Valley Health is arguing that the Nevada Supreme Court would  
5 refuse to adopt the **Bank of New England** collective knowledge doctrine.  
6

7 What Valley Health neglects to tell this Court is the Hon. Robert C. Jones seems to differ  
8 with Judge Hicks on the collective knowledge doctrine:  
9

10 "Under well-established law, Citigroup possesses the collective knowledge of its  
11 officers, employees and agents, including the knowledge of Schofield (who knew the  
12 SWX trust assets were exchangers' funds) and DeMarigny, an active participant in  
13 the Ponzi scheme. See *U.S. v. Bank of New England, N.A.*, 821 F.2d 844, 855-56 (1st  
14 Cir. 1987). Plaintiffs properly alleged the necessary knowledge of Citigroup's  
15 officers and employees to establish liability for the actions of Schofield and  
16 DeMarigny. Since **Bank of New England**, courts continue to allow the knowledge  
17 of agents and employees to be aggregated and imputed to the corporation. See  
18 e.g., *U.S. Sun-diamond Growers*, 964 F.Supp. 486, 491 n. 10 (D.D.C. 1997),  
19 reversed on other grounds, 329 U.S. App. D.C. 149, 138 F.3d 961 (D.C. Cir. 1998),  
20 aff'd, 526 U.S. 398, 119 S.Ct. 1402, 143 L. Ed. 2d 576 (1992); *In re WorldCom, Inc.*  
21 *Sec. Litig.*, 352 F.Supp.2d 472 (S.D.N.Y. 2005)."

22 **Hawkes v. Qualified Exch. Servs.**, 2008 U.S. Dist. LEXIS 118509, 11-12 (D. Nev. Mar. 25,  
23 2008).<sup>7</sup>

24 Importantly, a close reading of the rationale used by Judge Hicks against using the collective  
25 knowledge doctrine does not support Valley Health's argument. Judge Hicks relies upon a 1997 law  
26 review article, Thomas A. Hagemann & Joseph Grinstein, *The Mythology of Aggregate Corporate*  
27 *Knowledge: A Deconstruction*, 65 Geo. Wash. L. Rev. 210, 226-36 (1997) to support his

28 <sup>6</sup> None of the cases cited by Valley Health regarding the doctrine concern sanctions. *Reed v. Northwest Publishing*, 530 NE2d 474 (1988) is a defamation actual malice case. *First Equity v. Standard & Poors*, 690 F. Supp 256 (1988) is a defamation actual malice case. *Lind v. Jones Lang*, 135 F. Supp. 2d 616 (2001) is a defamation and fraudulent inducement case.

<sup>7</sup> *Hawkes* involved the Southwest Exchange Ponzi scheme and was not a sanctions case.

1 conclusions. (Of course, this article was not adopted by Judge Jones in his decision ten years after  
2 the article was published.) Furthermore, Judge Hicks explains why Hagemann and Grinstein  
3 disfavor adoption of the collective knowledge doctrine.  
4

5 “As Hagemann and Grinstein argue, the collective knowledge doctrine conflates  
6 “knowing” culpability with “negligent” culpability, at least when applied to  
7 corporate wrongdoing. See Hagemann and Grinstein, *supra*, at 238-41. For instance,  
8 the collective knowledge doctrine favors liability where various corporate agents  
9 have different pieces of information, but the corporation was negligent in compiling  
these pieces of information. See *id.* But then liability is premised on negligence, not  
on the “intentional” conduct that is at the heart of the higher levels of mens rea,  
knowing and willful conduct.”

10 This rationale is inapplicable in the instant case. Butler and Bochenek both knew the same basic  
11 information by August 2008:

12 Sumera and Wolfe were concerned about Farmer’s inappropriate conduct with female  
13 patients.  
14

15 Wolfe gave a statement to the police regarding this conduct.

16 Murray knew of an incident while Farmer was a sitter.

17 Murray gave a statement to the police regarding this conduct.  
18

19 This scenario is unlike the rationale relied upon by Judge Hicks “where various corporate agents  
20 have different pieces of information, but the corporation was negligent in compiling these pieces of  
21 information.” Here Butler and Bochenek both had the same information—not separate pieces that  
22 were used to connect the dots. In fact they shared and discussed the information. This is clearly  
23 distinguishable from the concerns expressed by Judge Hicks—each agent had all the same  
24 information. Each agent individually could bind Valley Health.  
25

26 Similarly, Bemis and Prangle both knew the same basic information by February 2013 when  
27 they received Murray’s recorded statement; and then in May 2013, they both became aware Sumera  
28 and Wolfe were concerned about Farmer’s inappropriate conduct with female patients and Wolfe



1 gave a statement to the police regarding this conduct. This is not what Judge Hicks disapproved.  
2 Valley Health has not cited, and Plaintiff has not found, any cases that discuss the willfulness issue  
3 regarding sanctions and the collective knowledge doctrine. And, the USDC in Nevada differs in its  
4 evaluation of the doctrine.  
5

6 Nevertheless, even assuming the collective knowledge doctrine is applicable to a Rule 37  
7 sanction hearing, the Court did not use it here. This Court's evaluation of the evidence set out in  
8 detail at pages 25-26 of the Order is specific to the individuals involved and is based upon the  
9 factual analysis in preceding numerous paragraphs. The Court is not required to "re-state" the  
10 factual analysis as it proceeds with its legal analysis. It is obvious that the factual analysis is  
11 wrapped in with the legal analysis. Each one of the findings is specific to the individuals involved  
12 as set forth in the factual findings. Any, and many, of the findings standing alone would subject  
13 Valley Health to severe sanctions.  
14

15 Valley Health is flat wrong when it argues willfulness was only established through the  
16 collective knowledge doctrine. On the contrary, the detailed findings by this Court showed Butler,  
17 Bochenek, Bell, Bemis and Prangle, each on their own, willfully concealed the evidence regarding  
18 the Wolfe/Sumera and Murray issues. The Court's Order at 25-26 details the individual acts of  
19 willfulness by Valley Health. Though the Court went through the acts and assigned them to  
20 Centennial, each separate act also identified the individual(s) involved via the factual predicates for  
21 the Court's Findings at Paragraphs 19-85.  
22

23 In an oddly worded admission of malpractice on the part of Hall Prangle, or, "negligence"  
24 on the part of Valley Health, the Motion states:  
25

26 "To be clear, Centennial admits that it should have disclosed Wolfe, Murray and  
27 Sumera as witnesses pursuant to NRCP 16.1. That is not the issue. The manifest  
28 error of law is this Court's finding that Centennial willfully and intentionally  
concealed the existence of these witnesses from Plaintiff. Nondisclosure of these  
witnesses, and the corresponding Metro statements, was the result of a failure to



1 thoroughly investigate the facts and circumstances underlying this matter (i.e.  
2 negligence)—not willful misconduct.”

3 Motion at 16.<sup>8</sup> However, this ignores the facts. Centennial did an investigation in 2008. Centennial  
4 met with Wolfe, Sumera and Murray. As of August 2008, Centennial was aware of the  
5 Wolfe/Sumera and Murray issues and was well aware of the existence of Wolfe’s police statement  
6 and Murray’s police statement. At the same time, Centennial had counsel who also investigated the  
7 case, and, met with Wolfe, Sumera and Murray. Tr. At 48.<sup>9</sup> So, who failed to investigate the facts?  
8 Hall Prangle? Centennial? Neither. They all knew the facts. They all decided not to disclose same.  
9

10 If this Court’s findings on these issues is wrong:  
11

12 Where was the testimony from anyone on the Valley Health side saying they did not know  
13 about the Wolfe/Sumera and Murray issues?

14 Where was the testimony from Valley Health stating in no uncertain terms when they first  
15 became aware of the police reports, and when anyone with Valley Health first saw either  
16 report?  
17

18 Where was the testimony from all of the lawyers involved in the Farmer cases from Hall  
19 Prangle saying they did not know about the Wolfe/Sumera and Murray issues?

20 Where was the testimony from Hall Prangle stating in no uncertain terms when they first  
21 became aware of the police reports, and when anyone with Hall Prangle first saw either  
22 report?

23 Incredibly, Hall Prangle did not bring its partner who first worked on the case, David  
24 Ferrainolo, to testify at the hearing. While Mr. Ferrainolo now works in Hall Prangle’s Florida  
25 office, one would think that the lawyer who was first on the case, and actually did the investigation,  
26

27  
28 <sup>8</sup> This admission is contrary to everything that was argued in prior briefs and at the evidentiary hearing.

<sup>9</sup> When queried as to why Wolfe/Sumera and Murray were not identified in the 16.1, Mr. Bemis misrepresented to the  
Discovery Commissioner stating “The only answer I can give you is at the time not all the identities were known.” D.C.  
Tr. 6/3/15 at 13. But, indeed, they were and the Motion for Reconsideration concedes this.

1 might have provided some testimony for Hall Prangle. Instead, Hall Prangle did not bring him to the  
2 hearing.<sup>10</sup> Mr. Ferrainolo's silence on the matter is deafening.<sup>11</sup> Indeed, one might even presume  
3 that Hall Prangle's failure to bring Mr. Ferrainolo to the evidentiary hearing and have him testify  
4 was an admission that his testimony would not be helpful to the Hall Prangle cause.  
5

6 The circumstantial evidence in this matter is clear and convincing that Valley Health  
7 willfully and intentionally concealed the witnesses and the evidence. It is important to recall that  
8 this was not simply a delay in producing the information. There was an active "conspiracy"<sup>12</sup> to  
9 withhold the information. By failing to identify the witnesses, failing to acknowledge the existence  
10 of known statements, providing false discovery answers, and providing misleading information to  
11 this Court and the Supreme Court, it is clear that the intention of the individual actors was to hide  
12 the most relevant information in this case.  
13

14 Though it is sad to say, in 2008 Hall Prangle was involved in the original investigation, and  
15 interviewed Wolfe, Sumera and Murray. In January 2013, Hall Prangle met with the Public  
16 Defender's Office, exchanged documents and evidence, discussed witnesses, and received the  
17 evidence from the PD. None of this information was disclosed until after Plaintiff discovered the  
18 evidence on its own, that is to say, until Plaintiff caught them.<sup>13</sup> The overwhelming evidence  
19 established that Hall Prangle either conspired with Centennial to withhold the information, at a  
20 minimum, and/or, concealed the information on their own. The myriad of stories and explanations  
21  
22  
23

24 <sup>10</sup> Before the hearing, Mr. Murdock emailed Mr. Prangle and asked him if Mr. Ferrainolo was coming for it. Mr.  
25 Prangle advised that he would not be bringing him. Indeed, Mr. Prangle advised in an email that if Plaintiff wanted him  
26 here, we would have to pay for his ticket. See Declaration of Mr. Murdock.

27 <sup>11</sup> It would be improper for Hall Prangle to have Mr. Ferrainolo attempt to provide an affidavit at this point. Hall  
28 Prangle knew the issues and presumably knew what he would have testified to. Hence, any affidavit from him at this  
point would be hearsay and not "new" evidence as is required.

<sup>12</sup> Plaintiff is using the term in its colloquial sense and is not alleging an actual conspiracy per NRS 199.480.

<sup>13</sup> Valley Health and Hall Prangle seem to suggest a *mea culpa* because they ultimately disclosed the information. Of  
course, all of the new admissions come after Plaintiff caught what was going on. And, it was a FOIA Request that  
ultimately found the truth. It wasn't discovery. So, Valley Health and Hall Prangle actually were successful in hiding the  
truth based upon the discovery rules—but they were found out when a simple FOIA Request began to shake things up.

1 told to this Court by Mr. Prangle and Mr. Bemis test the credibility of these Officers of the Court.  
2 Indeed, as will be shown *infra*, their credibility is weakened even more within the pending Motion.

3 Similarly, the Court recited a detailed analysis of the facts that directly and circumstantially  
4 described the willfulness of Bemis and Prangle. Accordingly, independent of the collective  
5 knowledge doctrine, individual acts of willfulness necessary to support the Court's sanctions were  
6 delineated.  
7

#### 8 4. Additional Misleading Arguments

9 The Motion is very disturbing as it admits additional misleading arguments by Mr. Prangle  
10 at the evidentiary hearing but does so with no apology or explanation.  
11

12 As has been stated, Mr. Prangle told this Court in opening and closing that Ms. Butler and  
13 Ms. Bochenek were not employees of Centennial when the Jane Doe lawsuit was filed in July 2009.  
14 Mr. Prangle's argument was that their conduct should not be attached to Centennial because they  
15 were no longer employees when Jane Doe filed her lawsuit:  
16

17 "But in Mr. Keach's closing, you know, he focuses so much on the hospital. And I  
18 believe the egregious conduct done by the hospital that he wants to put the focus  
19 on would be Amy Bochenek or Blasing, and Donna -- or nurse Butler, the CNO.  
20 Ms. Bochenek was the director of emergency services in 2008, and nurse Butler  
21 was the CNO in 2008. When this lawsuit was filed in 2009, both of them were no  
22 longer employees of Centennial Hills. So anything in connection with this case  
23 that would be from their conduct I believe would be, would be unfair to hold  
24 Centennial Hills responsible for the conduct of former employees."

25 Tr. At 220: 1-14.

26 We now know that this argument was false and misleading. Valley Health attached an  
27 affidavit from Ms. Bell, the Risk Manager at Centennial, to its Motion. Ms. Bell's affidavit states  
28 that Mr. Prangle was wrong: Ms. Butler's last date of employment was January 3, 2010 and Ms.  
Bochenek's last date of employment was September 26, 2010.

1 Hence, Mr. Prangle's statement about their employment dates was not true. It was an  
2 attempt by Mr. Prangle to persuade this Court that it could not connect the dots from Bochenek or  
3 Butler to Centennial. Now we know that Mr. Prangle's premise was incorrect. And, Bochenek's  
4 and/or Butler's conduct in failing to disclose the Wolfe/Sumera/Murray issues is made even more  
5 outrageous because both Butler and Bochenek were not only still working at Centennial when Jane  
6 Doe's lawsuit was filed, they were there when the 16.1 Case Conference was completed and when  
7 Valley Health provided initial disclosures.<sup>14</sup>

8  
9 Mr. Prangle reiterated these misrepresentations at the hearing when Mr. Prangle attempted  
10 to evade "case concluding sanctions" based upon the same falsity. He told the Court:

11  
12 As to the case terminating sanction, I don't believe anything comes close to that,  
13 certainly as to Centennial Hills because the two people that would serve as the  
14 basis for that were not even employees when this lawsuit was filed. So I don't  
15 know how you can hold Centennial Hills responsible for the conduct of  
16 Bochenek and Butler when they were no longer there and supposedly duty  
17 bound to do something. They were no longer duty bound to do anything. They  
18 didn't work for us. And again, as I've said, I don't believe they had the statements. So  
19 I don't believe case terminating sanctions are appropriate as well.

20 Tr. 236: 24-25, 237: 1-11. As Ms. Bell's affidavit makes clear, both Butler and Bochenk did work  
21 for Centennial not only at the time of the lawsuit being filed, but also at the time of the 16.1. Thus,  
22 the converse of Mr. Prangle's arguments are clear: they did have a duty to disclose.

23 Despite the affidavit of Ms. Bell, Valley Health amazingly continues its misleading  
24 argument about the employees in its Motion. For example, Valley Health states:

25 "This Court's attempt to impute knowledge and willful intent to Centennial based on  
26 the aggregate knowledge of Butler, Bochenek, Murray and Wolfe is even more  
27 precarious in light of the fact that all of the employees left the employ of Centennial  
28 before (or soon after) this lawsuit was filed."

<sup>14</sup> Mr. Prangle said it *again* at Tr. 235 9-14 in an attempt to fall on the sword for his client.

1 Motion at 16 (parenthetical in Original). First, Sumera was there and is there. Yes, Murray and  
2 Wolfe were not there and Valley states that. But, Butler and Bochenek were at Centennial for  
3 some time.<sup>15</sup> The lawsuit was filed in August 2009. Butler left in January 2010 and Bochenek  
4 in September 2010. The 16.1 report was in November 2009. Both Butler and Bochenek who had  
5 the knowledge at the heart of this matter were still at Centennial. Spin is one thing;  
6 misrepresentations are another. In light of the severe sanctions already imposed in this case, it is  
7 frankly amazing that Valley Health continues its assault on the truth and attempts to have this Court  
8 withdraw the sanctions based upon outright misrepresentations.  
9

10  
11 The Court also made clear that Hall Prangle's conduct was equally egregious. Mr. Prangle  
12 told the Court that Hall Prangle was hired six days after the RC event on May22, 2008. Tr. at 48.  
13 He also told the Court that Hall Prangle interviewed Wolfe, Sumera and Murray. Id. Mr. Bemis  
14 testified that there was a letter to Centennial in their file regarding the meetings with them. Tr. at  
15 109. It would be almost inconceivable for lawyers with the reputation and experience of Hall  
16 Prangle not to ask about previous issues with Farmer. Foreseeability is the central issue in these  
17 type of cases and though the attorney client privilege at this point protects those discussions, to  
18 assume that Hall Prangle did not ask the question about Farmer would be unreasonable.  
19

20  
21 That tells us that in 2008 either Centennial (meaning Bochenek and/or Butler) did not tell  
22 Hall Prangle about Wolfe, Sumera and Murray, or, they did tell them and Hall Prangle was the one  
23 who did not disclose the information. Of course, at the end of the day, Hall Prangle is the agent of  
24 Valley Health and if Hall Prangle failed to disclose, their actions are imputed to Valley Health.

25 All of this doesn't even mention the credibility issues related to Mr. Bemis' and Mr.  
26 Prangle's testimony about when they received the various police statements. Counsel simply have  
27  
28

---

<sup>15</sup> In fact, when Ms. Bochenek left Centennial, she went to Summerlin, another Valley Health facility.

1 not told a linear story about this. They say one thing and then they say another. This Court  
2 understood the disturbing testimony and set it out clearly. See Order at 16.

3 In any event, this Court's factual findings are sufficient to establish the willful intent factor  
4 of the Ribiero case.

### 5 5. Due Process

6 Valley's significant other argument goes to the conduct of Hall Prangle. Valley argues that  
7 Hall Prangle received no due process because Hall Prangle had no notice that Plaintiff was arguing  
8 Hall Prangle's conduct violated Rule 3.3 (duty of candor) of the Nevada Rules of Professional  
9 Conduct. Hall Prangle does not argue that it was unaware of Rule 3.3 or that Rule 3.3 doesn't apply  
10 to their misconduct. Instead, they make an incredible argument that they were not on notice that  
11 Plaintiff was claiming their misconduct violated the Nevada Rules of Professional Conduct. Not  
12 only is this argument wrong, it misstates the truth.

13 Time and again in pleadings, Hall Prangle makes statements about themselves or Valley  
14 Health that are not backed up with an affidavit. Similarly, there is no Affidavit from Mr. Prangle,  
15 or anyone else at Hall Prangle stating that they had no notice. Instead, all we have is argument.  
16 And, the most likely reason that there is no affidavit is that it would be perjury if there was one.

17 Specifically, Hall Prangle argues they are entitled to notice if the Court was going to  
18 consider the misleading statements in their briefs as a violation of NRPC Rule 3.3. It is axiomatic  
19 that if Hall Prangle was on notice, they concede they received due process. The problem is, they  
20 were on notice about alleged violations of Rule 3.3—for months.

21 On May 15, 2015, Mr. Murdock wrote to Mr. Bemis about issues specifically related to Hall  
22 Prangle's statement that "there were no known prior acts or any other circumstances that could have  
23 put Centennial Hills on notice that Farmer would sexually assault Ms. Doe." Mr. Murdock started  
24



1 off the letter referencing Rule 3.3. See May 15, 2015 Correspondence from Murdock to Bemis,  
2 Exhibit 13 attached hereto.

3 On May 18, 2015, Plaintiff filed a Motion for Summary Judgment in this matter and, within  
4 the first two paragraphs of the Motion specifically advised that Hall Prangle violated Rule 3.3  
5 and asked the Court to sua sponte take action about the misleading statements in their briefs:  
6

7 In the fall winter of 2014, the UHS Defendants (Centennial, Valley Health Systems,  
8 and UHS collectively "UHS") came to this Court and argued that the actions of  
9 Steven Farmer (hereinafter "Farmer") weren't remotely foreseeable as Farmer had  
10 done nothing at all to arouse suspicion. What was fascinating at the time was that  
11 the UHS Defendants simply told this Court the aforementioned without any  
12 Affidavits whatsoever. The UHS Defendants specifically told this Court, *without an*  
13 *Affidavit*, that Farmer's conduct was not foreseeable in that "there were absolutely  
14 no known prior acts by Mr. Farmer that could potentially put Centennial Hills on  
15 notice that Mr. Farmer would assault a patient." Centennial Opp. MSJ at 9. Now,  
16 we know why there was no Affidavit--IT WAS FALSE. Incredibly, the UHS  
17 Defendants recently reiterated this fiction before the Nevada Supreme Court. See  
18 Writ of Mandamus at 14-15. Plaintiff recently came into the possession of Nurse  
19 Margaret Wolfe's (hereinafter "Wolfe") 5/30/08 statement to the LVMPD. There is  
20 no way the UHS Defendants did not have this document—as the UHS Defendants'  
21 counsel was a consultant to the criminal attorneys of Farmer and it would be hard to  
22 fathom that a criminal defendant's consultant would not have all of the statements.

23 While the conduct of the UHS Defendants is seriously an issue for this  
24 Court's review in that Mr. Bemis has violated Nev. R. Pro. Resp. 3.3 (and this  
25 Court should sua sponte take action regarding same), the issue herein is that there  
26 is no genuine issue of material fact regarding foreseeability. Summary judgment on  
27 the Affirmative Defense of NRS 41.745 must be granted and the UHS Defendants  
28 must be vicariously liable for the actions of Farmer. The UHS Defendants were well  
on notice of Farmer's actions.

See May 18, 2015 Motion for Summary Judgment at 3.

But the deathblow to this argument is in the brief for the Evidentiary Hearing filed by  
Plaintiff on August 26, 2015 which is specific that Plaintiff is asking the court to find Hall Prangle  
violated Rule 3.3:

"Now in terms of misleading look at the timing again. Rule 3.3 of the Nevada  
Rules of Professional Conduct states "(a) A lawyer shall not knowingly: (1)  
Make a false statement of fact or law to a tribunal or fail to correct a false  
statement of material fact or law previously made to the tribunal by the  
lawyer." Giving Centennial every benefit of the doubt, at the very least, as of May

1 of 2013, Centennial had the Wolfe and Murray LVMPD Statements, knew that  
2 Nurse Murray discussed a sitter situation with Farmer and Nurse Wolfe discussed  
3 what Nurse Sumera told her, and they knew it "could be relevant" to Plaintiff's  
4 case. Still, Centennial and its counsel told this Court in October of 2014, a  
5 minimum of eighteen (18) months after admitting they had the criminal file with  
6 the names and statements, that "In the instant situation, there were absolutely no  
7 known prior acts by Mr. Farmer that could potentially put Centennial on notice  
8 that Mr. Farmer would assault a patient." CH. Opp. to MSJ at 9. That was simply  
9 untrue. Then, to make matters worse, Centennial filed a Writ in May 2015 with the  
10 Nevada Supreme Court and made the same statement: Centennial "urged that there  
11 were no known prior acts or any other circumstances that could have put  
12 Centennial on notice that Farmer would sexually assault Ms. Doe." Writ at 14-15.  
13 That was simply untrue. Centennial concedes that it knew the witnesses and  
14 documents could be relevant to Plaintiff's case. So, telling this Court and the  
15 Nevada Supreme Court that Centennial had no knowledge about any issues with  
16 Farmer, was misleading. And, intentionally so."

17 Evidentiary Hearing Brf. At 9: 5-25.<sup>16</sup>

18 How much notice does Hall Prangle need? Hall Prangle received all of the process that they  
19 were due. Time and again Plaintiff placed Hall Prangle on notice their misleading statements before  
20 this Court and the Nevada Supreme Court violated Rule 3.3.

21 Frankly, the argument put forth by Hall Prangle is somewhat incredulous. Hall Prangle was  
22 quite aware of the misleading issue and Rule 3.3 as Mr. Prangle specifically argued that he did not  
23 intend to mislead the Court in briefs or to the Supreme Court during his remarks to this Court at the  
24 evidentiary hearing. Tr. At 231-234. He did so because he was on notice. So, the argument about  
25 due process is misleading in and of itself. Indeed, it is frivolous.<sup>17</sup>

26 Towards the end of its argument about this, Valley Health is critical of the Court for  
27 "creating a potential conflict of interest." Motion at 18. That is laughable. Hall Prangle was placed  
28 on notice their conduct violated Rule 3.3 months before the Evidentiary Hearing in correspondence  
and pleadings, as well as in the Evidentiary Hearing Brief submitted by Plaintiff describing the  
misconduct giving rise to the request for sanctions. Yet, they failed to do anything about any

<sup>16</sup> In their own Evidentiary Hearing Brief, Valley Health provided a specific section on the "misleading" issue. See Section C at p.10.

<sup>17</sup> This Court should consider additional sanctions against counsel for this flagrantly false argument.



1 conflict then, ignoring the conflict. So, when Valley Health argues that Centennial would have  
2 retained separate counsel, that is nice, but, as is typical, there is no affidavit or declaration from  
3 anyone at Centennial even suggesting that. Indeed, *even after the Order*, when counsel's conduct is  
4 crystal clear and at issue, Centennial has not retained separate counsel.<sup>18</sup> It is noteworthy that the  
5 Motion has seven lawyers' names on it, three of which are from Hall Prangle.<sup>19</sup> All of them are  
6 stated as representing the Valley Health parties. If there was a conflict before the hearing, there  
7 clearly is one now—yet, still there is no separate counsel.  
8

9  
10 Finally, Valley Health argues that the “misleading” statements were mere spin and a lawyer  
11 is entitled to minimize the evidence and take a narrow view of same. Motion at 20-21. Then, Valley  
12 Health argues this Court “misinterpreted” the misleading statements. Though this is simply  
13 reargument not properly before this Court, frankly, this argument itself is misleading. The sentences  
14 written by Hall Prangle in the arguments in the Writ and in the motion require no parsing to  
15 determine what was meant. Indeed, at the evidentiary hearing, Mr. Prangle told the Court that the  
16 sentences meant what they said. Tr. At 231-232. In fact, when questioned about this issue during the  
17 evidentiary hearing, Mr. Bemis testified that as an advocate for his client, he could readily tell the  
18 Court that there was nothing that could potentially put Centennial on notice. Tr. At 126-127.  
19

20  
21 Now, Valley Health wants to change that argument by stating that Centennial had no prior  
22 knowledge of Farmer assaulting a patient. Yet, the briefs don't say this.<sup>20</sup> Notably, Valley Health  
23

24 <sup>18</sup> Mr. Kennedy and his firm filed a Notice of Association of Counsel. He did not file any documentation advising that he  
was “separate” counsel.

25 <sup>19</sup> During the interim period between the Order being filed and the Motion for Reconsideration being filed, settlement  
26 discussions were had. Plaintiff was specifically advised that Hall Prangle's malpractice carrier was involved. Yet, Hall  
Prangle is still a part of this case, is still filing pleadings, and, is still on the Motion for Reconsideration as representing  
Valley health. See Declaration of Mr. Murdock.

27 <sup>20</sup> In its Opposition to a Motion for Summary Judgment, Centennial stated “In the instant situation, there were  
28 absolutely no known prior acts by Mr. Farmer that could potentially put Centennial on notice that Mr. Farmer would  
assault a patient.” CH. Opp. to MSJ at 9. Centennial filed a Writ in April 2015 with the Nevada Supreme Court and  
made the same statement: Centennial “urged that there were no known prior acts or any other circumstances that  
could have put Centennial on notice that Farmer would sexually assault Ms. Doe.” Writ at 14-15

1 produces no affidavit or declaration from Mr. Prangle or Mr. Bemis stating the “new” argument.  
2 And, it’s not like the prior argument took a narrow view of the evidence—it told this Court and all  
3 readers that there was NOTHING, NOTHING AT ALL, regarding Farmer to place Valley Health  
4 on notice—“there were absolutely no known prior acts by Mr. Farmer that could potentially put  
5 Centennial on notice.” Words like “absolutely” and “potentially” are clear and unambiguous. The  
6 Thesaurus gives the following synonyms: absolutely—categorically unequivocally definitely  
7 unconditionally unquestionably, and potentially—possibly, hypothetically, theoretically. These are  
8 the descriptive words used by Hall Prangle to emphasize the point that Centennial knew nothing at  
9 all. Had Valley simply told this Court what Valley now tells this Court (i.e. that Centennial had no  
10 prior knowledge that Farmer had ever assaulted a patient) the statement would not be misleading.<sup>21</sup>  
11 But, Valley Health’s prior statements were untrue—not spin. It was misleading and intentionally  
12 so.  
13  
14

## 15 6. Prejudice

16 Valley Health provides no new evidence nor does it even argue that this Court  
17 “misunderstood” or “misapprehended” the prejudice issues. Instead, it simply wants to reargue the  
18 exact same arguments that Valley Health has already made. Compare Motion at 25-28 with Tr. 52-  
19 54, 61-62, 228, 231, 236-237. And that argument is simple—it’s Mr. Murdock’s fault. Mr. Murdock  
20 could have deposed every employee and former employee at the hospital but didn’t. It doesn’t  
21 matter that Valley Health had 16.1 obligations and those obligations are not just to identify  
22 witnesses but to advise what their testimony would be about. Mr. Murdock just should have taken  
23 the shotgun approach and deposed each and every current and former employee. Or, every person  
24 the DA identified (without a subject). This argument flies in the face of Mr. Prangle’s admission  
25  
26  
27  
28

<sup>21</sup> However, one could very well make the argument that Mr. Sumera’s discussion with Ms. Wolfe actually references a sexual assault.

1 that no one would have known the significance of Murray, Wolfe and Sumera until they were aware  
2 of the facts described in the police statements. Transcript, P. 40, L. 24-25; P. 41, L. 1-5. It is also,  
3 ludicrous. Valley Health argues (as it did in Court) that Mr. Murdock has not "bothered" to depose  
4 the fourteen witnesses Valley Health originally identified. First, depositions are just one tool.  
5 Without violating attorney work product, meeting with a witness may be just as productive without  
6 the need for an official deposition. And, witnesses who are not employees or who are not  
7 management level employees who cannot bind the defendant (See **Palmer v. Pioneer Inn Assocs.,**  
8 **LTD.**, 118 Nev. 943 (Nev. 2002)) are free game and may very well have been spoken with.  
9

10  
11 But, as for official depositions, Plaintiff's counsel have been far from shrinking violets and  
12 have taken over fifty depositions in this case. Valley Health has taken NONE. In addition, Plaintiff  
13 has sent out 24 sets of Requests for production, 11 sets of Interrogatories, and 6 sets of Requests for  
14 Admission. (See Declaration of Mr. Murdock). And that's just to Valley Health.  
15

16 So, the argument that counsel would not have taken Wolfe, Sumera or Murray had they been  
17 identified and had counsel been told the subject of their testimony is flaccid at best. And, of course,  
18 immediately upon figuring out that these witnesses knew something (again, Valley Health didn't  
19 even disclose them until August of 2015) Mr. Murdock began setting their depositions (and having  
20 to move them based upon the requests of Mr. Bemis).  
21

22 As for the issue concerning the memory of the various witnesses, that too was argued *ad*  
23 *nauseum* at the evidentiary hearing. Tr. At 51, 60-61, 228-230, 236. Valley Health argues nothing  
24 new and simply wants another bite of the same apple. The Court's Order at 28-32 details the  
25 numerous and problematic memory issues of the witnesses and how such impacts this case. Valley  
26 Health argues nothing now that it didn't argue before. A Motion for Reconsideration is not the  
27 proper vehicle for a party to come in and simply reargue.  
28

1 The Court had before it all of the evidence and all of the arguments. Based upon same, the  
2 Court concluded that because of the time involved, and the obvious and stated memory lapses, the  
3 severe sanction of striking was proper. Valley Health has provided no new evidence to dispute the  
4 Findings of this Court.  
5

6 CONCLUSION

7 Accordingly, for the foregoing reasons, Plaintiff respectfully requests that this Court deny  
8 the Motion for Reconsideration.  
9

10 Dated this 2<sup>nd</sup> day of December, 2015.  
11

12 Respectfully submitted,

13 MURDOCK & ASSOCIATES, CHTD.  
14 ECKLEY M. KEACH, CHTD.

15 /s/ Robert E. Murdock  
16 Robert E. Murdock Bar No. 4013  
17 Eckley M. Keach Bar No. 1154  
18 521 South Third Street  
19 Las Vegas, NV 89101  
20 Attorneys for Plaintiff  
21  
22  
23  
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STATE OF NEVADA  
COUNTY OF CLARK

ROBERT E. MURDOCK, being first duly sworn deposes and says:

1. I am an attorney duly licensed to practice law in the State of Nevada and, along with Eckley M. Keach, am the attorney for Plaintiff in the captioned action.

2. I have personal knowledge of the facts set forth herein and am capable and willing to testify to same if called upon to do so.

3. Attached hereto as Exhibit 1 is a true and correct copy of the first page and the relevant pages of Transcript of Evidentiary Hearing and Motions from August 28, 2015.

4. Attached hereto as Exhibit 2 is a true and correct copy of the file stamped page and the relevant pages of Defendant's 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, including Declaration of Amanda Bell and Declaration of Michael Saunders, filed on November 19, 2015.

5. Attached hereto as Exhibit 3 is a true and correct copy of the file stamped page and the relevant pages of Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct, filed on November 4, 2015.

6. Attached hereto as Exhibit 4 is a true and correct copy of Notice of Taking Deposition of Christine Murray, R.N., filed on November 17, 2014.

7. That in this matter, we have taken over 50 depositions, and, just to Centennial, have sent out 24 sets of Requests for production, 11 sets of Interrogatories, and 6 sets of Requests for Admission.

1 8. That prior to the Evidentiary Hearing, I communicated with Mr. Prangle regarding Mr.  
2 Ferrainolo. He advised me that they would not bring him to the hearing and that if I wanted him  
3 there, we would have to provide him with a ticket.  
4

5 9. Attached hereto as Exhibit 5 is a true and correct copy of Letter from John F. Bemis to Mr.  
6 Murdock, dated December 8, 2014.

7 10. Attached hereto as Exhibit 6 is a true and correct copy of Plaintiff's 17<sup>th</sup> 16.1 Supplement,  
8 dated January 29, 2014.-----  
9

10 11. Attached hereto as Exhibit 7 is a true and correct copy of the relevant pages of Deposition of  
11 Christine Murray from January 8, 2015.

12 12. Attached hereto as Exhibit 8 is a true and correct copy of the relevant pages of Deposition of  
13 Amy Blasing, formerly Bochenek from July 28, 2015.

14 13. Attached hereto as Exhibit 9 is a true and correct copy of the relevant pages of Deposition of  
15 Carol Butler from June 19, 2015.  
16

17 14. Attached hereto as Exhibit 10 is a true and correct copy of Defendant Valley Health System,  
18 LLC d/b/a Centennial Hills Hospital Medical Center's Tenth Supplement to Its Initial Early Case  
19 Conference List of Witnesses and Documents, electronically served on June 16, 2015.

20 15. Attached hereto as Exhibit 11 is a true and correct copy of Defendant Valley Health System,  
21 LLC d/b/a Centennial Hills Hospital Medical Center's Sixteenth Supplement to Its Initial Early  
22 Case Conference List of Witnesses and Documents, electronically served on August 28, 2015.  
23

24 16. Attached hereto as Exhibit 12 is a true and correct copy of the first page and relevant page of  
25 Transcript of Proceedings before the Discovery Commissioner from June 3, 2015.  
26

27 17. Attached hereto as Exhibit 13 is a true and correct copy of Correspondence from Murdock to  
28 Bemis, dated May 15, 2015.

1 18. Attached hereto as Exhibit 14 is a true and correct copy of the file stamped page and the  
2 relevant page of Motion for Summary Judgment against Valley Health System, LLC d/b/a  
3 Centennial Hills Hospital Medical Center and Universal Health Services, Inc., filed on May 18,  
4 2015.

5  
6 19. Attached hereto as Exhibit 15 is a true and correct copy of the file stamped page and the  
7 relevant page of Evidentiary Hearing Brief in Support of the Striking of Defendant Centennial Hills  
8 Hospital's Answer to Plaintiff's Amended Complaint and Affirmative Defenses, filed on August 26,  
9 2015.

10  
11 20. Attached hereto as Exhibit 16 is a true and correct copy of the file stamped page and the  
12 relevant page of Defendant Valley Health System, LLC d/b/a Centennial Hills Hospital Medical  
13 Center and Universal Health Services, Inc.'s Brief in Support of Their Position Re: Evidentiary  
14 Hearing, filed on August 26, 2015.

15  
16 21. Attached hereto as Exhibit 17 is a true and correct copy of Notice of Association of Counsel,  
17 filed on November 16, 2015.

18 22. Attached hereto as Exhibit 18 is a true and correct copy of the file stamped page and the  
19 relevant page of Defendants Centennial Hills Hospital and Universal Health Services, Inc.'s  
20 Opposition to Plaintiff's Motion for Summary Judgment Re: Liability and Joinder to Defendant  
21 Steven Dale Farmer's Limited Opposition, filed on October 14, 2014.  
22

23 //

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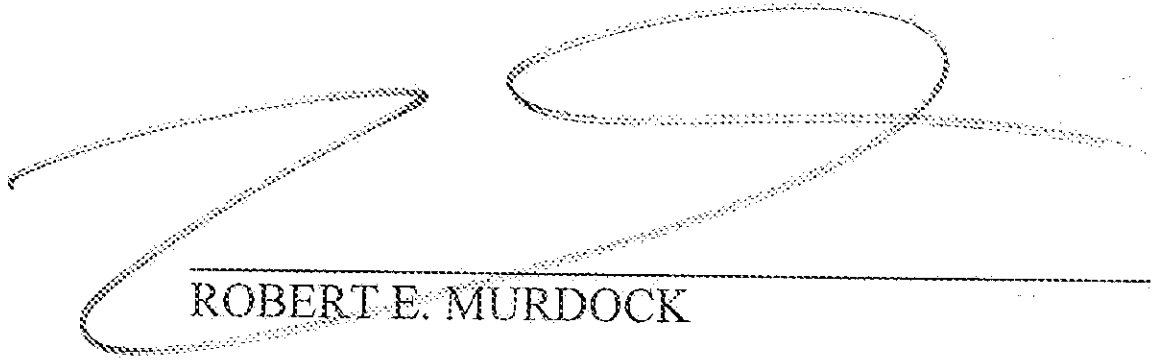
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1 23. Attached hereto as Exhibit 19 is a true and correct copy of the file stamped page and the  
2 relevant pages of Petitioners Valley Health System, LLC d/b/a Centennial Hills Hospital Medical  
3 Center and Universal Health Services, Inc.'s Petition for Writ of Mandamus and/or Writ of  
4 Prohibition, filed on April 29, 2015.  
5

6 FURTHER YOUR DECLARANT SAYETH NAUGHT.

7 I declare under penalty of perjury under the law of the State of Nevada that the foregoing is  
8 true and correct.  
9

10  
11   
12 ROBERT E. MURDOCK  
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James P.C. Silvestri, Esq.  
Pyatt Silvestri  
701 Bridger Avenue, Suite 600  
Las Vegas, NV 89101

AA1621

**EXHIBIT “1”**

**EXHIBIT “1”**

1 CASE NO. A-09-595780-C

2 DEPT. NO. II

3

4

DISTRICT COURT

5

CLARK COUNTY, NEVADA

6

7 ESTATE OF JANE DOE,

8 Plaintiff,

9

vs.

10

11 STEVEN DALE FARMER;

12 AMERICAN NURSING SERVICES,

13 INC.; UNIVERSAL HEALTH

14 SERVICES, INC.; VALLEY

15 HEALTH SYSTEM, LLC,

16 Defendant.

17

18

19

BEFORE THE HONORABLE RICHARD F. SCOTTI,

20

DISTRICT COURT JUDGE

21

FRIDAY, AUGUST 28, 2015

22

9:00 A.M.

23

24

25

Reported by: JoAnn Melendez, CCR No. 370

JO ANN MELENDEZ (702) 283-2151

1 of his, of his testimony, and he says yeah, I  
2 thought he was a nice guy, that -- which flies in  
3 the face of the statements that Margaret Wolfe made,  
4 we would have had an opportunity to confront him at  
5 the point and confront these other witnesses at that  
6 point in time; Blasing, Butler, Murray, and other  
7 people who we don't know, and gotten to the bottom  
8 of that.

9 All of that goes to foreseeability.  
10 All of that has been denied plaintiff and that is  
11 the focus of our motion, Your Honor.

12 THE COURT: All right. Thank you very  
13 much, Mr. Keach. And you went over the time, but I  
14 had -- that was because of me. So thank you for  
15 addressing all of my questions.

16 Mr. Prangle, are you gonna present  
17 the argument?

18 MR. PRANGLE: Yes, sir.

19 THE COURT: Okay, Great. You may proceed  
20 on behalf of the defendant.

21 MR. PRANGLE: May it please the court.

22 THE COURT: Yes.

23 MR. PRANGLE: In listening to Mr. Keach's  
24 opening statement, and I'm glad that we have  
25 agreement on what I believe is one key point, is

1 that before we had the statements of Wolfe and  
2 Murray, no one could foresee that they had important  
3 information about the Doe case. I could not agree  
4 more with any statement at all.

5 The reality, however, is is that --  
6 and I'm also appreciative of Mr. Keach not accusing  
7 me or John or Ken or anyone else at my firm of  
8 intentional misconduct. I appreciate that.

9 The reality is, is that --

10 THE COURT: Well, at least not before May  
11 of 2013.

12 MR. PRANGLE: No, no. Fair enough.

13 THE COURT: Okay.

14 MR. PRANGLE: And I'll address that.

15 THE COURT: Okay.

16 MR. PRANGLE: But it wasn't until May of  
17 2013 that the statements became known to us. We had  
18 no idea about -- well, we had no idea the content  
19 before then.

20 So but to put this into context of  
21 why we're here today, we just didn't know that  
22 information. We didn't know that nurse Murray was  
23 going to testify about the sitter incident. She  
24 gave a deposition, and I'm gonna call the other case  
25 the RC case, the initials of the plaintiff. Nurse

1 statements were ever provided to the hospital or any  
2 hospital official prior to -- prior to the criminal  
3 files being released pursuant to an official request  
4 for production?

5 MR. PRANGLE: Motion to compel.

6 THE COURT: Or motion to compel, yeah.

7 MR. PRANGLE: In the RC case.

8 THE COURT: Okay. And that was, that  
9 was --

10 MR. PRANGLE: May --

11 THE COURT: May of 2013.

12 MR. PRANGLE: Correct.

13 THE COURT: I understand your position.

14 MR. PRANGLE: Okay.

15 THE COURT: Thank you. Keep going.

16 MR. PRANGLE: And also on that point  
17 while I'm on it, this lawsuit was filed I believe of  
18 August of 2009. It was summer of 2009.

19 THE COURT: Right.

20 MR. PRANGLE: Both Bochenek and Butler  
21 were gone from Centennial Hills when this lawsuit  
22 was filed. They are no longer employees.

23 But taking a step back, this  
24 chronology, we know now, given that Mr. Farmer was  
25 convicted, that the assault on Ms. Doe occurred on

1 May 14th, 2008. There was no report made to  
2 Centennial Hills by Ms. Doe that the assault  
3 occurred. We had no knowledge of it whatsoever.

4 Two days later, Mr. Farmer also  
5 assaulted a patient by the name of RC. RC is the  
6 person who advised the hospital this guy  
7 inappropriately touched me. The hospital  
8 immediately placed Mr. Farmer on a do-not-return  
9 list, called the police. Mr. Farmer was arrested  
10 that afternoon.

11 My firm was retained six days later  
12 on May 22nd, 2008 specifically to investigate the RC  
13 case. As of that time, we were unaware that Ms. Doe  
14 was going to be making an allegation. Our focus was  
15 solely on RC.

16 We then undertook to do an  
17 investigation of the RC case. We met with, among  
18 others, nurse Murray, nurse Wolfe and nurse Sumera  
19 because they were involved with the RC case. That's  
20 why we met with them.

21 At the time -- and we met with nurse  
22 Wolfe I believe it was mid-June of 2008. We met  
23 with nurse Murray in mid-July in of 2008, and we met  
24 with nurse Sumera in mid-August 2008.

25 At the time that these meetings

1 discloses the depositions of -- I think it was  
2 Bochenek, and I forget which one, but in those  
3 depositions, they testify as to Ray Sumera's  
4 possible involvement with Mr. Farmer in connection  
5 with the RC matter.

6                   So as of May of 2010, and I think  
7 Mr. Keach even acknowledges, they were aware at  
8 least of the name. And I believe his point was we  
9 didn't understand the significance of it. We didn't  
10 either.

11                   But in any event, as of March of --

12                   THE COURT: Well, but let's be clear.  
13 When you say "we," you're referring to your law  
14 firm, you're not referring to Centennial.

15                   MR. PRANGLE: Well, and I would include  
16 them in that. And I would -- Amy Bochenek and Carol  
17 Butler, admittedly they had some lapses of memory,  
18 but both were consistent. And Bochenek was the  
19 director of emergency services in the emergency  
20 department at the time. Carol Butler was the chief  
21 nursing officer.

22                   THE COURT: Uh-huh.

23                   MR. PRANGLE: After the RC event happens,  
24 they do an investigation themselves. One of the  
25 things that they were concerned about is was there



1 something in this guy's background that we missed.  
2 So they interviewed many of the staff. And even  
3 though they didn't remember the dates they met with  
4 people, who specifically they met with, they were  
5 clear about one point is that there was nothing  
6 about Farmer's background that anybody told them  
7 consistent with what we see in Wolfe's statement and  
8 even Murray's statement.

9               So Mr. Keach is right that they say  
10 I don't remember a lot, but they were clear on that  
11 point.

12               In our initial supplement to the  
13 ECC, and I don't have the date that we filed, we  
14 disclosed 14 individuals who we believed had  
15 relevant information in the case.

16               To today, plaintiff's counsel -- and  
17 this goes to the prejudice issue a little bit,  
18 judge, is that to today, plaintiff's counsels  
19 deposed only one of those 14 people. And that was  
20 nurse Janesse (phonetic) who was deposed earlier  
21 this year.

22               So I guess the point being is that  
23 here we gave plaintiff 14 names of people who might  
24 have relevant information. And for, you know, their  
25 own reasons, they chose not to depose any of them.

1 I agree with Mr. Keach wholeheartedly that they have  
2 been dogged in doing discovery in this case, but  
3 it's been focused on other areas. It hasn't been  
4 focused on the 14 people we identified.

5 So the idea of being that if we had  
6 had Wolfe, Sumera and Murray and had 17 people  
7 instead of 14, you know, I think it's somewhat  
8 speculative to say that they would have deposed them  
9 automatically.

10 What gives them value --

11 THE COURT: Well --

12 MR. PRANGLE: What gives them --

13 THE COURT: -- if you had identified in  
14 your disclosure and said these two nurses gave  
15 statements to Metro about Mr. Farmer's conduct, I'm  
16 sure they would have followed up on that.

17 I mean, it's different than a  
18 witness that you designate this security guard was  
19 on duty at the time that this alert came in.

20 MR. PRANGLE: And I certainly don't want  
21 to argue with the court, but let's not forget  
22 intent. The reason they met with Metro was because  
23 of RC. It wasn't because of Doe. So you may be  
24 right, you might not be right in terms of the  
25 depositions.

1                   There were many people who were  
2                   deposed in the RC case that have not been deposed in  
3                   this case.

4                   THE COURT:   Okay.   All right.   I -- I  
5                   understand your position.

6                   MR. PRANGLE:   In any event, moving  
7                   forward to May 6th of 2013, in the RC case, a joint  
8                   motion was done by all the parties, including  
9                   plaintiff, to compel the production of the police  
10                  file.   That motion was granted.   And I believe it  
11                  was either May 6th or May 8th that we actually get  
12                  physical possession of the file that includes now  
13                  the statements of Wolfe and Murray.

14                  I confess to Your Honor I have no  
15                  specific memory of when I first read those  
16                  statements.   I will acknowledge constructive receipt  
17                  of them on May 6th, 2013.

18                  THE COURT:   Understood.

19                  MR. PRANGLE:   But because of the  
20                  sensitive nature of it in the ongoing criminal case,  
21                  there was a protective order that precluded us from  
22                  disclosing the statements.   We couldn't in the Doe  
23                  case say here are the statements we got in the RC  
24                  case.   We couldn't do that until the stay was  
25                  lifted.

1 Sumera in the RC case. We weren't trying to hide  
2 them. We just didn't know that this information was  
3 out there.

4 And let me address one of the things  
5 Your Honor raised.

6 THE COURT: Well, could the argument be  
7 made that you were seeking to delay ultimate  
8 disclosure knowing that there would be a day in  
9 reckoning where you'd have to disclose but seeking  
10 to delay it, so that memories would fade through the  
11 passage of time?

12 MR. PRANGLE: I suppose any argument  
13 could be made, but I'll be honest, I'm not that  
14 crafty. I really am not. Your Honor doesn't know  
15 me, but as an officer of the court, I'm not that  
16 sneaky.

17 THE COURT: Okay.

18 MR. PRANGLE: What I would tell you --  
19 but then why would we have disclosed them in the RC  
20 case? You know, so -- you know, and I believe it  
21 was only nurse Murray who was actually deposed in  
22 the RC case. And again, this subject just never  
23 came out. And actually in her deposition in the RC  
24 case, nurse Murray said that she never had any  
25 problems with Mr. Farmer. So I understand that it's

1 not either consistent necessarily or inconsistent  
2 with what's in her statement, but it just never came  
3 out.

4                   So switching to the, I guess the  
5 issue of prejudice, is that in addition to the 14  
6 witnesses that we disclosed in 2009 in our first  
7 supplement to the ECC, that plaintiff didn't depose  
8 any of those people until they deposed only one of  
9 them in 2015, I think it's somewhat speculative to  
10 say that had we added these three names they would  
11 have been deposed.

12                   I think I've been clear that I  
13 acknowledge I should have supplemented a list in  
14 2013, but that's the first point that we had reason  
15 to believe they had relevant information.

16                   So the point that they could  
17 reasonably have been disclosed, such as their  
18 depositions should have been taken in this case, I  
19 believe is 2013, not 2009.

20                   And, you know, we know memories  
21 fade. And Mr. Murdock knows memories fade. So when  
22 we disclosed the 14, you know, why didn't he depose.  
23 And I'm not at all critical of Mr. Murdock, but he  
24 chose to do very diligent discovery in other  
25 theatres and he has been very dogged in that, I will

1 concede to that, but he never chose to depose any of  
2 those 14 that we said may have relevant information.

3           Again, I'm not faulting him, but I  
4 think it's somewhat speculative to say that if we  
5 would have had these three names on there, even if  
6 we had reason to believe they should have been  
7 disclosed, that he would have taken the depositions.

8           It's not until 2013 that we get the  
9 information as to their significance. But again,  
10 because of the protective order, it's really not  
11 until again 2014 that the statements themselves can  
12 be produced to plaintiff.

13           And I know the depositions occurred  
14 I think in the spring of this year. So really the  
15 delay is from November of 2014 to March of 2015 or  
16 whenever it is that the depositions occurred.

17           So I don't believe there's any  
18 meaningful prejudice here to plaintiff based on the  
19 information we had and when we can produce it based  
20 on the protective orders.

21           So for all these reasons, Your  
22 Honor, I believe that is the severity of the  
23 sanction entered by Commissioner Bulla at her  
24 invitation to you that if we can show that it wasn't  
25 until later that we had reason to know this, then

1 deposition from 2010. Those were in the RC case.

2 We move for their admission, Your  
3 Honor.

4 MR. PRANGLE: Again, no objection for  
5 this hearing.

6 THE COURT: So 6 and 7 shall be admitted  
7 for purposes of the hearing.

8 MR. KEACH: Ms. Bochenek is also --

9 THE COURT: And just to clarify, I'm  
10 certain that -- that the statements in those  
11 depositions are admitted for the purposes of  
12 determining whether there was notice, not for  
13 purposes of the truth of the matter asserted in  
14 those depositions for purposes of this hearing?

15 MR. PRANGLE: I guess my concern, I just  
16 want to make sure that it's clear --

17 THE COURT: I just want to clarify.

18 MR. PRANGLE: This is, this is not for  
19 purposes of this trial later down the road.

20 MR. KEACH: These depositions are only --

21 THE COURT: Well, they only come in --

22 MR. KEACH: -- solely for -- for the  
23 issues that are before the court today.

24 THE COURT: Perfect.

25 MR. KEACH: That's it.

1 MR. PRANGLE: That's fine.

2 MR. KEACH: That's it.

3 THE COURT: I just wanted to clarify  
4 that. Go ahead. 6 and 7 are admitted.

5 MR. KEACH: Exhibit 8, Your Honor, is Ms.  
6 Blasing/Bochenek's deposition in 2015. We move for  
7 its admission.

8 MR. PRANGLE: No objection.

9 THE COURT: 8 is admitted.

10 MR. KEACH: No. 10, Your Honor, those  
11 series of emails from the public defenders office,  
12 we would move for their admission.

13 MR. PRANGLE: Same -- as to all the  
14 exhibits, I have no objections for purposes of this  
15 hearing.

16 THE COURT: All right. Well, then why  
17 don't you identify all the exhibits that you intend  
18 to admit and over -- and defendant is not objecting.  
19 So identify those for the record.

20 MR. KEACH: Thank you, Your Honor.

21 THE COURT: Just by number.

22 MR. KEACH: Exhibit --

23 THE COURT: And do you plan to admit all,  
24 you know, 10 through 17 of binder one?

25 MR. KEACH: Well, 10 through 17, yes,



1 Q. Okay. And what is the nature of that  
2 information? Is it correspondence, is it emails, is  
3 it a memorandum, are there written statements?  
4 What's the nature of the information?

5 A. It would be a correspondence to client.

6 Q. Okay. So there's correspondence in your  
7 file related to, to your client. Client being whom?

8 A. Being Centennial Hills.

9 Q. Centennial Hills. Referencing an  
10 attorney's meeting with one or more of Sumera,  
11 Murray and Wolfe, correct?

12 A. Correct.

13 THE COURT: And state the point in time  
14 we're talking about. I want to be precise if you  
15 can.

16 BY MR. KEACH:

17 Q. And that was in summer of 2008, correct?

18 A. That is correct.

19 Q. Okay. Do you know the exact date of that  
20 letter?

21 A. No.

22 Q. Other than summer of 2008, is that a fair  
23 characterization of it?

24 A. Summer or fall of 2008 would be a fair  
25 characterization.

1 Wolfe's statement, did you?

2 A. Must not have.

3 Q. Okay. Now, in your October 14th, 2014  
4 opposition to plaintiff's motion for summary  
5 judgment re: liability, in that opposition you  
6 stated, In the instant situation, there were  
7 absolutely no known prior acts by Mr. Farmer that  
8 could potentially put Centennial on notice that Mr.  
9 Farmer would assault a patient.

10 That's what you said, isn't it?

11 A. I believe that's in the brief, yes.

12 Q. Okay. You said there were absolutely,  
13 that's the word you used, absolutely, no known prior  
14 acts by Mr. Farmer that could potentially put  
15 Centennial on notice.

16 Absolutely means positively,  
17 unconditionally, unquestionably, categorically  
18 undeniable, unequivocally, without question.

19 In other words absolutely, right?

20 A. Those were the words I used, yes.

21 Q. Okay. And you said that could  
22 potentially put the hospital on notice.

23 That's just not true, is it? That's  
24 not true, is it?

25 A. I don't think that that is an accurate

1 portrayal of what you're saying, no. The -- I  
2 believe it can be as an advocate for my client. I  
3 can state that there isn't anything that potentially  
4 puts him on notice.

5 I think just as, just as you are an  
6 advocate for your client, you can say that there's  
7 absolutely a reason to put us on notice.

8 Q. You said potentially put you on notice,  
9 okay. You didn't say put you on notice. You said  
10 potentially put you on notice, right? Absolutely  
11 nothing could potentially put you on notice,  
12 correct? That's what you said.

13 A. That is what was said.

14 Q. It wasn't true, was it?

15 A. I disagree with that characterization.

16 Q. Murray said a patient was yelling for  
17 Farmer to get out of the room, I don't want you by  
18 me.

19 And you said that absolutely  
20 couldn't put you on notice, right?

21 A. Yes.

22 Q. And Wolfe described how Farmer will go  
23 into a female's patient room and close the door and  
24 when he had no reason to go in there. And it  
25 happened multiple times. And she described how

1 34.

2 MR. PRANGLE: (Positive nod of the head.)

3 THE COURT: All right. Any objection to  
4 those?

5 MR. PRANGLE: No, sir.

6 THE COURT: All right. They're admitted.  
7 Thank you. Give those to the clerk and the court  
8 will read them.

9 Anything else, Mr. Keach?

10 MR. KEACH: No, Your Honor. We rest.

11 THE COURT: All right. Would the defense  
12 like to present any witnesses?

13 MR. PRANGLE: Your Honor, we've decided  
14 not to call any live witnesses. I will -- we will  
15 stand on our briefs in the openings and closings.

16 The one thing that I would like to  
17 do is number one, apologize to the court. Number  
18 one, I'm happy to answer any questions you may have  
19 of me, but I want to apologize to the court. And I  
20 take full responsibility for this in terms of when  
21 we received nurse Wolfe's statement. I made an  
22 assumption that it was part of the May 6th, 2013  
23 disclosure. I'm embarrassed that I can't even tell  
24 you that I was wrong.

25 What I will tell you is that I did

1                   But in Mr. Keach's closing, you  
2 know, he focuses so much on the hospital. And I  
3 believe the egregious conduct done by the hospital  
4 that he wants to put the focus on would be Amy  
5 Bochenek or Blasing, and Donna -- or nurse Butler,  
6 the CNO. Ms. Bochenek was the director of emergency  
7 services in 2008, and nurse Butler was the CNO in  
8 2008.

9                   When this lawsuit was filed in 2009,  
10 both of them were no longer employees of Centennial  
11 Hills. So anything in connection with this case  
12 that would be from their conduct I believe would be,  
13 would be unfair to hold Centennial Hills responsible  
14 for the conduct of former employees.

15                  But what did they say? I mean, it  
16 is true, and a lot of people, this happens in every  
17 case that I have, witnesses don't recall things.  
18 And nurse Bochenek and nurse Butler testified they  
19 don't recall exactly the details of what they did.  
20 But what they both said, and I encourage Your Honor  
21 to read their depositions, is that we didn't have  
22 the sense that Mr. Farmer had done something  
23 improper before and this is something we missed.

24                  I don't recall if it was nurse  
25 Butler or nurse Blasing who talked about she -- I

1 because we couldn't produce that until the stay was  
2 lifted in 2014.

3 And so should we whenever it was  
4 that we got Wolfe statement disclosed the name?  
5 Yes.

6 For purposes of what I'm here to  
7 argue with you today, I'm prepared to accept that  
8 that was May of 2013, even though I really don't  
9 believe that was the day. I believe it was later.

10 So that then gets to the question of  
11 prejudice. I mean, I think we all agree that based  
12 on Commissioner Bulla's protective order we could  
13 not have provided the statement to plaintiff.

14 So certainly Mr. Murdock or Mr.  
15 Keach could have taken nurse Wolfe's deposition  
16 then. Nurse Wolfe still had I think a decent memory  
17 of what she said at that time.

18 It was really nurse Sumera who had  
19 the memory problems when he was deposed in 2015. So  
20 he was deposed earlier this year. So would nurse  
21 Sumera's testimony -- memory have been better if he  
22 was deposed sometime in 2013? I don't know. I  
23 agree with Mr. Keach, it's speculation for me to  
24 say.

25 But what I would say is that Mr.

1 Sumera -- or nurse Sumera did have a memory of what  
2 he believed of Mr. Farmer. And I know he didn't  
3 recall the, the -- telling nurse Wolfe the things  
4 that nurse Wolfe attributed to him.

5 THE COURT: Uh-huh.

6 MR. PRANGLE: But what he did remember  
7 was that I didn't believe that Mr. Farmer favored  
8 female patients, and I didn't have the impression  
9 that Mr. Farmer volunteered to place leads on female  
10 patients. So he still had a memory of that. So  
11 that was still there.

12 As to nurse Murray, let's not forget  
13 that the sitter incident that nurse Murray talks  
14 about, she came to the conclusion that Mr. Farmer  
15 didn't do anything wrong.

16 So to me it's just wild speculation  
17 to say that even if we had known about it that day  
18 that others would have a memory that Farmer did  
19 something wrong.

20 Nurse Murray came to the conclusion,  
21 and she's the only one that has spoken to this  
22 issue, is that Mr. Farmer didn't do anything wrong.  
23 And I see no reason why we should second guess that  
24 because she's the one.

25 But the reality is is that the way

1 the charting is done, it's just essentially  
2 impossible unfortunately to identify whether and  
3 where Mr. Farmer may have been a sitter. And I'll  
4 be -- you know, we have the records. Even if --  
5 even if we had done this search in 2008 or 9 or 10,  
6 we still have the problem that the records don't  
7 give us that information. So that's not a memory  
8 lapse issue, that's just the way the record keeping  
9 is done.

10 But the main point with Murray is  
11 that she came to the conclusion that Mr. Farmer  
12 didn't do anything wrong. And in the deposition  
13 that she gave in the RC case, she says I never had a  
14 problem with Mr. Farmer. And that was the state of  
15 her knowledge at the time.

16 So I guess just to sum up, I really  
17 acknowledge that we should have supplemented our ECC  
18 earlier than we did. And I believe though with the  
19 statements, whenever we got them, we did produce  
20 them at the earlier allowable opportunity based on  
21 the protective order. And that was at the end of  
22 2014.

23 And I know now that the Wolfe  
24 statement wasn't even in that. And I don't know  
25 where we got it, but certainly from 2013 to the end



1 of 2014, it still would have been subject to the  
2 protective order. So we couldn't have produced it  
3 earlier, even if we had it.

4 So where's the prejudice? I think  
5 as Your Honor has pointed out, really the smoking  
6 gun nature of this is the potentially damaging  
7 testimony about the foreseeability of nurse Wolfe.

8 Beyond this point of misleading the  
9 court in terms of the statements of ours that  
10 continue to this day, that there's no evidence that  
11 Mr. Farmer had prior bad acts.

12 You know, it has been, it currently  
13 is and it will be in the future, our position that  
14 nobody witnessed Mr. Farmer do anything  
15 inappropriate.

16 Even accepting nurse Wolfe's  
17 testimony as, you know, in its worst light, in the  
18 light most favorable to plaintiff, she acknowledges  
19 point blank I had nothing concrete. She never saw  
20 him do anything.

21 Nurse Murray says she never saw him  
22 do anything. And if we consider her testimony in  
23 the RC case, she had no problem with him at all.

24 As to Sumera and, you know, so  
25 really the damaging part of nurse Wolfe's statement

1 is what she said or what she says Sumera told her.

2 So what did Sumera tell her? You  
3 need to watch that guy because he favors female  
4 patients and he likes to place leads.

5 Well, I will acknowledge that's  
6 certainly kind of odd, but Sumera never saw him do  
7 anything inappropriate.

8 In all the testimony, in all the  
9 depositions that plaintiff has produced, there's not  
10 a single person who has said I saw him  
11 inappropriately touch someone. It's not there.

12 I, I acknowledge there's certainly  
13 circumstantial evidence now, but it's my position as  
14 an advocate for my client that there was nothing  
15 sufficient that would have put us on notice of this  
16 risk.

17 So did I inartfully or over state  
18 that position in the briefs with the court?  
19 Perhaps.

20 THE COURT: Well, you would acknowledge  
21 it's one thing to argue your interpretation of  
22 documents in exhibits that have -- in evidence that  
23 have been produced and say looking at this group of  
24 information, you know, nobody could possibly  
25 conclude that, that Mr. Farmer was a danger to the

1 patients, but, but -- but then -- but it's quite a  
2 different thing to say absolutely there's no  
3 possible -- there's -- there's -- I'm trying to  
4 remember the language here.

5 MR. PRANGLE: It's extreme.

6 THE COURT: Absolutely nobody could  
7 conclude from anything that's out there that -- that  
8 Mr. Farmer did anything wrong and base that on  
9 documents that haven't been produced. It's almost  
10 like you're representing to the court there's  
11 nothing out there to look at.

12 MR. PRANGLE: And at that point --

13 THE COURT: Which is different than  
14 saying to the court there's nothing out there to  
15 look at is a lot different than being an advocate  
16 and saying my view of these records is that my  
17 client should win.

18 MR. PRANGLE: Okay. And if I --

19 THE COURT: How would -- do you recognize  
20 the distinction?

21 MR. PRANGLE: No, I understand the  
22 distinction. And I guess what I would advise the  
23 court is I guess I always looked at it as we were  
24 saying here's what the evidence is gonna show.

25 If I overstated that, it certainly

1 was not with an intent to mislead Your Honor. And  
2 although statements that were made before Your Honor  
3 were with full knowledge of the Wolfe and Murray  
4 statements. So it wasn't as if I was trying to say  
5 those things didn't exist.

6 All I would say is my point with  
7 that, it wasn't like I was trying to say the Murray  
8 and Wolfe statement don't exist and there's nothing  
9 out there, ignore everything they're saying. That's  
10 not what I was trying to get across.

11 My point was --

12 THE COURT: Wasn't one of those  
13 statements made before the -- before the Murray  
14 Metro statement had been disclosed?

15 MR. PRANGLE: I believe the -- I don't  
16 think so. Well, actually, I don't know.

17 THE COURT: Well, let's double check  
18 that.

19 MR. PRANGLE: I'm not sure. I'm not  
20 sure.

21 THE COURT: Go ahead.

22 MR. PRANGLE: It has been, it is, and it  
23 will be our position as advocates for our clients  
24 there was nothing sufficiently out there with Mr.  
25 Farmer at Centennial Hills Hospital that would have

1 put us on notice that he was a potential risk for  
2 sexually assaulting a patient. And, you know, I'll  
3 soften the phraseology, but that is, that is my  
4 position.

5 And at the end of the day, I  
6 believe, Your Honor, to the extent that a sanction  
7 is warranted or Your Honor agrees with Commissioner  
8 Bulla, the sanction should be on me. This is --  
9 this is my case. As I've said, Bohanek and Butler  
10 were gone by the time this case was even filed.  
11 This is on me. And if there's a sanction, it should  
12 be on me. It should not be on Centennial Hills  
13 Hospital. They're relying on me to advocate for  
14 them.

15 And this -- you know, when nurse --  
16 or when Commissioner Bulla says we, Hall Prangle  
17 Schoonveld, knew as early as 2008 that these  
18 witnesses had this important information, that's why  
19 we're gonna do a thousand dollars a year per witness  
20 because of what I failed to do, this is on me.

21 And what I would say, and as  
22 Commissioner Bulla invited the court to do, if we  
23 can demonstrate that we didn't have this information  
24 in 2008, but it was at a point later, invite the  
25 court to reduce the sanctions. And that's exactly

1 what I'm asking you to do.

2 I believe the totality of the  
3 evidence today is that the first point that we had  
4 this information about the statements at the  
5 earliest was 2013. February 2013. And we didn't  
6 listen to the audio tape. But May of 2013 when we  
7 had the Murray statement and whenever we got the  
8 Wolfe statement, let's assume it was May of 2013, we  
9 couldn't disclose it until November of 2014.

10 I don't believe that if you use 2013  
11 as the benchmark for memories fading that we can  
12 conclude that that five-year period of time that  
13 justifiably we hadn't disclosed this, that we would  
14 think anybody would have a better memory than they  
15 had in 2015.

16 So I'm asking Your Honor to  
17 reconsider the monetary sanction of Commissioner  
18 Bulla. I'm asking Your Honor to reconsider her  
19 sanction of the admissibility of the statements  
20 without foundation as to -- and basically overruling  
21 preemptively a hearsay objection and reducing the  
22 sanction or eliminating the sanction because there's  
23 no prejudice after 2013.

24 As to the case terminating sanction,  
25 I don't believe anything comes close to that,

1 certainly as to Centennial Hills because the two  
2 people that would serve as the basis for that were  
3 not even employees when this lawsuit was filed. So  
4 I don't know how you can hold Centennial Hills  
5 responsible for the conduct of Bochenek and Butler  
6 when they were no longer there and supposedly duty  
7 bound to do something. They were no longer duty  
8 bound to do anything. They didn't work for us.

9 And again, as I've said, I don't  
10 believe they had the statements. So I don't believe  
11 case terminating sanctions are appropriate as well.

12 Nor do I believe that a sanction of  
13 finding foreseeability, again, because I don't  
14 believe plaintiff has demonstrated sufficient  
15 prejudice given that the points when the disclosures  
16 should have been made is 2013, not 2008.

17 So for all those reasons, I would  
18 ask Your Honor to reconsider or eliminate the  
19 sanction imposed by Commissioner Bulla and not  
20 entertain any additional sanctions as requested by  
21 plaintiff's.

22 THE COURT: All right. Thank you, Mr.  
23 Prangle. I appreciate that. Mr. Keach, you get the  
24 last word.

25 MR. KEACH: I'll try not to be too

**EXHIBIT “2”**

**EXHIBIT “2”**



1 MOT

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20 DISTRICT COURT

21 CLARK COUNTY, NEVADA

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

24 Plaintiff,

25 vs.

26 VALLEY HEALTH SYSTEM LLC, a Nevada  
27 limited liability company, d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER;  
28 UNIVERSAL HEALTH SERVICES, INC., a  
Delaware corporation; AMERICAN NURSING

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 MOTION FOR  
RECONSIDERATION OF THIS  
COURT'S NOVEMBER 4, 2015 ORDER

Date of Hearing:  
Time of Hearing:

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CLERK OF THE COURT

1 Based on the lack of willfulness by Centennial and its counsel, this Court's staggering  
2 sanction is not commensurate with the non-compliance with N.R.C.P. 16.1, which was the result of a  
3 negligent failure to thoroughly investigate this matter. Further, any prejudice suffered by Plaintiff,  
4 whose counsel were themselves less than diligent given the information at their disposal, can be  
5 remedied by the admission of the police statements given by nurse Christine Murray ("Murray") and  
6 nurse Margaret Wolfe ("Wolfe"), which sufficiently memorialized the testimony that this Court (and  
7 Plaintiff's counsel) believes has now been lost. Although this Court cannot be sure that additional  
8 relevant facts would not have come to light if Murray, Wolfe, and nurse Renato Sumera ("Sumera")  
9 were deposed in 2010, the bottom line is that this Court cannot issue this severe sanction (*i.e.*,  
10 striking Centennial's Answer as to liability) without a finding of willfulness—particularly after  
11 having already found the existence of genuine issues of material fact concerning reasonable  
12 foreseeability.

13 For these reasons, as set forth below, this Court should reconsider its Order and adopt the  
14 sanctions initially entered by the Discovery Commissioner.

## 15 II. RELEVANT FACTS

16 The facts that give rise to Plaintiff's Complaint are well known to this Court and will not be  
17 repeated here. This Motion focuses on the facts relevant to reconsideration of the sanction imposed  
18 by this Court's Order.

### 19 A. Centennial Employees' Knowledge of the Allegedly Concealed Information.

20 After patient Roxanne Cagnina ("Cagnina") reported that she had been sexually assaulted by  
21 Defendant Steven Farmer ("Farmer") in May 2008, the Las Vegas Metropolitan Police Department  
22 ("Metro") interviewed and transcribed statements from Wolfe and Murray. Centennial conducted an  
23 internal investigation regarding the Cagnina incident. During the investigation, Centennial's  
24 Counsel met with Wolfe, Sumera, and Murray because each was directly involved in the treatment  
25 of Cagnina. At that time, Centennial and its counsel were unaware of the incident regarding  
26 Plaintiff.<sup>2</sup>

27  
28 <sup>2</sup> Tr. of Evid. Hearing, at 47:23 – 49:3, Aug. 28, 2015, attached hereto as Exhibit 1.

1 According to Carol Butler ("Butler"), Centennial's Chief Nursing Officer, no one from the  
2 nursing staff had raised any concerns to either her or Amy Bochenek ("Bochenek"),<sup>3</sup> Centennial's  
3 Director of Emergency Services, about Farmer prior to the Cagnina incident.<sup>4</sup> Wolfe conveyed her  
4 concerns regarding Farmer to Bochenek only after the internal investigation began.<sup>5</sup>

5 Although Bochenek and Butler were aware that Murray and Wolfe had given statements to  
6 Metro regarding Cagnina, both testified that they did not have access to those Metro statements at  
7 the time of the Centennial investigation.<sup>6</sup> In fact, Butler and Bochenek testified that they never saw  
8 the Murray and Wolfe Metro statements until their 2015 depositions.<sup>7</sup> During the post-incident  
9 investigation, Centennial's Counsel repeatedly attempted to obtain those Metro statements from  
10 Metro and the Clark County Public Defender, but, due to the pending criminal proceeding against  
11 Farmer, both of them refused to turn the statements over until after a Court Order was entered.<sup>8</sup>

12 According to Michael Saunders, a Metro detective who was assigned to the Farmer  
13 investigation,<sup>9</sup> the general policy of Metro is to not provide transcripts of witness statements to  
14 witnesses in an open criminal case without a court order directing it to do so.<sup>10</sup> Further, the Metro  
15 file related to the Farmer investigation contains no evidence that Murray, Wolfe, Bochenek, or  
16 Butler were ever provided copies of the Murray or Wolfe Metro statements.<sup>11</sup> Detective Saunders  
17 also has no recollection of ever providing transcripts of the Murray or Wolfe Metro statements to  
18 Murray, Wolfe, or Centennial,<sup>12</sup> and can think of no other way any of them would have obtained  
19 transcripts of the Murray or Wolfe Metro statements.<sup>13</sup> In fact, it would be "highly unusual" for  
20

21 <sup>3</sup> Ms. Bochenek's last name is now Blasing. (Dep. of Amy Blasing, at 4:7 – 11, attached hereto as Exhibit 2.)

22 <sup>4</sup> Dep. of Carol Butler, at 112:24 – 113:8; 119:15 – 120:16, attached hereto as Exhibit 3.

23 <sup>5</sup> *Id.*

24 <sup>6</sup> Ex. 2, at 38:2 – 24; Ex. 3, at 96:7 – 20; 114:2 – 115:14.

25 <sup>7</sup> Ex. 2, at 38:2 – 5; Ex. 3, at 92:12 – 94:15.

26 <sup>8</sup> Ex. 1, at 45:2 – 13; 222:6 – 13.

27 <sup>9</sup> Declaration of Detective Michael Saunders, ¶¶ 1, 4, attached hereto as Exhibit 4.

28 <sup>10</sup> *Id.*, ¶ 5.

<sup>11</sup> *Id.*, ¶¶ 6 – 7.

<sup>12</sup> *Id.*, ¶ 8.

<sup>13</sup> *Id.*, ¶ 9.

1 Metro to have provided the Murray or Wolfe Metro statements to anyone other than the Clark  
2 County District Attorney without a court order directing Metro to do so.<sup>14</sup>

3 Murray believes that she discussed her Metro statement with Butler in 2008, and claims that  
4 Butler had a copy of her Metro statement.<sup>15</sup> As stated above, Butler disagreed (as does Metro),  
5 stating she had no recollection of ever seeing the statement.<sup>16</sup> Murray further testified that she did  
6 not discuss with Butler the elderly patient who yelled at Farmer to leave her room (despite the fact  
7 that it is referenced in her Metro statement),<sup>17</sup> and had not discussed that particular incident with  
8 anyone at Centennial (including supervisory personnel) apart from her statement to Metro.<sup>18</sup>

9 Wolfe recalled speaking with Sumera regarding her suspicions of Farmer.<sup>19</sup> However, Wolfe  
10 did not speak with Centennial's Risk Management department or its counsel and, apart from her  
11 conversation with Bochenek; Wolfe did not speak to any member of Centennial's administration  
12 regarding Farmer.<sup>20</sup> Wolfe never saw a transcript of her police statement until she testified at  
13 Farmer's criminal trial.<sup>21</sup>

14 Wolfe's employment at Centennial ended May 7, 2009.<sup>22</sup> Murray left Centennial March 11,  
15 2009.<sup>23</sup> Butler left Centennial on January 3, 2010.<sup>24</sup> Bochenek left Centennial on September 26,  
16 2010.<sup>25</sup>

17 ///

18 ///

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14 *Id.*, ¶ 10.

15 Dep. of Christine Murray, at 60:19 – 61:25, attached hereto as Exhibit 5.

16 Ex. 3, at 92:12 – 94:15.

17 Ex. 5, at 61:12 – 25.

18 *Id.*, at 60:9 – 13.

19 Dep. of Margaret Wolfe, at 16:8 – 18:18, attached hereto as Exhibit 6.

20 *Id.*, at 40:1 – 41:20.

21 *Id.*, at 44:16 – 45:12.

22 Declaration of Amanda Bell, ¶ 5, attached hereto as Exhibit 7.

23 *Id.*, ¶ 7.

24 *Id.*, ¶ 8.

25 *Id.*, ¶ 6.

1 B. The Cagnina Lawsuit.

2 In September of 2008, Cagnina filed a civil Complaint related to Farmer's assault (the  
3 "Cagnina Matter").<sup>26</sup> Because they were involved with Cagnina's treatment, Centennial's Counsel  
4 listed Wolfe, Sumera, and Murray in the initial disclosures in the Cagnina Matter on November 13,  
5 2008.<sup>27</sup>

6 C. The Jane Doe Complaint.

7 The Complaint in this matter was filed on July 23, 2009,<sup>28</sup> and the Amended Complaint was  
8 filed on August 21, 2009.<sup>29</sup> The Early Case Conference was held on November 9, 2009.<sup>30</sup> On  
9 March 17, 2010, Plaintiff produced her Fifth Supplemental Disclosures, which contained the witness  
10 lists from the Farmer criminal proceeding.<sup>31</sup> Wolfe and Murray were on that list.<sup>32</sup> On May 13,  
11 2010, Plaintiff produced her Sixth Supplemental Disclosures, which included the deposition  
12 transcripts of Murray and Bochenek from the Cagnina Matter.<sup>33</sup> In the Cagnina Matter, Murray was  
13 asked specifically whether she had any issues with Farmer, and responded that she had not.<sup>34</sup> At the  
14 request of Plaintiff, this matter was stayed from January 21, 2011 through July 18, 2012.<sup>35</sup>

15 Although Centennial's Counsel had interviewed Wolfe, Sumera, and Murray after the  
16 Cagnina incident, those lawyers did not conduct another interview of these same nurses after the

17 <sup>26</sup> Complaint, *Cagnina v. Centennial Hills Hospital Medical Center, et al.*, Case No. A570756, Sep. 2, 2008.

18 <sup>27</sup> Def. Centennial Hills Hospital's Initial Early Case Conference List of Witnesses & Documents, at 2:24; 3:8,  
19 attached hereto as Exhibit 8.

20 <sup>28</sup> Compl., July 23, 2009.

21 <sup>29</sup> Amen. Compl., Aug. 23, 2009.

22 <sup>30</sup> Joint Case Conference Report, at 2:16, Dec. 9, 2009, attached hereto as Exhibit 9.

23 <sup>31</sup> Pl.'s Fifth Supp. to Case Conference Disclosures Pursuant to NRCP 16.1, at 2:5 – 13, attached hereto as Exhibit  
24 10; Ex. 1, at 50:11 – 16.

25 <sup>32</sup> *See id.*

26 <sup>33</sup> Pl.'s Sixth Supp. to Case Conference Disclosures Pursuant to NRCP 16.1, at 1:2 – 3, 14 – 15, attached hereto as  
27 Exhibit 11.

28 <sup>34</sup> Deposition of Christine Murray, at 56:3 – 57:2, taken in *Cagnina v. Centennial Hills Hospital Medical Center,*  
*et al.*, Case No. A570756, Jan 27, 2010, attached hereto as Exhibit 12.

<sup>35</sup> Pl.'s Reply to Def. Steven Farmer's Opp'n to Pl.'s Mot. for Protective Order, at 3:25 – 4:3, Dec. 9, 2010  
("[T]his Court should stop the deposition of Plaintiff and, frankly, simply place a litigation hold on this case until such  
time as this Court is going to mandate that Defendant appear for his deposition and Defendant provide documents, and  
allow for subpoenas duces tecum to be served on Metro and the DA's office."); Discovery Commissioner's Report &  
Recommendations, at 2:20 – 24, Jan. 21, 2011.

1 filing of Plaintiff's Complaint in this matter, because the information they had previously gathered  
2 did not indicate that any of these nurses had information relevant to this matter.<sup>36</sup> Unlike the  
3 Cagnina Matter, Wolfe, Sumera, and Murray were not involved in Plaintiff's treatment. Of the  
4 fourteen witnesses Centennial listed in its initial disclosures in this matter, Plaintiff only deposed one  
5 of them (which deposition occurred in 2015).<sup>37</sup>

6 **D. Centennial's Counsel Obtains the Metro File on the Farmer Investigation in the**  
7 **Cagnina Matter and Produces it in this Matter after the Cagnina Protective Order Is**  
8 **Lifted.**

9 In February of 2013, Centennial's Counsel received materials from the Public Defender's  
10 Office, which included an audio recording of Murray's 2008 Metro statement.<sup>38</sup> In May of 2013,  
11 after the Discovery Commissioner deemed it "Confidential," Centennial's Counsel received the  
12 Metro file regarding the Farmer investigation.<sup>39</sup> This confidentiality designation limited disclosure  
13 of such materials in accordance with a September 2009 Protective Order entered in the Cagnina  
14 Matter.<sup>40</sup> According to the Protective Order, the contents of any materials designated as  
15 "Confidential" could not be disclosed to anyone outside the Cagnina Matter.<sup>41</sup> Due to this Protective  
16 Order, neither Centennial's Counsel nor Farmer's counsel supplemented their disclosures in this  
17 matter with the contents of the Metro file.<sup>42</sup>

18 Centennial's Counsel ultimately produced the Metro file in October of 2014, pursuant to an  
19 Order from the Discovery Commissioner.<sup>43</sup> Centennial's Counsel produced that file before the  
20 Report and Recommendations were completed in order to comply with the Commissioner's ruling as  
21 soon as possible.<sup>44</sup> The Metro file contained 190 pages,<sup>45</sup> and included an affidavit of the custodian

21 <sup>36</sup> Ex. 1, at 49:4 – 14.

22 <sup>37</sup> *Id.*, at 52:16 – 21.

23 <sup>38</sup> *Id.*, at 93:17 – 94:1.

24 <sup>39</sup> *Id.*, at 76:6 – 13; 84:24 – 85:10; *see also* Ex. 12 to Aug. 28, 2015 Evidentiary Hearing.

24 <sup>40</sup> Protective Order, Cagnina Matter, attached hereto as Exhibit 13.

25 <sup>41</sup> *Id.*, at 2:14 – 3:3; 4:17 – 21.

26 <sup>42</sup> Ex. 1, at 84:5 – 17.

27 <sup>43</sup> *Id.*, at 114:4 – 115:14.

27 <sup>44</sup> *Id.*

28 <sup>45</sup> Exhibit 29 to August 28, 2015 Evidentiary Hearing; Defendants' Exhibit A to same.

1 of records stating the file was comprised of a total of 188 pages.<sup>46</sup> Each page was Bates-labeled with  
2 an "LVMPD" Bates number.<sup>47</sup> Although the statement from Murray is included, the statement that  
3 Wolfe provided to Metro in 2008 was not included in the file received in May 2013.<sup>48</sup> Wolfe's  
4 statement to Metro was first disclosed in this matter by Plaintiff in March 2015.<sup>49</sup>

5 **E. The Motion for Sanctions.**

6 On April 29, 2015, Plaintiff filed a Motion for Rule 37 Sanctions, seeking an order  
7 establishing that Farmer's misconduct was reasonably foreseeable to Centennial (and to its parent  
8 company, Universal Health Services, Inc.) as a matter of law. After briefing and oral argument  
9 before the Discovery Commissioner (the Honorable Bonnie A. Bulla), Commissioner Bulla ruled as  
10 follows:

- 11 - That the statements given to Metro by Murray and Wolfe be admitted at trial without the  
12 necessity of establishing foundation, and without any hearsay objections;
- 13 - That UHS pay \$18,000 in monetary sanctions; and
- 14 - That the District Court conduct an evidentiary hearing to address (1) if case-terminating  
15 sanctions are appropriate; (2) whether there was intentional conduct meant to thwart  
16 discovery in this case; and (3) whether Centennial misled the Court.<sup>50</sup>

17 The Commissioner also stated that these sanctions could be reduced if Centennial were able to prove  
18 "with a degree of probability" that Centennial had "no knowledge of Sumera or Wolfe until  
19 recently."<sup>51</sup> The Commissioner's Report and Recommendations (which was drafted by Plaintiff's  
20 counsel) did not include any accusations or insinuations that Centennial's Counsel had violated the  
21 Nevada Rules of Professional Conduct.

22  
23 <sup>46</sup> (*Id.*, at LVMPD0004.) The discrepancy in page count versus the actual numbers of pages is due to the two,  
24 single-page custodian of records affidavits. The actual number of pages that constitute the file (without these affidavits)  
is 188.

25 <sup>47</sup> *See id.*

26 <sup>48</sup> *See id.*; Ex. 1, at 120:12 – 123:6.

27 <sup>49</sup> Pl.'s 25th Supp. Case Conference Disclosures Pursuant to NRCP 16.1, at 7:18 – 19, PDDISC0162 – 0175,  
attached hereto as Exhibit 14.

28 <sup>50</sup> Disc. Comm. Report and Recommendations, at 3:24 – 4:15.

<sup>51</sup> *Id.*, at 5:1 – 3.



1 **F. The Evidentiary Hearing.**

2 On August 28, 2015, the Court held an evidentiary hearing regarding the potential imposition  
3 of additional sanctions against Centennial. During that hearing, Centennial's Counsel mistakenly  
4 argued and testified that the Metro file that they had received in May of 2013 contained Wolfe's  
5 Metro statement from 2008.<sup>52</sup> But, after Plaintiff's counsel pointed out that Centennial's October  
6 2014 disclosure of the Metro file did not include the Wolfe Metro statement, Centennial's Counsel  
7 reviewed the original file received from Metro, and clarified that Wolfe's Metro statement was not  
8 received in May of 2013.<sup>53</sup> The copy of the Metro file that Cagnina received and produced in the  
9 Cagnina Matter likewise did not contain Wolfe's Metro statement.<sup>54</sup> Apart from the mistaken  
10 testimony—which was later corrected—there was no competent evidence produced during the  
11 evidentiary hearing that anyone from Centennial (counsel or otherwise) had Wolfe's Metro  
12 statement in 2013.<sup>55</sup>

13 The evidentiary hearing also included the following salient points:

- 14 - Plaintiff's counsel asserted that foreseeability is the most important issue in Plaintiff's  
15 case<sup>56</sup>;
- 16 - Plaintiff's counsel asserted that "the single most important document in this case relative  
17 to foreseeability is Margaret Wolfe's statement"<sup>57</sup>;
- 18 - Plaintiff's counsel asserted that "[t]he hospital was fully aware of" both Murray and  
19 Wolfe's statements to Metro in 2008, but argued it was "irrelevant" whether the hospital  
20 actually had a copy of either statement<sup>58</sup>;
- 21 - The Court questioned "whether the hospital itself can be held responsible for its failure to  
22 disclose a statement to counsel, so they can produce it as part of a 16.1"<sup>59</sup>;

23 <sup>52</sup> Ex. 1, at 111:22 – 112:10.

24 <sup>53</sup> *Id.*, at 132:25 – 138:25.

25 <sup>54</sup> *Id.*, at 140:3 – 142:22.

26 <sup>55</sup> *See id.*

27 <sup>56</sup> *Id.*, at 217:25 – 218:1 ("But the reality is in this case foreseeability's really the issue.")

28 <sup>57</sup> *Id.*, at 118:17 – 19.

<sup>58</sup> *Id.*, at 192:7 – 17.



- 1 - Plaintiff's counsel admitted (and the Court agreed) that all parties had a "pretty good idea
- 2 ... that [the Wolfe statement] wasn't part of the [May 2013] police production"<sup>60</sup>;
- 3 - The Court noted that mere speculation regarding when Centennial's Counsel actually
- 4 received the Wolfe Metro statement is insufficient to find fault with counsel, and that the
- 5 issue was what knowledge Centennial had regarding the Wolfe Metro statement<sup>61</sup>;
- 6 - Plaintiff's counsel admitted that it is impossible to know what testimony he would have
- 7 been able to procure in 2009 that would have been impossible to procure in 2013, and
- 8 that it was possible that a witness could forget facts after as little as a year<sup>62</sup>; and
- 9 - The Court acknowledged that one of the issues it was considering was whether an
- 10 employee's knowledge could be imputed to Centennial for the purposes of heightened
- 11 sanctions.<sup>63</sup>

12 Following the evidentiary hearing, the Court issued its Order striking Centennial's Answer  
13 for the purposes of liability as a sanction for willful discovery violations.<sup>64</sup> The overarching basis  
14 for the Order was the Court's finding that Centennial (and its counsel) had willfully and intentionally  
15 concealed evidence regarding the statements given by Murray and Wolfe to Metro.<sup>65</sup>

### 16 III. ARGUMENT

#### 17 A. Legal Standard

18 Pursuant to EDCR 2.24(a), a motion that has already been heard may be reheard upon leave  
19 of the Court. "A court may, for sufficient cause shown, amend, correct, resettle, modify, or vacate,  
20 as the case may be, an order previously made and entered on motion in the progress of the cause or  
21 proceeding." *Trail v. Faretto*, 91 Nev. 401, 403, 536 P.2d 1026, 1027 (1975) (citations omitted).

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23 <sup>59</sup> *Id.*, at 193:11 – 13.

24 <sup>60</sup> *Id.*, at 204:13 – 205:10.

25 <sup>61</sup> *Id.*, at 208:10 – 23.

26 <sup>62</sup> *Id.*, at 211:13 – 212:11.

27 <sup>63</sup> *Id.*, at 247:24 – 25.

28 <sup>64</sup> Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct, Nov. 4, 2015.

<sup>65</sup> *E.g., id.*, at ¶¶ 79 – 82, 85.

1 Plaintiff. As explained above, this constitutes a manifest error of law, because (as determined by  
2 Judge Hicks) the Nevada Supreme Court would likely follow the law in other jurisdictions—that the  
3 collective knowledge doctrine cannot be used to impute willfulness or intentional misconduct to a  
4 corporation unless one or more of its employees possesses the requisite culpable state of mind. The  
5 Order, while comprehensive, is devoid of any finding that any single Centennial employee *willfully*  
6 *and intentionally concealed* relevant evidence.

7 This Court's attempt to impute knowledge *and willful intent* to Centennial based on the  
8 aggregate knowledge of Butler, Bochenek, Murray, and Wolfe is even more precarious in light of the  
9 fact that all of these employees left the employ of Centennial before (or soon after) this lawsuit was  
10 filed. Because they were not Centennial employees during all or most of the relevant discovery  
11 period, they would lack motivation to protect Centennial, and Centennial's ability to re-interview  
12 them and determine whether they had information relevant to foreseeability was constrained.<sup>70</sup>

13 Although Centennial questioned Murray, Wolfe, and Sumera following the Cagnina incident, it is  
14 not surprising that Centennial's other employees and counsel would not recall the specific details of  
15 those interviews when the Jane Doe lawsuit was filed approximately one year later.

16 To be clear, Centennial acknowledges that it should have disclosed Wolfe, Murray, and  
17 Sumera as witnesses pursuant to N.R.C.P. 16.1. That is not the issue. The manifest error of law is  
18 this Court's finding that Centennial *willfully and intentionally concealed* the existence of these  
19 witnesses from Plaintiff. Nondisclosure of these witnesses, and the corresponding Metro statements,  
20 was the result of a failure to thoroughly investigate the facts and circumstances underlying this  
21 matter (*i.e.*, negligence)—not willful misconduct.

22 ///

23 ///

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26

27 <sup>70</sup> Further, discovery was stayed in this matter from January 21, 2011, until July 18, 2012, at the request of  
28 Plaintiff, and from February 29, 2014, through July 4, 2014, which would have further constrained Centennial's ability  
to disclose relevant information. (Order, 4:26-27.)

1 in the Report and Recommendations (the “notice” for due process purposes). Centennial’s Counsel  
2 was prepared to defend the actions of their clients; they were not told to prepare to show cause why  
3 they did not violate Nevada Rule of Professional Conduct 3.3(a)(1).

4 In its Order, this Court found that Centennial engaged in wrongdoing,<sup>72</sup> but this Court also  
5 found that Centennial’s Counsel engaged in wrongdoing; to wit, they allegedly violated the Rules of  
6 Professional Conduct in representing Centennial.<sup>73</sup> Respectfully, this Court should not have done so  
7 because it gave no prior, particularized notice to Centennial’s Counsel that it would consider  
8 whether their actions met the applicable standard of care found in the Nevada Rules of Professional  
9 Conduct. In accord with the basic elements of due process, this Court had to first notify  
10 Centennial’s Counsel that it would determine whether they violated their duty of candor, so as to  
11 give Centennial’s Counsel an adequate and sufficient opportunity to defend themselves. *Without*  
12 *prior notice of alleged rule violations, Centennial’s Counsel was denied due process. See Adams*  
13 *v. Ford Motor Co.*, 653 F.3d 299, 308-09 (3d Cir. 2011) (finding that the district court deprived an  
14 attorney of his due process rights by finding that he violated ABA Model Rule of Professional  
15 Conduct 3.5 without giving sufficient notice and an opportunity to address that specific charge); *see*  
16 *also In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 278 F.3d 175, 191 (3d Cir.  
17 2002) (stating that particularized notice of alleged attorney misconduct is vital for due process  
18 purposes because an adverse finding may act “as a symbolic statement about the quality and  
19 integrity of the attorney’s work—a statement which may have a tangible effect upon the attorney’s  
20 career”) (quotations and citation omitted). Accordingly, the rule violations entered against  
21 Centennial’s Counsel cannot stand and must be vacated.

22 Centennial was also denied due process as a result of the deficient notice to its counsel.  
23 Because this Court was separately considering the acts of Centennial and its counsel, it created a  
24 potential conflict of interest between Centennial and its counsel. *See Nevada RPC 1.7(a)(2)*. Had it  
25 known this, Centennial would have retained separate counsel for the evidentiary hearing. Because  
26 Centennial was not properly notified that sanctions could be entered against it for violations of the

27 <sup>72</sup> E.g., Order, 23:8-13.

28 <sup>73</sup> *Id.*, 25:24 – 26:10.

1 the attorney is unaware.” *Waters v. Dist. Ct.*, 935 P.2d 981, 988 (Colo. 1991); *see also* MODEL  
2 RULES PROF’L CONDUCT R. 3.3 cmt. [8] (explaining that a violation of Rule 3.3(a)(3) can only be  
3 established where it is shown that the lawyer “knows that the evidence is false,” and having only a  
4 reasonable belief that the evidence is false will not preclude the lawyer from presenting it to the trier  
5 of fact unless its falsity is obvious).

6 In analyzing a lawyer’s conduct, a court may only consider what the lawyer knew at the time  
7 of the conduct. Nevada RPC 1.0A(c) (noting that the Nevada Rules of Professional Conduct  
8 presuppose that a lawyer’s conduct will be analyzed “on the basis of the facts and circumstances as  
9 they existed at the time of the conduct in question”); *see also Mainor v. Nault*, 120 Nev. 770, 775,  
10 101 P.3d 308, 325 (2004) (precluding courts from using the benefit of 20/20 hindsight to judge a  
11 lawyer’s conduct). In addition, a court “should start with the presumption that, unless proven  
12 otherwise, lawyers . . . behave in an ethical manner.” *Frazier v. Sup. Ct.*, 118 Cal. Rptr. 2d 129, 139  
13 (Cal Ct. App. 2002) (quotation marks and citation omitted); *see also Assocs. Fin. Svcs. Co. of*  
14 *Hawai’i v. Mijo*, 950 P.2d 1219, 1231 (Haw. 1998) (“Courts presume that attorneys abide by their  
15 professional responsibilities[.]”); *accord Salaiscooper v. Eighth Jud. Dist. Ct.*, 117 Nev. 892, 903, 34  
16 P.3d 509, 516 (2001) (indicating that a prosecutor “is clothed with the presumption that he acted in  
17 good faith and properly discharged his duty to enforce the laws”).

18 b. *Centennial’s Counsel Did Not Violate their Duty of Candor.*

19 This Court took issue with the following statement made by Centennial’s Counsel: “There  
20 were absolutely no known prior acts by Farmer that could potentially put Centennial Hills on notice  
21 that Farmer would assault a patient.”<sup>75</sup> In analyzing that particular statement to determine whether a  
22 Rule 3.3 violation occurred, the focus was on what Centennial knew (or could be found to have  
23 known) as of May 14, 2008 (the date of the Jane Doe incident).

24 Plaintiff did not present any evidence at the evidentiary hearing indicating that Farmer  
25 assaulted a female patient at Centennial prior to May 14, 2008.<sup>76</sup> The only evidence presented

26  
27 <sup>75</sup> (See, e.g., Order, 25:24 – 26:10 (quoting from Centennial’s opposition to a motion for summary judgment).)  
28 This Court also took issue with a substantially similar statement appearing in a brief filed by Centennial’s Counsel with  
the Nevada Supreme Court. (See *id.*, 26:6-10.)

<sup>76</sup> In denying summary judgment with regard to reasonable foreseeability, this Court made the following findings:

1 indicated that certain nurses at Centennial were suspicious of Farmer prior to May 14, 2008 because  
2 he seemed to be overly attentive to female patients (and one nurse had allegedly overheard a female  
3 patient yelling at Farmer). But whether it was reasonably foreseeable to Centennial that Farmer  
4 would assault Plaintiff solely because of suspicions—a classic jury issue—is separate from whether  
5 Centennial had any knowledge as to whether Farmer had actually assaulted a female patient. Only  
6 the latter mattered in terms of analyzing the veracity of the above statement by Centennial's  
7 Counsel.

8 Plaintiff also presented evidence indicating that Farmer had assaulted other female patients,  
9 including Cagnina, after assaulting Plaintiff. However, an act that occurred after the incident is  
10 not—by definition—a “prior act.” And again, the statement by Centennial's Counsel focused on  
11 what Centennial knew *prior to* May 14, 2008, not what happened later.

12 Respectfully, this Court misinterpreted the statement made by Centennial's Counsel.  
13 Centennial's Counsel did not suggest that Centennial had no reason to question Farmer's behavior  
14 prior to May 14, 2008. Rather, they argued that Centennial had no prior knowledge that Farmer had  
15 ever assaulted a patient prior to assaulting Plaintiff.<sup>77</sup>

16 This Court also found wrongdoing by Centennial's Counsel by reason of their non-disclosure  
17 of the Metro statements.<sup>78</sup> This Court did so by imputing knowledge of the Metro statements from  
18 Centennial (the principal) to its counsel (the agent).<sup>79</sup> However, knowledge held by a principal may  
19 not be downwardly imputed to an agent.<sup>80</sup> RESTATEMENT (THIRD) AGENCY § 5.03 cmt. g; *see also*

20 (i) “[t]here is no evidence in the record . . . that any Centennial Hills' employee had ever observed Farmer commit any  
21 criminal act before the incident [underlying this case]”; (ii) “[t]here is no evidence that any Centennial Hills' employee  
22 had ever observed Farmer improperly touch a female patient before the incident”; and (iii) “[t]here is no evidence in the  
record . . . that any female patient had ever complained of any improper sexual conduct or assault by Farmer before the  
incident.” (See Order Denying Pl.'s Mot. for Summ. J., 6:26 - 7:6.)

23 <sup>77</sup> Centennial's Counsel were permitted to take a narrow view of what facts and circumstances would be sufficient  
24 to make it reasonably foreseeable to Centennial that a contract nurse would assault a patient (a criminal act) in the course  
25 and scope of his employment. It requires a leap of faith to conclude that a male nurse's eagerness to assist female  
patients means that he is reasonably likely to sexually assault female patients if presented with the opportunity to do so,  
which is potentially why this Court declined to grant summary judgment in favor of Plaintiff against Centennial on the  
issue of reasonable foreseeability.

26 <sup>78</sup> See Order, 25:18-19, 26:11-12.

27 <sup>79</sup> *Id.*, 17:11 (“Centennial's knowledge [of the Police Statements] is imputed to its attorneys.”).

28 <sup>80</sup> In fact, the attorney-client relationship does not require clients to disclose any information to their lawyers. See  
RESTATEMENT (THIRD) LAW GOVERNING LAWYERS § 20 cmt. b (“Clients do not have a legally enforceable duty to

1 attorney"). Accordingly, this Court's sanction penalizes Centennial for its counsel's non-compliance  
2 with N.R.C.P. 16.1.<sup>86</sup>

3 Finally, this Court's sanction is not necessary to deter Centennial and its counsel from future  
4 misconduct. No evidence was submitted that Centennial or its counsel are recalcitrant or discovery  
5 abuse recidivists. In fact, Centennial's Counsel was extremely forthcoming and contrite during the  
6 evidentiary hearing. A lesser sanction will sufficiently ensure that Centennial and its counsel  
7 thoroughly investigate all relevant witnesses and facts underlying a matter going forward to ensure  
8 compliance with N.R.C.P. 16.1.

9 The remaining *Young* factors relating to prejudice to Plaintiff and the availability of less  
10 severe sanctions are addressed in the following section.

11 E. Plaintiff Was Not Prejudiced by Non-Disclosure of the Nurses and the Metro  
12 Statements, and Commissioner Bulla's Sanction is Commensurate with the N.R.C.P.  
13 16.1 Violation.

14 While this Court assigned substantial blame to Centennial (and to its counsel), it did not  
15 consider the actions of Plaintiff (and her counsel). Most importantly, this Court did not consider  
16 whether Plaintiff could have learned of the contents of the Metro statements prior to February 2015.  
17 Plaintiff easily could have, and that fact weighs against the severe sanction imposed by this Court.

18 In March of 2010, Plaintiff disclosed witness lists from the criminal case that identified  
19 Murray and Wolfe. Yet, Plaintiff did not depose either of them. Knowing that Farmer had been  
20 charged with sexually assaulting multiple female patients while working at Centennial, Plaintiff had  
21 reason to depose each nurse who was likely to testify in the criminal case to see if he or she had  
22 information relevant to this case (and more specifically, information about acts committed by Farmer  
23 prior to May 14, 2008). To the extent that Plaintiff did not want to incur the time and expense of  
24 depositing them, Plaintiff's counsel was free to interview them since they were no longer employed

25 <sup>86</sup> Centennial's violation of N.R.C.P. 16.1 is governed by N.R.C.P. 37(c) as opposed to N.R.C.P. 37(b). N.R.C.P.  
26 37(b) applies to the failure to comply with a court order, while N.R.C.P. 37(c) applies to a failure to disclose under  
27 N.R.C.P. 16.1. Although a party and its counsel must comply with all court orders and disclosure obligations under  
28 N.R.C.P. 16.1, a difference in culpability should exist between a failure to comply with a court order and a failure to  
comply with a disclosure obligation when dealing with relevant evidence—otherwise, the tools of discovery would be  
unnecessary because a party could always argue that information it believes is relevant should have been disclosed  
pursuant to N.R.C.P. 16.1, such that the failure to do so is sanctionable.



1 by Centennial. *See, e.g., Wright v. Group Health Hospital*, 691 P.2d 564, 569 (Wash. 1984) (noting  
2 that a lawyer may ethically interview former employees of a represented party because those  
3 employees no longer can speak for or bind the corporation); *see also Rebel Commc'ns, LLC v. Virgin*  
4 *Valley Water Dist.*, No. 2:10-CV-00513-LRH-GW, 2011 WL 677308, \*8 (D. Nev. Feb. 15, 2011)  
5 (finding that it is likely that the Nevada Supreme Court would "hold that Rule [of Professional  
6 Conduct] 4.2 does not apply to former employees").

7       Notwithstanding Plaintiff's ability to depose the nurses before their memories faded, this  
8 Court faulted Centennial for not identifying exactly what each of those nurses would have said in  
9 discovery in an N.R.C.P. 16.1 disclosure.<sup>87</sup> However, as recognized by the Nevada Supreme Court,  
10 counsel is not obligated "to proffer evidence that helps [his] opponent." *Sierra Glass & Mirror*, 107  
11 Nev. at 126, 808 P.2d at 516; *see also* RESTATEMENT (THIRD) LAW GOVERNING LAWYERS § 120 cmt.  
12 (b) (explaining that even if a lawyer "might know of testimony or other evidence vital to the other  
13 party, but unknown to that party or their advocate," the lawyer "has no legal obligation to reveal the  
14 evidence, even though the proceeding thereby may fail to ascertain the facts as the lawyer knows  
15 them," so long as the lawyer complies with "applicable rules concerning pretrial discovery and other  
16 applicable disclosure requirements"). In other words, even assuming that Centennial could be  
17 charged with knowing generally what the testimony of each nurse might be, Centennial was not  
18 required to give a detailed description of each nurse's anticipated testimony.<sup>88</sup>

19       The purpose of discovery is to gather evidence to support claims and defenses. Nothing  
20 barred Plaintiff from deposing the nurses promptly after learning that they had been named as  
21 witnesses in the criminal case. Had this happened, it is reasonable to conclude that Plaintiff's  
22 counsel would have learned of the information contained in the Metro statements. That is because  
23 their counsel would have focused on what each nurse knew about Farmer and whether each nurse  
24 had witnessed Farmer act improperly while working at Centennial. *See Bronston v. U.S.*, 409 U.S.  
25 352, 360, 362 (1973) (explaining how the questioner must be precise and probe the witness, saying  
26

27 <sup>87</sup> Order, 34:21 – 35:2.

28 <sup>88</sup> In fact, doing so may have resulted in a violation of the September 2009 Protective Order entered in the  
Cagnina Matter.

1 “[i]f a witness evades, it is the lawyer’s responsibility to recognize the evasion and to bring the  
2 witness back to the mark, to flush out the whole truth with the tools of adversary examination”).

3 In addition, Plaintiff could have timely taken the N.R.C.P. 30(b)(6) deposition of Centennial  
4 concerning, *inter alia*, whether Centennial had prior notice of wrongdoing or suspicious behavior by  
5 Farmer. *See U.S. v. Taylor*, 166 F.R.D. 356, 361 (M.D.N.C. 1996) (“The Rule 30(b)(6) designee . . .  
6 presents the corporation’s ‘position’ on the topic.”). Doing so would have forced Centennial to  
7 diligently prepare one or more witnesses to testify about pre-May 14, 2008 concerns (if any) with  
8 Farmer. Plaintiff did not seek to take a Rule 30(b)(6) deposition of Centennial until recently, thereby  
9 allowing witness memories to naturally fade over time.

10 These facts demonstrate that Plaintiff could have done more to discover the contents of the  
11 Metro statements. That does not negate the obligation that existed under N.R.C.P. 16.1 for  
12 Centennial to disclose Murray, Wolfe, and Sumera as witnesses, but, it does factor into whether  
13 Plaintiff could have mitigated the resulting prejudice that she claimed to have suffered by reason of  
14 such non-disclosure.

15 The Discovery Commissioner entered an appropriate sanction based on the N.R.C.P. 16.1  
16 violation; specifically, admission of the Metro statements into evidence free and clear of any hearsay  
17 objections (along with a five-figure monetary sanction). Those statements sufficiently capture any  
18 lost testimony. But for the admission of those statements into evidence, Plaintiff would likely have  
19 been unable to use them at trial (other than to refresh Murray and Wolfe’s recollections) because  
20 they are largely inadmissible hearsay. Thus, the fact that Plaintiff will be able to use them at trial  
21 provides her with a distinct advantage over Centennial.<sup>89</sup>

22 Taken together, the facts and circumstances compel a less severe sanction than what was  
23 imposed against Centennial for inadvertent non-disclosure of the nurses and the Metro statements. If  
24

25 <sup>89</sup> As noted above, Plaintiff acknowledged at the evidentiary hearing that a witness’ memory could fade within  
26 one year. Assuming that Centennial had disclosed Murray, Wolfe, and Sumera as witnesses in November 2009—over  
27 eighteen months after the incident underlying this matter—and further assuming that Plaintiff promptly took their  
28 depositions prior to engaging in any preliminary written discovery, it is likely that Murray, Wolfe, and Sumera would  
still have had problems accurately recalling their suspicions of Farmer pre-dating May 14, 2008. Plaintiff would have  
then been limited at trial in her use of the Metro statements, even though Plaintiff believes that Wolfe’s Metro statement  
is the lynchpin of her case. Now, Plaintiff gets to use those out-of-court statements for any purpose.



1 this Court were to affirm the striking of the Answer to the Complaint as to liability, it would be  
2 implicitly approving inactivity by Plaintiff while directly punishing comparable inactivity by  
3 Centennial—a grossly unfair result. *Nev. Power Co. v. Fluor Ill.*, 108 Nev. 638, 645, 837 P.2d 1354,  
4 1359 (1992) (stating that dismissal “should only be used in extreme situations,” and that “if less  
5 drastic sanctions are available, they should be utilized”).

#### 6 IV. CONCLUSION

7 Respectfully, this Court went too far in finding that Centennial and its counsel willfully and  
8 intentionally sought to conceal relevant evidence with the intent to harm Plaintiff. The disclosures  
9 should have been made; however, the non-disclosure was negligent, not willful or intentional.  
10 Similarly, Centennial and its counsel have not misled this Court; they simply disagree with any  
11 assertion that knowledge of suspicious behavior is enough to make it reasonably foreseeable that a  
12 contract nurse with a clean background check would sexually assault multiple female patients. This  
13 Court should let the jury decide, and, in making that determination, the jury can consider the  
14 statements given by Murray and Wolfe to Metro.

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28 ///

HALL PRANGLE & SCHOONVELD, LLC  
1160 NORTH TOWN CENTER DRIVE  
SUITE 200  
LAS VEGAS, NEVADA 89144  
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6925

DECLARATION OF AMANDA BELL

STATE OF NEVADA )  
 ) ss.:  
COUNTY OF CLARK )

AMANDA BELL, being first duly sworn deposes and says that:

1. I, Amanda Bell, am the Director of Risk Manager for Centennial Hills Hospital.
2. I have been asked to provide the last date of employment for Margaret Wolfe, Amy Blasing (formerly Amy Bochenek), Carol Butler and Christine Murray.
3. I have spoken with the Human Resources department for Centennial Hills Hospital to find the employment information for Ms. Wolfe, Ms. Blasing and Ms. Murray.
4. I have spoken with the Human Resources department for UHS to determine the employment information for Ms. Butler.
5. The last date of employment of Ms. Wolfe at Centennial Hills Hospital was May 7, 2009.
6. The last date of employment of Ms. Blasing at Centennial Hills Hospital was September 26, 2010.
7. The last date of employment of Ms. Murray at Centennial Hills Hospital was March 11, 2009.
8. The last date of employment of Ms. Butler at Centennial Hills Hospital was January 3, 2010.
9. This declaration is made under the penalties of perjury in the State of Nevada.

FURTHER YOUR DECLARANT SAYETH NAUGHT.

  
AMANDA BELL

1                    DECLARATION FOR MICHAEL SAUNDERS, REGARDING  
2                    TRANSCRIPTS OF WITNESS STATEMENTS REGARDING THE INVESTIGATION  
3                    OF STEVEN FARMER, EVENT NUMBER 080530-2056

4                    MICHAEL SAUNDERS, declares as follows:

5                    1.        I am employed by the Las Vegas Metropolitan Police Department ("LVMPD"),  
6                    and make this Declaration of facts from reviewing the file for Event Number 080530-2056, and  
7                    related events, which I investigated, my personal knowledge of the same, except for those  
8                    matters stated upon information and beliefs, and as to those matters, I believe the same to be true.

9                    2.        I was asked by counsel for Centennial Hills Hospital to comment upon the  
10                    question of whether the transcription of a witness statement would ever be voluntarily provided  
11                    by LVMPD to the witness or to their employer, in general.

12                    3.        I was also asked by counsel for Centennial Hills Hospital to comment upon the  
13                    question about whether the LVMPD records in Event Number 080530-2056, indicate that the  
14                    transcribed witness statements of Margaret Wolfe or Christine Murray, regarding issues related  
15                    to the investigation of Steven Farmer, were ever given to the named witnesses, or to Carol Butler  
16                    or Amy Blasing (a.k.a. Amy Bocek).

17                    4.        I was the Detective assigned to event number 080530-2056, and four related  
18                    events. I have reviewed my complete file related to these events.

19                    5.        As a general matter, I can state that it is the policy of the LVMPD that transcripts  
20                    of witness statements are never given to the witnesses themselves in an open criminal case,  
21                    absent a court order compelling LVMPD to do so. Moreover, the transcripts of witness  
22                    statements would not be provided to the employer of the witness in an open criminal case, absent  
23                    a court order compelling LVMPD to do so.

6. Based upon my review of the file related to this investigation, I find no evidence that Margaret Wolfe or Christine Murray, at any time, were given copies of the transcripts of their witness statements.

7. Based upon my review of file related to this investigation, I find no evidence that Carol Butler or Amy Blasing (a.k.a. Amy Bochenek), at any time, were given copies of the transcripts of the witness statements of Margaret Wolfe or Christine Murray.


8. I can think of no other means by which Margaret Wolfe, Christine Murray, Carol Bulter or Amy Blasing (a.k.a. Amy Bochenek), could have obtained these transcripts from LVMPD.

9. I have no recollection of providing any transcribed statements or audio recordings thereof to the witnesses named above or their employers.

10. It would be highly unusual for a witness statement to be released from an open criminal case to anyone other than the District Attorney, absent a Court Order directing the LVMPD to do so.

11. Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

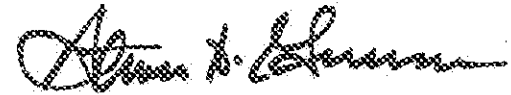
Dated this 07<sup>th</sup> day of November, 2015.

  
Michael Saunders

**EXHIBIT “3”**

**EXHIBIT “3”**

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  
21 **I. SUMMARY OF ORDER**

22 This action involves Plaintiff Jane Doe's claims that she was sexually assaulted by  
23 Nurse Farmer at Centennial Hills Hospital Medical Center on May 14, 2008. Plaintiff Jane  
24 Doe asserted the following two substantive claims against defendant Valley Health System,  
25 LLC d/b/a/ Centennial Hills Hospital Medical Center, and Universal Health Services, Inc.,  
26 (collectively "Centennial" herein): negligent failure to maintain the premises in a safe  
27 manner; and *respondent superior* liability for the sexual assault by Nurse Farmer. See  
28 Amended Complaint, ¶¶ 11-17 (filed August 21, 2009).

The Amended Complaint established the relevance and materiality of the following  
questions of fact: (a) as to the negligence claim: whether it was reasonably foreseeable to  
Centennial, considering the totality of circumstances, that the premises were unsafe (See CD  
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 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

Richard F. Scotti  
District Judge

Department Two  
Las Vegas, NV 89155

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  
half shall be paid to Plaintiff in attorney's fees and costs to offset  
additional work done to figure out witnesses to proceed forward.

4 IT IS FURTHER RECOMMENDED THAT because of the time  
5 length involved in UHS' failure to identify the nurses, and the  
6 memory issues that arise as a result, additional sanctions are  
7 warranted. However, the District Court should determine those via  
8 an evidentiary hearing and this Court defers the evidentiary  
9 hearing to the District Court. As such, an evidentiary hearing  
10 before the District Court should 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 Plaintiff to  
discovery the relevant facts, and (3) a failure to let the Court know  
what was going on in the case and whether the USH Defendants  
misled the Court.

11 The Discovery Commissioner was deeply concerned by the prejudice inflicted upon  
12 Plaintiff by Defendants' failure to disclose the nurses and their Metro Statements,  
13 commenting:

14 That's the prejudice . . . It's the fact that memories fade, and now  
15 we have a situation where we can't go back in time . . . and find  
16 out exactly what they knew, the details of their observations, which  
we don't have and, of course, details help you with credibility, to  
know what happened. So that's the prejudice, and it's significant."

17 Tr. of Proc., p. 9 (June 3, 2015).

18 The District Court approved and signed the DCRR on August 15, 2015, and filed the  
19 DCRR on August 17, 2015, setting the Evidentiary Hearing for August 28, 2015.

#### 20 D. THE EVIDENTIARY HEARING

21 The Evidentiary Hearing was conducted on August 28, 2015. Each side presented  
22 opening statements. Plaintiff Jane Doe presented the following witnesses, who were subjected  
23 to examination by both sides: John Bemis and Ken Webster (attorneys with Hall, Prangle,  
24 Schooveld, LLC, counsel for Centennial). The following exhibits were admitted into  
25 evidence: Plaintiff's exhibits 1, 1a-1n, 3-8, 10, 10a, and 11-19, 21-29, 30 (excerpt of  
26 deposition of Carol Butler on June 19, 2015), 31 (excerpt of deposition of nurse Sumera on  
27 May 15, 2015), 32 (excerpt of deposition of nurse Wolfe on May 5, 2015), 33 (excerpt of  
28 deposition of Amy Blasing on July 28, 2015), and 34 (excerpt of deposition of Janet Callahan

Richard F. Scotti  
District Judge

Department Two  
Las Vegas, NV 89155



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.

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.

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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 . . .

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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

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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 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

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 . . .

**CASE NO. 70083**

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**IN THE  
SUPREME COURT OF NEVADA**

Electronically Filed  
Aug 16 2016 09:30 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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

Appellants,

vs.

**ESTATE OF JANE DOE, BY AND THROUGH ITS SPECIAL  
ADMINISTRATOR, MISTY PETERSON,**

Respondent.

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**APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT, CLARK  
COUNTY, NEVADA  
HONORABLE JUDGE RICHARD SCOTTI, CASE NO. A-09-595780-C**

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**APPELLANTS' APPENDIX TO OPENING BRIEF**

**VOLUME VIII of XVII**

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**APPENDIX TO APPELLANTS' OPENING BRIEF**

**VOLUME VIII of XVII**

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**APPENDIX TO APPELLANTS' OPENING BRIEF**

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TAB 25

**MOT**  
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*Attorneys for Defendants Centennial Hills  
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DISTRICT COURT

CLARK COUNTY, NEVADA

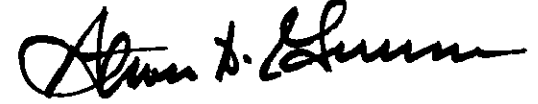
MISTY PETERSON, AS SPECIAL  
ADMINISTRATOR OF THE ESTATE OF  
JANE DOE,

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

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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 MOTION FOR  
RECONSIDERATION OF THIS  
COURT'S NOVEMBER 4, 2015 ORDER**

Date of Hearing:  
Time of Hearing:

SERVICES, INC., a Louisiana corporation;  
STEVEN DALE FARMER, an individual;  
DOES I through X, inclusive; and ROE  
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 MOTION FOR  
RECONSIDERATION OF THIS COURT'S NOVEMBER 4, 2015 ORDER**

Defendants Valley Health System LLC d/b/a Centennial Hills Hospital Medical Center and  
Universal Health Services, Inc. (jointly, "Centennial"), by and through their counsel of record,  
Bailey ♦ Kennedy and Hall Prangle & Schoonveld, LLC, respectfully move the Court to reconsider  
its November 4, 2015 Order Striking Answer of Defendant Valley Health System LLC as Sanction  
for Discovery Misconduct (the "Order"). This Motion is made and based on the papers and  
pleadings on file herein, the following Memorandum of Points and Authorities and exhibits attached  
thereto, and any oral argument as may be heard by the Court in this matter.

DATED this 19th day of November, 2015.

BAILEY ♦ KENNEDY

By: 

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

AND

MICHAEL E. PRANGLE  
KENNETH M. WEBSTER  
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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.*

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that the foregoing Motion will come on for hearing before the  
DECEMBER  
Court on the 21 day of \_\_\_\_\_, 2015, at the hour of CHAMBERS :00 A.M., or as soon thereafter as  
counsel can be heard in Department II, Courtroom 11D.

DATED this 19th day of November, 2015.

BAILEY ♦ KENNEDY

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

On November 4, 2015, this Court entered an Order striking Centennial’s Answer with respect to liability, thereby leaving Centennial without any reasonable ability to defend itself at trial. The bedrock for this extreme sanction was a finding that Centennial (and its counsel) willfully and intentionally concealed relevant evidence with the intent to harm Plaintiff Jane Doe (“Plaintiff”). This finding was the result of a misapplication of various legal principles.

First, this Court aggregated the knowledge of several Centennial employees in order to impute willful intent to Centennial. However, in order to find that a company acted willfully, rather than negligently, one or more employees within that company must actually possess the requisite culpable state of mind. This Court did not make any such findings in its Order, instead concluding that Centennial willfully and intentionally concealed evidence purely because various employees (most of them former employees for all or a majority of this lawsuit) had some relevant information that was ultimately not timely disclosed under N.R.C.P. 16.1. It was manifest error of law for this Court to do so.

Second, this Court determined that Hall Prangle & Schoonveld (“Centennial’s Counsel”) engaged in willful misconduct based on their failure to disclose relevant witnesses and police statements and violated their duty of candor to the Court. However, Plaintiff did not present any evidence indicating that Centennial’s Counsel *knowingly* made false statements of fact<sup>1</sup> or *willfully* concealed information—absolute predicates under the Rules of Professional Conduct in order to find that an attorney engaged in such wrongdoing. More importantly, this Court found that Centennial’s Counsel violated the Rules of Professional Conduct without giving prior, particularized notice to them (or to Centennial) that this Court would be assessing whether Centennial’s Counsel complied with their ethical duties in discovery. The lack of such prior notice was a deprivation of due process, which requires this Court to vacate its Order sanctioning Centennial.

<sup>1</sup> By law, this Court could not impute knowledge held by Centennial to its counsel. The law only recognizes upward (counsel to client) imputation—not downward (client to counsel) imputation.



1 Based on the lack of willfulness by Centennial and its counsel, this Court's staggering  
2 sanction is not commensurate with the non-compliance with N.R.C.P. 16.1, which was the result of a  
3 negligent failure to thoroughly investigate this matter. Further, any prejudice suffered by Plaintiff,  
4 whose counsel were themselves less than diligent given the information at their disposal, can be  
5 remedied by the admission of the police statements given by nurse Christine Murray ("Murray") and  
6 nurse Margaret Wolfe ("Wolfe"), which sufficiently memorialized the testimony that this Court (and  
7 Plaintiff's counsel) believes has now been lost. Although this Court cannot be sure that additional  
8 relevant facts would not have come to light if Murray, Wolfe, and nurse Renato Sumera ("Sumera")  
9 were deposed in 2010, the bottom line is that this Court cannot issue this severe sanction (*i.e.*,  
10 striking Centennial's Answer as to liability) without a finding of willfulness—particularly after  
11 having already found the existence of genuine issues of material fact concerning reasonable  
12 foreseeability.

13 For these reasons, as set forth below, this Court should reconsider its Order and adopt the  
14 sanctions initially entered by the Discovery Commissioner.

## 15 II. RELEVANT FACTS

16 The facts that give rise to Plaintiff's Complaint are well known to this Court and will not be  
17 repeated here. This Motion focuses on the facts relevant to reconsideration of the sanction imposed  
18 by this Court's Order.

### 19 A. Centennial Employees' Knowledge of the Allegedly Concealed Information.

20 After patient Roxanne Cagnina ("Cagnina") reported that she had been sexually assaulted by  
21 Defendant Steven Farmer ("Farmer") in May 2008, the Las Vegas Metropolitan Police Department  
22 ("Metro") interviewed and transcribed statements from Wolfe and Murray. Centennial conducted an  
23 internal investigation regarding the Cagnina incident. During the investigation, Centennial's  
24 Counsel met with Wolfe, Sumera, and Murray because each was directly involved in the treatment  
25 of Cagnina. At that time, Centennial and its counsel were unaware of the incident regarding  
26 Plaintiff.<sup>2</sup>

27  
28 <sup>2</sup> Tr. of Evid. Hearing, at 47:23 – 49:3, Aug. 28, 2015, attached hereto as Exhibit 1.

1 According to Carol Butler (“Butler”), Centennial’s Chief Nursing Officer, no one from the  
2 nursing staff had raised any concerns to either her or Amy Bochenek (“Bochenek”),<sup>3</sup> Centennial’s  
3 Director of Emergency Services, about Farmer prior to the Cagnina incident.<sup>4</sup> Wolfe conveyed her  
4 concerns regarding Farmer to Bochenek only after the internal investigation began.<sup>5</sup>

5 Although Bochenek and Butler were aware that Murray and Wolfe had given statements to  
6 Metro regarding Cagnina, both testified that they did not have access to those Metro statements at  
7 the time of the Centennial investigation.<sup>6</sup> In fact, Butler and Bochenek testified that they never saw  
8 the Murray and Wolfe Metro statements until their 2015 depositions.<sup>7</sup> During the post-incident  
9 investigation, Centennial’s Counsel repeatedly attempted to obtain those Metro statements from  
10 Metro and the Clark County Public Defender, but, due to the pending criminal proceeding against  
11 Farmer, both of them refused to turn the statements over until after a Court Order was entered.<sup>8</sup>

12 According to Michael Saunders, a Metro detective who was assigned to the Farmer  
13 investigation,<sup>9</sup> the general policy of Metro is to not provide transcripts of witness statements to  
14 witnesses in an open criminal case without a court order directing it to do so.<sup>10</sup> Further, the Metro  
15 file related to the Farmer investigation contains no evidence that Murray, Wolfe, Bochenek, or  
16 Butler were ever provided copies of the Murray or Wolfe Metro statements.<sup>11</sup> Detective Saunders  
17 also has no recollection of ever providing transcripts of the Murray or Wolfe Metro statements to  
18 Murray, Wolfe, or Centennial,<sup>12</sup> and can think of no other way any of them would have obtained  
19 transcripts of the Murray or Wolfe Metro statements.<sup>13</sup> In fact, it would be “highly unusual” for  
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21 <sup>3</sup> Ms. Bochenek’s last name is now Blasing. (Dep. of Amy Blasing, at 4:7 – 11, attached hereto as Exhibit 2.)

22 <sup>4</sup> Dep. of Carol Butler, at 112:24 – 113:8; 119:15 – 120:16, attached hereto as Exhibit 3.

23 <sup>5</sup> *Id.*

24 <sup>6</sup> Ex. 2, at 38:2 – 24; Ex. 3, at 96:7 – 20; 114:2 – 115:14.

25 <sup>7</sup> Ex. 2, at 38:2 – 5; Ex. 3, at 92:12 – 94:15.

26 <sup>8</sup> Ex. 1, at 45:2 – 13; 222:6 – 13.

27 <sup>9</sup> Declaration of Detective Michael Saunders, ¶¶ 1, 4, attached hereto as Exhibit 4.

28 <sup>10</sup> *Id.*, ¶ 5.

<sup>11</sup> *Id.*, ¶¶ 6 – 7.

<sup>12</sup> *Id.*, ¶ 8.

<sup>13</sup> *Id.*, ¶ 9.

Metro to have provided the Murray or Wolfe Metro statements to anyone other than the Clark County District Attorney without a court order directing Metro to do so.<sup>14</sup>

Murray believes that she discussed her Metro statement with Butler in 2008, and claims that Butler had a copy of her Metro statement.<sup>15</sup> As stated above, Butler disagreed (as does Metro), stating she had no recollection of ever seeing the statement.<sup>16</sup> Murray further testified that she did not discuss with Butler the elderly patient who yelled at Farmer to leave her room (despite the fact that it is referenced in her Metro statement),<sup>17</sup> and had not discussed that particular incident with anyone at Centennial (including supervisory personnel) apart from her statement to Metro.<sup>18</sup>

Wolfe recalled speaking with Sumera regarding her suspicions of Farmer.<sup>19</sup> However, Wolfe did not speak with Centennial's Risk Management department or its counsel and, apart from her conversation with Bochenek; Wolfe did not speak to any member of Centennial's administration regarding Farmer.<sup>20</sup> Wolfe never saw a transcript of her police statement until she testified at Farmer's criminal trial.<sup>21</sup>

Wolfe's employment at Centennial ended May 7, 2009.<sup>22</sup> Murray left Centennial March 11, 2009.<sup>23</sup> Butler left Centennial on January 3, 2010.<sup>24</sup> Bochenek left Centennial on September 26, 2010.<sup>25</sup>

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<sup>14</sup> *Id.*, ¶ 10.

<sup>15</sup> Dep. of Christine Murray, at 60:19 – 61:25, attached hereto as Exhibit 5.

<sup>16</sup> Ex. 3, at 92:12 – 94:15.

<sup>17</sup> Ex. 5, at 61:12 – 25.

<sup>18</sup> *Id.*, at 60:9 – 13.

<sup>19</sup> Dep. of Margaret Wolfe, at 16:8 – 18:18, attached hereto as Exhibit 6.

<sup>20</sup> *Id.*, at 40:1 – 41:20.

<sup>21</sup> *Id.*, at 44:16 – 45:12.

<sup>22</sup> Declaration of Amanda Bell, ¶ 5, attached hereto as Exhibit 7.

<sup>23</sup> *Id.*, ¶ 7.

<sup>24</sup> *Id.*, ¶ 8.

<sup>25</sup> *Id.*, ¶ 6.

**B. The Cagnina Lawsuit.**

In September of 2008, Cagnina filed a civil Complaint related to Farmer's assault (the "Cagnina Matter").<sup>26</sup> Because they were involved with Cagnina's treatment, Centennial's Counsel listed Wolfe, Sumera, and Murray in the initial disclosures in the Cagnina Matter on November 13, 2008.<sup>27</sup>

**C. The Jane Doe Complaint.**

The Complaint in this matter was filed on July 23, 2009,<sup>28</sup> and the Amended Complaint was filed on August 21, 2009.<sup>29</sup> The Early Case Conference was held on November 9, 2009.<sup>30</sup> On March 17, 2010, Plaintiff produced her Fifth Supplemental Disclosures, which contained the witness lists from the Farmer criminal proceeding.<sup>31</sup> Wolfe and Murray were on that list.<sup>32</sup> On May 13, 2010, Plaintiff produced her Sixth Supplemental Disclosures, which included the deposition transcripts of Murray and Bochenek from the Cagnina Matter.<sup>33</sup> In the Cagnina Matter, Murray was asked specifically whether she had any issues with Farmer, and responded that she had not.<sup>34</sup> At the request of Plaintiff, this matter was stayed from January 21, 2011 through July 18, 2012.<sup>35</sup>

Although Centennial's Counsel had interviewed Wolfe, Sumera, and Murray after the Cagnina incident, those lawyers did not conduct another interview of these same nurses after the

<sup>26</sup> Complaint, *Cagnina v. Centennial Hills Hospital Medical Center, et al.*, Case No. A570756, Sep. 2, 2008.

<sup>27</sup> Def. Centennial Hills Hospital's Initial Early Case Conference List of Witnesses & Documents, at 2:24; 3:8, attached hereto as Exhibit 8.

<sup>28</sup> Compl., July 23, 2009.

<sup>29</sup> Amen. Compl., Aug. 23, 2009.

<sup>30</sup> Joint Case Conference Report, at 2:16, Dec. 9, 2009, attached hereto as Exhibit 9.

<sup>31</sup> Pl.'s Fifth Supp. to Case Conference Disclosures Pursuant to NRCP 16.1, at 2:5 – 13, attached hereto as Exhibit 10; Ex. 1, at 50:11 – 16.

<sup>32</sup> *See id.*

<sup>33</sup> Pl.'s Sixth Supp. to Case Conference Disclosures Pursuant to NRCP 16.1, at 1:2 – 3, 14 – 15, attached hereto as Exhibit 11.

<sup>34</sup> Deposition of Christine Murray, at 56:3 – 57:2, taken in *Cagnina v. Centennial Hills Hospital Medical Center, et al.*, Case No. A570756, Jan 27, 2010, attached hereto as Exhibit 12.

<sup>35</sup> Pl.'s Reply to Def. Steven Farmer's Opp'n to Pl.'s Mot. for Protective Order, at 3:25 – 4:3, Dec. 9, 2010 ("[T]his Court should stop the deposition of Plaintiff and, frankly, simply place a litigation hold on this case until such time as this Court is going to mandate that Defendant appear for his deposition and Defendant provide documents, and allow for subpoenas duces tecum to be served on Metro and the DA's office."); Discovery Commissioner's Report & Recommendations, at 2:20 – 24, Jan. 21, 2011.

filing of Plaintiff's Complaint in this matter, because the information they had previously gathered did not indicate that any of these nurses had information relevant to this matter.<sup>36</sup> Unlike the Cagnina Matter, Wolfe, Sumera, and Murray were not involved in Plaintiff's treatment. Of the fourteen witnesses Centennial listed in its initial disclosures in this matter, Plaintiff only deposed one of them (which deposition occurred in 2015).<sup>37</sup>

**D. Centennial's Counsel Obtains the Metro File on the Farmer Investigation in the Cagnina Matter and Produces it in this Matter after the Cagnina Protective Order Is Lifted.**

In February of 2013, Centennial's Counsel received materials from the Public Defender's Office, which included an audio recording of Murray's 2008 Metro statement.<sup>38</sup> In May of 2013, after the Discovery Commissioner deemed it "Confidential," Centennial's Counsel received the Metro file regarding the Farmer investigation.<sup>39</sup> This confidentiality designation limited disclosure of such materials in accordance with a September 2009 Protective Order entered in the Cagnina Matter.<sup>40</sup> According to the Protective Order, the contents of any materials designated as "Confidential" could not be disclosed to anyone outside the Cagnina Matter.<sup>41</sup> Due to this Protective Order, neither Centennial's Counsel nor Farmer's counsel supplemented their disclosures in this matter with the contents of the Metro file.<sup>42</sup>

Centennial's Counsel ultimately produced the Metro file in October of 2014, pursuant to an Order from the Discovery Commissioner.<sup>43</sup> Centennial's Counsel produced that file before the Report and Recommendations were completed in order to comply with the Commissioner's ruling as soon as possible.<sup>44</sup> The Metro file contained 190 pages,<sup>45</sup> and included an affidavit of the custodian

<sup>36</sup> Ex. 1, at 49:4 – 14.

<sup>37</sup> *Id.*, at 52:16 – 21.

<sup>38</sup> *Id.*, at 93:17 – 94:1.

<sup>39</sup> *Id.*, at 76:6 – 13; 84:24 – 85:10; *see also* Ex. 12 to Aug. 28, 2015 Evidentiary Hearing.

<sup>40</sup> Protective Order, Cagnina Matter, attached hereto as Exhibit 13.

<sup>41</sup> *Id.*, at 2:14 – 3:3; 4:17 – 21.

<sup>42</sup> Ex. 1, at 84:5 – 17.

<sup>43</sup> *Id.*, at 114:4 – 115:14.

<sup>44</sup> *Id.*

<sup>45</sup> Exhibit 29 to August 28, 2015 Evidentiary Hearing; Defendants' Exhibit A to same.

1 of records stating the file was comprised of a total of 188 pages.<sup>46</sup> Each page was Bates-labeled with  
2 an “LVMPD” Bates number.<sup>47</sup> Although the statement from Murray is included, the statement that  
3 Wolfe provided to Metro in 2008 was not included in the file received in May 2013.<sup>48</sup> Wolfe’s  
4 statement to Metro was first disclosed in this matter by Plaintiff in March 2015.<sup>49</sup>

5 **E. The Motion for Sanctions.**

6 On April 29, 2015, Plaintiff filed a Motion for Rule 37 Sanctions, seeking an order  
7 establishing that Farmer’s misconduct was reasonably foreseeable to Centennial (and to its parent  
8 company, Universal Health Services, Inc.) as a matter of law. After briefing and oral argument  
9 before the Discovery Commissioner (the Honorable Bonnie A. Bulla), Commissioner Bulla ruled as  
10 follows:

- 11 - That the statements given to Metro by Murray and Wolfe be admitted at trial without the  
12 necessity of establishing foundation, and without any hearsay objections;
- 13 - That UHS pay \$18,000 in monetary sanctions; and
- 14 - That the District Court conduct an evidentiary hearing to address (1) if case-terminating  
15 sanctions are appropriate; (2) whether there was intentional conduct meant to thwart  
16 discovery in this case; and (3) whether Centennial misled the Court.<sup>50</sup>

17 The Commissioner also stated that these sanctions could be reduced if Centennial were able to prove  
18 “with a degree of probability” that Centennial had “no knowledge of Sumera or Wolfe until  
19 recently.”<sup>51</sup> The Commissioner’s Report and Recommendations (which was drafted by Plaintiff’s  
20 counsel) did not include any accusations or insinuations that Centennial’s Counsel had violated the  
21 Nevada Rules of Professional Conduct.

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23 <sup>46</sup> (*Id.*, at LVMPD0004.) The discrepancy in page count versus the actual numbers of pages is due to the two,  
24 single-page custodian of records affidavits. The actual number of pages that constitute the file (without these affidavits)  
is 188.

25 <sup>47</sup> *See id.*

26 <sup>48</sup> *See id.*; Ex. 1, at 120:12 – 123:6.

27 <sup>49</sup> Pl.’s 25th Supp. Case Conference Disclosures Pursuant to NRCP 16.1, at 7:18 – 19, PDDISC0162 – 0175,  
attached hereto as Exhibit 14.

28 <sup>50</sup> Disc. Comm. Report and Recommendations, at 3:24 – 4:15.

<sup>51</sup> *Id.*, at 5:1 – 3.

**F. The Evidentiary Hearing.**

On August 28, 2015, the Court held an evidentiary hearing regarding the potential imposition of additional sanctions against Centennial. During that hearing, Centennial’s Counsel mistakenly argued and testified that the Metro file that they had received in May of 2013 contained Wolfe’s Metro statement from 2008.<sup>52</sup> But, after Plaintiff’s counsel pointed out that Centennial’s October 2014 disclosure of the Metro file did not include the Wolfe Metro statement, Centennial’s Counsel reviewed the original file received from Metro, and clarified that Wolfe’s Metro statement was not received in May of 2013.<sup>53</sup> The copy of the Metro file that Cagnina received and produced in the Cagnina Matter likewise did not contain Wolfe’s Metro statement.<sup>54</sup> Apart from the mistaken testimony—which was later corrected—there was no competent evidence produced during the evidentiary hearing that anyone from Centennial (counsel or otherwise) had Wolfe’s Metro statement in 2013.<sup>55</sup>

The evidentiary hearing also included the following salient points:

- Plaintiff’s counsel asserted that foreseeability is the most important issue in Plaintiff’s case<sup>56</sup>;
- Plaintiff’s counsel asserted that “the single most important document in this case relative to foreseeability is Margaret Wolfe’s statement”<sup>57</sup>;
- Plaintiff’s counsel asserted that “[t]he hospital was fully aware of” both Murray and Wolfe’s statements to Metro in 2008, but argued it was “irrelevant” whether the hospital actually had a copy of either statement<sup>58</sup>;
- The Court questioned “whether the hospital itself can be held responsible for its failure to disclose a statement to counsel, so they can produce it as part of a 16.1”<sup>59</sup>;

<sup>52</sup> Ex. 1, at 111:22 – 112:10.

<sup>53</sup> *Id.*, at 132:25 – 138:25.

<sup>54</sup> *Id.*, at 140:3 – 142:22.

<sup>55</sup> *See id.*

<sup>56</sup> *Id.*, at 217:25 – 218:1 (“But the reality is in this case foreseeability’s really the issue.”)

<sup>57</sup> *Id.*, at 118:17 – 19.

<sup>58</sup> *Id.*, at 192:7 – 17.

- 1 - Plaintiff's counsel admitted (and the Court agreed) that all parties had a "pretty good idea
- 2 . . . that [the Wolfe statement] wasn't part of the [May 2013] police production"<sup>60</sup>;
- 3 - The Court noted that mere speculation regarding when Centennial's Counsel actually
- 4 received the Wolfe Metro statement is insufficient to find fault with counsel, and that the
- 5 issue was what knowledge Centennial had regarding the Wolfe Metro statement<sup>61</sup>;
- 6 - Plaintiff's counsel admitted that it is impossible to know what testimony he would have
- 7 been able to procure in 2009 that would have been impossible to procure in 2013, and
- 8 that it was possible that a witness could forget facts after as little as a year<sup>62</sup>; and
- 9 - The Court acknowledged that one of the issues it was considering was whether an
- 10 employee's knowledge could be imputed to Centennial for the purposes of heightened
- 11 sanctions.<sup>63</sup>

12 Following the evidentiary hearing, the Court issued its Order striking Centennial's Answer  
13 for the purposes of liability as a sanction for willful discovery violations.<sup>64</sup> The overarching basis  
14 for the Order was the Court's finding that Centennial (and its counsel) had willfully and intentionally  
15 concealed evidence regarding the statements given by Murray and Wolfe to Metro.<sup>65</sup>

### 16 III. ARGUMENT

#### 17 A. Legal Standard

18 Pursuant to EDCR 2.24(a), a motion that has already been heard may be reheard upon leave  
19 of the Court. "A court may, for sufficient cause shown, amend, correct, resettle, modify, or vacate,  
20 as the case may be, an order previously made and entered on motion in the progress of the cause or  
21 proceeding." *Trail v. Faretto*, 91 Nev. 401, 403, 536 P.2d 1026, 1027 (1975) (citations omitted).

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23 <sup>59</sup> *Id.*, at 193:11 – 13.

24 <sup>60</sup> *Id.*, at 204:13 – 205:10.

25 <sup>61</sup> *Id.*, at 208:10 – 23.

26 <sup>62</sup> *Id.*, at 211:13 – 212:11.

27 <sup>63</sup> *Id.*, at 247:24 – 25.

28 <sup>64</sup> Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct, Nov. 4, 2015.

<sup>65</sup> *E.g., id.*, at ¶¶ 79 – 82, 85.



1 The “basic grounds” for reconsideration include “‘correcting manifest errors of law or fact,’ ‘newly  
2 discovered or previously unavailable evidence,’ the need ‘to prevent manifest injustice,’ or a ‘change  
3 in controlling law.’” *AA Primo Builders, LLC v. Washington*, 126 Nev. \_\_\_, 245 P.3d 1190, 1193  
4 (2010) (citation omitted) (analyzing reconsideration under N.R.C.P. 59(e)).

5 **B. This Court’s Finding of Willful Misconduct by Centennial is Based on a Manifest Error**  
6 **of Law.**

7 1. The Collective Knowledge Doctrine Cannot Be Utilized to Find Willful Misconduct.

8 Although the knowledge of a corporation’s various employees may be aggregated and  
9 imputed to the corporation, that same legal principle may not be used to prove willful intent. Rather,  
10 in order to prove that a corporation acted willfully or intentionally, the culpable state of mind must  
11 be possessed by at least one single employee of the corporation. *See, e.g., Kern Oil and Refining Co.*  
12 *v. Tenneco Oil Co.*, 792 F.2d 1380, 1386 (9th Cir. 1986); *Ginena v. Alaska Airlines, Inc.*, No. 2:04-  
13 CV-01304-MMD-CWH, 2013 WL 3155306, \*7 (D. Nev. June 19, 2013).

14 In *Ginena*, the United States District Court for the District of Nevada entertained a motion  
15 for a new trial following a defense verdict on a defamation claim. *Id.*, 2013 WL 3155306, at \*1.  
16 The district court had previously determined that the plaintiff was required to prove malice in order  
17 to recover for defamation, and gave a jury instruction stating that the plaintiff must prove that one  
18 specific Alaska Airlines employee had the requisite state of mind. *Id.* at \*6-7. In its motion for a  
19 new trial, the plaintiff argued that the jury instruction was incorrect because it “prevented the jury  
20 from considering Alaska’s ‘state of mind’ as a corporation.” *Id.* at \*7. Plaintiff argued that under  
21 the collective knowledge doctrine, it could aggregate the knowledge of various Alaska Airlines  
22 employees and use their combined knowledge to prove that the company acted with malice. *Id.*

23 The district court (the Honorable Larry R. Hicks) disagreed with the plaintiff. Judge Hicks  
24 analyzed the relevant authority relating to the collective knowledge doctrine, and determined that  
25 although it may be used to make a negligence finding, it has no application to culpable states of  
26 mind. *Id.* at \*7-8. Specifically, Judge Hicks found as follows:

27 [T]he collective knowledge doctrine favors liability where various corporate agents  
28 have different pieces of information, but the corporation was negligent in compiling  
these pieces of information. But then liability is premised on negligence, not on the

“intentional” conduct that is at the heart of the higher levels of mens rea, knowing and willful conduct.

*Id.* at \*8 (internal citations omitted). Judge Hicks determined that the Nevada Supreme Court would not apply the collective knowledge doctrine to aggregate the knowledge of multiple employees of a corporation for purposes of finding corporate malice. *Id.* Instead, Judge Hicks held that in order for a plaintiff to show that a corporation acted willfully, “the plaintiff would simply need to show that someone in the corporation had the required culpability.” *Id.*

Other legal authority is in accord:

- *Lind v. Jones, Lang LaSalle Americas, Inc.*, 135 F.Supp.2d 616, 622 n.6 (E.D. Pa. 2001) (“Although knowledge possessed by employees is aggregated so that a corporate defendant is considered to have acquired the collective knowledge of its employees, specific intent cannot be aggregated similarly.”) (internal citations omitted);
- *First Equity Corp. of Fla. v. Standard & Poor’s Corp.*, 690 F. Supp. 256, 260 (S.D.N.Y. 1988) (“While it is not disputed that a corporation may be charged with the collective knowledge of its employees, it does not follow that the corporation may be deemed to have a culpable state of mind when that state of mind is possessed by no single employee. A corporation can be held to have a particular state of mind only when that state of mind is possessed by a single individual.”); and
- *Reed v. Northwestern Publishing Co.*, 530 N.E.2d 474, 484 (Ill. 1988) (“We cannot, however, circumvent the actual-malice requirement in this case by pooling all of the information arguably within the knowledge of various employees and imputing all of that knowledge to the corporate defendant to establish that the corporate defendant acted with actual malice.”).

Based on this authority, in order to determine that Centennial ***willfully and intentionally concealed*** discoverable information regarding Murray, Wolfe, and Sumera, this Court had to find that at least one employee at Centennial ***willfully and intentionally concealed*** that information from Plaintiff. This Court did not make any such finding, and no such finding would have been supported by the record.

2. There is No Evidence in the Record Supporting the Imputation of Willful Misconduct to Centennial Because this Court Did Not Find That Any Specific Centennial Employee Had the Requisite Culpable State of Mind.

No less than five times in its Order, this Court stated that Centennial ***intentionally and willfully concealed*** relevant and material evidence, and also determined that Centennial ***intended to harm*** Plaintiff.<sup>66</sup> This Court made a specific finding that Centennial’s misconduct is “to an equal or

<sup>66</sup> Order, 3:21-23 (“Centennial intentionally and willfully (a) violated its discovery obligations under NRCP 16.1

1 greater extent than its lawyers.”<sup>67</sup> This Court then endeavored to provide factual support for this  
2 “clear and convincing” finding of Centennial’s state of mind.<sup>68</sup> However, this Court did not identify  
3 any single Centennial employee who possessed the culpable state of mind which the law requires.

4 This Court identified two Centennial employees (aside from the specific nurses at issue) who  
5 had some knowledge regarding Murray, Wolfe, and Sumera’s suspicions of Farmer—Butler and  
6 Bochenek. Butler (Centennial’s Chief Nursing Officer) only learned of these suspicions following  
7 discovery of the Cagnina incident (and before discovery of the Jane Doe incident), and further  
8 testified that while she was aware that Murray and Wolfe provided statements to Metro, **she did not**  
9 **have possession of these statements.**<sup>69</sup> Bochenek (Centennial’s Director of Emergency Services)  
10 testified similarly. Without knowledge of the specific contents of the Metro statements given by  
11 Murray and Wolfe, Butler and Bochenek—two laypersons—cannot be faulted for failing to realize  
12 that Murray, Wolfe, and Sumera had information that was potentially relevant to foreseeability and  
13 for not relaying that information to Centennial’s Counsel. Even assuming that they had knowledge  
14 regarding Murray, Wolfe, and Sumera’s suspicions of Farmer, there was no evidence presented at  
15 the evidentiary hearing indicating that Butler and Bochenek were in a position to relay that  
16 information to Centennial’s Counsel during the pendency of Plaintiff’s case, or that they willfully  
17 withheld that information from Centennial’s Counsel with the specific intent to harm Plaintiff.

18 This Court utilized the collective knowledge doctrine to aggregate the knowledge of Butler  
19 and Bochenek, along with that of various lower level employees (*i.e.*, Murray, Wolfe, and Sumera),  
20 in order to conclude that Centennial **willfully and intentionally concealed** relevant information from

21 in failing to timely disclose that nurses Murray, Wolfe, and Sumera possessed relevant and material evidence relating to  
22 the central issue in this case....”); 23:7 (“Centennial concealed evidence about the nurses.”); 25:8-10 (“This Court finds  
23 that there is clear and convincing evidence that Centennial willfully and intentionally concealed the relevance of nurses  
24 Murray, Wolfe, and Sumera, and the existence of the Police Statements with an intent to harm and unfairly prejudice  
25 Plaintiff.”); 28:10-11 (“Centennial also intentionally concealed the similarly critical police statements of nurses Murray  
and Wolfe.”); 37:13-16 (“The Court finds that Defendant Centennial intentionally, and willfully, and with the intent to  
unfairly prejudice and harm Plaintiff Jane Doe, concealed evidence regarding nurses Wolfe, Murray, and Sumera, and  
those acts of concealment unfairly, significantly, and irreparably prejudiced Plaintiff.”).

26 <sup>67</sup> *Id.*, 36:21-22.

27 <sup>68</sup> *Id.*, 25:12-26:28.

28 <sup>69</sup> Although Murray testified that Butler had a copy of her Metro statement, her testimony is belied by the standard  
policies and procedures of Metro, which does not release witness statements during a pending criminal investigation or  
criminal proceeding absent a court order. *See* Ex. 4.

1 Plaintiff. As explained above, this constitutes a manifest error of law, because (as determined by  
2 Judge Hicks) the Nevada Supreme Court would likely follow the law in other jurisdictions—that the  
3 collective knowledge doctrine cannot be used to impute willfulness or intentional misconduct to a  
4 corporation unless one or more of its employees possesses the requisite culpable state of mind. The  
5 Order, while comprehensive, is devoid of any finding that any single Centennial employee *willfully*  
6 *and intentionally concealed* relevant evidence.

7 This Court’s attempt to impute knowledge *and willful intent* to Centennial based on the  
8 aggregate knowledge of Butler, Bochenek, Murray, and Wolfe is even more precarious in light of the  
9 fact that all of these employees left the employ of Centennial before (or soon after) this lawsuit was  
10 filed. Because they were not Centennial employees during all or most of the relevant discovery  
11 period, they would lack motivation to protect Centennial, and Centennial’s ability to re-interview  
12 them and determine whether they had information relevant to foreseeability was constrained.<sup>70</sup>

13 Although Centennial questioned Murray, Wolfe, and Sumera following the Cagnina incident, it is  
14 not surprising that Centennial’s other employees and counsel would not recall the specific details of  
15 those interviews when the Jane Doe lawsuit was filed approximately one year later.

16 To be clear, Centennial acknowledges that it should have disclosed Wolfe, Murray, and  
17 Sumera as witnesses pursuant to N.R.C.P. 16.1. That is not the issue. The manifest error of law is  
18 this Court’s finding that Centennial *willfully and intentionally concealed* the existence of these  
19 witnesses from Plaintiff. Nondisclosure of these witnesses, and the corresponding Metro statements,  
20 was the result of a failure to thoroughly investigate the facts and circumstances underlying this  
21 matter (*i.e.*, negligence)—not willful misconduct.

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27 <sup>70</sup> Further, discovery was stayed in this matter from January 21, 2011, until July 18, 2012, at the request of  
28 Plaintiff, and from February 29, 2014, through July 4, 2014, which would have further constrained Centennial’s ability  
to disclose relevant information. (Order, 4:26-27.)

C. **This Court's Findings of Intentional Attorney Misconduct are Legally and Factually Flawed.**

1. **Centennial and its Counsel were Denied Due Process.**

As a preliminary matter, this Court must consider whether Centennial and its counsel (the law firm of Hall Prangle & Schoonveld, LLC) were denied due process. A party must receive due process when faced with the risk of heightened sanctions. *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. \_\_, \_\_, 245 P.3d 1182, 1184 (2000); *see also Havas v. Bank of Nev.*, 96 Nev. 567, 570, 613 P.2d 706, 707-08 (1980) (noting that a district court must be mindful “of the underlying rights of a party to due process” when at risk of sanctions for discovery violations). The same is true with regard to attorneys accused of violating the Rules of Professional Conduct. *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001); *see also In re Disciplinary Proceeding Against Sanai*, 225 P.3d 203, 206-07 (Wash. 2009) (explaining that notice and an opportunity to be heard must be given to an attorney charged with wrongdoing).

As stated above, on July 14, 2015, Commissioner Bulla entered her Report and Recommendations. Along with an award of monetary sanctions in favor of Plaintiff and finding that the Metro statements shall be admitted into evidence at trial, Commissioner Bulla recommended that the District Court conduct an evidentiary hearing to address the following issues:

- (1) “[I]f case terminating sanctions are appropriate based on the conduct of failing to disclose witnesses”;
- (2) Whether the failure to disclose witnesses “was intention [sic] to thwart the discovery process in this case, and hinder Plaintiff to discover the relevant facts”; and
- (3) “[A] failure to let the Court know what was going on in the case and whether the [Centennial] Defendants misled the Court.”<sup>71</sup>

***Notably absent from the Report and Recommendations is any notice that the District Court will also consider whether Centennial's Counsel violated any of the Rules of Professional Conduct.***

Centennial and its counsel prepared for the evidentiary hearing based on the issues set forth

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<sup>71</sup> See Report & Recomm., 3:21 – 5:3.

1 in the Report and Recommendations (the “notice” for due process purposes). Centennial’s Counsel  
2 was prepared to defend the actions of their clients; they were not told to prepare to show cause why  
3 they did not violate Nevada Rule of Professional Conduct 3.3(a)(1).

4 In its Order, this Court found that Centennial engaged in wrongdoing,<sup>72</sup> but this Court also  
5 found that Centennial’s Counsel engaged in wrongdoing; to wit, they allegedly violated the Rules of  
6 Professional Conduct in representing Centennial.<sup>73</sup> Respectfully, this Court should not have done so  
7 because it gave no prior, particularized notice to Centennial’s Counsel that it would consider  
8 whether their actions met the applicable standard of care found in the Nevada Rules of Professional  
9 Conduct. In accord with the basic elements of due process, this Court had to first notify  
10 Centennial’s Counsel that it would determine whether they violated their duty of candor, so as to  
11 give Centennial’s Counsel an adequate and sufficient opportunity to defend themselves. ***Without***  
12 ***prior notice of alleged rule violations, Centennial’s Counsel was denied due process. See Adams***  
13 ***v. Ford Motor Co.***, 653 F.3d 299, 308-09 (3d Cir. 2011) (finding that the district court deprived an  
14 attorney of his due process rights by finding that he violated ABA Model Rule of Professional  
15 Conduct 3.5 without giving sufficient notice and an opportunity to address that specific charge); *see*  
16 *also In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions*, 278 F.3d 175, 191 (3d Cir.  
17 2002) (stating that particularized notice of alleged attorney misconduct is vital for due process  
18 purposes because an adverse finding may act “as a symbolic statement about the quality and  
19 integrity of the attorney’s work—a statement which may have a tangible effect upon the attorney’s  
20 career”) (quotations and citation omitted). Accordingly, the rule violations entered against  
21 Centennial’s Counsel cannot stand and must be vacated.

22 Centennial was also denied due process as a result of the deficient notice to its counsel.  
23 Because this Court was separately considering the acts of Centennial and its counsel, it created a  
24 potential conflict of interest between Centennial and its counsel. *See Nevada RPC 1.7(a)(2)*. Had it  
25 known this, Centennial would have retained separate counsel for the evidentiary hearing. Because  
26 Centennial was not properly notified that sanctions could be entered against it for violations of the

27 <sup>72</sup> *E.g.*, Order, 23:8-13.

28 <sup>73</sup> *Id.*, 25:24 – 26:10.

Rules of Professional Conduct that were allegedly committed by its counsel, Centennial was also denied due process.

For these reasons, this Court must vacate its Order.

2. Centennial's Counsel Did Not Engage in Intentional Misconduct.

This Court determined that Centennial's Counsel engaged in misconduct; specifically, the Court found that Centennial's Counsel violated Nevada Rule of Professional Conduct 3.3.<sup>74</sup> Those findings were unsupported in law and fact and must be vacated.

a. *A Lawyer's Duty of Candor.*

A lawyer must refrain from "knowingly" making a false statement of fact to a tribunal. Nevada RPC 3.3(a). A lawyer must also refrain from "[u]nlawfully obstruct[ing] another party's access to evidence or unlawfully alter[ing], destroy[ing] or conceal[ing] a document or other material having potential evidentiary value." Nevada RPC 3.4(a). Both of these rules presuppose a willful or intentional (rather than negligent) act by the lawyer. *See* Nevada RPC 1.0(f) (defining "knowingly" as having "actual knowledge of the fact in question"); *In re Fine*, 116 Nev. 1001, 1021, 13 P.3d 400, 414 (2000) (finding that "willful misconduct occurs when the actor knows he or she is violating a . . . rule of professional conduct and acts contrary to that . . . rule in spite of such knowledge"); *see also* ABA CENTER FOR PROFESSIONAL RESPONSIBILITY, ANNOTATED MODEL RULES OF PROFESSIONAL CONDUCT, at 373 (8th ed. 2015) (stating that Rule 3.4 "does not impose a duty to volunteer all relevant information that a lawyer has, but prohibits concealing potential evidence a lawyer has a legal duty to disclose").

Knowledge of wrongdoing is material to the above analysis. *See, e.g., Schlafer v. State*, 115 Nev. 167, 174 n.3, 979 P.2d 712, 717 n.3 (1999) (noting that "the willful failure to comply with discovery obligations and district court orders pertaining thereto may constitute professional misconduct"); *Sierra Glass & Mirror v. Viking Indus., Inc.*, 107 Nev. 119, 126-27, 808 P.2d 512, 516-17 (1991) (sanctioning a lawyer for intentionally concealing evidence). Conversely, "an attorney will not be held responsible for failing to inform the court of material information of which

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<sup>74</sup> (*Id.*, 19:7-10, 26:1-10.) This Court further implied that Centennial's Counsel violated Nevada Rule of Professional Conduct 3.4 based on their untimely disclosure of the Metro statements.

the attorney is unaware.” *Waters v. Dist. Ct.*, 935 P.2d 981, 988 (Colo. 1991); *see also* MODEL RULES PROF’L CONDUCT R. 3.3 cmt. [8] (explaining that a violation of Rule 3.3(a)(3) can only be established where it is shown that the lawyer “knows that the evidence is false,” and having only a reasonable belief that the evidence is false will not preclude the lawyer from presenting it to the trier of fact unless its falsity is obvious).

In analyzing a lawyer’s conduct, a court may only consider what the lawyer knew at the time of the conduct. Nevada RPC 1.0A(c) (noting that the Nevada Rules of Professional Conduct presuppose that a lawyer’s conduct will be analyzed “on the basis of the facts and circumstances as they existed at the time of the conduct in question”); *see also Mainor v. Nault*, 120 Nev. 770, 775, 101 P.3d 308, 325 (2004) (precluding courts from using the benefit of 20/20 hindsight to judge a lawyer’s conduct). In addition, a court “should start with the presumption that, unless proven otherwise, lawyers . . . behave in an ethical manner.” *Frazier v. Sup. Ct.*, 118 Cal. Rptr. 2d 129, 139 (Cal Ct. App. 2002) (quotation marks and citation omitted); *see also Assocs. Fin. Svcs. Co. of Hawai’i v. Mijo*, 950 P.2d 1219, 1231 (Haw. 1998) (“Courts presume that attorneys abide by their professional responsibilities[.]”); *accord Salaiscooper v. Eighth Jud. Dist. Ct.*, 117 Nev. 892, 903, 34 P.3d 509, 516 (2001) (indicating that a prosecutor “is clothed with the presumption that he acted in good faith and properly discharged his duty to enforce the laws”).

b. *Centennial’s Counsel Did Not Violate their Duty of Candor.*

This Court took issue with the following statement made by Centennial’s Counsel: “There were absolutely no known prior acts by Farmer that could potentially put Centennial Hills on notice that Farmer would assault a patient.”<sup>75</sup> In analyzing that particular statement to determine whether a Rule 3.3 violation occurred, the focus was on what Centennial knew (or could be found to have known) as of May 14, 2008 (the date of the Jane Doe incident).

Plaintiff did not present any evidence at the evidentiary hearing indicating that Farmer assaulted a female patient at Centennial prior to May 14, 2008.<sup>76</sup> The only evidence presented

<sup>75</sup> (See, e.g., Order, 25:24 – 26:10 (quoting from Centennial’s opposition to a motion for summary judgment).) This Court also took issue with a substantially similar statement appearing in a brief filed by Centennial’s Counsel with the Nevada Supreme Court. (See *id.*, 26:6-10.)

<sup>76</sup> In denying summary judgment with regard to reasonable foreseeability, this Court made the following findings:



1 indicated that certain nurses at Centennial were suspicious of Farmer prior to May 14, 2008 because  
2 he seemed to be overly attentive to female patients (and one nurse had allegedly overheard a female  
3 patient yelling at Farmer). But whether it was reasonably foreseeable to Centennial that Farmer  
4 would assault Plaintiff solely because of suspicions—a classic jury issue—is separate from whether  
5 Centennial had any knowledge as to whether Farmer had actually assaulted a female patient. Only  
6 the latter mattered in terms of analyzing the veracity of the above statement by Centennial’s  
7 Counsel.

8 Plaintiff also presented evidence indicating that Farmer had assaulted other female patients,  
9 including Cagnina, after assaulting Plaintiff. However, an act that occurred after the incident is  
10 not—by definition—a “prior act.” And again, the statement by Centennial’s Counsel focused on  
11 what Centennial knew *prior to* May 14, 2008, not what happened later.

12 Respectfully, this Court misinterpreted the statement made by Centennial’s Counsel.  
13 Centennial’s Counsel did not suggest that Centennial had no reason to question Farmer’s behavior  
14 prior to May 14, 2008. Rather, they argued that Centennial had no prior knowledge that Farmer had  
15 ever assaulted a patient prior to assaulting Plaintiff.<sup>77</sup>

16 This Court also found wrongdoing by Centennial’s Counsel by reason of their non-disclosure  
17 of the Metro statements.<sup>78</sup> This Court did so by imputing knowledge of the Metro statements from  
18 Centennial (the principal) to its counsel (the agent).<sup>79</sup> However, knowledge held by a principal may  
19 not be downwardly imputed to an agent.<sup>80</sup> RESTATEMENT (THIRD) AGENCY § 5.03 cmt. g; *see also*

20 (i) “[t]here is no evidence in the record . . . that any Centennial Hills’ employee had ever observed Farmer commit any  
21 criminal act before the incident [underlying this case]”; (ii) “[t]here is no evidence that any Centennial Hills’ employee  
22 had ever observed Farmer improperly touch a female patient before the incident”; and (iii) “[t]here is no evidence in the  
record . . . that any female patient had ever complained of any improper sexual conduct or assault by Farmer before the  
incident.” (See Order Denying Pl.’s Mot. for Summ. J., 6:26 - 7:6.)

23 <sup>77</sup> Centennial’s Counsel were permitted to take a narrow view of what facts and circumstances would be sufficient  
24 to make it reasonably foreseeable to Centennial that a contract nurse would assault a patient (a criminal act) in the course  
and scope of his employment. It requires a leap of faith to conclude that a male nurse’s eagerness to assist female  
25 patients means that he is reasonably likely to sexually assault female patients if presented with the opportunity to do so,  
which is potentially why this Court declined to grant summary judgment in favor of Plaintiff against Centennial on the  
issue of reasonable foreseeability.

26 <sup>78</sup> See Order, 25:18-19, 26:11-12.

27 <sup>79</sup> *Id.*, 17:11 (“Centennial’s knowledge [of the Police Statements] is imputed to its attorneys.”).

28 <sup>80</sup> In fact, the attorney-client relationship does not require clients to disclose any information to their lawyers. See  
RESTATEMENT (THIRD) LAW GOVERNING LAWYERS § 20 cmt. b (“Clients do not have a legally enforceable duty to

1 *In re Waswick*, 212 B.R. 350, 353 (Bankr. N.D. 1997) (“The implied knowledge rule of agency does  
2 not operate in the converse.”). Similarly, knowledge of one agent (*e.g.*, a charge nurse) may not be  
3 imputed upward to the principal (*i.e.*, the hospital) and then downward to a different agent (*e.g.*, a  
4 lawyer) of the same principal. *See Warren v. Com.*, 247 S.E.2d 692, 695 (Va. 1978) (refusing to find  
5 that the knowledge of one agent could be imputed to the agent’s principal and then imputed to a  
6 different agent of the same principal). Therefore, as a matter of law, this Court had no basis upon  
7 which to impute knowledge related to the Metro statements from various nurses to Centennial and  
8 then from Centennial to its counsel.

9 Finally, this Court faulted Centennial’s Counsel for failing to disclose the nurses as witnesses  
10 pursuant to N.R.C.P. 16.1.<sup>81</sup> Centennial’s Counsel acknowledged prior to and during the evidentiary  
11 hearing that they were negligent in failing to disclose the nurses as witnesses in this matter.  
12 However, their inadvertent failure to do so was neither intentional nor designed to harm Plaintiff.<sup>82</sup>  
13 If it was (it was not), they would not have disclosed these same nurses as witnesses in the Cagnina  
14 Matter knowing that Plaintiff’s counsel was monitoring the discovery that was occurring in that case.  
15 For that matter, Centennial’s Counsel could not have concealed the identities of two of the nurses  
16 because they had been disclosed as witnesses in the criminal case (a fact known to Plaintiff).<sup>83</sup>

17 For these reasons, this Court lacked substantial evidence to support its findings that  
18 Centennial’s Counsel committed willful misconduct and violated the Rules of Professional Conduct.  
19 As a result, this Court should not have sanctioned Centennial for alleged misconduct committed by  
20 its counsel.

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24 communicate to the lawyer, except as provided under the law of misrepresentation.”).

25 <sup>81</sup> *E.g.*, Order, 25:14-17.

26 <sup>82</sup> *Contra id.*, 19:7-10 (suggesting that Centennial’s Counsel intended to conceal relevant evidence).

27 <sup>83</sup> Plaintiff highlighted the fact that two of the nurses were disclosed as witnesses in the criminal case in moving  
28 for sanctions. (*See* Mot. for Rule 37 Sanctions, 8:13-15 (noting that their names were listed in a “public document  
available on Wiznet”).) As stated by Centennial in its Objection to the Report & Recommendations issued by  
Commissioner Bulla, Plaintiff promptly supplemented her N.R.C.P. 16.1 disclosures in this case with witness lists from  
the criminal case. (*See* Obj. to Discovery Comm’r R&R, 4:3-18.)

**D. Without a Finding of Willful Misconduct, this Court Cannot Issue the Sanction It Did.**

Nevada courts are generally precluded from issuing sanctions under N.R.C.P. 37 without a finding of willfulness. *See, e.g., Clark Cty. School Dist. v. Richardson Constr., Inc.*, 123 Nev. 382, 391, 168 P.3d 87, 93 (2007) (“In general, a district court may impose sanctions only when there has been willful noncompliance with the discovery order or willful failure to produce documents under NRCP 16.1.”); *GNLV Corp. v. Service Control Corp.*, 111 Nev. 866, 871, 900 P.2d 323, 326 (1995) (reversing, in part, the district court’s sanction because there was “no evidence that the Golden Nugget intentionally or willfully destroyed” evidence).

For the reasons set forth above, this Court could not make—on the evidence—a determination that either Centennial or its counsel acted **willfully and intentionally** to conceal relevant evidence **with the intent to harm** Plaintiff; any such findings in its Order were based on manifest errors of law (*e.g.*, application of the collective knowledge doctrine and findings of ethics rules violations without the requisite knowledge or willful intent to violate those rules). Accordingly, this Court’s sanction (*i.e.*, a finding that Centennial is liable), which is premised on multiple findings of willfulness and intentional concealment, is improper as a matter of law. Likewise, the severity of the sanction is not commensurate with the severity of Centennial’s non-compliance with N.R.C.P. 16.1. *See GNLV Corp.*, 111 Nev. at 870, 900 P.2d at 325 (“Fundamental notions of fairness and due process require that discovery sanctions be just. . .”).

The other factors that this Court had to consider in determining an appropriate discovery sanction weighed against the striking of the Answer for the purposes of liability.<sup>84</sup> Nevada has a strong policy in favor of deciding cases on their merits whenever possible. *See, e.g., Schulman v. Bongberg-Whitney Elec., Inc.*, 98 Nev. 226, 227, 645 P.2d 434, 435 (1982). Although the sanction

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<sup>84</sup> As set forth in the Order, “[t]he factors a court may properly consider include, but are not limited to, the degree of willfulness of the offending party, the extent to which the non-offending party would be prejudiced by a lesser sanction, the severity of the sanction of dismissal relative to the severity of the discovery abuse, whether any evidence has 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.” *Young v. Johnny Ribeiro Bldg., Inc.*, 106 Nev. 88, 93, 787 P.2d 777, 780 (1990). Incidentally, the sanction in *Young* was based on willfully fabricated evidence, an act much more egregious than the non-disclosure of relevant witnesses. *See id.* at 95, 787 P.2d at 781 (“Substantial evidence supports the district court’s conclusion that Young willfully fabricated evidence.”).

1 entered by this Court is not necessarily case-concluding, *Bahena v. Goodyear Tire & Rubber Co.*,  
2 126 Nev, \_\_\_, 235 P.3d 592, 596 (2010), for all intents and purposes, it precludes Centennial from  
3 defending itself at trial because the only issue left for the jury to decide is the amount that Centennial  
4 will be forced to pay. Considering the nature of the case (*i.e.*, sexual assault), the Order will likely  
5 result in Centennial being lumped together with Farmer for the purposes of awarding damages to  
6 Plaintiff. And, as recognized by this Court’s prior summary judgment Order, even with the  
7 admissibility of the Murray and Wolfe Metro statements, issues of material fact remain for the jury  
8 in deciding Centennial’s liability. This Court’s sanction takes that important function away from the  
9 jury, thereby undermining this state’s policy of deciding cases on their merits.

10 Although this Court made a finding that “that Centennial’s misconduct is “to an equal or  
11 greater extent than its lawyers,”<sup>85</sup> it is primarily an attorney’s responsibility to ensure compliance  
12 with N.R.C.P. 16.1. The attorney—as opposed to the client—is intimately familiar with the  
13 disclosure obligations under N.R.C.P. 16.1 and is responsible for conferring with his or her client to  
14 ensure that all relevant witnesses and documents are timely disclosed. A client would be hard-  
15 pressed to disclose relevant witnesses and documents without the direction of counsel. *See, e.g.*,  
16 MODEL RULES OF PROF’L CONDUCT, R. 1.2 cmt. [2] (stating that clients “normally defer to the  
17 special knowledge and skill of their lawyer with respect to the means to be used to accomplish their  
18 objectives, particularly with respect to technical, legal and tactical matters”); RESTATEMENT (THIRD)  
19 LAW GOVERNING LAWYERS § 16 cmt. b (noting that a lawyer is frequently called upon to work on  
20 complex and technical matters in the absence of his client, and is thus “entrusted” to act on his  
21 client’s behalf “in circumstances that often make it difficult or undesirable for [the client] to  
22 supervise closely the performance of the [lawyer]”). Therefore, to the extent that anyone is to  
23 blame, it is Centennial’s Counsel, not Centennial. Yet, this Court’s sanction is primarily directed  
24 toward Centennial as opposed to Centennial’s Counsel, because Centennial is the party that may  
25 ultimately be responsible for Plaintiff’s damages. *Young*, 106 Nev. at 93, 787 P.2d at 780 (analyzing  
26 whether the sanction “unfairly operate[s] to penalize a party for the misconduct of his or her  
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28 <sup>85</sup> Order, 36:21-22.

1 attorney”). Accordingly, this Court’s sanction penalizes Centennial for its counsel’s non-compliance  
2 with N.R.C.P. 16.1.<sup>86</sup>

3 Finally, this Court’s sanction is not necessary to deter Centennial and its counsel from future  
4 misconduct. No evidence was submitted that Centennial or its counsel are recalcitrant or discovery  
5 abuse recidivists. In fact, Centennial’s Counsel was extremely forthcoming and contrite during the  
6 evidentiary hearing. A lesser sanction will sufficiently ensure that Centennial and its counsel  
7 thoroughly investigate all relevant witnesses and facts underlying a matter going forward to ensure  
8 compliance with N.R.C.P. 16.1.

9 The remaining *Young* factors relating to prejudice to Plaintiff and the availability of less  
10 severe sanctions are addressed in the following section.

11 **E. Plaintiff Was Not Prejudiced by Non-Disclosure of the Nurses and the Metro**  
12 **Statements, and Commissioner Bulla’s Sanction is Commensurate with the N.R.C.P.**  
13 **16.1 Violation.**

14 While this Court assigned substantial blame to Centennial (and to its counsel), it did not  
15 consider the actions of Plaintiff (and her counsel). Most importantly, this Court did not consider  
16 whether Plaintiff could have learned of the contents of the Metro statements prior to February 2015.  
17 Plaintiff easily could have, and that fact weighs against the severe sanction imposed by this Court.

18 In March of 2010, Plaintiff disclosed witness lists from the criminal case that identified  
19 Murray and Wolfe. Yet, Plaintiff did not depose either of them. Knowing that Farmer had been  
20 charged with sexually assaulting multiple female patients while working at Centennial, Plaintiff had  
21 reason to depose each nurse who was likely to testify in the criminal case to see if he or she had  
22 information relevant to this case (and more specifically, information about acts committed by Farmer  
23 prior to May 14, 2008). To the extent that Plaintiff did not want to incur the time and expense of  
24 deposing them, Plaintiff’s counsel was free to interview them since they were no longer employed

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25 <sup>86</sup> Centennial’s violation of N.R.C.P. 16.1 is governed by N.R.C.P. 37(c) as opposed to N.R.C.P. 37(b). N.R.C.P.  
26 37(b) applies to the failure to comply with a court order, while N.R.C.P. 37(c) applies to a failure to disclose under  
27 N.R.C.P. 16.1. Although a party and its counsel must comply with all court orders and disclosure obligations under  
28 N.R.C.P. 16.1, a difference in culpability should exist between a failure to comply with a court order and a failure to  
comply with a disclosure obligation when dealing with relevant evidence—otherwise, the tools of discovery would be  
unnecessary because a party could always argue that information it believes is relevant should have been disclosed  
pursuant to N.R.C.P. 16.1, such that the failure to do so is sanctionable.

1 by Centennial. *See, e.g., Wright v. Group Health Hospital*, 691 P.2d 564, 569 (Wash. 1984) (noting  
2 that a lawyer may ethically interview former employees of a represented party because those  
3 employees no longer can speak for or bind the corporation); *see also Rebel Commc'ns, LLC v. Virgin*  
4 *Valley Water Dist.*, No. 2:10-CV-00513-LRH-GW, 2011 WL 677308, \*8 (D. Nev. Feb. 15, 2011)  
5 (finding that it is likely that the Nevada Supreme Court would “hold that Rule [of Professional  
6 Conduct] 4.2 does not apply to former employees”).

7 Notwithstanding Plaintiff’s ability to depose the nurses before their memories faded, this  
8 Court faulted Centennial for not identifying exactly what each of those nurses would have said in  
9 discovery in an N.R.C.P. 16.1 disclosure.<sup>87</sup> However, as recognized by the Nevada Supreme Court,  
10 counsel is not obligated “to proffer evidence that helps [his] opponent.” *Sierra Glass & Mirror*, 107  
11 Nev. at 126, 808 P.2d at 516; *see also* RESTATEMENT (THIRD) LAW GOVERNING LAWYERS § 120 cmt.  
12 (b) (explaining that even if a lawyer “might know of testimony or other evidence vital to the other  
13 party, but unknown to that party or their advocate,” the lawyer “has no legal obligation to reveal the  
14 evidence, even though the proceeding thereby may fail to ascertain the facts as the lawyer knows  
15 them,” so long as the lawyer complies with “applicable rules concerning pretrial discovery and other  
16 applicable disclosure requirements”). In other words, even assuming that Centennial could be  
17 charged with knowing generally what the testimony of each nurse might be, Centennial was not  
18 required to give a detailed description of each nurse’s anticipated testimony.<sup>88</sup>

19 The purpose of discovery is to gather evidence to support claims and defenses. Nothing  
20 barred Plaintiff from deposing the nurses promptly after learning that they had been named as  
21 witnesses in the criminal case. Had this happened, it is reasonable to conclude that Plaintiff’s  
22 counsel would have learned of the information contained in the Metro statements. That is because  
23 their counsel would have focused on what each nurse knew about Farmer and whether each nurse  
24 had witnessed Farmer act improperly while working at Centennial. *See Bronston v. U.S.*, 409 U.S.  
25 352, 360, 362 (1973) (explaining how the questioner must be precise and probe the witness, saying  
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27 <sup>87</sup> Order, 34:21 – 35:2.

28 <sup>88</sup> In fact, doing so may have resulted in a violation of the September 2009 Protective Order entered in the  
Cagnina Matter.

1 “[i]f a witness evades, it is the lawyer’s responsibility to recognize the evasion and to bring the  
2 witness back to the mark, to flush out the whole truth with the tools of adversary examination”).

3 In addition, Plaintiff could have timely taken the N.R.C.P. 30(b)(6) deposition of Centennial  
4 concerning, *inter alia*, whether Centennial had prior notice of wrongdoing or suspicious behavior by  
5 Farmer. *See U.S. v. Taylor*, 166 F.R.D. 356, 361 (M.D.N.C. 1996) (“The Rule 30(b)(6) designee . . .  
6 presents the corporation’s ‘position’ on the topic.”). Doing so would have forced Centennial to  
7 diligently prepare one or more witnesses to testify about pre-May 14, 2008 concerns (if any) with  
8 Farmer. Plaintiff did not seek to take a Rule 30(b)(6) deposition of Centennial until recently, thereby  
9 allowing witness memories to naturally fade over time.

10 These facts demonstrate that Plaintiff could have done more to discover the contents of the  
11 Metro statements. That does not negate the obligation that existed under N.R.C.P. 16.1 for  
12 Centennial to disclose Murray, Wolfe, and Sumera as witnesses, but, it does factor into whether  
13 Plaintiff could have mitigated the resulting prejudice that she claimed to have suffered by reason of  
14 such non-disclosure.

15 The Discovery Commissioner entered an appropriate sanction based on the N.R.C.P. 16.1  
16 violation; specifically, admission of the Metro statements into evidence free and clear of any hearsay  
17 objections (along with a five-figure monetary sanction). Those statements sufficiently capture any  
18 lost testimony. But for the admission of those statements into evidence, Plaintiff would likely have  
19 been unable to use them at trial (other than to refresh Murray and Wolfe’s recollections) because  
20 they are largely inadmissible hearsay. Thus, the fact that Plaintiff will be able to use them at trial  
21 provides her with a distinct advantage over Centennial.<sup>89</sup>

22 Taken together, the facts and circumstances compel a less severe sanction than what was  
23 imposed against Centennial for inadvertent non-disclosure of the nurses and the Metro statements. If  
24

---

25 <sup>89</sup> As noted above, Plaintiff acknowledged at the evidentiary hearing that a witness’ memory could fade within  
26 one year. Assuming that Centennial had disclosed Murray, Wolfe, and Sumera as witnesses in November 2009—over  
27 eighteen months after the incident underlying this matter—and further assuming that Plaintiff promptly took their  
28 depositions prior to engaging in any preliminary written discovery, it is likely that Murray, Wolfe, and Sumera would  
still have had problems accurately recalling their suspicions of Farmer pre-dating May 14, 2008. Plaintiff would have  
then been limited at trial in her use of the Metro statements, even though Plaintiff believes that Wolfe’s Metro statement  
is the lynchpin of her case. Now, Plaintiff gets to use those out-of-court statements for any purpose.

1 this Court were to affirm the striking of the Answer to the Complaint as to liability, it would be  
2 implicitly approving inactivity by Plaintiff while directly punishing comparable inactivity by  
3 Centennial—a grossly unfair result. *Nev. Power Co. v. Fluor Ill.*, 108 Nev. 638, 645, 837 P.2d 1354,  
4 1359 (1992) (stating that dismissal “should only be used in extreme situations,” and that “if less  
5 drastic sanctions are available, they should be utilized”).

#### 6 IV. CONCLUSION

7 Respectfully, this Court went too far in finding that Centennial and its counsel willfully and  
8 intentionally sought to conceal relevant evidence with the intent to harm Plaintiff. The disclosures  
9 should have been made; however, the non-disclosure was negligent, not willful or intentional.  
10 Similarly, Centennial and its counsel have not misled this Court; they simply disagree with any  
11 assertion that knowledge of suspicious behavior is enough to make it reasonably foreseeable that a  
12 contract nurse with a clean background check would sexually assault multiple female patients. This  
13 Court should let the jury decide, and, in making that determination, the jury can consider the  
14 statements given by Murray and Wolfe to Metro.

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1 For these reasons, Centennial respectfully requests that this Court reconsider its November 4,  
2 2015 Order, vacate the severe sanction entered against Centennial, and instead adopt the sanctions  
3 initially entered by the Discovery Commissioner.

4 DATED this 19th day of November, 2015.

5 BAILEY ♦ KENNEDY

6  
7 By: 

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

10 AND

11 MICHAEL E. PRANGLE  
12 KENNETH M. WEBSTER  
13 JOHN F. BEMIS  
14 HALL PRANGLE & SCHOONVELD, LLC  
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Suite 200  
Las Vegas, Nevada 89144

15 *Attorneys Defendants Centennial Hills Hospital*  
16 *Medical Center and Universal Health Services,*  
17 *Inc.*  
18  
19  
20  
21  
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27  
28

**CERTIFICATE OF SERVICE**

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 19th day of November, 2015, service of the foregoing **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** 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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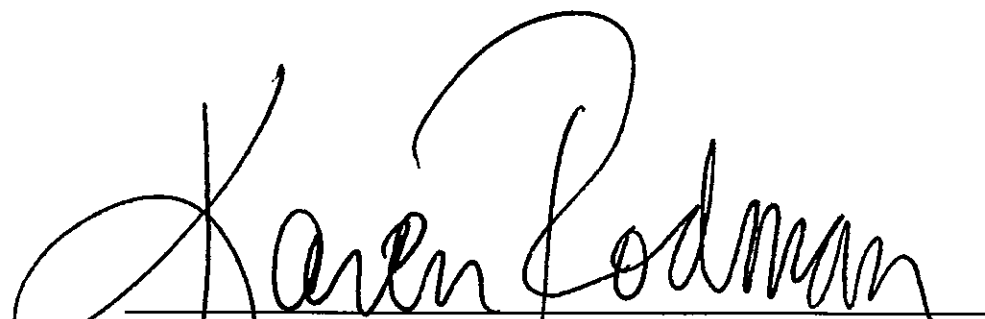
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Karen Rodman, an Employee of  
BAILEY ♦ KENNEDY

# EXHIBIT 1

1 CASE NO. A-09-595780-C

2 DEPT. NO. II

3  
4 DISTRICT COURT

5 CLARK COUNTY, NEVADA

6  
7 ESTATE OF JANE DOE, )

8 Plaintiff, )

9 vs. )

Reporter's Transcript  
of  
Evidentiary Hearing  
and Motions

10 )  
11 STEVEN DALE FARMER; )

AMERICAN NURSING SERVICES, )

12 INC.; UNIVERSAL HEALTH )

SERVICES, INC.; VALLEY )

13 HEALTH SYSTEM, LLC, )

14 Defendant. )

15  
16  
17 BEFORE THE HONORABLE RICHARD F. SCOTTI,

18 DISTRICT COURT JUDGE

19 FRIDAY, AUGUST 28, 2015

20 9:00 A.M.

21  
22  
23  
24 Reported by: JoAnn Melendez, CCR No. 370

1 APPEARANCES:

2 For the Plaintiff: Robert Murdock, Esq.  
3 Eckley M. Keach, Esq.

4 For Universal Health  
5 Services, Inc.,  
6 Valley Health  
7 System, LLC.: Michael E. Prangle, Esq.  
8 Kenneth M. Webster, Esq.  
9 John F. Bemis, Esq.

10 For American Nursing  
11 Services: Amanda J. Brookhyser, Esq.  
12 James Silvestri, Esq.

13 For Steven Dale  
14 Farmer: Heather S. Hall, Esq.

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1 statements?

2 MR. PRANGLE: Of course. But, judge,  
3 here's the point. I --

4 THE COURT: Okay.

5 MR. PRANGLE: -- I don't believe that can  
6 be possibly true because the public defender or the  
7 prosecutor were not giving us anything. We asked  
8 for their file. They wouldn't give it to us. It  
9 wasn't until we were able to do a motion to compel  
10 that they would give us anything.

11 Once we got the file, there's no  
12 indication in the file that these statements have  
13 already been produced to somebody at the hospital.

14 So I respect -- I believe nurse  
15 Wolfe is wrong. What nurse Bochenek said, and what  
16 nurse Butler said, yes, we met with nurse Wolfe and  
17 the others. And I'll talk about the context of that  
18 in a second. They were aware of this issue.

19 And you may recall there's a patient  
20 by the name of Hannah that was after the Doe  
21 plaintiff. It was after the Doe plaintiff. And we  
22 were aware of that, but that was the first thing  
23 that we were aware of.

24 So I don't believe that Bochenek and  
25 Butler had the actual statements because they were

1 statements were ever provided to the hospital or any  
2 hospital official prior to -- prior to the criminal  
3 files being released pursuant to an official request  
4 for production?

5 MR. PRANGLE: Motion to compel.

6 THE COURT: Or motion to compel, yeah.

7 MR. PRANGLE: In the RC case.

8 THE COURT: Okay. And that was, that  
9 was --

10 MR. PRANGLE: May --

11 THE COURT: May of 2013.

12 MR. PRANGLE: Correct.

13 THE COURT: I understand your position.

14 MR. PRANGLE: Okay.

15 THE COURT: Thank you. Keep going.

16 MR. PRANGLE: And also on that point  
17 while I'm on it, this lawsuit was filed I believe of  
18 August of 2009. It was summer of 2009.

19 THE COURT: Right.

20 MR. PRANGLE: Both Bochenek and Butler  
21 were gone from Centennial Hills when this lawsuit  
22 was filed. They are no longer employees.

23 But taking a step back, this  
24 chronology, we know now, given that Mr. Farmer was  
25 convicted, that the assault on Ms. Doe occurred on

1 May 14th, 2008. There was no report made to  
2 Centennial Hills by Ms. Doe that the assault  
3 occurred. We had no knowledge of it whatsoever.

4 Two days later, Mr. Farmer also  
5 assaulted a patient by the name of RC. RC is the  
6 person who advised the hospital this guy  
7 inappropriately touched me. The hospital  
8 immediately placed Mr. Farmer on a do-not-return  
9 list, called the police. Mr. Farmer was arrested  
10 that afternoon.

11 My firm was retained six days later  
12 on May 22nd, 2008 specifically to investigate the RC  
13 case. As of that time, we were unaware that Ms. Doe  
14 was going to be making an allegation. Our focus was  
15 solely on RC.

16 We then undertook to do an  
17 investigation of the RC case. We met with, among  
18 others, nurse Murray, nurse Wolfe and nurse Sumera  
19 because they were involved with the RC case. That's  
20 why we met with them.

21 At the time -- and we met with nurse  
22 Wolfe I believe it was mid-June of 2008. We met  
23 with nurse Murray in mid-July in of 2008, and we met  
24 with nurse Sumera in mid-August 2008.

25 At the time that these meetings



1 occurred, we still had no knowledge of the claim by  
2 Doe. And again, our investigation was solely  
3 focused on RC.

4 We were not retained regarding the  
5 Doe case until August 3rd of 2009 which I think was  
6 about a week or so after the complaint had been  
7 filed.

8 After being retained in the Doe  
9 case, we again did an investigation. We attempted  
10 to identify those people who might have relevant  
11 information. We did not meet with nurse Murray,  
12 nurse Wolfe or nurse Sumera because we had no reason  
13 to believe that they had anything to do with Doe.  
14 So we didn't meet with them again.

15 Now, as part of the criminal case,  
16 Your Honor may recall that the criminal cases were  
17 consolidated. And I believe there were a total of  
18 five victims that were all consolidated together  
19 that included RC and Doe.

20 So when the State's attorney is  
21 producing their witness lists, they -- he doesn't  
22 say, and this is for the Doe case, this is for the  
23 RC case. He just says here are the people we intend  
24 to call.

25 And I believe it was in either the

1 fall or winter of 2009, getting into 2010, that the  
2 State's attorney disclosed the list of witnesses  
3 that included nurse Wolfe and nurse Murray.

4 I confess I don't have the specific  
5 memory of what my reaction to that was, but my  
6 understanding at that time was that this was only  
7 related to the RC case, not the Doe case. So I  
8 placed no significance to that on them. I knew they  
9 were part of that case. We had disclosed them in  
10 our ECCs. We weren't trying to hide them.

11 And as a result of that, and Mr.  
12 Keach touched on this, on March 27th of 2010,  
13 plaintiff filed their fifth supplement to their ECC  
14 in which they identify as people they believe have  
15 relevant information for the Doe case as being  
16 nurses Wolfe and nurses Murray.

17 Two months later on May 13th of  
18 2010, plaintiff filed their sixth supplement to the  
19 ECC where they disclosed a number of depositions  
20 that had been taken in the RC case.

21 I have no idea what degree  
22 plaintiff's counsel were in contact with the  
23 plaintiff's counsel in the RC case, but it was clear  
24 that they were obtaining materials from the RC case.

25 And in May of 2010, plaintiff

1 something in this guy's background that we missed.  
2 So they interviewed many of the staff. And even  
3 though they didn't remember the dates they met with  
4 people, who specifically they met with, they were  
5 clear about one point is that there was nothing  
6 about Farmer's background that anybody told them  
7 consistent with what we see in Wolfe's statement and  
8 even Murray's statement.

9           So Mr. Keach is right that they say  
10 I don't remember a lot, but they were clear on that  
11 point.

12           In our initial supplement to the  
13 ECC, and I don't have the date that we filed, we  
14 disclosed 14 individuals who we believed had  
15 relevant information in the case.

16           To today, plaintiff's counsel -- and  
17 this goes to the prejudice issue a little bit,  
18 judge, is that to today, plaintiff's counsels  
19 deposed only one of those 14 people. And that was  
20 nurse Janesse (phonetic) who was deposed earlier  
21 this year.

22           So I guess the point being is that  
23 here we gave plaintiff 14 names of people who might  
24 have relevant information. And for, you know, their  
25 own reasons, they chose not to depose any of them.

1 evidence, yes.

2 Q. And that would include any information of  
3 instances of inappropriate conduct with female  
4 patients by Farmer, correct?

5 A. Could, yes.

6 Q. Okay. And according to your brief and  
7 according to Mr. Prangle's argument this morning,  
8 after the protective order was issued on May 6th,  
9 2013, you received the police file and the hospital  
10 learned for the first time that nurses Murray, Wolfe  
11 and Sumera had information that could be relevant to  
12 Jane Doe's claims in this case, correct?

13 A. That's my understanding, yes.

14 Q. Okay. Now, at least -- well, let's talk  
15 about what you know, okay.

16 At any point before May 2013, May  
17 6th, 2013 when a protective order was issued, were  
18 you aware that nurses Murray, Wolfe or Sumera had  
19 information related that -- that could be relevant  
20 to Jane Doe's claims?

21 MR. PRANGLE: Your Honor, I would just  
22 object to the extent that may cause for the  
23 divulgence of privileged information.

24 THE COURT: Your Honor, I'm not asking  
25 him to tell me what anyone told him. I asked him if

1 Q. And she described another nurse named Kim  
2 told her that she witnessed Farmer's suspicious  
3 behavior also, right?

4 A. I believe she stated that as well.

5 Q. Okay. Now, you knew, once you read this,  
6 that you had an obligation pursuant to 16.1 to  
7 disclose this information from Wolfe and Murray,  
8 right?

9 A. From? Can you repeat that again?

10 Q. Once you got those statements, you knew  
11 that was relevant, you knew 16.1 required a  
12 disclosure?

13 A. 16 -- in retrospect, yes. 16.1 does  
14 require.

15 Q. Okay. But you didn't disclose it because  
16 there was a protective order, right?

17 A. That is correct.

18 Q. All right. Now, I've got before you the  
19 exhibits that have been admitted. If you could  
20 start and try to get back to --

21 A. Which binder?

22 Q. Binder one, Exhibit 12.

23 A. Okay.

24 Q. This is the Notice of Entry of Order re:  
25 Discovery Commissioner's Report and Recommendations.

1 Do you recall this document?

2 A. Generally, yes.

3 Q. Okay. I mean, it shows you were on the  
4 service list?

5 A. Correct.

6 Q. And, in fact, what the order is is it  
7 includes the protective order, correct?

8 A. I believe so, yes.

9 Q. It's Exhibit 1 to the notice of entry.  
10 Do you see that?

11 A. Yes.

12 Q. Okay. And if you turn to page two of the  
13 of the protective order, paragraph under the  
14 recommendations, paragraph one talks about that the  
15 motion's basically granted and he's got to produce,  
16 right?

17 A. That is correct.

18 Q. And paragraph two is the protective  
19 order, correct?

20 A. Correct.

21 Q. And other than what's in paragraph two  
22 when you refer to the protective order prohibited  
23 your disclosure of -- of Murray and Wolfe's  
24 statement, is there any other protective order  
25 you're talking about or is that it?

1 A. 2013.

2 Q. -- 2013. Three months before any  
3 protective order prohibiting that disclosure.

4 You had that, didn't you?

5 A. Correct.

6 Q. Okay. You didn't disclose it, did you?

7 A. I did not disclose it.

8 Q. That's 16.1 violation, isn't it?

9 A. Well, with respect to that, I did not  
10 know the contents of it.

11 Q. You got an audio tape but you didn't  
12 listen to it, is that what you're telling me?

13 A. I didn't get an audio tape.

14 Q. What'd you get?

15 A. I got a CD that had an audio file on it,  
16 but I did not listen to it.

17 Q. Oh, you got -- you received the, the  
18 audio portion of Christine Murray's recorded  
19 statement from the public defender's office in  
20 February 2013, right?

21 A. That is correct.

22 Q. And you never listened to it?

23 A. No.

24 Q. Did anyone in your office ever listen to  
25 it that you're aware of?

1 A. Not that I'm aware of.

2 Q. Did anyone other than you know that  
3 you -- in your office know you had it?

4 A. Had the disc from the public defenders?

5 Q. Yeah.

6 A. I believe so, yes.

7 Q. Who?

8 A. Obviously my secretary had it.

9 Q. Yeah. Who else?

10 A. And I believe some of the other attorneys  
11 knew that we had it on the disc.

12 Q. Who?

13 A. Who knew?

14 Q. Yeah.

15 A. I believe that Mr. Prangle knew and  
16 Mr. -- I don't believe Mr. Webster knew.

17 Q. Okay. And this is information you had  
18 shared with Mr. Prangle, you had the audio tape?

19 A. I didn't say that we had an audio tape.  
20 I said that the public defender gave us  
21 documentation.

22 Q. The public defender gave you the CD of  
23 Christine Murray's recorded statement, that's what  
24 you advised Mr. Prangle, right?

25 A. No. Because it had some statements from



1           A.       Or that I can recall at this time.

2           Q.       Okay.  When did anyone from your office  
3 first become aware that Murray had made a statement  
4 to Metro?

5           A.       I don't know.  I don't know.  I don't  
6 believe that anybody -- I don't know if I can go  
7 into what we were told or anything of that.  So I'm  
8 not gonna --

9           Q.       No, but --

10           THE COURT:  Well, he's just asking when  
11 you -- when you first knew.  He's not asking for, at  
12 least at this point in time, who said what.  But  
13 just --

14           MR. KEACH:  Just the date.

15           THE COURT:  Just when you actually  
16 discovered the information existed.

17           MR. KEACH:  Correct, Your Honor.

18           THE WITNESS:  I believe it would be  
19 the -- when I received the CD from the public  
20 defenders.

21 BY MR. KEACH:

22           Q.       Okay.  So prior to February 2013, it's  
23 your testimony that you are unaware of anyone at  
24 your office being aware that Murray had made a  
25 statement to the police office -- to the police

1 department, correct?

2 A. To the best of my recollection, yes.

3 Q. Okay. Same question with regard to  
4 Margaret Wolfe. When did someone from your office  
5 first become aware of Margaret Wolfe's statement to  
6 the police office?

7 A. To the best of my recollection, it was  
8 when we received the police file.

9 Q. In May 2013?

10 A. I believe so, yes.

11 Q. Okay. Now, did anyone at your office  
12 meet with Carol Butler or Amy Bochenek Blasing in  
13 summer 2008?

14 A. I believe so. I'm not sure on that.

15 Q. Okay. Are there any references in your  
16 file to any meetings with Carol Butler or Amy  
17 Blasing in 2000 -- in summer or fall of 2008 by  
18 someone in your office?

19 A. I don't know.

20 Q. Okay. Now, you can see that at least as  
21 of May 2013 you knew there were allegations of  
22 inappropriate conduct with female patients by Farmer  
23 from Murray, Wolfe and Sumera, but because of the  
24 protective order, you couldn't produce the  
25 statements of Wolfe or Murray, right?

1 Q. Okay. And the protective order was the  
2 reason you couldn't produce the statements, correct?

3 A. Correct.

4 Q. Now, on October 27th in your seventh -- I  
5 believe it was seventh, Exhibit 1G.

6 A. Did you say G?

7 Q. G as in girl. You produced the criminal  
8 file, the police file that you had received in May  
9 2013, correct?

10 A. I believe so, yes. That's what it says.

11 Q. I'm sorry?

12 A. That's what this says, yes.

13 Q. Okay. And what I was certain your intent  
14 with this, with this document at least produced the  
15 entire police file that you received, right?

16 A. Correct.

17 Q. Now, the protective order was still in  
18 place on October 27th, right?

19 A. I believe that was the day or two after  
20 the hearing in front of the discovery commissioner.

21 Q. Okay. Now, I heard Mr. Prangle's  
22 explanation, but I want to hear it from you. And  
23 that is that although the protective order was  
24 technically still in effect until November 14th,  
25 after the discovery commissioner ordered the

1 production of the police file that you had received  
2 in May 2013, you didn't feel it was required for you  
3 to wait until the release of the protective order,  
4 you felt the oral order was sufficient to allow you  
5 to produce this, this supplement, correct?

6 A. And I believe that she ordered to produce  
7 it as quickly as possible.

8 Q. Okay. And so you felt like you were  
9 complying with the court's order, correct?

10 A. That is correct.

11 Q. And the court's order was that you  
12 produce the entire police file that you had received  
13 in May 2013, right?

14 A. Produce everything you have, yes.

15 Q. Okay. And that includes Murray's  
16 statement?

17 A. Yes.

18 Q. And that includes Wolfe's statement?

19 A. I believe so, yes.

20 Q. Okay. Because we've been arguing about  
21 for several, several months now, those are the --  
22 that goes to the heart, at least in our opinion, of  
23 foreseeability.

24 And we've made that point very  
25 clear, right?

1 Q. So Mr. Prangle advised the court today  
2 that we had misspoke when we said we didn't receive  
3 the Wolfe statement until January 15th because in  
4 truth and fact we had received it in October 2014  
5 when you produced the seventh supplement.

6 Do you recall that testimony?

7 A. I don't believe that --

8 Q. Or do you recall that, do you recall that  
9 argument?

10 A. I recall that, yes.

11 Q. That's not true, is it?

12 A. Pardon?

13 Q. That's not true, is it?

14 A. I'm not a hundred percent sure.

15 Q. Okay. I'm a hundred percent sure.

16 A. Okay.

17 Q. The single most important document in  
18 this case relative to foreseeability is Margaret  
19 Wolfe's statement.

20 Guess what? Guess what? The only  
21 document was not produced in October 2014. Do you  
22 want to take a guess?

23 A. I'll let you tell me.

24 Q. Margaret Wolfe's statement. Why? Why  
25 was that removed from the police file? Who told you

1 MR. KEACH: Your Honor, I'd like the  
2 witness to take a look at this. Can you run through  
3 it, Rob, page by page? Start at the first page.

4 MR. MURDOCK: Yeah.

5 THE COURT: Tell us what he's looking at  
6 so --

7 MR. KEACH: This, this. (Indicating.)  
8 I'm sorry, Your Honor.

9 THE COURT: So defense counsel can make  
10 sure that he can follow along appropriately.

11 BY MR. KEACH:

12 Q. This is your supplement, seventh  
13 supplement of October 27th, 2014. Take a look at  
14 it. Let Rob scroll through it and just take a look  
15 at it and see if you recall that as being your  
16 seventh supplement. Just the actual production.

17 THE COURT: Can you show us the date and  
18 who signed it? Mr. Keach, you'll show us the date  
19 and who signed it?

20 MR. KEACH: I'm sorry, Your Honor?

21 THE COURT: Will you show us the date and  
22 who signed it?

23 MR. MURDOCK: Oh, yeah. Here it is.

24 MR. KEACH: It's up there now, Your  
25 Honor.

1 MR. MURDOCK: I'm sorry, Your Honor.

2 THE COURT: Okay, thank you.

3 BY MR. KEACH:

4 Q. That's what it is, is it not, Mr. Bemis?

5 A. That's what it looks like, yes.

6 Q. Do you have any questions that -- do you  
7 have any reason to question the authenticity of this  
8 exhibit?

9 A. I don't believe so.

10 Q. Keep going, Rob. He's gonna go through  
11 it page by page, the list of information you  
12 provided.

13 Tell him to stop when you get to  
14 Margaret Wolfe's statement.

15 THE COURT: Do you happen to have a hard  
16 copy he can look at because it's a little blurry on  
17 the screen?

18 MR. KEACH: We don't, Your Honor.

19 THE COURT: Maybe we can blow it up  
20 enough, so he can see it.

21 MR. KEACH: Your Honor --

22 THE COURT: Are you able to read it on  
23 there?

24 THE WITNESS: Kind of, yes.

25 THE COURT: Well, let us know if you have

1 trouble reading it so we could do something about  
2 it.

3 THE WITNESS: What did you ask me to look  
4 for?

5 BY MR. KEACH:

6 Q. I want you to tell me where on there is  
7 Margaret -- where is Margaret Wolfe's statement?

8 A. Okay.

9 Q. And you just tell Mr. Murdock when you're  
10 ready to go to the next page.

11 A. Obviously you can skip through the  
12 medical records here.

13 Q. Okay. Back it up, Rob.

14 MR. MURDOCK: Uh-huh.

15 BY MR. KEACH:

16 Q. Okay. Whose statement was that? That's  
17 Farmer's, right?

18 A. I believe so, yes.

19 Q. Okay. Is that Cagnina's statement?

20 A. That is correct.

21 Q. Is there a statement of Lorraine Wescott,  
22 right?

23 A. Yes.

24 Q. Statement of Karen Goodhart, right?

25 A. Correct.



1 Q. Statement of Christine Murray, right?

2 A. Correct.

3 MR. MURDOCK: That's it.

4 BY MR. KEACH:

5 Q. Where's Margaret Wolfe's statement?

6 A. It's not there.

7 Q. Now, we already had Christine Murray's  
8 statement before this disclosure, didn't we?  
9 Because we attached it to a reply.

10 Do you remember that?

11 A. I don't recall specifically, no.

12 Q. Okay. You didn't disclose Christine's --  
13 Margaret Wolfe's statement to us in that production,  
14 did you?

15 A. It's not there.

16 Q. Okay. It's not there because you didn't  
17 disclose it, right?

18 A. It's not there, yeah, that is correct.

19 Q. You were ordered to produce the entire  
20 file, correct?

21 A. That is correct.

22 Q. You produced everything except one thing,  
23 Margaret Wolfe's statement, didn't you?

24 A. Produced everything we had, yes.

25 Q. Okay. That's coincidence?

1 pretty underhanded things, okay?

2 A. Okay.

3 Q. And I guess to put this into context, the  
4 exhibit that Mr. Keach played on the screen, but  
5 which we now have as Exhibit 29, includes or is our  
6 supplement to the ECC that we filed October 27,  
7 2004.

8 Is that your understanding?

9 A. 2014.

10 Q. I'm sorry. 2014. And this is --  
11 represents the file that we received on May 6th,  
12 2013. True?

13 A. True.

14 Q. And would you agree with me, having  
15 followed through with Mr. Murdock or Keach or  
16 whoever was operating it, that contained within  
17 Exhibit 29 is not the statement of Margaret Wolfe?

18 A. That is correct.

19 Q. Okay. You heard me say this morning, and  
20 I believe it's replete in our briefs, that we said  
21 that we got Margaret Wolfe's statement on May 6th,  
22 2013.

23 Am I right or am I wrong on that?

24 A. You're incorrect.

25 Q. Let's go through this. In light of Mr.

1 Keach's questioning, did you call your assistant to  
2 get the original of the materials that were  
3 delivered to us in the RC case on May 13 -- May 6th,  
4 2013?

5 A. I did.

6 Q. And is that -- am I holding that?

7 A. Yes, you are.

8 MR. PRANGLE: Your Honor, I'm reluctant  
9 to have it marked because your clerk tells me that  
10 if she marks it she has to take it. And as an  
11 original, I would prefer not to lose control of it.

12 So I guess I'm looking for some  
13 guidance as to how you wish me to proceed. I can, I  
14 can offer to the court that I'll have a copy made of  
15 it and we can mark the copy, but this is the actual  
16 original.

17 THE COURT: Let me hear from the  
18 plaintiff.

19 MR. KEACH: If I can take a look at it,  
20 please. I want to return it to you the same way you  
21 gave it to me.

22 MR. PRANGLE: I appreciate it. Okay.  
23 And, Your Honor, if you want to see it.

24 THE COURT: I would.

25 MR. PRANGLE: Sure.

1           THE COURT: Let me see. Thank you. All  
2 right. I'd -- before I give my suggestion, let me  
3 hear from the plaintiff on what their proposal is on  
4 how we handle this.

5           MR. KEACH: Well, in terms of marking it,  
6 I have no objection to a copy being made. I assume  
7 Mr. Prangle would be prepared to represent on the  
8 record that what is contained in what he holds is  
9 the exact same thing that's contained in Exhibit 29.  
10 And so I would have no problem with that  
11 representation.

12           What I would have a problem with,  
13 however, Your Honor, is the admission of the exhibit  
14 for lack of authentication. Because when I look at  
15 it, it's not bates stamped and there's no way for us  
16 to tell whether anything was removed from that or  
17 not.

18           So without someone being here to  
19 testify that this is the complete record that was  
20 provided by Metro, I don't believe it's properly  
21 authenticated.

22           THE COURT: Well, we'll see if Mr. Bemis  
23 can lay foundation, all right. If he can lay  
24 foundation, then it would be admitted. We could  
25 admit it with proper foundation and identification

1 of what that exhibit is with the representation from  
2 counsel that it's the same thing as the documents in  
3 Exhibit 29, or at least identifying any differences,  
4 and then follow that up with actual production of a  
5 copy of it by letter to opposing counsel and a  
6 courtesy copy to the court identifying that what you  
7 provide to us tomorrow perhaps or Monday is  
8 identical to what you exhibited in court.

9 And that if you follow that  
10 procedure, the court would be satisfied. And then  
11 providing it to the court and having it marked as  
12 Exhibit 30 or --

13 MR. PRANGLE: Or A.

14 THE COURT: Or actually Defendant's  
15 Exhibit A.

16 MR. KEACH: Your Honor, just a  
17 suggestion.

18 THE COURT: Yup.

19 MR. KEACH: If counsel is prepared to  
20 represent it's identical to Exhibit 29, I don't see  
21 why we need to clutter the record with two copies of  
22 a hundred and 90 pages of the exact same thing.

23 Now, if it's not, it's a different  
24 story.

25 THE COURT: Where's 29?

1 THE WITNESS: On the podium.

2 MR. KEACH: He's got it right here.

3 THE COURT: Can I see 29? That was the  
4 one copy, right?

5 MR. PRANGLE: Correct. That's what was  
6 on the computer before he --

7 THE COURT: Well, it can't be -- it can't  
8 be identical because what he's handing us has a  
9 cover letter, first of all. And I don't know what  
10 it's -- I haven't compared it but.

11 MR. KEACH: No, ours has also got the  
12 privileged log, too, that's not in there.

13 THE COURT: It's not identical, I'd  
14 prefer that we separately mark it as defense A.

15 MR. KEACH: Thank you, Your Honor.

16 THE COURT: He makes an exact duplicate  
17 of what he's gonna use in court, provide that to us.  
18 Either way he's gonna do that. Whether I admit it  
19 as an exhibit, depends on whether it can be  
20 authenticated.

21 MR. KEACH: Thank you, Your Honor.

22 THE COURT: If he can't authenticate it,  
23 we're still introducing it for identification  
24 purposes. All right. Why don't you continue.

25 MR. PRANGLE: Thank you, judge. And in

1 fairness, there is one other difference between  
2 Exhibit 29 and this. On each of the pages, there is  
3 a stamp on the back that I don't believe was part of  
4 Exhibit 29. They're not two-sided copies.

5 THE COURT: I understand.

6 MR. KEACH: And Exhibit 29 also has your  
7 own bates stamp on it as well.

8 MR. PRANGLE: You're correct. You're  
9 correct.

10 THE COURT: All right. And then of  
11 course you have the envelope with the files on the  
12 CDs.

13 So why don't you go ahead and  
14 continue to have this witness, see if he can  
15 identify what it is you have and lay any appropriate  
16 foundation.

17 BY MR. PRANGLE:

18 Q. John, I'm gonna hand you what we're gonna  
19 mark as Defendant's Exhibit A, and I'll ask you what  
20 is that?

21 A. That is a Las Vegas Metropolitan Police  
22 Department file that we received on May the 8th.

23 Q. Of 2013?

24 A. Of 2013.

25 Q. And there was some discs on there. Do

1 you know what's on the discs?

2 A. Photographs and the 9-1-1 call.

3 Q. When you say 9-1-1 call, like a  
4 transcript of it or an audio or what? If you know.

5 A. It's the original audio of the 9-1-1.

6 Q. Okay.

7 A. And then the photographs of Mr. Farmer.

8 Q. Okay. In terms of Exhibit 29, which is  
9 what we produced to plaintiff in the Doe case on  
10 October 27th of 2014, how, if at all, is Exhibit A  
11 different from Exhibit 29?

12 A. This one does not contain our bate stamps  
13 on the back of the -- each sheet. There's a stamp.  
14 And on the first page it says it's from Metro that  
15 says it's a hundred and 88 pages.

16 Q. Okay. Contained within Exhibit A, is  
17 there a copy of nurse Wolfe's statement?

18 A. There is not.

19 Q. Okay. On the discs is there either an  
20 audio or a transcript of nurse Wolfe's statement?

21 A. No.

22 Q. So again, was I correct or incorrect in  
23 saying that we received nurse Wolfe's statement on  
24 May 6th, 2013?

25 A. Incorrect.



1 that in the RC case or the Doe case?

2 A. The RC case.

3 Q. Do you have an understanding as to who  
4 else was provided a copy of Exhibit A, if anyone?

5 A. I do.

6 Q. And who was that?

7 A. Plaintiff's counsel was simultaneously  
8 given a copy of this as well as us.

9 Q. To your understanding -- or did you give  
10 the copy of Exhibit A to plaintiff's counsel in the  
11 RC case?

12 A. No. He had a copy himself.

13 Q. So to your understanding, he received it  
14 separately from Las Vegas Metro?

15 A. He did.

16 Q. Okay. Over the lunch, did you have a  
17 chance to review plaintiff's ECC supplements in the  
18 RC case?

19 A. I did.

20 Q. And did you have an opportunity to review  
21 their 15th supplement to the ECC?

22 A. I did.

23 Q. And what's contained -- not necessarily  
24 all of it, but as relevant to this, what's contained  
25 therein?

1           A.       The copy of --

2                   MR. KEACH:  Objection, Your Honor.

3 Document we've never seen, A; best evidence rule, B.

4                   THE COURT:  You're talking about the  
5 plaintiff's 15th supplement, not --

6                   MR. PRANGLE:  In the RC case.

7                   THE COURT:  In the RC case.  Who's the  
8 plaintiff in --

9                   MR. PRANGLE:  It's Will --

10                   THE COURT REPORTER:  I'm sorry.

11                   MR. PRANGLE:  Will Lemkul.  I think it's  
12 L-e-m-k-u-l.  Or, Your Honor, I understand that I'm  
13 talking about some things that are not currently  
14 before the court.  I would suggest to you the reason  
15 is because of, you know, the surprise that we had at  
16 the end of this morning.

17                               And I'm embarrassed that I've been  
18 mistaken throughout the day in terms of when we got  
19 nurse Wolfe's statement, but I think this is  
20 important because I think the suggestion has been  
21 out there that we got Wolfe's statement and  
22 destroyed it.

23                   THE COURT:  It's -- you know what, if you  
24 don't have the actual -- if you have the actual  
25 document, then perhaps the court can take judicial

1 notice of it. But absent the actual document, the  
2 witness can't testify on what's in a document that's  
3 not before the court. I believe that would be  
4 barred based on best evidence rule and, and hearsay.

5 MR. PRANGLE: All right.

6 THE COURT: Because you're offering this  
7 witness to testify what is in a document that's not  
8 before the court and nobody has an opportunity to  
9 test the accuracy of this witness's memory of what's  
10 in that document.

11 MR. PRANGLE: Fair enough. So I guess  
12 given that, what I would ask of the court given the  
13 seriousness of this charge --

14 THE COURT: Uh-huh.

15 MR. PRANGLE: -- is that I can provide to  
16 the court plaintiff's 15th supplement to the ECC  
17 from the RC case in which plaintiff's counsel in the  
18 RC case discloses Exhibit A with his date stamped  
19 numbers on it.

20 And I will tell you as an officer of  
21 the court it does not contain nurse Wolfe's  
22 statement.

23 THE COURT: Well, I can, I can look at  
24 that if it's produced to me, but I think we need the  
25 actual document, right? And you don't need -- if

1 we filed our lawsuit, information is lost. And  
2 that's not -- that's not beyond the realm of common  
3 knowledge. We know that six and seven years later  
4 people don't remember things and documents get lost  
5 and information gets lost. And that's what happened  
6 here.

7                   What also is not in dispute, and the  
8 court will see when reviewing the deposition  
9 transcripts, is the hospital was fully aware of  
10 Christine Murray's statement in 2000 -- summer of  
11 2008.

12                   The hospital was fully aware of, of  
13 Margaret Wolfe's allegations and complaint and  
14 statements regarding what Ray Sumera had told her.

15                   Now, whether they actually had  
16 physically a copy of the statement or not to me  
17 doesn't -- is irrelevant. The point is they knew  
18 the identity of a witness who had relevant  
19 information. They failed to disclose it at any  
20 point at time. That's a fact. That's a fact.  
21 There's nothing they can say to get around that  
22 fact.

23                   They can make excuses, but the fact  
24 is 16.1 is mandatory, Your Honor. It requires the  
25 production of witnesses and a summary of their

1 testimony, a brief description of their testimony of  
2 all witnesses they know. And they knew them. It's  
3 not all -- Your Honor, let's --

4 THE COURT: I understand 16.1. I think  
5 what's important for the court to hear now is why  
6 the severe sanction of, you know, case terminating  
7 sanction would be appropriate under the  
8 circumstances as opposed to a less severe sanction,  
9 and, and if any sanction is warranted, what degree  
10 of willfulness is needed by counsel and -- and  
11 whether -- whether the hospital itself can be held  
12 responsible for its failure to disclose a statement  
13 to counsel, so they can produce it as part of 16.1.

14 MR. KEACH: Your Honor --

15 THE COURT: Those are some of the issues.  
16 And I have my, you know, general concept and answers  
17 of each of those, but I want to hear from you on  
18 that.

19 MR. KEACH: Your Honor, 16.1 requires the  
20 party to disclose the information. Now, I don't  
21 know what Hall Prangle does with their clients. I  
22 know what their -- I know what 16.1 requires them to  
23 do. It requires them to tell me that -- tell me  
24 everything you possibly know about this case, even  
25 remote stuff. Here are the issues. Did anybody,

1 as it is here because it goes directly to the issue.

2 THE COURT: So how do you know it wasn't  
3 disclosed in the RC case?

4 MR. KEACH: It hadn't -- it wasn't. I  
5 think they conceded that. They conceded that.

6 THE COURT: All right. All right.

7 MR. KEACH: As to the lawyers, they  
8 give --

9 THE COURT: There was, there was some  
10 reference to -- I guess there was an issued raised  
11 of whether defendant's firm should be disqualified,  
12 right?

13 MR. KEACH: Your Honor, our issue with  
14 that primarily rested on our belief that they didn't  
15 disclose. I mean, they have been telling -- they  
16 have taken the position that they were aware of  
17 Margaret Wolfe's statement when they got the police  
18 file in, in -- I mean, in May of 2013. And then  
19 they disclosed it in October 2014, and they disclose  
20 Margaret Wolfe.

21 I mean, to me that tied up the  
22 entire, the entire issue of, of their intent because  
23 if in fact they had that Margaret Wolfe statement as  
24 part of the police production and they didn't -- and  
25 that was the only thing that didn't -- wasn't

1 produced, well, I still don't have a witness saying  
2 we intended to hide the ball from you. That's  
3 pretty good circumstantial evidence that they're  
4 trying to hide that Margaret Wolfe ball.

5 THE COURT: Well, now that we have a  
6 pretty good idea that it wasn't in there.

7 MR. KEACH: We do -- we do have a pretty  
8 good idea, Your Honor, I will concede, that it  
9 wasn't part of the police production, okay. I  
10 accept that.

11 And so that kind of takes away  
12 because, to me, let's just assume a scenario that we  
13 ended before the lunch with which was they produce  
14 the police file, the police file contained Margaret  
15 Wolfe, and the only thing not produced was Margaret  
16 Wolfe. That's a pretty good smoking gun  
17 circumstantially to show that there's an intent by  
18 the firm to conceal the ball.

19 THE COURT: Well, actually you were  
20 suggesting to the court, too, and yet you had that  
21 police file and you could have known before we  
22 started this morning that the Wolfe statement wasn't  
23 in there.

24 MR. KEACH: Yeah, we did know the Wolfe  
25 statement wasn't in there.

1 where they got Margaret Wolfe's statement from, they  
2 don't know when they first had it.

3 Now, they have some suggestions as  
4 to when they could have got it. They certainly want  
5 to argue that they got it sometime in 2015, but for  
6 sure, they didn't get it from, from Mr. McBride's  
7 firm in that disclosure because that offer of proof  
8 just didn't hold water. It wasn't true. That  
9 wasn't produced then.

10 So now we're back to -- now we're  
11 back to the same point we were before. They have  
12 the Wolfe file, they have the Wolfe statement. They  
13 didn't get it from McBride, they didn't get it from  
14 the police.

15 So where did they get and when did  
16 they get it?

17 THE COURT: Well, I don't know that  
18 speculation on when the firm got it is enough for me  
19 to find fault in the firm.

20 MR. KEACH: Okay. I'll accept that, Your  
21 Honor.

22 THE COURT: So we're back to whether  
23 there's fault by the client Centennial.

24 MR. KEACH: Okay. I accept that. Except  
25 there are, there are -- there are other factors



1 MR. KEACH: They do.

2 THE COURT: If you had received the  
3 Murray statement on or about February 2013, this is  
4 already --

5 MR. KEACH: Yes.

6 THE COURT: -- five years, almost five  
7 years after the fact.

8 MR. KEACH: It's five years after the --

9 THE COURT: Wouldn't Murray's memory  
10 already have faded? And what additional harm did  
11 you suffer by, you know, in not getting the  
12 statement until almost two years later?

13 MR. KEACH: Okay. As to, as to the  
14 failure to disclose in 2013, either in February or  
15 in May, because regardless of whether they had the  
16 Wolfe statement in May, they had Christine Murray's  
17 statement in May and they didn't disclose that. I  
18 don't know how much more she would have remembered  
19 two years ago, okay. It's impossible to know that.

20 What I do know is they had an  
21 absolute duty to produce it. What I do know is an  
22 additional two years has lapsed. And what I do know  
23 is memories fade every day. And the passage of time  
24 is the worst thing for a memory.

25 So am I suggesting that everything I

1 could have gotten in 2009 I would have gotten in  
2 2013? No, I'm not. Because I'm -- because  
3 realistically memories do fade.

4 So I'm going to assume, I'm gonna  
5 assume as for my own personal experiences I remember  
6 more last year, less two years, less three years,  
7 less four years and as a gradual thing.

8 Maybe -- maybe Christine Murray is  
9 different. Maybe she forgot it all after one year  
10 and, and she -- there would be no difference in  
11 2013, 2015. The point is we don't know.

12 The point is we don't know what  
13 information Mr. Webster could have provided to us  
14 about that incident in 2013 that he couldn't provide  
15 in 2013. I don't know what the record keeping  
16 situation is at the hospital, and so I don't know  
17 the answer to that.

18 THE COURT: Okay.

19 MR. KEACH: I don't know who's come and  
20 gone.

21 THE COURT: I had to ask because you're  
22 asking for a very serious remedy and I just want to  
23 make sure I've considered all aspects of this.

24 MR. KEACH: I appreciate that, Your  
25 Honor.

1           MR. KEACH: -- the harm that was caused.  
2 We want to be candid with the court because we want  
3 to earn our credibility. Okay. You earn trust  
4 every day, just like I tell my kids.

5           The truth is what they concealed  
6 goes directly to foreseeability. I don't see it as  
7 much as the very task assigned or, or, or course and  
8 scope, but -- because that's not what Christine  
9 Murray was talking about and that's not what --  
10 that's not what Margaret Wolfe and Ray Sumera were  
11 talking about. What I see them talking about was  
12 foreseeability.

13           And while I believe, Your Honor,  
14 that the conduct by the hospital was so egregious  
15 that the Answer should be stricken.

16           If the court does not believe that  
17 at the outer limits, which is basically where you  
18 need to be to strike the answer in terms of their  
19 misconduct, then at the very least what should  
20 happen is what they prevented us from doing we  
21 should get. And that's foreseeability.

22           Now, I don't want that. I want the  
23 answer to be stricken because I think it's  
24 appropriate. But -- and their, and their -- the  
25 court can impose liability as well. But the reality

1 is in this case foreseeability's really the issue.  
2 That is the issue. And that's what they concealed.  
3 And that's what, that's what -- that's what angers  
4 us because they had the information from day one  
5 that goes right to the heart of the case.

6 And we've been litigating for six  
7 years nonstop because, because the record will show  
8 that. And at the 11th hour we find out, oh, here's  
9 the information you got, but too bad, everybody's  
10 gone. Well, that's what happened.

11 And a fine doesn't rectify that,  
12 Your Honor, and striking the answer does.

13 THE COURT: All right. Thank you for  
14 your arguments, Mr. Keach.

15 MR. KEACH: Thank you, Your Honor.

16 THE COURT: All right. Mr. Prangle, we'd  
17 love to hear from you, sir.

18 MR. PRANGLE: Thank you, Your Honor.

19 THE COURT: Thank you.

20 MR. PRANGLE: There's one part of Mr.  
21 Keach's closing statement that I agree with  
22 wholeheartedly is that we earn credibility every  
23 day.

24 And that's why I'm as mortified as I  
25 am for --

1 Keach even in his opening statement this morning  
2 agreed that the touch stone or the key moment when  
3 their participation became relevant was when we got  
4 the statements. And I believe that's still true.  
5 The police statements.

6           Early on in the RC case, efforts  
7 were made to get the police file that included the  
8 statements. We were rebuffed. We couldn't get  
9 them. And that's why I don't believe, even though I  
10 think it's nurse Wolfe said that, or nurse Murray  
11 that Ms. Butler or Ms. Bochenek had the statement.  
12 I don't know how that can be true. I just don't  
13 know how that can be true.

14           The reality of the situation is that  
15 we get Murray's statement in an audio file  
16 apparently in February of 2013. So that's the first  
17 point in time based on statements that I believe I  
18 could be held to have done something with it.

19           And as John I think told you, we  
20 were getting ready for the RC case at the time, he  
21 didn't listen to the file. I mean, he didn't have  
22 the speakers, but we didn't take efforts to open it.  
23 I'm sure we could have if we wanted to, but we  
24 didn't. I never listened to the tape.

25           But then three months later is when

1 Butler, called us down after she read her statement.  
2 Yes. She talked to all of them. What do you mean  
3 she talked to all of them? Well, she talked to all  
4 the nurses who were involved in this.

5 THE COURT: This is the -- which depo are  
6 you reading?

7 MR. KEACH: That's Christine Murray, Your  
8 Honor. The actual portion we're talking about, I'm  
9 reading from, we actually have --

10 THE COURT: What page is that on?

11 MR. KEACH: It's actually page five of  
12 our brief I'm reading from, Your Honor.

13 THE COURT: Okay.

14 MR. KEACH: But it's page 61 of her depo.

15 THE COURT: All right, thank you.

16 MR. KEACH: And did you go through the  
17 statement with her? She asked me what happened. I  
18 told her what I knew. We didn't pick this up and go  
19 through it line by line like we are now. What she  
20 knew was -- I mean, she had read it.

21 Okay. Now, they say well, where'd  
22 they get it from? I say I don't know. I don't have  
23 to know.

24 THE COURT: Is knowledge of the director  
25 of nursing imputed to the corporation?

1 your time today.

2 MS. BROOKHYSER: Thank you, Your Honor.

3 THE COURT: Thank you.

4

5 ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF THE  
6 PROCEEDINGS.

6

7 /s/ JoAnn Melendez

8 JO ANN MELENDEZ

9 CCR NO. 370

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# EXHIBIT 2

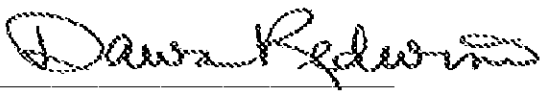


ESTATE OF JANE DOE vs. VALLEY HEALTH, et al.  
09-A-595780-C

Amy Blasing, MSN, RN  
July 28, 2015

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| <div>Page 1</div> <div>1DISTRICT COURT<br/>CLARK COUNTY, NEVADA<br/>2<br/>3CASE NO. 09-A-595780-C<br/>DEPT. NO. II<br/>4<br/>5ESTATE OF JANE DOE, by and through its<br/>Special Administrator, Misty Petersen,<br/>6<br/>Plaintiff,<br/>7<br/>vs. )<br/>8<br/>VALLEY HEALTH SYSTEM LLC, a Nevada<br/>limited liability company, d/b/a CENTENNIAL<br/>HILLS HOSPITAL MEDICAL CENTER;<br/>10 UNIVERSAL HEALTH SERVICES, INC., a<br/>Delaware corporation; AMERICAN NURSING<br/>11 SERVICES, INC., a Louisiana corporation;<br/>STEVEN DALE FARMER, an individual; DOES I<br/>12 through X, inclusive; and ROE CORPORATIONS<br/>I through X, inclusive,<br/>13<br/>Defendants.<br/>14<br/>15<br/>16DEPOSITION OF AMY BLASING, MSN, RN<br/>171:00 p.m.<br/>July 28, 2015<br/>Williams &amp; Associates<br/>1608 Fifth Street, NW<br/>Albuquerque, New Mexico<br/>19<br/>20PURSUANT TO THE RULES OF CIVIL PROCEDURE, this<br/>deposition was:<br/>21TAKEN BY: MR. ROBERT E. MURDOCK<br/>Attorney for the Plaintiffs<br/>22<br/>23REPORTED BY: Dawn Redwine, RPR, CRI, NM CCR #165<br/>WILLIAMS &amp; ASSOCIATES, LLC<br/>1608 Fifth Street, NW<br/>Albuquerque, NM 87102<br/>(505) 843-7789<br/>www.WilliamsNM.com<br/>25</div> | <div>Page 3</div> <div>1INDEX<br/>2PAGE<br/>3EXAMINATION OF AMY BLASING, MSN, RN<br/>4By Mr. Murdock4<br/>5By Mr. Silvestri106<br/>6By Mr. Murdock117<br/>7By Mr. Prangle121<br/>8By Mr. Murdock122<br/>9<br/>10DEPONENT SIGNATURE AND CORRECTION PAGE125<br/>11<br/>12REPORTER'S CERTIFICATE126<br/>13<br/>14EXHIBITMARKED<br/>151 - Centennial Hills Agency File Requirements52<br/>16<br/>17* * * * *<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <div>Page 2</div> <div>1APPEARANCES<br/>2<br/>3For the Plaintiff: Mr. Robert E. Murdock<br/>KEACH MURDOCK<br/>521 South Third Street<br/>Las Vegas, NV 89101<br/>(702) 645-5466<br/>rem@keachmurdock.com<br/>6<br/>7For Defendant Valley Health System d/b/a Centennial Hills<br/>Hospital Medical Center, Universal Health Services:<br/>8<br/>Mr. Michael E. Prangle<br/>HALL PRANGLE and SCHOONVELD, LLC<br/>200 South Wacker Drive, Suite 3300<br/>Chicago, IL 60606<br/>(312) 267-6202<br/>mprangle@hpslaw.com<br/>11<br/>12For Defendant American Nursing Services:<br/>13<br/>Mr. James P.C. Silvestri<br/>PYATT SILVESTRI<br/>701 Bridger Ave., Suite 600<br/>Las Vegas, NV 89101<br/>(702) 383-6000<br/>jsilvestri@pyattsilvestri.com<br/>16<br/>Ms. Amanda J. Brookhyser<br/>LEWIS, BRISBOIS, BISGAARD &amp; SMITH<br/>6385 South Rainbow Blvd., Suite 600<br/>Las Vegas, NV 89118<br/>(702) 693-4341<br/>amanda.brookhyser@lewisbrisbois.com<br/>20<br/>21For Defendant Steven Dale Farmer:<br/>Ms. Heather S. Hall<br/>CARROLL, KELLY, TROTTER, FRANZEN,<br/>McKENNA &amp; PEABODY<br/>8329 W. Sunset Blvd., Suite 260<br/>Las Vegas, NV 89113<br/>(702) 792-5855<br/>hshall@cktfmlaw.com<br/>25</div>          | <div>Page 4</div> <div>1AMY BLASING, MSN, RN,<br/>2(being duly sworn, testified as follows:)<br/>3EXAMINATION<br/>4BY MR. MURDOCK:<br/>5Q. Would you please state your name for the record.<br/>6A. Amy Suzanne Blasing.<br/>7Q. Ms. Blasing, have you ever been known by any other<br/>8names?<br/>9A. Yes. Amy --<br/>10Q. What other names?<br/>11A. -- Suzanne Bochenek, B-o-c-h-e-n-e-k.<br/>12Q. Okay.<br/>13A. And Amy Suzanne Sano, S-a-n-o.<br/>14Q. Okay. And have you ever had your deposition taken<br/>15before?<br/>16A. I have.<br/>17Q. On how many occasions?<br/>18A. I think this is my fourth.<br/>19Q. When was your immediate prior deposition?<br/>20A. It was a deposition for Centennial Hills Hospital<br/>21related to the Cagnina case.<br/>22Q. Okay. What was the deposition prior to that?<br/>23A. I believe it was also Centennial Hills Hospital, an<br/>24EEOC, employee case.<br/>25Q. Is that the one you were sued in?<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</div> |

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| <div>Page 37</div> <div>1 overeager and that she felt uncomfortable. I'm using my own<br/>2 words, but that's paraphrasing.<br/>3 Q. No, I understand.<br/>4 Margaret also told you that Ray Sumera had come to<br/>5 her with concerns?<br/>6 A. I don't know if she told us that or that was the<br/>7 report, I can't remember which, but that was a difference in<br/>8 their stories, as well.<br/>9 Q. Well, what do you mean, "that was the report"?<br/>10 What report?<br/>11 A. I don't know if that was what she told law<br/>12 enforcement or if that was what she told Carol. We got the<br/>13 story kind of secondhand.<br/>14 Q. Well, how do you know she told law enforcement if<br/>15 you never saw the report?<br/>16 A. It got back to --<br/>17 Q. How did it get --<br/>18 A. -- us somehow and --<br/>19 Q. -- back to you?<br/>20 MR. PRANGLE: Hold on. Hold on.<br/>21 A. I can't remember the specifics.<br/>22 MR. PRANGLE: Hold on. Let her --<br/>23 Q. How did you find out before the report?<br/>24 MR. PRANGLE: -- finish the answer. When that's<br/>25 done --<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</div>                                                                                                                                                                                                                                       | <div>Page 39</div> <div>1 that Margaret was saying that Ray came to her.<br/>2 A. When she told the story of how she expressed the<br/>3 concerns, yes.<br/>4 Q. When did she tell you that?<br/>5 A. When we met with her and talked to her.<br/>6 Q. Okay. So let's put it this way. As of August of<br/>7 2008, you, as the Department of Emergency -- as the head of<br/>8 Department of Emergency Services at Centennial Hills Hospital,<br/>9 you were aware that Margaret Wolfe was alleging that Ray Sumera<br/>10 had come to her and expressed concerns about Ray Sumera. Is<br/>11 that correct?<br/>12 A. She didn't express concerns about Ray Sumera.<br/>13 Q. I'm sorry. I'm sorry. Let me restate the<br/>14 question. That was my bad.<br/>15 In between May and August 1 of 2008, you, as the<br/>16 department -- as the head of the Department of Emergency<br/>17 Services at Centennial Hills, became aware that -- through<br/>18 Margaret Wolfe that Ray Sumera had come to Margaret Wolfe with<br/>19 concerns about Steven Farmer. Is that correct?<br/>20 A. I don't remember the details enough to say if I<br/>21 heard that directly from her or from someone else. What I<br/>22 remember is that Margaret had expressed concerns to Ray. Who<br/>23 initiated the conversation, I don't know what I was told<br/>24 initially.<br/>25 Q. Well, you already -- you just testified somehow you<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</div> |
| <div>Page 38</div> <div>1 A. I don't remember.<br/>2 Q. Okay. So, in other words, you testified earlier<br/>3 today you've never seen a report, but now you know about the<br/>4 report.<br/>5 A. I still haven't seen it.<br/>6 Q. So tell me when the first time you found out about<br/>7 the report.<br/>8 A. I couldn't tell you the details. I don't know if<br/>9 Margaret came and told us or if someone else did, but somehow<br/>10 it got back to us that Margaret had shared concerns with law<br/>11 enforcement. I don't -- I don't know that details were shared<br/>12 initially. And then we started talking about it with the team.<br/>13 Q. Was that before you met with her in between May and<br/>14 August?<br/>15 A. We became aware of it and then met with her, yes.<br/>16 Q. Okay. But you -- as you sit here today, you have<br/>17 no idea how you became aware of it?<br/>18 A. I can't remember. I don't want to guess.<br/>19 Q. I don't want you to guess. Okay. So you have no<br/>20 idea how you became aware of it, but you actually became aware<br/>21 of the contents of it, as well. Right?<br/>22 A. I became aware that she shared information.<br/>23 Contents of the police report, those are two different things<br/>24 to me.<br/>25 Q. Well, you were aware, as you just told me before,<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</div> | <div>Page 40</div> <div>1 were aware that Margaret stated that Ray told her about<br/>2 concerns. Right? About Farmer.<br/>3 A. I remember there being several different versions<br/>4 of the story. One was that --<br/>5 Q. Okay.<br/>6 A. -- Ray went to Margaret and initiated a<br/>7 conversation. The other was that Margaret went to Ray and<br/>8 initiated the conversation.<br/>9 Q. Let's just keep those two for right now. Whatever<br/>10 it is, okay, those two versions, at least.<br/>11 A. Yes.<br/>12 Q. You knew those two versions as of August 1, 2008.<br/>13 Would you agree with that?<br/>14 A. At some point within a few --<br/>15 Q. Is that fair?<br/>16 A. -- months if we say August. I -- I can't validate<br/>17 the date, but that sounds fair, yes.<br/>18 Q. Okay. When was the first time you spoke with<br/>19 counsel about this matter?<br/>20 A. Cagnina case?<br/>21 Q. Any. I don't care.<br/>22 A. I don't -- I don't know that I could tell you.<br/>23 Q. Okay. Did you ever investigate -- You said you<br/>24 had two different versions here. Did you have each of them,<br/>25 Mr. Sumera and Ms. Wolfe, write down their respective versions?<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</div>                                                                                                                                                                                                                           |

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| <div>Page 125</div> <div>1 Estate of Jane Doe vs. Valley Health System, et al.<br/>Case No. 09-A-595780-C, Dept. No. II</div> <div>2</div> <div>3 DEPONENT SIGNATURE AND CORRECTION PAGE</div> <div>4 If there are any typographical errors to your<br/>deposition, indicate them below.</div> <div>5 PAGE LINE CORRECTION</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11 Any other changes to your deposition are to be<br/>listed below with a statement as to the reason for the change.</div> <div>12 PAGE LINE CORRECTION REASON FOR CHANGE</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21 I, AMY BLASING, MSN, RN, do hereby certify that I<br/>have read the foregoing pages of my testimony as transcribed<br/>22 and that the same is a true and correct transcript of the<br/>testimony given by me in this deposition, except for the<br/>23 changes made.</div> <div>24</div> <div>25 DATE SIGNED AMY BLASING, MSN, RN<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <div>Page 127</div> <div>1 taking of the deposition.</div> <div>2 I FURTHER CERTIFY that examination of this</div> <div>3 transcript and signature of the witness was requested by the</div> <div>4 witness and/or all parties present. On _____, a</div> <div>5 letter was mailed or delivered to the witness or his/her</div> <div>6 attorney regarding obtaining signature of the witness; and</div> <div>7 corrections, if any, will be appended to the original</div> <div>8 transcript, and copies sent to place in each copy of the</div> <div>9 deposition.</div> <div>10 I FURTHER CERTIFY that the recoverable cost of the</div> <div>11 original and one copy of the deposition, including exhibits, to</div> <div>12 MR. ROBERT E. MURDOCK is \$ _____.</div> <div>13 I FURTHER CERTIFY that I did administer the oath to</div> <div>14 the witness herein prior to the taking of this deposition; that</div> <div>15 I did thereafter report in stenographic shorthand the questions</div> <div>16 and answers set forth herein, and the foregoing is a true and</div> <div>17 correct transcript of the proceeding had upon the taking of</div> <div>18 this deposition to the best of my ability.</div> <div>19 I FURTHER CERTIFY that I am neither employed by nor</div> <div>20 related to nor contracted with (unless excepted by the rules)</div> <div>21 any of the parties or attorneys in this case, and that I have</div> <div>22 no interest whatsoever in the final disposition of this case in</div> <div>23 any court.</div> <div>24 </div> <div>25 Dawn Redwine, RPR, CCR, CRI<br/>NM Certified Court Reporter #165<br/>License Expires: 12/31/15<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</div> |
| <div>Page 126</div> <div>1 DISTRICT COURT<br/>CLARK COUNTY, NEVADA</div> <div>2</div> <div>3 CASE NO. 09-A-595780-C<br/>DEPT. NO. II</div> <div>4</div> <div>5 ESTATE OF JANE DOE, by and through its )<br/>Special Administrator, Misty Petersen, )</div> <div>6 )</div> <div>7 Plaintiff, )</div> <div>8 )</div> <div>9 vs. )</div> <div>10 )</div> <div>11 VALLEY HEALTH SYSTEM LLC, a Nevada )<br/>limited liability company, d/b/a CENTENNIAL )<br/>HILLS HOSPITAL MEDICAL CENTER; )</div> <div>12 UNIVERSAL HEALTH SERVICES, INC., a )<br/>Delaware corporation; AMERICAN NURSING )<br/>SERVICES, INC., a Louisiana corporation; )<br/>STEVEN DALE FARMER, an individual; DOES I )<br/>through X, inclusive; and ROE CORPORATIONS )<br/>I through X, inclusive, )</div> <div>13 )</div> <div>14 Defendants. )</div> <div>15 )</div> <div>16 REPORTER'S CERTIFICATE</div> <div>17 I, DAWN REDWINE, RPR, CRI, NM CCR #165, DO HEREBY</div> <div>18 CERTIFY that on July 28, 2015, the deposition of AMY BLASING,</div> <div>19 MSN, RN, was taken before me at the request of, and the sealed</div> <div>20 original thereof was retained by attorney for plaintiffs:</div> <div>21 Mr. Robert E. Murdock<br/>KEACH MURDOCK<br/>521 South Third Street<br/>Las Vegas, NV 89101</div> <div>22</div> <div>23 I FURTHER CERTIFY that copies of this Certificate</div> <div>24 have been mailed or delivered to all counsel, and parties to</div> <div>25 the proceedings not represented by counsel, appearing at the<br/>WILLIAMS &amp; ASSOCIATES -- COURT REPORTING SERVICES</div> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

# EXHIBIT 3

DISTRICT COURT  
CLARK COUNTY, NEVADA

|                                  |   |                |
|----------------------------------|---|----------------|
| ESTATE OF JANE DOE, by and       | ) |                |
| through its Special              | ) | Case No.       |
| Administrator, Misty             | ) | 09-A-0595780-C |
| Petersen,                        | ) | DEPT. No. II   |
|                                  | ) |                |
| 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.                      | ) |                |

DEPOSITION OF CAROL BUTLER  
June 19, 2015

1 APPEARANCES:

2 FOR THE PLAINTIFF: ROBERT E. MURDOCK, ESQ.  
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20

21

22

23

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PURSUANT TO WRITTEN NOTICE, the deposition of  
CAROL BUTLER, called for examination by the Plaintiff,  
was taken in a conference room at Carpenter Reporting,  
Inc., 12510 E. Iliff Avenue, Suite 120, Aurora,  
Colorado, on the 19th day of June, 2015, at the hour of  
11:27 a.m., before Bonnie Carpenter, a Notary Public  
and Certified Shorthand Reporter in and for the State  
of Colorado, a Registered Professional Reporter, and  
Certified Realtime Reporter.

\*\*\*\*\*

I N D E X

|                                 |             |
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| Mr. Silvestri                   | 118         |
| Mr. Prangle                     | 135         |
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| 1 Statement of Christine Murray | 92, 93      |

\*\*\*\*\*

CAROL BUTLER,

called as a witness for examination under the Rules,  
having been first duly sworn according to law, was  
examined and testified on her oath as follows:

EXAMINATION

BY MR. MURDOCK:

Q Would you please state your name for the  
record.

A Carol Butler.

Q Ms. Butler, have you ever had your  
deposition taken before?

A No.

Q Never?

A No.

Q Okay. You live in Denver right now; is  
that correct?

A Evergreen, actually.

Q Evergreen. Okay. And you're moving?  
That's my understanding.

A No. I'm not moving.

Q You've taken a job --

A I'm working the summer in Alaska, so I'm  
back and forth.

Q Where in Alaska?



1                   At some point, did you obtain witness  
2   statements that nurses or staff members, CNAs or  
3   whoever might have given to the police?

4                   A     No.   Police.   No.

5                   Q     Do you remember a nurse by the name of  
6   Christine Murray?  Does that name sound familiar?

7                   A     I do remember.

8                   Q     Do you remember speaking with Christine  
9   Murray about this incident?

10                  A     I don't remember specifically speaking  
11   with Christine about this incident.

12                  Q     Okay.  Do you remember attending a  
13   meeting where you spoke with not just Christine Murray,  
14   but all the staff in one setting about this incident?

15                  A     All the staff ... you mean all the staff  
16   that might have witnessed this incident?

17                  Q     Yeah.  Yes.

18                  A     I -- I guess I would assume that those  
19   were the people that were present for the sentinel  
20   event meeting.

21                  Q     Okay.  And the reason I'm asking you  
22   that is -- let's mark this.

23                             (Exhibit 1 marked.)

24                   MR. VOGEL:  What are you looking at,  
25   Rob?

1 MR. PRANGLE: It's Christine Murray's.

2 Q (BY MR. MURDOCK) Showing you what's  
3 been marked as Plaintiff's Exhibit 1, have you ever  
4 seen that document before?

5 A I don't recall ever seeing this document  
6 before.

7 Q (BY MR. MURDOCK) Okay. Christine  
8 Murray testified under oath, quote, The director of  
9 nursing called me down and we talked about this, too,  
10 after I talked to the police. When she got a copy of  
11 this, I talked to her. And this -- she's talking about  
12 her report, by the way -- or this statement,  
13 Plaintiff's Exhibit 1.

14 A Okay.

15 Q So does that refresh your recollection a  
16 little bit?

17 A No.

18 Q Okay.

19 "Question: Who was the director of  
20 nursing at the time?"

21 She answered:

22 "I really don't know."

23 "Question: But the director of nursing  
24 called you down after she read the statement; is that  
25 correct?"

1 "Answer: Yes. She talked to all of us.

2 "What do you mean, she talked to all of  
3 you?

4 "Answer: She talked to all of the  
5 nurses that were involved in this."

6 Does that refresh your recollection at  
7 all?

8 A If she means I talked to them all  
9 individually or in the meeting --

10 Q I can't help you there.

11 A Yeah.

12 Q I don't know. I'm just -- just take a  
13 look at the statement. You don't recall ever  
14 receiving -- seeing that?

15 A No.

16 Q I know I asked you this, but I can't  
17 remember. Short-term memory. Did I -- do you remember  
18 who Christine Murray was?

19 A I know she was a nurse in the facility.

20 Q Do you ever recall speaking with her  
21 about this incident at all with Ms. Cagnina?

22 A I don't recall.

23 Q I'm just trying to figure out why she  
24 would say she met with you and you just don't recall  
25 it. Can you -- can you give me any help on that?

1 a look and read through pages 14 through 16 of that  
2 statement. Maybe that will refresh your recollection a  
3 little bit.

4 A (Deponent reviewing exhibit.)

5 So I'm --

6 MR. PRANGLE: Wait for a question.

7 Q (BY MR. MURDOCK) Does that refresh your  
8 recollection --

9 A Refresh my recollection?

10 Q -- of speaking with Ms. Murray about  
11 this incident?

12 A No.

13 Q Does that refresh your recollection as  
14 to whether or not you reviewed that incident -- that  
15 transcribed witness statement before today?

16 A No.

17 Q So, just so I'm clear, today, June of  
18 2015 is the first time you are ever seeing that witness  
19 statement; is that right?

20 A As far as I recall, yes.

21 Q Do you recall speaking with Ms. Murray  
22 at all?

23 A I do not recall speaking with Ms. Murray  
24 specifically, no.

25 Q Do you recall that she was part of the

1                   A     Not at the time that this was going on,  
2     no.

3                   Q     When did you hear about it?

4                   A     I -- I don't recall when I first heard  
5     about it.

6                   Q     Did you hear about when there was a  
7     preliminary hearing?

8                   A     I heard that there were additional  
9     people who had come forward and said that prior to  
10    Ms. Cagnina, they felt like there had been  
11    inappropriate actions on Mr. Farmer's part.

12                  Q     Okay.

13                  A     I didn't know any details of that.

14                  Q     Did you ever ask anybody about any  
15    details about that?

16                  A     No.

17                  Q     Did you ever try and find out who the  
18    nurses were involved in something like that?

19                  A     Again, that was up to quality and risk  
20    management to do that investigation.

21                  Q     I understand that, but these were your  
22    nurses. These were your staff. Wouldn't you want to  
23    know?

24                  A     If there were nurses who -- yes, to the  
25    degree that those were questions I asked Amy Bochenek

1 and the quality and risk manager at the time --

2 Q Okay.

3 A -- if there were people who had  
4 knowledge of these incidents or had witnessed anything  
5 that had not come forward to raise the red flag, and  
6 what I was told was that no, no one had witnessed  
7 anything and that no one had knowledge of inappropriate  
8 actions on his part.

9 Q Well, in May of 2008, Ms. Wolfe gave a  
10 statement to the Las Vegas Metropolitan Police  
11 Department. Are you aware of that?

12 A I think I became aware of it at some  
13 point. Someone informed me of that.

14 MR. SILVESTRI: Can you read back the  
15 question, please? I'm sorry.

16 (The referred-to question was read by  
17 the reporter.)

18 MR. SILVESTRI: And the answer?

19 (The referred-to answer was read by the  
20 reporter.)

21 Q (BY MR. MURDOCK) When was that?

22 MR. PRANGLE: Again, he doesn't want to  
23 know anything that I told you.

24 Q (BY MR. MURDOCK) Not in the past couple  
25 of weeks, but before the past couple weeks, were you

1     aware of that?

2                   A     I think someone told me after she gave a  
3     statement that a statement had been made.

4                   Q     Okay. Did you ever talk to her about  
5     the statement?

6                   A     I don't recall talking to her about the  
7     statement.

8                   Q     But you knew she had given a statement?  
9     It was pretty close to the time that she gave a  
10    statement; correct? I mean, she gave it to -- if she  
11    gave it on May 30, 2008, would you agree with me that  
12    you found out that she gave a statement about the  
13    incident, let's say, by August 1, 2008? Would that  
14    make sense?

15                  A     Probably.

16                  Q     Okay. That would make sense; right?

17                  A     Yes.

18                  Q     It's more likely than not; correct?

19                  A     Correct.

20                  Q     Okay. Ms. Wolfe stated in her statement  
21    Ray Sumera had told me to watch Steve Farmer around her  
22    female patients. Do you remember that?

23                  A     No. I do not.

24                  Q     She said that Ray Sumera was concerned  
25    because he was very overly attentive to female patients

1 and very anxious to connect them to the monitors and  
2 disconnect -- and disconnect them from the monitors,  
3 which would require him to reach into their clothing.  
4 Are you aware of that?

5 A No.

6 Q Okay. You never asked to see the  
7 statement; right?

8 A No, I did not.

9 Q But you knew she had made a statement;  
10 right?

11 A I knew she had made a statement.

12 Q By August 1 of 2008, you knew she had  
13 made a statement?

14 A Sure.

15 (There was a discussion off the record.)

16 Q (BY MR. MURDOCK) Do you know what a  
17 shift report is?

18 A Yes.

19 Q Were there notes taken at shift reports?

20 A Yes.

21 Q What happens to those notes? Are they  
22 thrown out?

23 A Usually, at the end of the shift.

24 Q They're thrown out?

25 A Because they are notes simply from one



1 pre-huddle?

2 A There was a handoff between the two  
3 charge nurses.

4 Q That's what it's called? The handoff?

5 A Uh-huh.

6 Q Okay. Try and let me finish my  
7 question. I know you're anticipating it, but our court  
8 reporter -- we're going to try and be kind to her  
9 without taking down two of us speaking at the same  
10 time.

11 The statement that -- that Ms. Wolfe  
12 gave that somebody told you about -- I mean, they told  
13 you she gave a statement to the police; right?

14 A Correct.

15 Q And it just -- you would ask -- wouldn't  
16 you ask your nurses, What did you talk to the police  
17 about?

18 A I asked Amy Bochenek and -- because my  
19 concern was, again, did someone know something prior to  
20 this. Her response to me was that Margaret had some  
21 vague concerns about him being overly attentive to  
22 women. And again, I said, Okay, who did she tell?  
23 And --

24 Q Did she tell you she told the police?

25 A I asked Amy, Did you ever hear about

1 this prior to this? And she said no.

2 Q She told you she told the police? Amy  
3 said that?

4 MR. PRANGLE: Amy said Amy told the  
5 police?

6 Q (BY MR. SILVESTRI) Did Amy tell you  
7 that Margaret told the police that?

8 A Amy told me that Margaret had made that  
9 statement to her.

10 Q Oh, to her. Okay. And did she tell you  
11 when she had made that statement to Amy?

12 A It was after Ms. Cagnina had complained  
13 and we had already started the police investigation.  
14 So -- and that was my question to Amy was had you ever  
15 heard about any of this prior to this? And she said  
16 no.

17 Q Was there some reason you didn't just  
18 call Ms. Wolfe in and ask her directly? You're the  
19 director of nursing.

20 A Again, the internal investigation was  
21 being handled by -- by risk and quality management.

22 Q But this was a different investigation,  
23 wasn't it? This was concerns that, now, you're hearing  
24 that one of your nurses have and you're the director of  
25 nursing. Would it not have been appropriate for you

## C E R T I F I C A T E

STATE OF COLORADO )  
COUNTY OF ARAPAHOE ) ss

I, Bonnie Carpenter, duly appointed to take the deposition of CAROL BUTLER, do hereby certify that previous to the commencement of the examination of the said above-named Deponent, she was first by me duly sworn to testify the truth, the whole truth and nothing but the truth touching and concerning the matters in controversy between the parties hereto, so far as she should be interrogated concerning the same;

That said deposition was stenographically reported by me at the time and place heretofore set forth, and was reduced to typewritten form under my supervision as per the foregoing;

That the foregoing is a true and correct transcript of my shorthand notes then and there taken;

That after the deposition was transcribed, the same was submitted by letter to the Deponent for reading and signing, a copy of which is hereto annexed;

That I am not kin or in anywise associated with any of the parties to said cause of action or their counsel and that I am not interested in the event thereof;

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Bonnie Carpenter  
12510 East Iliff  
Suite 120  
Aurora, CO 80014

# EXHIBIT 4

1                   **DECLARATION FOR MICHAEL SAUNDERS, REGARDING**  
2                   **TRANSCRIPTS OF WITNESS STATEMENTS REGARDING THE INVESTIGATION**  
3                   **OF STEVEN FARMER, EVENT NUMBER 080530-2056**

4                   MICHAEL SAUNDERS, declares as follows:

5                   1.       I am employed by the Las Vegas Metropolitan Police Department ("LVMPD"),  
6                   and make this Declaration of facts from reviewing the file for Event Number 080530-2056, and  
7                   related events, which I investigated, my personal knowledge of the same, except for those  
8                   matters stated upon information and beliefs, and as to those matters, I believe the same to be true.

9                   2.       I was asked by counsel for Centennial Hills Hospital to comment upon the  
10                  question of whether the transcription of a witness statement would ever be voluntarily provided  
11                  by LVMPD to the witness or to their employer, in general.

12                  3.       I was also asked by counsel for Centennial Hills Hospital to comment upon the  
13                  question about whether the LVMPD records in Event Number 080530-2056, indicate that the  
14                  transcribed witness statements of Margaret Wolfe or Christine Murray, regarding issues related  
15                  to the investigation of Steven Farmer, were ever given to the named witnesses, or to Carol Butler  
16                  or Amy Blasing (a.k.a. Amy Bocek).

17                  4.       I was the Detective assigned to event number 080530-2056, and four related  
18                  events. I have reviewed my complete file related to these events.

19                  5.       As a general matter, I can state that it is the policy of the LVMPD that transcripts  
20                  of witness statements are never given to the witnesses themselves in an open criminal case,  
21                  absent a court order compelling LVMPD to do so. Moreover, the transcripts of witness  
22                  statements would not be provided to the employer of the witness in an open criminal case, absent  
23                  a court order compelling LVMPD to do so.

6. Based upon my review of the file related to this investigation, I find no evidence that Margaret Wolfe or Christine Murray, at any time, were given copies of the transcripts of their witness statements.

7. Based upon my review of file related to this investigation, I find no evidence that Carol Butler or Amy Blasing (a.k.a. Amy Bochenek), at any time, were given copies of the transcripts of the witness statements of Margaret Wolfe or Christine Murray.

8. I can think of no other means by which Margaret Wolfe, Christine Murray, Carol Bulter or Amy Blasing (a.k.a. Amy Bochenek), could have obtained these transcripts from LVMPD.

9. I have no recollection of providing any transcribed statements or audio recordings thereof to the witnesses named above or their employers.

10. It would be highly unusual for a witness statement to be released from an open criminal case to anyone other than the District Attorney, absent a Court Order directing the LVMPD to do so.

11. Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 27 day of November, 2015.

Michael Saunders

# EXHIBIT 5

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div>Page 1</div> <div>1DISTRICT COURT</div> <div>2CLARK COUNTY, NEVADA</div> <div>3JANE DOE,</div> <div>4Plaintiff,</div> <div>5vs.</div> <div>CASE NO. 09-A-595780</div> <div>6VALLEY HEALTH SYSTEM LLC,</div> <div>7a Nevada limited</div> <div>8liability company, d/b/a</div> <div>9CENTENNIAL HILLS HOSPITAL</div> <div>10MEDICAL CENTER; UNIVERSAL</div> <div>11HEALTH SERVICES, INC., a</div> <div>12Delaware corporation;</div> <div>13AMERICAN NURSING</div> <div>14SERVICES, INC., a</div> <div>15Louisiana corporation;</div> <div>16STEVEN DALE FARMER, an</div> <div>17individual; DOES I</div> <div>18through X, inclusive; and</div> <div>19ROE CORPORATIONS I</div> <div>20through X, inclusive,</div> <div>21Defendants.</div> <div>22~~~~~</div> <div>23DEPOSITION OF</div> <div>24CHRISTINE MURRAY, RN</div> <div>25Thursday, January 8, 2015</div> <div>1:30 p.m.</div> <div>521 S. Third Street</div> <div>Las Vegas, Nevada</div> <div>Carol O'Malley, CCR 178, RMR</div>                                                                                                                                                                                                                                                                                                                                                                        | <div>Page 3</div> <div>1APPEARANCES OF COUNSEL (Cont'd)</div> <div>2</div> <div>3For Defendant Farmer:</div> <div>4CARROLL, KELLY, TROTTER, FRANZEN,</div> <div>5McKENNA &amp; PEABODY</div> <div>6HEATHER S. HALL, ESQ.</div> <div>7Suite 260</div> <div>83329 W. Sunset Road</div> <div>9Las Vegas, Nevada 89113</div> <div>10702.792.5855</div> <div>11702.796.5855 Fax</div> <div>12hshall@cktfmlaw.com</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> |
| <div>Page 2</div> <div>1APPEARANCES OF COUNSEL</div> <div>2</div> <div>3For Plaintiff:</div> <div>4KEACH MURDOCK</div> <div>5ROBERT E. MURDOCK, ESQ.</div> <div>6521 S. Third Street</div> <div>7Las Vegas, Nevada 89101</div> <div>8702.685.6111</div> <div>9702.384.4570 Fax</div> <div>10lasvegasjustice@aol.com</div> <div>11</div> <div>12For Defendant Valley Health System LLC, d/b/a</div> <div>13Centennial Hills Hospital Medical Center:</div> <div>14</div> <div>15HALL PRANGLE &amp; SCHOONVELD, LLC</div> <div>16JOHN F. BEMIS, ESQ.</div> <div>17Suite 200</div> <div>181160 N. Town Center Drive</div> <div>19Las Vegas, Nevada 89144</div> <div>20702.889.6400</div> <div>21702.384.6025 Fax</div> <div>22depo@hpslaw.com</div> <div>23</div> <div>24For Defendant American Nursing Services, Inc.:</div> <div>25LEWIS BRISBOIS BISGAARD &amp; SMITH LLP</div> <div>AMANDA J. BROOKHYSER, ESQ.</div> <div>6385 S. Rainbow Boulevard</div> <div>Suite 600</div> <div>Las Vegas, Nevada 89118</div> <div>702.693.4320</div> <div>702.893.3383</div> <div>702.893.3789 Fax</div> <div>amanda.brookhyser@lewisbrisbois.com</div> <div>PYATT &amp; SILVESTRI</div> <div>JAMES P.C. SILVESTRI, ESQ.</div> <div>701 Bridger Avenue</div> <div>Las Vegas, Nevada 89101</div> <div>702.383.6000</div> <div>702.477.0088</div> <div>jsilvestri@psh-law.com</div> | <div>Page 4</div> <div>1INDEX OF EXAMINATION</div> <div>2</div> <div>3WITNESS: Christine Murray, RN</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8EXAMINATIONPAGE</div> <div>9</div> <div>10By Mr. Murdock5, 76, 87</div> <div>11By Mr. Silvestri62, 86, 87</div> <div>12By Ms. Hall71</div> <div>13</div> <div>14</div> <div>15</div> <div>16INDEX TO EXHIBITS</div> <div>17</div> <div>18EXHIBITSMARKED</div> <div>191Diagram by deponent36</div> <div>202Voluntary Statement37</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>                         |



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1 January 8, 2015  
2 (Prior to the commencement of the deposition,  
3 all of the parties present agreed to waive  
4 statements by the court reporter, pursuant to  
5 Rule 30(b)(4) of NRCP.)  
6  
7 CHRISTINE MURRAY, RN,  
8 having been first duly sworn, testified as follows:  
9  
10 EXAMINATION  
11 BY MR. MURDOCK:  
12 Q. Would you please state your name for the  
13 record?  
14 A. Christine Murray.  
15 Q. Ms. Murray, have you ever had your  
16 deposition taken before?  
17 A. Yes.  
18 Q. On how many occasions?  
19 A. Once.  
20 Q. My understanding is that was in the Cagnina  
21 matter?  
22 A. Yes.  
23 Q. I'm sure you were told in that deposition  
24 about the rules, but let me just go through them very  
25 briefly.

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1 You understand that the law of  
2 perjury applies here as it does in a court of law?  
3 A. Yes.  
4 Q. You understand that even though this is a  
5 very relaxed proceeding, you still have a duty to  
6 tell the truth?  
7 A. Yes.  
8 Q. You understand that I'm here to ask you  
9 questions; you're here to answer them. Do you  
10 understand that?  
11 A. Absolutely.  
12 Q. If you don't understand a question of mine  
13 today, please let me know. If you go ahead and  
14 answer the question, I'm going to assume that you  
15 understood it. Is that fair?  
16 A. Absolutely.  
17 Q. Is there any reason this deposition can't  
18 go forward today?  
19 A. Not to my knowledge.  
20 Q. In other words, have you taken any  
21 medication that may affect your memory or anything  
22 like that?  
23 A. No.  
24 Q. Ms. Murray, my understanding is that you  
25 are a nurse, is that correct?

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1 A. Yes.  
2 Q. Are you licensed in the State of Nevada?  
3 A. Yes, I am.  
4 Q. Are you employed?  
5 A. Yes.  
6 Q. Where are you employed?  
7 A. Harmon Hospital.  
8 Q. Is that a rehab center?  
9 A. It has just converted to a hospital.  
10 Q. Okay. How long have you worked there?  
11 A. Two years.  
12 Q. And what do you do there?  
13 A. I'm a staff nurse.  
14 Q. Do you have any particular specialization  
15 at Harmon?  
16 A. No.  
17 Q. In other words, are you an orthopedic  
18 nurse --  
19 A. No.  
20 Q. -- or anything like that?  
21 A. No.  
22 Q. And you said you've been working there  
23 about two years?  
24 A. Uh-huh.  
25 Q. Where did you work before then?

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1 A. I worked at Montevista.  
2 Q. And that's a psychiatric hospital?  
3 A. Yes.  
4 Q. And what did you do there?  
5 A. I was a charge nurse.  
6 Q. Do you have any background in nursing,  
7 outside of working for Montevista?  
8 A. Un-uhn.  
9 Q. Is that a no?  
10 A. No.  
11 Q. You have to answer verbally to my  
12 questions. You can't say "uh-huh" or "un-uhn" or  
13 shake your head, because the court reporter can't  
14 take that down. So at some point in the deposition  
15 myself or counsel may say to you, "Is that a yes,"  
16 or, "Is that a no?" We're not trying to yell at you.  
17 We're just trying to make sure the record is clear.  
18 Okay?  
19 A. Okay.  
20 Q. So you were a charge nurse at Montevista.  
21 For how long?  
22 A. A year and a half.  
23 Q. And why did you leave Montevista?  
24 A. I didn't care for it anymore.  
25 Q. Did you leave on your own?

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1 or not she actually was being assaulted?  
2 A. I didn't have to. Her nurse went in there  
3 to see what was going on.  
4 Q. And you never asked the nurse what  
5 happened, right?  
6 A. That's not my business.  
7 Q. Okay. Now, did the nurse go into the room?  
8 A. Yes, she did.  
9 Q. If you can, could you describe the nurse  
10 for us?  
11 A. No. I don't remember who the nurse was.  
12 Q. So you can't tell me what she looked like,  
13 or he looked like in any way?  
14 A. No.  
15 Q. Was it a "he" or a "she?"  
16 A. I believe it was a woman, but I'm not  
17 positive.  
18 Q. And when you got together, as you said  
19 before, all the nurses, when this all came up, when  
20 the criminal case came up and you had this  
21 discussion -- you said you talked about this issue  
22 with the sitter. Do you remember that?  
23 A. No.  
24 Q. Well, you said before, when we talked about  
25 the sentence here where it says, "The only thing I

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1 can think of, like I said, is the older lady that he  
2 did the one-to-one sittings with" --  
3 A. Oh, okay.  
4 Q. You said there was a conversation between  
5 you and the rest of the nurses about this incident.  
6 A. That would have been as we were standing at  
7 the nurses' desk when the yelling was going on, after  
8 the nurse walked into the room.  
9 Q. Do you recall how many nurses --  
10 A. Well, there wouldn't have been more than  
11 three, because there was never more than four of us.  
12 And if she went in the room, that left three.  
13 Q. And did any of you have a conversation with  
14 that nurse after the fact?  
15 MR. BEMIS: Calls for speculation.  
16 BY MR. MURDOCK:  
17 Q. As far as you know?  
18 A. I have no idea.  
19 Q. You certainly didn't, is that right?  
20 A. I did not, no.  
21 Q. Okay. Outside of hearing the patient yell,  
22 "I don't want you by me, get out of here," did you  
23 hear her yell anything else?  
24 A. No, I did not.  
25 Q. Do you recall her yelling anything else?

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1 A. No.  
2 Q. So just so I'm clear, when you stated, "So  
3 we didn't put any credence into what she was saying,"  
4 you were talking about when she was yelling, "I don't  
5 want you by me, get out of here." Is that right?  
6 A. Yes.  
7 Q. Okay. Now, this occurred on the 6th floor,  
8 didn't it?  
9 A. On the 6th floor?  
10 Q. Yeah.  
11 A. I thought it was on the 7th floor.  
12 Q. Well, why don't you keep reading down on  
13 181. Maybe that will refresh your recollection.  
14 A. Okay. Then yes, it was. We got pulled  
15 back and forth, so it's easy to not remember exactly  
16 what floor you were on every night.  
17 Q. Now, would the drawing that you made as  
18 Plaintiff's Exhibit 1 -- would that be different  
19 because it was on the 6th floor, as opposed to the  
20 7th?  
21 A. No. They're all exactly the same.  
22 Q. Okay. Now, then the policeman says to you,  
23 "Okay. Do you remember what she was in for? What  
24 that victim?" Then you state, "I don't know."  
25 A. Right.

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1 Q. You're talking about the --  
2 A. Patient.  
3 Q. -- what you termed the little crazy old  
4 lady patient, is that correct?  
5 A. The patient, yes.  
6 Q. But that's the patient we're talking about  
7 here, right?  
8 A. Yes.  
9 Q. Now, outside of telling the police about  
10 this -- what you termed "the little crazy old lady,"  
11 and the incident with Mr. Farmer -- did you ever tell  
12 anybody else about that?  
13 A. No.  
14 Q. After the incident took place, after the  
15 arrest, and Ms. Cagnina, things like that, did you  
16 ever tell anybody at the hospital about this  
17 incident?  
18 A. No.  
19 Q. So the first and only time you ever  
20 discussed this patient, the little crazy old lady  
21 patient with anyone, would have been with this  
22 detective. Is that correct?  
23 A. No. Wait a minute. The director of  
24 nursing called me down and we talked about this, too,  
25 after I talked to the police. When she got a copy of

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1 this, I talked to her. And that was it.  
2 Q. Who was the director of nursing at the  
3 time?  
4 A. I really don't know.  
5 Q. But the director of nursing called you down  
6 after she read the statement, is that correct?  
7 A. Yes. She talked to all of us.  
8 Q. What do you mean, she talked to all of you?  
9 A. She talked to all the nurses that were  
10 involved in this.  
11 Q. Did you go through the statement with her?  
12 A. She asked me what happened. I told her  
13 what I knew. We didn't pick this up and go through  
14 it line by line like we are now, but she knew what  
15 was -- I mean she had read it.  
16 Q. Did she ask you about the little crazy old  
17 lady patient? Was that something you discussed?  
18 A. You know, I'm not sure. She just asked  
19 about what I knew. No, I don't believe we did go  
20 through that. We went through the other part,  
21 because that was what was coming up.  
22 Q. And outside of me asking you about this  
23 little crazy old lady patient, and the detective, has  
24 anybody else ever asked you about it?  
25 A. No.

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1 MR. MURDOCK: I don't think I have any  
2 further questions at this time.  
3  
4 EXAMINATION  
5 BY MR. SILVESTRI:  
6 Q. Ms. Murray, name is Jim Silvestri. I  
7 represent American Nursing Services. I have just a  
8 couple of follow-up questions for you, if you don't  
9 mind.  
10 A. Sure.  
11 Q. When you worked at Centennial Hills  
12 Hospital, did CNAs, certified nursing assistants --  
13 did they operate independently of the registered  
14 nurses?  
15 A. You mean have their own duties that they  
16 did?  
17 Q. Without being told.  
18 A. Yes.  
19 Q. What kind of duties did they have that they  
20 would not need instruction from an RN on, or a doctor  
21 on, to perform?  
22 A. Answering lights, walking patients to the  
23 bathroom, helping patients clean up if they had  
24 become nauseous or if they had an accident. Helping  
25 them change their clothes, bringing them stuff they

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1 needed.  
2 Q. So if they went into a room to help  
3 somebody clean up who had thrown up, or maybe went to  
4 the bathroom, typically the light would come on and a  
5 CNA would know to go in there?  
6 MR. MURDOCK: Objection. Speculation.  
7 Go ahead.  
8 THE WITNESS: Yes.  
9 BY MR. SILVESTRI:  
10 Q. Did the CNAs typically just go on random  
11 checks and see that people had thrown up or soiled  
12 themselves?  
13 A. Not really. Usually you're so busy with  
14 the lights you don't have a chance to.  
15 Q. Let me ask you, when you were asked about a  
16 sitter, you used the term -- and I don't know if it  
17 was a term of art -- altered mental state or mental  
18 status.  
19 A. Yes.  
20 Q. Can you just tell me generally what you  
21 mean by "altered mental status?"  
22 A. That means a patient who is not thinking  
23 clearly enough, to where they can harm themselves,  
24 pull tubes out, pull IVs out, pull blood out,  
25 whatever. And they can only have a one-on-one with a

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1 doctor's order saying they are not thinking clearly  
2 enough, so that they need to have somebody sitting  
3 there with them.  
4 Q. Did you work with Steven Farmer personally?  
5 A. No.  
6 Q. You were asked about application of  
7 telemetry leads.  
8 A. Yes.  
9 Q. And correct me if I'm wrong -- and I don't  
10 mean to be insensitive about this, or overly  
11 invasive -- but a woman that is more endowed is more  
12 likely to have her breast arranged such that the  
13 telemetry lead can be placed under near the ribcage?  
14 A. Yes.  
15 Q. Do you place telemetry leads on the nipple  
16 of the breast?  
17 A. No.  
18 Q. Have you ever done that?  
19 A. No.  
20 Q. Is there any reason to do that, that you're  
21 aware of?  
22 A. No.  
23 Q. Are you aware of any nurses at Centennial  
24 Hills Hospital ever being instructed to digitally  
25 penetrate a female patient?

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
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| <div>Page 89</div> <div>1 review this deposition. You can make any changes to</div> <div>2 your answers that you so desire.</div> <div>3 I caution you that I or any other</div> <div>4 counsel in this matter can comment on the fact that</div> <div>5 you made changes, and that may affect your</div> <div>6 credibility. Knowing that, you still have a right to</div> <div>7 review the deposition and make any changes.</div> <div>8 If you want to do so, you need to</div> <div>9 let the court reporter know and she can make</div> <div>10 arrangements for you to review the deposition and</div> <div>11 sign. Otherwise you can waive it. It's up to you --</div> <div>12 and your counsel, I guess.</div> <div>13 THE WITNESS: I'll waive it.</div> <div>14</div> <div>15 (The deposition concluded at 3:05 p.m.)</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| <div>Page 90</div> <div>1 REPORTER'S CERTIFICATE</div> <div>2 STATE OF NEVADA )</div> <div>3 ) ss.</div> <div>4 COUNTY OF CLARK )</div> <div>5 I, Carol O'Malley, Nevada Certified Court</div> <div>6 Reporter 178, do hereby certify:</div> <div>7 That I reported the taking of the deposition</div> <div>8 of CHRISTINE MURRAY, RN on January 8, 2015 commencing</div> <div>9 at the hour of 1:30 p.m.;</div> <div>10 That prior to being examined, the witness was by</div> <div>11 me duly sworn to testify to the truth, the whole</div> <div>12 truth, and nothing but the truth;</div> <div>13 That I thereafter transcribed my said</div> <div>14 shorthand notes into typewriting and that the</div> <div>15 typewritten transcription of said deposition is a</div> <div>16 complete, true, and accurate transcription of my said</div> <div>17 shorthand notes taken down at said time. Review of</div> <div>18 the transcript was not requested.</div> <div>19 I further certify that I am not a relative or</div> <div>20 employee of an attorney or counsel involved in said</div> <div>21 action, nor financially interested in said action.</div> <div>22 IN WITNESS WHEREOF, I have hereunto set my hand</div> <div>23 in my office in the County of Clark, State of Nevada,</div> <div>24 this 15th day of January, 2015.</div> <div>25 <br/>Carol O'Malley, CCR No. 178</div> |  |

# EXHIBIT 6

|                      |                               |
|----------------------|-------------------------------|
| Page 1               |                               |
| 1                    | DISTRICT COURT                |
| 2                    | CLARK COUNTY, NEVADA          |
| 3                    | JANE DOE,                     |
| 4                    | Plaintiff,                    |
| 5                    | vs.                           |
| CASE NO. 09-A-595780 |                               |
| 6                    | VALLEY HEALTH SYSTEM LLC,     |
| 7                    | a Nevada limited              |
| 8                    | liability company, d/b/a      |
| 9                    | CENTENNIAL HILLS HOSPITAL     |
| 10                   | MEDICAL CENTER; UNIVERSAL     |
| 11                   | HEALTH SERVICES, INC., a      |
| 12                   | Delaware corporation;         |
| 13                   | AMERICAN NURSING              |
| 14                   | SERVICES, INC., a             |
| 15                   | Louisiana corporation;        |
| 16                   | STEVEN DALE FARMER, an        |
| 17                   | individual; DOES I            |
| 18                   | through X, inclusive; and     |
| 19                   | ROE CORPORATIONS I            |
| 20                   | through X, inclusive,         |
| 21                   | Defendants.                   |
| 22                   | ~~~~~                         |
| 23                   | DEPOSITION OF                 |
| 24                   | MARGARET WOLFE, RN            |
| 25                   | Wednesday, May 5, 2015        |
|                      | 9:30 a.m.                     |
|                      | 521 S. Third Street           |
|                      | Las Vegas, Nevada             |
|                      | Carol O'Malley, CCR 178, RMR3 |

|        |                                                |
|--------|------------------------------------------------|
| Page 2 |                                                |
| 1      | APPEARANCES OF COUNSEL                         |
| 2      | For Plaintiff:                                 |
| 3      | KEACH MURDOCK                                  |
| 4      | ROBERT E. MURDOCK, ESQ.                        |
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| 10     | lasvegasjustice@aol.com                        |
| 11     | For Defendant Valley Health System LLC, d/b/a  |
| 12     | Centennial Hills Hospital Medical Center:      |
| 13     | HALL PRANGLE & SCHOONVELD, LLC                 |
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| 21     | For Defendant American Nursing Services, Inc.: |
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|        |                                 |
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| Page 3 |                                 |
| 1      | APPEARANCES OF COUNSEL (Cont'd) |
| 2      | For Defendant Farmer:           |
| 3      | CARROLL, KELLY, TROTTER,        |
| 4      | FRANZEN, McKENNA & PEABODY      |
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| Page 4 |                                         |
| 1      | INDEX OF EXAMINATION                    |
| 2      |                                         |
| 3      | WITNESS: Margaret Wolfe, RN             |
| 4      |                                         |
| 5      |                                         |
| 6      |                                         |
| 7      | EXAMINATION                             |
| 8      |                                         |
| 9      | By Mr. Murdock                          |
| 10     | By Mr. Silvestri                        |
| 11     | By Ms. Hall                             |
| 12     |                                         |
| 13     |                                         |
| 14     |                                         |
| 15     | INDEX TO EXHIBITS                       |
| 16     |                                         |
| 17     | EXHIBITS                                |
| 18     | 1 Voluntary Statement of Margaret Wolfe |
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| 25     |                                         |

Page 5

1 Deposition of Margaret Wolfe, RN  
2 May 6, 2015  
3 (Prior to the commencement of the deposition,  
4 all of the parties present agreed to waive  
5 statements by the court reporter, pursuant to  
6 Rule 30(b)(4) of NRCP.)  
7  
8 MARGARET WOLFE, RN,  
9 having been first duly sworn, testified as follows:  
10  
11 EXAMINATION  
12 BY MR. MURDOCK:  
13 Q. Would you please state your name for the  
14 record?  
15 A. Margaret Wolfe.  
16 Q. Ms. Wolfe, have you ever had your  
17 deposition taken before?  
18 A. No.  
19 Q. Are you represented by counsel here?  
20 A. Yes.  
21 Q. Who is that?  
22 A. John Bemis.  
23 Q. How did you come to be represented by Mr.  
24 Bemis?  
25 A. I believe I was contacted by their office.

Page 6

1 Q. So he told you that you were going to be  
2 represented by him?  
3 A. They did.  
4 Q. They did?  
5 MR. BEMIS: I object to form.  
6 From the aspect of her acceptance  
7 of the representation, she can talk. But after that  
8 I'm going to instruct her not to answer about  
9 anything we talked about.  
10 BY MR. MURDOCK:  
11 Q. Go ahead.  
12 A. I was offered their representation, and I  
13 accepted it.  
14 Q. Okay. Good. How much are you paying?  
15 A. I'm not paying anything.  
16 Q. When you were offered their representation,  
17 did they tell you that they also allegedly represent  
18 a whole bunch of other people?  
19 MR. BEMIS: I object to form and  
20 instruct her not to answer anything we discussed.  
21 BY MR. MURDOCK:  
22 Q. Go ahead. You can answer the question, if  
23 you want.  
24 A. I'm going to take the advice of my  
25 attorney.

Page 7

1 Q. Okay. Did they also tell you -- or did Mr.  
2 Bemis tell you that he helped Mr. Farmer out during  
3 the criminal trial?  
4 MR. BEMIS: I'm going to instruct her  
5 not to --  
6 BY MR. MURDOCK:  
7 Q. Did he tell you that he provided documents  
8 to Mr. Farmer, so he could help out his criminal  
9 case?  
10 MR. BEMIS: I'm going to instruct her  
11 not to answer anything that her and I discussed.  
12 BY MR. MURDOCK:  
13 Q. Did he tell you that he actually represents  
14 the hospital, and not you, even here today?  
15 MR. BEMIS: You can answer, but you're  
16 not to answer anything you and I discussed.  
17 BY MR. MURDOCK:  
18 Q. Are you going to take your counsel's word  
19 for it?  
20 A. Yes, I am.  
21 Q. Okay. When did you get that phone call  
22 where they offered to represent you?  
23 A. Approximately a month ago. I don't  
24 remember exactly.  
25 Q. And who called you specifically? Do you

Page 8

1 remember?  
2 A. It was a female. I don't remember her  
3 name.  
4 Q. Was she a lawyer?  
5 A. I don't know.  
6 Q. And in that phone call was she the one who  
7 said, "We would like to represent you," or something  
8 like that, or offered to represent you?  
9 A. I believe so.  
10 Q. Did she tell you about any potential  
11 conflicts of interest between yourself and the  
12 hospital?  
13 MR. BEMIS: I'm going to instruct her  
14 not to answer anything that's been discussed with  
15 myself or my firm.  
16 BY MR. MURDOCK:  
17 Q. Do you know if she was actually even from  
18 their firm, whoever this person was?  
19 A. I'm assuming that she is. I don't know for  
20 a fact.  
21 Q. Okay. Do you remember her name?  
22 A. No.  
23 Q. Did she tell you she was from their firm?  
24 A. She told me she was from a firm. I don't  
25 remember the name of that firm.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <p style="text-align: right;">Page 13</p> <p>1 MR. BEMIS: I'm going to instruct her<br/>2 not to answer anything her and I discussed.<br/>3 BY MR. MURDOCK:<br/>4 Q. Did he tell you that he fell below the<br/>5 standard of care already in representing you? Did he<br/>6 tell you that?<br/>7 MR. BEMIS: I'm going to instruct her<br/>8 not to answer anything that her and I discussed.<br/>9 BY MR. MURDOCK:<br/>10 Q. You're currently a nurse, correct?<br/>11 A. Yes.<br/>12 Q. And where are you a nurse at?<br/>13 A. UMC pediatric ER.<br/>14 Q. Now, Ms. Wolfe, you have no legal training,<br/>15 do you?<br/>16 A. No.<br/>17 Q. You're not a lawyer?<br/>18 A. No.<br/>19 Q. You're not a paralegal?<br/>20 A. No.<br/>21 Q. You haven't gone to school for any legal<br/>22 things?<br/>23 A. Nothing.<br/>24 Q. Do you know what perjury is?<br/>25 A. Yes, I do.</p> | <p style="text-align: right;">Page 15</p> <p>1 Q. Who is he?<br/>2 A. He was a CNA that worked at Centennial<br/>3 Hospital at the same time I was there.<br/>4 Q. What did he look like?<br/>5 A. Poppa Smurf. Sorry. He had a white beard,<br/>6 white hair, medium stature.<br/>7 Q. Did you give a statement to the police a<br/>8 couple days -- well, actually it would have been<br/>9 maybe a couple weeks after he was arrested, in 2008?<br/>10 A. Yes.<br/>11 Q. Did you lie to the police?<br/>12 A. No.<br/>13 Q. Did you make up any stories to tell the<br/>14 police?<br/>15 A. No.<br/>16 Q. After you spoke with the police, did you<br/>17 speak with anybody at Centennial Hills Hospital about<br/>18 what you told the police?<br/>19 A. I don't recall.<br/>20 Q. Who was your director of nursing at the<br/>21 time? Do you remember?<br/>22 A. Amy Bochenek.<br/>23 Q. That's how you pronounce it?<br/>24 A. (Witness nods.)<br/>25 Q. Is that a yes?</p> |
| <p style="text-align: right;">Page 14</p> <p>1 Q. What is perjury?<br/>2 A. Lying under oath.<br/>3 Q. Do you know that it is a crime to lie to<br/>4 the police?<br/>5 A. Yes, I do.<br/>6 Q. Do you know that it is a crime to obstruct<br/>7 justice?<br/>8 A. Yes.<br/>9 Q. Do you know that it is a crime to obstruct<br/>10 justice by lying to the police?<br/>11 A. Yes.<br/>12 Q. Prior to this deposition you were sitting<br/>13 in my lobby, correct?<br/>14 A. Yes.<br/>15 Q. And I came to speak with you, correct?<br/>16 A. Yes.<br/>17 Q. And at that time I did not have an actual<br/>18 conversation with you, did I?<br/>19 A. No.<br/>20 Q. On the other hand, I spoke, correct?<br/>21 A. Correct.<br/>22 Q. I didn't ask you one question, correct?<br/>23 A. Right.<br/>24 Q. Do you know Steven Farmer?<br/>25 A. Yes.</p>                                     | <p style="text-align: right;">Page 16</p> <p>1 A. Yes.<br/>2 Q. Now, do you recall speaking with Amy --<br/>3 A. Yes.<br/>4 Q. I'm sorry, let me finish my question.<br/>5 A. Okay.<br/>6 Q. The only reason is, she's going to get mad<br/>7 at me.<br/>8 Do you recall speaking with Amy<br/>9 about Mr. Farmer?<br/>10 A. Yes.<br/>11 Q. Was that before or after he was arrested?<br/>12 A. It was after, because the situation<br/>13 happened on the same day.<br/>14 Q. Right. Okay. And you went to Amy to<br/>15 discuss the situation with Ms. Hanna, is that<br/>16 correct?<br/>17 A. I didn't go directly to Amy, no.<br/>18 Q. Who did you go to?<br/>19 A. I went to my charge nurse that was on that<br/>20 shift.<br/>21 Q. Who was that, by the way?<br/>22 A. Ray Sumera.<br/>23 Q. Now, Ray testified the other day that he<br/>24 was a relief charge nurse.<br/>25 A. Uh-huh.</p>                                                                              |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <p style="text-align: right;">Page 17</p> <p>1 Q. Is that a yes?</p> <p>2 A. Yes.</p> <p>3 Q. What is a relief charge nurse?</p> <p>4 MR. BEMIS: I object to form. Go ahead</p> <p>5 and answer.</p> <p>6 THE WITNESS: A relief charge nurse</p> <p>7 fills in when the permanent charge nurse is not</p> <p>8 available.</p> <p>9 BY MR. MURDOCK:</p> <p>10 Q. Okay. Why did you go to Ray to talk about</p> <p>11 that incident?</p> <p>12 A. Because that's my chain of command that I</p> <p>13 would follow.</p> <p>14 Q. Have you seen the transcript of the</p> <p>15 conversation you had with Detective Saunders?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall any mistakes in that</p> <p>18 transcript?</p> <p>19 A. No.</p> <p>20 Q. So you went to Ray because of the chain of</p> <p>21 command. After you went to Ray, did you go to</p> <p>22 somebody else?</p> <p>23 A. Yes.</p> <p>24 Q. Is that when you went to Amy?</p> <p>25 A. No.</p>                                                                                     | <p style="text-align: right;">Page 19</p> <p>1 Q. Who did you speak to?</p> <p>2 A. Ray Sumera, and probably a couple other ER</p> <p>3 nurses, but I don't recall exactly who.</p> <p>4 Q. And when would that have been? Do you</p> <p>5 recall?</p> <p>6 A. Just throughout the course of his</p> <p>7 employment in the ER.</p> <p>8 Q. And do you recall what you discussed?</p> <p>9 A. I told them that he made me very</p> <p>10 uncomfortable, especially around female patients, and</p> <p>11 I did not want him in my female patients' rooms.</p> <p>12 Q. What made you uncomfortable?</p> <p>13 A. He was overly helpful with female patients,</p> <p>14 and it was just a feeling I had that made me</p> <p>15 uncomfortable and uneasy around him.</p> <p>16 He would go into females rooms</p> <p>17 when there was no need for him to be in there,</p> <p>18 sometimes with the door or the curtain shut, and I</p> <p>19 felt that was inappropriate.</p> <p>20 Q. And you had voiced this to Ray prior to the</p> <p>21 incident with Ms. Hanna?</p> <p>22 A. Yes.</p> <p>23 Q. And would it have been weeks and/or a month</p> <p>24 prior?</p> <p>25 A. Weeks.</p> |
| <p style="text-align: right;">Page 18</p> <p>1 Q. Who did you go to?</p> <p>2 A. I spoke with the nurse that I was giving</p> <p>3 report to at shift change.</p> <p>4 Q. Who was that? Do you remember?</p> <p>5 A. Her name is Julie. I don't remember her</p> <p>6 last name.</p> <p>7 Q. And when did you wind up speaking with Amy?</p> <p>8 A. Later that day she called me.</p> <p>9 Q. So somehow it got back up to her?</p> <p>10 A. Yes.</p> <p>11 Q. Were you at home at the time?</p> <p>12 A. Yes.</p> <p>13 Q. And my guess is that you repeated</p> <p>14 everything you told Ray, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And also everything you told Julie,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Did you lie to them?</p> <p>20 A. No.</p> <p>21 Q. Prior to the day you spoke with Amy and the</p> <p>22 day you spoke with Julie, and the day you spoke with</p> <p>23 Ray when the incident with Ms. Hanna occurred, had</p> <p>24 you ever spoken to anybody before about Mr. Farmer?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 20</p> <p>1 MR. SILVESTRI: I'm sorry, what was it?</p> <p>2 THE WITNESS: Weeks.</p> <p>3 MR. SILVESTRI: Thank you.</p> <p>4 BY MR. MURDOCK:</p> <p>5 Q. And when you had this discussion with Ray,</p> <p>6 what did he say -- the discussion weeks before?</p> <p>7 A. I don't recall.</p> <p>8 Q. Did he say he would take care of it?</p> <p>9 A. He did say he would talk to him.</p> <p>10 Q. When you had this conversation with Ray</p> <p>11 several weeks before, why did you have the</p> <p>12 conversation with Ray?</p> <p>13 A. Because I felt it better for a male to be</p> <p>14 talking to a male about it, than me to be approaching</p> <p>15 Mr. Farmer.</p> <p>16 Q. Was it also because Ray was a relief charge</p> <p>17 nurse?</p> <p>18 A. No.</p> <p>19 Q. But nevertheless, Ray was a relief charge</p> <p>20 nurse?</p> <p>21 A. Correct.</p> <p>22 Q. Now, a relief charge nurse is not always</p> <p>23 the charge nurse?</p> <p>24 A. Correct.</p> <p>25 Q. It's just when the charge nurse is not</p>                                                                                                                |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p style="text-align: right;">Page 37</p> <p>1 least several weeks before, that's when the<br/>2 suspicions started -- where he would be in rooms<br/>3 alone with patients, where he was gone for extended<br/>4 periods of time when he was transporting patients,<br/>5 and where he would always offer to help female<br/>6 patients, as opposed to male patients, correct?<br/>7 A. Correct.<br/>8 MR. BEMIS: I object to form.<br/>9 BY MR. MURDOCK:<br/>10 Q. And in terms of the gone extended periods<br/>11 of time with transporting patients, that would have<br/>12 been with females patients, correct?<br/>13 MR. BEMIS: I object to form. Calls<br/>14 for speculation.<br/>15 THE WITNESS: Correct.<br/>16 BY MR. MURDOCK:<br/>17 Q. And the being in rooms alone -- again, that<br/>18 would be with female patients, as opposed to male<br/>19 patients, correct?<br/>20 MR. BEMIS: Same objection. Go ahead<br/>21 and answer.<br/>22 THE WITNESS: I can't say that it<br/>23 wasn't ever with a male patient, but we noticed it<br/>24 more with female patients.<br/>25</p> | <p style="text-align: right;">Page 39</p> <p>1 Q. I mean if everybody was talking about it,<br/>2 would you assume they knew?<br/>3 MR. BEMIS: Calls for speculation.<br/>4 THE WITNESS: I don't know what they<br/>5 knew.<br/>6 BY MR. MURDOCK:<br/>7 Q. Okay. In other words, I'd have to ask<br/>8 them, right?<br/>9 A. Uh-huh.<br/>10 Q. Is that a yes?<br/>11 A. Yes.<br/>12 Q. Okay. You didn't have any specific<br/>13 conversations with Amy or Danielle that you recall,<br/>14 correct?<br/>15 A. Correct.<br/>16 Q. You did have specific conversations with<br/>17 Ray though, correct?<br/>18 A. Yes.<br/>19 Q. And that would have been before the<br/>20 incident with Denise Hanna, correct?<br/>21 A. Yes.<br/>22 Q. Now, after the incident with Denise Hanna,<br/>23 you worked at Centennial for about another year or<br/>24 so. Would that be right?<br/>25 A. Sounds about right.</p>                                                                                                                                                                               |
| <p style="text-align: right;">Page 38</p> <p>1 BY MR. MURDOCK:<br/>2 Q. Okay. And when you say "we," who is "we?"<br/>3 A. The nursing staff.<br/>4 Q. Now, who was your charge nurse on the<br/>5 nightshift? Did you have one?<br/>6 A. We had a couple of them.<br/>7 Q. Who were they?<br/>8 A. One of them was Amy.<br/>9 Q. Amy who?<br/>10 A. I don't remember her last name.<br/>11 Q. Okay.<br/>12 A. And the other one was Danielle, and I don't<br/>13 remember her last name.<br/>14 Q. Okay. And then the relief would have been<br/>15 Ray?<br/>16 A. Yes.<br/>17 Q. Were Amy and Danielle made aware of these<br/>18 suspicions that were had by the nursing staff about<br/>19 Steven?<br/>20 MR. BEMIS: I object to form. Calls<br/>21 for speculation. Answer, if you know.<br/>22 THE WITNESS: I don't know.<br/>23 BY MR. MURDOCK:<br/>24 Q. In other words, did they know?<br/>25 A. I don't know.</p>                                                                                                                                                                       | <p style="text-align: right;">Page 40</p> <p>1 Q. And my understanding is that at some point,<br/>2 I want to say -- I could be wrong, but in the summer<br/>3 of 2009, you were terminated by Centennial, is that<br/>4 correct?<br/>5 A. Yes.<br/>6 Q. In between the time you were terminated and<br/>7 the Denise Hanna incident, do you recall having any<br/>8 conversations with anybody at Centennial Hills<br/>9 Hospital regarding Steven Farmer?<br/>10 MR. BEMIS: Besides what she already<br/>11 testified to?<br/>12 MR. MURDOCK: Yeah.<br/>13 THE WITNESS: Again, all the nursing<br/>14 staff was talking about it, following the case. So I<br/>15 may have. I don't remember any specific<br/>16 conversations with people, but it's possible.<br/>17 BY MR. MURDOCK:<br/>18 Q. Were you ever called in, for instance by<br/>19 risk management, to discuss what you had witnessed<br/>20 with Mr. Farmer?<br/>21 A. No.<br/>22 Q. Did any lawyers ever speak with you<br/>23 regarding Mr. Farmer?<br/>24 A. No.<br/>25 Q. When was the first time a lawyer ever spoke</p> |

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| <p style="text-align: right;">Page 41</p> <p>1 with you regarding Mr. Farmer?</p> <p>2 A. When I was subpoenaed for his criminal</p> <p>3 trial.</p> <p>4 Q. And before then no lawyers, like for</p> <p>5 instance Mr. Bemis -- he never called you?</p> <p>6 A. No.</p> <p>7 Q. And nobody from risk management had called</p> <p>8 you?</p> <p>9 A. No.</p> <p>10 Q. Now, your discussion with Amy Bochenek --</p> <p>11 that was after the Denise Hanna incident, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And you said that occurred that day of the</p> <p>14 Denise Hanna incident, correct?</p> <p>15 A. Correct.</p> <p>16 Q. After that day, speaking with Amy Bochenek,</p> <p>17 did you speak with anybody else regarding Mr. Farmer,</p> <p>18 in terms of administrators or administration at</p> <p>19 Centennial Hills Hospital?</p> <p>20 A. Not that I can recall.</p> <p>21 Q. Okay. When you spoke with Amy Bochenek,</p> <p>22 did you tell her that the nursing staff had all been</p> <p>23 talking about Steven Farmer?</p> <p>24 A. I don't recall.</p> <p>25 Q. Is that something that you believe that</p> | <p style="text-align: right;">Page 43</p> <p>1 BY MR. MURDOCK:</p> <p>2 Q. Do you remember, was she an ER nurse?</p> <p>3 A. Yes.</p> <p>4 Q. When you said the nursing staff all knew,</p> <p>5 was that the nursing staff down at the ER?</p> <p>6 A. Yes.</p> <p>7 Q. Because that's basically who you had</p> <p>8 contact with, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And that was the nursing staff on your</p> <p>11 shift?</p> <p>12 A. Correct.</p> <p>13 Q. So in other words, it wouldn't be up in the</p> <p>14 med-surg units, right?</p> <p>15 A. No.</p> <p>16 Q. That would just be down in the ER?</p> <p>17 A. Correct.</p> <p>18 Q. Had you ever heard about an incident</p> <p>19 whereby Mr. Farmer was thrown out of a room of a</p> <p>20 female patient in the med-surg unit, when he was</p> <p>21 acting as a sitter for an elderly woman?</p> <p>22 A. No.</p> <p>23 Q. Had you ever heard that there were screams</p> <p>24 coming from the room, and the nursing staff there</p> <p>25 didn't lend any credence to what she was alleging?</p> |
| <p style="text-align: right;">Page 42</p> <p>1 it's more likely than not that you did?</p> <p>2 A. I can't recall. I can't answer that.</p> <p>3 Q. When Mr. Farmer was arrested, that didn't</p> <p>4 come as a complete shock or surprise to you, did it?</p> <p>5 A. No.</p> <p>6 MS. HALL: Objection. Lack of</p> <p>7 foundation.</p> <p>8 BY MR. MURDOCK:</p> <p>9 Q. And it didn't come as a complete shock or</p> <p>10 surprise because you already basically had these</p> <p>11 suspicions, correct?</p> <p>12 MR. BEMIS: I object to form.</p> <p>13 BY MR. MURDOCK:</p> <p>14 Q. You can go ahead.</p> <p>15 A. Correct.</p> <p>16 Q. And these are the suspicions that you had</p> <p>17 voiced to Ray and others, correct?</p> <p>18 MR. BEMIS: Same objection.</p> <p>19 THE WITNESS: Correct.</p> <p>20 BY MR. MURDOCK:</p> <p>21 Q. Now, do you remember Kim's last name?</p> <p>22 MR. SILVESTRI: Who?</p> <p>23 MS. HALL: Kim.</p> <p>24 THE WITNESS: No, I don't. I'm sorry.</p> <p>25</p>                                                                                                                       | <p style="text-align: right;">Page 44</p> <p>1 MR. BEMIS: I object to form.</p> <p>2 MS. HALL: Lacks foundation.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MR. MURDOCK:</p> <p>5 Q. Do you know a Nurse Murray -- Christine</p> <p>6 Murray? Does that name sound familiar at all?</p> <p>7 A. No.</p> <p>8 MR. MURDOCK: Let's mark this.</p> <p>9 (Plaintiff's Exhibit 1 marked.)</p> <p>10 BY MR. MURDOCK:</p> <p>11 Q. Showing you what's been marked as</p> <p>12 Plaintiff's Exhibit 1 --</p> <p>13 MR. MURDOCK: It's the statement of</p> <p>14 Margaret Wolfe. I figured you should have it.</p> <p>15 BY MR. MURDOCK:</p> <p>16 Q. Ms. Wolfe, I'm showing you what's been</p> <p>17 marked as Plaintiff's Exhibit 1.</p> <p>18 This is the transcript of your</p> <p>19 statement, is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. And you said you had seen this before,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. When was the last time you saw this?</p> <p>25 A. Yesterday.</p>                                                                                |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 45</p> <p>1 Q. Prior to yesterday -- and by the way, that</p> <p>2 was in your meeting with Mr. Bemis?</p> <p>3 A. Yes.</p> <p>4 Q. Prior to yesterday, when was the last time</p> <p>5 you had seen it?</p> <p>6 A. Probably when I testified at the criminal</p> <p>7 trial.</p> <p>8 Q. And prior to then, do you recall seeing it?</p> <p>9 A. No, I do not.</p> <p>10 Q. Have you ever listened to the transcript</p> <p>11 itself?</p> <p>12 A. No.</p> <p>13 Q. Was it recorded?</p> <p>14 A. Yes.</p> <p>15 Q. In fact that's what the transcript comes</p> <p>16 from, right?</p> <p>17 A. Yes.</p> <p>18 Q. Where did this interview take place?</p> <p>19 A. At an Einstein bagel shop right near the</p> <p>20 Centennial Hospital.</p> <p>21 Q. Do you know how Detective Saunders got your</p> <p>22 name?</p> <p>23 A. Yes. I contacted him.</p> <p>24 Q. And why did you contact him?</p> <p>25 A. Because I was disturbed over the incident</p>                                                                                   | <p style="text-align: right;">Page 47</p> <p>1 too?</p> <p>2 A. Yes.</p> <p>3 Q. Let me start over.</p> <p>4 Were you Marcia Petersen's nurse?</p> <p>5 A. No.</p> <p>6 Q. You don't even know that name, do you?</p> <p>7 A. No.</p> <p>8 Q. Were you Ms. Cagnina's nurse?</p> <p>9 A. No.</p> <p>10 Q. Do you know who Ms. Cagnina is?</p> <p>11 A. No.</p> <p>12 Q. You were Denise Hanna's nurse?</p> <p>13 A. Yes.</p> <p>14 Q. When this incident occurred with Ms. Hanna,</p> <p>15 how come you didn't go speak with Ms. Hanna?</p> <p>16 A. I didn't want to alert her to something</p> <p>17 that she may have perceived differently.</p> <p>18 I did go into the room, and there</p> <p>19 was what I perceived as eye contact between her and</p> <p>20 I, knowing that something had just happened that</p> <p>21 shouldn't have. But she did not say anything to me</p> <p>22 about it, and I didn't want to raise concerns to her</p> <p>23 if it was not an issue to her.</p> <p>24 Q. But you did go speak to Ray about it?</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">Page 46</p> <p>1 that I saw with Ms. Hanna and wanted it to be brought</p> <p>2 to his attention.</p> <p>3 Q. Because they had put out like a</p> <p>4 community-wide thing about the assault, is that</p> <p>5 correct? Were you aware of that?</p> <p>6 A. Yes.</p> <p>7 Q. And had you seen that?</p> <p>8 A. No.</p> <p>9 Q. But you knew Farmer was arrested?</p> <p>10 A. Yes.</p> <p>11 Q. And you wanted to let them know that there</p> <p>12 were other issues potentially, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall what time approximately the</p> <p>15 Denise Hanna incident was?</p> <p>16 A. It was in the early morning hours.</p> <p>17 Q. Okay.</p> <p>18 A. Possibly around 3:00 a.m. I'm not saying</p> <p>19 that to be exact, but early morning hours.</p> <p>20 Q. Was Marcia Petersen your nurse? Do you</p> <p>21 remember Marcia Petersen?</p> <p>22 A. I don't know that name.</p> <p>23 Q. Okay. Was Ms. Cagnina your nurse?</p> <p>24 A. My nurse?</p> <p>25 Q. I'm sorry. Did I say that the last time,</p> | <p style="text-align: right;">Page 48</p> <p>1 Q. Okay. Take a look at Plaintiff's Exhibit</p> <p>2 1. The time you gave the statement was about 7:58 in</p> <p>3 the morning on May 30th, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Do you know why it was done so early?</p> <p>6 A. It was after I got off my shift.</p> <p>7 Q. Okay. I need to ask you a personal</p> <p>8 question.</p> <p>9 A. Yes.</p> <p>10 Q. And I promise you, this will probably be</p> <p>11 the only personal question I will ever ask you.</p> <p>12 Have you ever been sexually</p> <p>13 assaulted?</p> <p>14 A. Yes.</p> <p>15 Q. Was it before this incident?</p> <p>16 A. Many years.</p> <p>17 Q. Okay. If you turn to page 2, the detective</p> <p>18 asked you, "What do you do for Centennial Hills</p> <p>19 Hospital?" And your answer was, "I'm an ER nurse."</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Was that the truth?</p> <p>23 A. Yes.</p> <p>24 Q. You didn't lie to the cops when you told</p> <p>25 them that, right?</p>                    |

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REPORTER'S CERTIFICATE

STATE OF NEVADA )  
 ) ss.

COUNTY OF CLARK )

I, Carol O'Malley, Nevada Certified Court  
Reporter 178, do hereby certify:  
That I reported the taking of the deposition  
of MARGARET WOLFE, RN on May 6, 2015 commencing at  
the hour of 9:30 a.m.;  
That prior to being examined, the witness was by  
me duly sworn to testify to the truth, the whole  
truth, and nothing but the truth;  
That I thereafter transcribed my said  
shorthand notes into typewriting and that the  
typewritten transcription of said deposition is a  
complete, true, and accurate transcription of my said  
shorthand notes taken down at said time. Review of  
the transcript was requested.  
I further certify that I am not a relative or  
employee of an attorney or counsel involved in said  
action, nor financially interested in said action.  
IN WITNESS WHEREOF, I have hereunto set my hand  
in my office in the County of Clark, State of Nevada,  
this 7th day of May, 2015.  
*Carol O'Malley*  
Carol O'Malley, CCR No. 178

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DEPOSITION ERRATA SHEET

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MARGARET WOLFE, RN

Page 78

DEPOSITION ERRATA SHEET

File No. 330885  
Case Caption: Doe vs. Valley Health Systems

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have  
read the entire transcript of my deposition taken in  
the captioned matter or the same has been read to me,  
and the same is true and accurate, save and except  
for changes and/or corrections, if any, as indicated  
by me on the DEPOSITION ERRATA SHEET hereof, with the  
understanding that I offer these changes as if still  
under oath.  
Signed this day of ,20 .  
MARGARET WOLFE, RN

Page 80

DEPOSITION ERRATA SHEET

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SIGNATURE: DATE:  
MARGARET WOLFE, RN

# EXHIBIT 7

DECLARATION OF AMANDA BELL

STATE OF NEVADA           )  
                                          ) ss.:  
COUNTY OF CLARK        )

AMANDA BELL, being first duly sworn deposes and says that:

1. I, Amanda Bell, am the Director of Risk Manager for Centennial Hills Hospital.
2. I have been asked to provide the last date of employment for Margaret Wolfe, Amy Blasing (formerly Amy Bochenek), Carol Butler and Christine Murray.
3. I have spoken with the Human Resources department for Centennial Hills Hospital to find the employment information for Ms. Wolfe, Ms. Blasing and Ms. Murray.
4. I have spoken with the Human Resources department for UHS to determine the employment information for Ms. Butler.
5. The last date of employment of Ms. Wolfe at Centennial Hills Hospital was May 7, 2009.
6. The last date of employment of Ms. Blasing at Centennial Hills Hospital was September 26, 2010.
7. The last date of employment of Ms. Murray at Centennial Hills Hospital was March 11, 2009.
8. The last date of employment of Ms. Butler at Centennial Hills Hospital was January 3, 2010.
9. This declaration is made under the penalties of perjury in the State of Nevada.

FURTHER YOUR DECLARANT SAYETH NAUGHT.

  
AMANDA BELL

# EXHIBIT 8



HALL PRANGLE & SCHOONVELD, LLC

RAINBOW CORPORATE CENTER

777 NORTH RAINBOW BLVD., STE. 225

LAS VEGAS, NEVADA 89107

TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

witness list updated

ECC

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

DAVID P. FERRAINOLO, ESQ.

Nevada Bar No. 8452

HALL PRANGLE & SCHOONVELD, LLC

777 North Rainbow Blvd., Ste. 225

Las Vegas, Nevada 89107

Phone: 702-889-6400

Facsimile: 702-348-6025

*Attorneys for Defendant*

*Valley Health System, L.L.C., d/b/a Centennial Hills Hospital*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

ROXANNE CAGNINA, an individual,

Plaintiff,

vs.

CENTENNIAL HILLS HOSPITAL  
MEDICAL CENTER AUXILIARY, a  
Nevada Corporation; VALLEY HEALTH  
SYSTEM, LLC; a Nevada Limited Liability  
Company, VALLEY HOSPITAL MEDICAL  
CENTER, INC. L, a Nevada Corporation;  
UNIVERSAL HEALTH SERVICES  
FOUNDATION, a Pennsylvania Corporation;  
AMERICAN NURSING SERVICES, INC., a  
Louisiana Corporation; STEVEN DALE  
FARMER, an individual; DOE  
INDIVIDUALS 1 through 10 and ROE  
BUSINESS OR GOVERNMENTAL  
ENTITIES 1 through 10, inclusive,

Defendants.

CASE NO. A570756

DEPT NO. X

**DEFENDANT CENTENNIAL HILLS  
HOSPITAL'S INITIAL EARLY CASE  
CONFERENCE LIST OF WITNESSES  
AND DOCUMENTS**

DEFENDANT VALLEY HEALTH SYSTEM, LLC, D/B/A CENTENNIAL HILLS

HOSPITAL (hereafter Centennial Hills Hospital), by and through its attorneys of record, the law  
office of HALL PRANGLE & SCHOONVELD, LLC, hereby submits its NRCP 16.1 List of  
Witnesses and Documents as follows:

I.  
WITNESSES

1. Roxanne Cagnina  
c/o Neal K. Hyman, Esq.  
THE LAW OFFICES OF NEAL HYMAN  
2441 W. Horizon Ridge Parkway, Ste. 120  
Henderson, Nevada 89052

Plaintiff Roxanne Cagnina is expected to testify as to the facts and circumstances surrounding this matter.

2. Mr. Cagnina

Mr. Cagnina is expected to testify as to the facts and circumstances surrounding this matter.

3. Steven Dale Farmer

Mr. Farmer is expected to testify as to the facts and circumstances surrounding this matter and the allegations made against him.

4. Emergency Room Nurses:

McCarthy, J.

Framil, B.

Arvelo, S.

Zeitoun, K.

Monterio, J.

Teeple, B.

Tanedo, E.

Evenson, K.

Briones, J.

Brandenberg

Morgenstern

Tangonan, A.

Anderson, T.

Cox, J.

Curlee, D.

Sumera, R.

Wolfe, M.

Davis, K.

Fernandez, R.

Pagan, S.

Philbin, K.

Degre, A.

Goodhart, K.

**HALL PRANGLE & SCHOONVELD, LLC**

RAINBOW CORPORATE CENTER

777 NORTH RAINBOW BLVD., STE. 225

LAS VEGAS, NEVADA 89107

TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

7<sup>th</sup> Floor Nurses:

Freital, M.  
Cronister, R.  
Schuele, A.  
Stringer, V.  
Andaya, Y.  
Curtis, G.  
Spahr, G.  
Mc Neal, T.  
Martinelli, R.  
Tagligatos, S.  
Abdul, L.  
Angeles, R.  
Murray, C.  
Cortez, E.  
Simmons, D.  
Diggs, M.  
Brown, C.  
Madrial, B.  
Scisney, R.

c/o David P. Ferrainolo, Esq.  
HALL PRANGLE & SCHOONVELD, LLC  
777 North Rainbow Blvd., Ste. 225  
Las Vegas, NV 89107

The above identified nurses are expected to testify as to the care and treatment rendered as well as the facts and circumstances surrounding this matter.

5. Tracy Farmer  
145 ½ Aeva Caliente  
Sonoma, California 95476

Tracy Farmer is expected to testify as to the facts and circumstances surrounding this matter and the allegations made against his brother.

6. Sandra Farmer

Sandra Farmer is expected to testify as to the facts and circumstances surrounding this matter and the allegations made against her brother.

7. Person Most Knowledgeable  
Nevada State Board of Nursing  
2500 W. Sahara Ave., Suite 207  
Las Vegas, Nevada 89102

1 The Person Most Knowledgeable from the Nevada State Board of Nursing is expected to  
2 testify regarding Steven D. Farmer and all background checks and information maintained by the  
Nevada State Board of Nursing.

3 8. D. Nichols  
4 c/o David P. Ferrainolo, Esq.  
5 HALL PRANGLE & SCHOONVELD, LLC  
6 777 North Rainbow Blvd., Ste. 225  
Las Vegas, NV 89107

7 Centennial Hills Security Guard D. Nichols is expected to testify regarding the report he  
8 took from Ms. Cagnina and the facts and circumstances surrounding the alleged incident.

9 9. Defendant reserves the right to supplement its list of witnesses.

10 10. Defendant reserves the right to call any witnesses identified by any other parties  
11 in this litigation.

12 **II.**  
**DOCUMENTS**

13 1. Las Vegas Metropolitan Police Report Incident Report  
14 Bates Numbered LVMPD Report 00001 (Attached as Exhibit A)

15 2. Clark County Detention Center In-Custody Stats May 20, 2008  
16 Bates Numbered CCDC In Custody Status 00001 – 00002  
17 (Attached as Exhibit B)

18 3. Floor Plan Level One  
19 Bates Numbered CHH LVL 1 00001 (Attached as Exhibit C)

20 4. Floor Plan 7<sup>th</sup> Floor  
21 Bates Numbered CHH 7<sup>th</sup> Floor 00001 (Attached as Exhibit D)

22 5. Centennial Hills Employment File for Steven D. Farmer  
23 Bates Numbered Farmer Employee File 00001 – 00040  
(Attached as Exhibit E)

24 6. Emergency Department Transport Log  
25 Bates Numbered ED Trnsprt Log 00001 (Attached as Exhibit F)

26 7. Centennial Hills Security Department Incident Report  
27 Bates Numbered CHH Incident Report 00001 - 00002 (Attached as Exhibit G)

28 8. Emergency Department Schedule for May 15, 2008  
Bates Numbered ED 5-15-08 Schedule 00001 (Attached as Exhibit H)

HALL PRANGLE & SCHOONVELD, LLC

RAINBOW CORPORATE CENTER

777 NORTH RAINBOW BLVD., STE. 225

LAS VEGAS, NEVADA 89107

TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

9. 7<sup>th</sup> Floor Schedule for May 15, 2008  
Bates Numbered 7<sup>th</sup> Floor 5-15-08 Schedule 00001  
(Attached as Exhibit I)
10. Centennial Hills Hospital Job Description for RN I  
Bates Numbered RN I Med/Surg 1 – 7 (Attached as Exhibit J)
11. Centennial Hills Hospital Job Description for CNA  
Bates Numbered Unit Coord/C N A – 1 -8 (Attached as Exhibit K)
12. Centennial Hills Hospital Job Description for RN III  
Bates Numbered RN II ER-1 – 7 (Attached as Exhibit L)
13. Centennial Hills Hospital Job Description for RN III Emergency Department  
Bates Numbered RN II ER-1 – 7 (Attached as Exhibit M)
14. Centennial Hills Hospital Job Description for Unit Coordinator/ED Tech  
Bates Numbered Unit Coord/ED Tech-1 – 8 (Attached as Exhibit N)
15. Centennial Hills Medical Records for Plaintiff  
Bates Numbered CHH00001 – 00073 (Attached as Exhibit O)
16. Defendant reserves the right to supplement this list of documents.
17. Defendant reserves the right to utilize any document utilized or identified by any other party to this litigation.

DATED this 13<sup>th</sup> day of November, 2008.

HALL PRANGLE & SCHOONVELD, LLC

  
MICHAEL E. PRANGLE, ESQ.

Nevada Bar No.: 8619

DAVID P. FERRAINOLO, ESQ.

Nevada Bar No.: 8452

777 North Rainbow Blvd., Ste. 225

Las Vegas, NV 89107

Attorneys for Defendant

Valley Health System, L.L.C.,

d/b/a Centennial Hills Hospital

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RECEIPT OF COPY

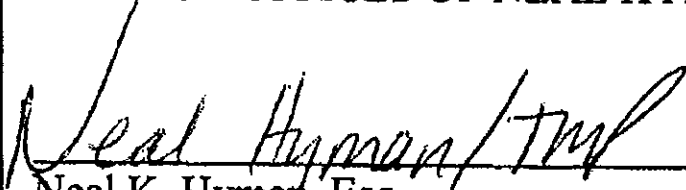
RECEIPT OF A COPY of the foregoing **DEFENDANT CENTENNIAL HILLS**

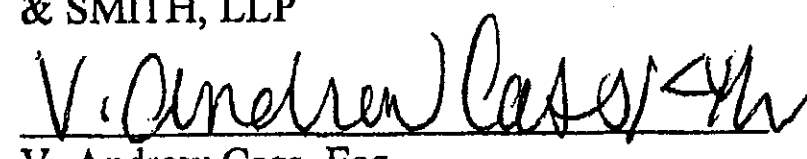
**HOSPITAL'S INITIAL EARLY CASE CONFERENCE LIST OF WITNESSES AND**

**DOCUMENTS** is hereby acknowledged this 13 day of November, 2008.

THE LAW OFFICES OF NEAL HYMAN

LEWIS BRISBOIS BISGAARD  
& SMITH, LLP

  
Neal K. Hyman, Esq.  
Nevada Bar No. 5998  
2441 W. Horizon Ridge Parkway, Ste. 120  
Henderson, Nevada 89052  
Attorneys for Plaintiffs

  
V. Andrew Cass, Esq.  
Nevada Bar No. 5246  
Keith A. Weaver, Esq.  
Nevada Bar No. 10271  
400 South Fourth Street, Ste. 500  
Las Vegas, Nevada 89101  
Attorneys for American Nursing Services, Inc.

# EXHIBIT 9

ORIGINAL

RPT

Robert E. Murdock, Esq.  
Nevada Bar No. 4013  
MURDOCK & ASSOCIATES, CHTD.  
520 South Fourth Street  
Las Vegas, NV 89101  
702-384-5563

Eckley M. Keach, Esq.  
Nevada Bar No. 1154  
ECKLEY M. KEACH, CHTD.  
520 South Fourth Street  
Las Vegas, NV 89101  
702-384-5563  
Attorneys for Plaintiff

FILED

DEC 09 2009

*Alvin L. Johnson*  
CLERK OF COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

JANE DOE,

Plaintiff,

vs.

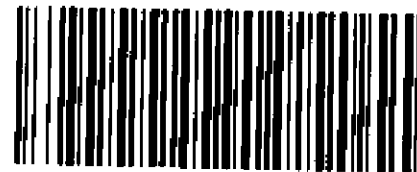
VALLEY HEALTH SYSTEM LLC, a Nevada  
limited liability company, d/b/a CENTENNIAL  
HILLS HOSPITAL MEDICAL CENTER;  
UNIVERSAL HEALTH SERVICES, INC., a  
Delaware corporation; AMERICAN NURSING  
SERVICES, INC., a Louisiana corporation;  
STEVEN DALE FARMER, an individual; DOES I  
through X, inclusive;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

Defendants.

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

JOINT CASE  
CONFERENCE REPORT

A - 09 - 595780 - C  
571542



DISCOVERY PLANNING/DISPUTE

CONFERENCE REQUIRED:

YES \_\_\_\_\_ NO X

I.

1

CLERK OF THE COURT

DEC 08 2009

RECEIVED



1                                   **PROCEEDINGS PRIOR TO CASE CONFERENCE REPORT**

2           A.     DATE OF FILING OF COMPLAINT:   July 23, 2009

3                   DATE OF FILING OF AMENDED COMPLAINT: August 21, 2009

4           B.     DATE OF SERVICE OF AMENDED COMPLAINT ON DEFENDANTS:

5                   Defendant Valley Health System LLC d/b/a/ Centennial Hills Hospital Medical  
6 Center was served on August 21, 2009

7                   Defendant American Nursing Services, Inc. was served on August 21, 2009

8                   Defendant Steven Dale Farmer was served on September 8, 2009

9           C.     DATE OF FILING OF ANSWER BY DEFENDANTS:

10                   Defendant Centennial Hills Hospital answered on September 10, 2009

11                   Defendant American Nursing Services, Inc. answered on or about September 22,  
12 2009

13                   Defendant Steven Dale Farmer answered on September 21, 2009

14                   Defendant Universal Health Services, Inc. filed a Motion to Dismiss for Lack of  
15 Personal Jurisdiction on September 10, 2009

16           D.     DATE THAT EARLY CASE CONFERENCE WAS HELD: November 9, 2009

17           E:     PERSONS PRESENT AT CASE CONFERENCE:

18                   Robert E. Murdock, Esq. for Plaintiff

19                   David P. Ferrainolo, Esq. attended for Defendants Centennial Hills Hospital and  
20 UHS, Inc.

21                   S. Brent Vogel, Esq. attended for Defendant American Nursing Services, Inc.

22                   Robert C. McBride, Esq. attended for Defendant Steven Dale Farmer

23                                   **II.**

24                                   **A BRIEF DESCRIPTION OF THE NATURE OF THE**  
25                                   **ACTION AND EACH CLAIM FOR RELIEF OR DEFENSE**

26           A.     **Description of the Action:** Plaintiff alleges that in or around May 2008, when  
27 Jane Doe was a patient at Centennial Hills Medical Center, Plaintiff was sexually assaulted, and  
28 otherwise injured and terrorized by Defendant Steven Dale Farmer. Steven Dale

1 Farmer was an employee of Defendant American Nursing Services which placed medical staff  
2 at Centennial Hills Medical Center. Centennial Hills Medical Center is owned and operated by  
3 Defendants Valley Health System LLC and Universal Health Services. Defendants deny each  
4 of these allegations.

5 **B. Claims for Relief:** Negligence, general damages, punitive and special damages.

6 **C. Defenses:**

7 By Defendant Centennial Hills Hospital:

- 8 1. Failure to state a claim;
- 9 2. Plaintiff's injuries, if any, were proximately caused by the acts or  
10 omissions of unknown third parties over whom Defendant exercised no control, and over whom  
11 Defendant has no right or duty to control, nor ever has had a right or duty to control;
- 12 3. Failure to exercise ordinary care, caution or prudence;
- 13 4. Assumption of the risks attendant to the recommendations and treatment  
14 proposed by Defendant;
- 15 5. Assumption of the risks inherent in the nature of the care rendered;
- 16 6. Reservation of right to assert additional affirmative defenses;
- 17 7. Defendant exercised the degree of skill possessed and exercised by  
18 members of its profession and Defendant used reasonable care and diligence in the exercise of  
19 its skills and application of its learning;
- 20 8. Plaintiff's injuries, if any, were not the result of willful, malicious or  
21 deliberate conduct on the part of Defendant;
- 22 9. It has been necessary for Defendant to employ the services of an attorney;
- 23 10. Incorporation of affirmative defenses enumerated in NRCP 8;
- 24 11. Defendant is liable for only that portion of Plaintiff's claims that  
25 represent the percentage of negligence, if any, attributed to it;
- 26 12. Failure to pleading any acts or omissions sufficient to constitute gross  
27 negligence or punitive damages;

28 //

1           13. Defendant cannot be held liable for the intentional torts or any employees  
2 or agents pursuant to NRS 41.745;

3           14. Any actions by any employees or agents were independent ventures;

4           15. Any actions by any employees or agents were not committed in the  
5 course of the very task assigned to the employee;

6           16. Any actions by any employees or agents were not reasonably foreseeable;

7           17. Plaintiff's alleged facts do not state a cause of action for punitive  
8 damages; such damages are limited or prohibited by NRS and the U.S. Constitution;

9           18. Incorporation by reference of those affirmative defenses enumerated in  
10 NRCF 8 and reservation of right to assert additional affirmative defenses as discovery  
11 progresses;

12           19. Defendant is entitled to a limited on damages pursuant to NRS 41A.035.

13           By Defendant American Nursing Services, Inc.

14           1. Failure to state a claim;

15           2. Statute of limitations;

16           3. Comparative fault;

17           4. Plaintiff's injuries, if any, were caused in whole or in part by a third  
18 party, over whom Defendant had no control;

19           5. Known risk consented to by Plaintiff;

20           6. Defendant is entitled to a conclusive presumption of informed consent  
21 pursuant to NRS 41A.110;

22           7. Plaintiff's damages, if any, were not attributable to any act, conduct or  
23 omission on the part of Defendant;

24           8. Failure to exercise ordinary care;

25           9. Failure to mitigate damages;

26           10. Defendant cannot be held liable for intentional acts of its employees  
27 pursuant to NTS 41.745;

28 //

11. Any actions undertaken by Defendant's employee were independent ventures;

12. Any actions undertaken by Defendant's employee were not committed in the course of the very task assigned to the employee;

13. Any actions undertaken by Defendant's employee were reasonably foreseeable;

14. The facts alleged do not state a claim for punitive damages;

15. Defendant is not guilty of fraud, oppression or malice, express or implied, in connection with the care rendered to Plaintiff;

16. It has been necessary for Defendant to retain an attorney;

17. Plaintiff's non-economic damages may not exceed \$350,000.00;

18. Defendant is not jointly liable with any other entities named herein and will only be severally liable for that portion of Plaintiff's claim that represents the percentage of negligence attributable to Defendant, if any;

19. Incorporation of affirmative defenses enumerated in NCRP 8;

20. Reservation of right to assert additional affirmative defenses pursuant to NRCF 11.

By Defendant Steven Dale Farmer:

1. Failure to state a claim;

2. Defendant possessed and exercised that degree of skill and learning ordinarily possessed and exercised by members of the medical profession and used reasonable care and diligence in all medical attention and care rendered to Plaintiff;

3. Contributory negligence;

4. Defendant, consistent with good medical practice, a full and complete disclosure was made to Plaintiff of all material facts known or reasonably believed to be true concerning Plaintiff's physical condition and appropriate alternative procedures available for treatment of such condition. Further, Plaintiff expressly or impliedly consented to each and every service;

1           5. Defendant is entitled to a conclusive presumption of informed consent  
2 pursuant to NRS 41A.110;

3           6. Plaintiff's injuries and damages, if any, were caused by forces of nature  
4 over which Defendant had no control;

5           7. Failure to mitigate damages;

6           8. Plaintiff's injuries and damages, if any, were caused by third parties over  
7 whom Defendant had no control;

8           9. Plaintiff's injuries and damages, if any, were unforeseeable;

9           10. Plaintiff's injuries and damages, if any, were not proximately caused by  
10 acts or omissions on the part of Defendant;

11           11. Defendant would not be jointly liable and, if imposed, liability would be  
12 several for that portion of Plaintiff's damages;

13           12. Plaintiff's injuries and damages, if any, were caused by new,  
14 independent, intervening and superseding causes and not by Defendant's alleged negligence or  
15 other actionable conduct;

16           13. Defendant is not guilty of fraud, oppression or malice, express or  
17 implied;

18           14. Defendant is entitled to a limitation on damages pursuant to Nevada law;

19           15. Plaintiff's alleged facts do not state a claim for punitive damages; such  
20 damages are limited or prohibited by Nevada statutes and the United States Constitution;

21           16. Plaintiff consented to Defendant's conduct with the actual or apparent  
22 willingness for the conduct to occur;

23           17. Reservation of right to assert additional affirmative defenses.

24                           **III.**

25           **DOCUMENTS PROVIDED AT CASE CONFERENCE AND OBJECTION, IF ANY**

26           A. Documents provided by Plaintiff:

27           1. Plaintiff's medical and billing records from Centennial Hills Hospital  
28 Medical Center.

2. Plaintiff reserve the right to supplement this List of Documents as discovery continues.

B. Documents Provided by Defendants Centennial Hills Hospital and Universal Health Services, Inc.:

1. Jane Doe's medical records Bates Stamped CH00001 through CH00317.
2. Centennial Hills Hospital Daily Security Logs Bates Stamped SDAL000001 through SDAL012421.
3. Records produced by the Nevada State Board of Nursing.
4. Centennial Hills Hospital Job Description for CNA Bates Numbered Unit Coord/C N A - 1-8.
5. Defendants reserve the right to supplement their list of documents.
6. Defendants reserve the right to utilize any document utilized or identified by any other party to this litigation.

C. Documents Provided by Defendant American Nursing Services, Inc.:

1. Defendant American Nursing Services, Inc.'s Suggestion of Bankruptcy.

D. Documents Provided by Defendant Steven Dale Farmer:

1. October 13, 2009 correspondence to Steven D. Farmer from Fireman's Fund Insurance Company.
  2. Applicable insurance policy as produced by American Nursing Services in Case A570756.
- E. Documents to be provided by Defendants as a result of Case Conference, and when they will be provided: Not applicable.

#### IV.

#### **LIST ALL DOCUMENTS REQUESTED BUT NOT PROVIDED, AND WHY SAID DOCUMENTS WERE NOT PROVIDED**

None.

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V.

**PLAINTIFF'S WITNESSES**

1. Jane Doe, c/o Murdock & Associates, Chtd. and Eckley M. Keach, Chtd., 520 South Fourth Street, Las Vegas, Nevada 89101, will testify regarding the facts and circumstances of the subject incident.

2. Person(s) Most Knowledgeable of Centennial Hills Hospital Medical Center, c/o Hall Prangle & Schoonveld, LLC, 777 North Rainbow Boulevard, Suite 225, Las Vegas, Nevada 89107, is/are expected to testify regarding his/her knowledge of the facts and circumstances of the subject incident.

3. Person(s) Most Knowledgeable of Universal Health Services, c/o Hall Prangle & Schoonveld, LLC, 777 North Rainbow Boulevard, Suite 225, Las Vegas, Nevada 89107, is/are expected to testify regarding his/her knowledge of the facts and circumstances of the subject incident.

4. Person(s) Most Knowledgeable of Valley Health System, LLC, c/o Hall Prangle & Schoonveld, LLC, 777 North Rainbow Boulevard, Suite 225, Las Vegas, Nevada 89107, is/are expected to testify regarding his/her knowledge of the facts and circumstances of the subject incident.

5. Person(s) Most Knowledgeable of American Nursing Services, c/o Lewis Brisbois Bisgaard & Smith, LLP, 400 South Fourth Street, Suite 500, Las Vegas, Nevada 89101, is/are expected to testify regarding his/her knowledge of the facts and circumstances of the subject incident.

6. Steven Dale Farmer, c/o Mandelbaum, Schwarz, Ellerton & McBride, 2012 Hamilton Lane, Las Vegas, Nevada 89106, is expected to testify regarding his knowledge of the facts and circumstances of the subject incident.

7. Investigating Personnel, Las Vegas Metropolitan Police Department, 400 Stewart Avenue, Las Vegas, Nevada 89101, are expected to testify regarding the investigated conducted of the subject incident.

//

8. Plaintiff's treating medical personnel are expected to testify regarding the treatment provided to Plaintiff following the subject incident.

9. Plaintiff reserves the right to supplement this list of documents as discovery continues.

10. Plaintiff further reserves the right to identify any and all documents identified by any of the Defendants.

## VI.

**DEFENDANTS' WITNESSES**

A. Defendants Centennial Hills Hospital and Universal Health Services, Inc.:

1. Jane Doe, c/o Murdock & Associates, Chtd. and Eckley M. Keach, Chtd. 520 South Fourth Street, Las Vegas, Nevada 89101, is expected to testify as to the facts and circumstances surrounding this matter and her alleged damages.

2. Jane Doe's two sons are expected to testify as to the facts and circumstances surrounding this matter, their mother's alleged damages and conversations they had with their mother about the incident.

3. Steven Dale Farmer, c/o Mandelbaum, Schwarz, Ellerton & McBride, 2012 Hamilton Lane, Las Vegas, Nevada 89106, is expected to testify regarding as to the facts and circumstances surrounding this matter and the allegations made against him.

4. Debra Scott, NSN, RN, FRE, Executive Director, Nevada State Board of Nursing, 5011 Meadowwood Mall Way, Suite 300, Reno, Nevada 89502-6567, is expected to testify regarding the certification process, background check and investigation performed by the Nevada Board of Nursing prior to certification. The Certification Process for a Certified Nurses Assistant. Revocation of Steven Dale Farmer's CNA Certificate (CNA021509). Investigation of Steven Dale Farmer by the Nevada Board of Nursing prior to revocation of Steven Dale Farmer's CNA certificate (CNA021509).

5. Michael Egstad, Manager I, Licensing and Certification Program, California Department of Public Health (CDPH), ATCS – MS 3301, P.O. Box 997416, 1615 Capitol Avenue, Sacramento, California 95899-7416, is expected to testify regarding the



1 certification process, background check and investigation performed by the California Board of  
2 Nursing prior to CNA certification. The Certification Process for a Certified Nurses Assistant.  
3 The Certification Process for Steven D. Farmer (Home Health Certificate Number 00199703,  
4 Nurse Assistant Certificate (00659300). Revocation of Steven Dale Farmer's CNA certificate  
5 (Home Health Certificate Number 00199703, Nurse Assistant Certificate 00659300).

6           6.     Collado Jeunnesse, RN  
7                     Kim Moon, RN  
8                     Abraham Deppa, CNA  
9                     Nikki Carter, CNA  
10                    Marina McDowell, CNA  
11                    Alana Schons, CNA  
12                    Nelina Arante, RN  
13                    Ronald Lodevico  
14                    Venise Abelard, CNA  
15                    Paula Mosley, RN  
16                    Pamela Flagg, CNA  
17                    Amber Vergara  
18                    Loretta Korinis  
19                    Michelle Lucas

20                The above identified nurses and certified Nurses' Assistants are expected to  
21 testify as to the care and treatment rendered as well as the facts and circumstances surrounding  
22 this matter.

23           7.     Curtis E. Basemore, M.D.  
24                     Cobinder S. Chopra, M.D.  
25                     James E. Mock, M.D.

26                The above identified physicians are expected to testify as to the care and  
27 treatment rendered as well as the facts and circumstances surrounding this matter.

28           8.     Employees, former employees, representatives  
                    of and former representatives of American  
                    Nursing Services, Inc.  
                    c/o Lewis Brisbois Bisgaard & Smith  
                    400 South Fourth Street, Suite 500  
                    Las Vegas, Nevada 89101

                  The above described witnesses are expected to be identified during discovery  
and to testify in regards to all facts and circumstances surrounding Steven Farmer and the

1 incident in question including but not limited to investigations performed, background checks  
2 performed regarding Steven Farmer and the assignment of Steven Farmer to Centennial Hills  
3 Hospital.

4 9. Defendant reserves the right to supplement its list of witnesses.

5 10. Defendant reserves the right to call any witnesses identified by any other  
6 parties in this litigation.

7 **VII.**

8 **DISCOVERY PLAN [16.1(b)(2) and 16.1(c)(2)]**

9 A. What changes, if any should be made in the timing, form or requirements for  
10 disclosures under 16.1(a):

11 1. Plaintiff's view: None  
12 2. Defendants' view: None

13 When disclosures under 16.1(a)(1) were made or will be made:

14 1. Plaintiff's disclosures: 11/9/09  
15 2. Defendants' disclosures: 11/9/09

16 B. Subjects on which discovery may be needed:

17 1. Plaintiff's view: Liability and damages  
18 2. Defendants' view: Liability, causation and damages

19 C. Should discovery be conducted in phases or limited to or focused upon particular  
20 issues?

21 1. Plaintiff's view: No  
22 2. Defendants' view: No

23 D. What changes, if any, should be made in limitations on discovery imposed under  
24 these rules and what, if any, other limitations should be imposed?

25 1. Plaintiff's view: None  
26 2. Defendants' view: None

27 E. What, if any, other orders should be entered by court under Rule 26(c) or Rule  
28 16(b) and (c):

1 1. Plaintiff's view: None  
2 2. Defendants' view: None

3 F. Estimated time for trial:

4 1. Plaintiff's view: 7-10 days  
5 2. Defendants' view: 7-10 days

6 **VIII.**

7 **DISCOVERY AND MOTION DATES**

8 1. The parties plan to conduct any and all discovery pursuant to the relevant Rules  
9 of Civil Procedure and Statutes.

10 2. Discovery close date: - 11/30/10

11 3. Last date to file Motion to Amend pleadings and/or add parties: 8/31/10

12 4. Last date to make expert disclosures pursuant to NRCP 16.1(a)(2): 8/31/10

13 a. Last date for rebuttal disclosure: 9/30/10

14 5. Last date to file dispositive motions: 12/30/10

15 6. Estimated time required for trial: 7-10 days

16 7. Is jury requested? Yes

17 8. Stipulations regarding limitations or conditions on additional  
18 discovery: None

19 9. Stipulations or material facts agreed to between the parties: None at this time

20 **IX.**

21 **JURY DEMAND**

22 A jury demand has been filed: Yes

23 **X.**


24 **POTENTIAL FOR SETTLEMENT**

25 Undetermined at this time.

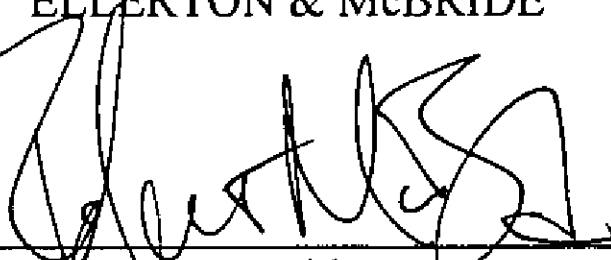
1 This report is signed in accordance with Rule 26(g)(1) of the Nevada Rules of Civil  
2 Procedure. Each signature constitutes a certification that to the best of the signer's knowledge,  
3 information and belief, formed after a reasonable inquiry, the disclosures made by the signer are  
complete and correct at this time.

4 DATED this 8 day of December, 2009.


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

7   
8  
9 Robert E. Murdock Bar No. 4013  
10 Eckley M. Keach Bar No. 1154  
11 520 South Fourth Street  
12 Las Vegas, NV 89101  
13 Attorneys for Plaintiff

14 MANDELBAUM, SCHWARZ,  
15 ELLERTON & McBRIDE

16   
17 Robert C. McBride Bar No. 7082  
18 2012 Hamilton Lane  
19 Las Vegas, NV 89106  
20 Attorneys for Defendant Steven  
21 Dale Farmer

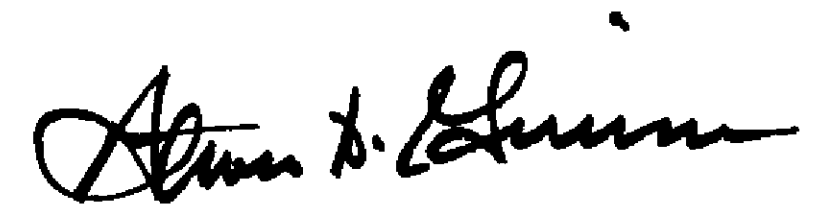
HALL PRANGLE & SCHOONVELD,  
LLC

22   
23 David P. Ferrainolo Bar No. 8452  
24 777 North Rainbow Blvd., Suite 225  
25 Las Vegas, NV 89107  
26 Attorneys for Defendant Universal  
27 Health Services, Inc.

LEWIS BRISBOIS BISGAARD &  
SMITH LLP

28  
IN BANKRUPTCY  
S. Brent Vogel Bar No. 6858  
400 South Fourth Street, Suite 500  
Las Vegas, NV 89101  
Attorneys for Defendant American  
Nursing Services, Inc.

# EXHIBIT 10



CLERK OF THE COURT

1 **SECCL**

2 Robert E. Murdock, Esq.

3 Nevada Bar No. 4013

4 **MURDOCK & ASSOCIATES, CHTD.**

5 520 South Fourth Street

6 Las Vegas, NV 89101

7 702-384-5563

8 Eckley M. Keach, Esq.

9 Nevada Bar No. 1154

10 **ECKLEY M. KEACH, CHTD.**

11 520 South Fourth Street

12 Las Vegas, NV 89101

13 702-384-5563

14 Attorneys for Plaintiff

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

14 JANE DOE,

15 Plaintiff,

16 vs.

17 VALLEY HEALTH SYSTEM LLC, a Nevada

18 limited liability company, d/b/a CENTENNIAL

19 HILLS HOSPITAL MEDICAL CENTER;

20 UNIVERSAL HEALTH SERVICES, INC., a

21 Delaware corporation; AMERICAN NURSING

22 SERVICES, INC., a Louisiana corporation;

23 STEVEN DALE FARMER, an individual; DOES I

24 through X, inclusive; and ROE CORPORATIONS

25 I through X, inclusive,

26 Defendants.

CASE NO. 09-A-595780

DEPT. NO. II

**PLAINTIFF'S FIFTH  
SUPPLEMENT TO  
CASE CONFERENCE  
DISCLOSURES PURSUANT  
TO NRCP 16.1**

26 COMES NOW Plaintiff Jane Doe, by and through her attorneys of record, Murdock &  
27 Associates, Chtd. and Eckley M. Keach, Chtd., and hereby supplements her early case  
28 conference disclosures pursuant to NRCP 16.1 as follows:

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**DOCUMENTS**

1. Recorder's Transcript Re: Calendar Call, Defendant's Motion for Discovery and Defendant's Motion to Continue Trial filed on June 9, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

2. Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234] filed on September 28, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

3. Second Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234] filed on September 28, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

4. Third Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234] filed on October 16, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

5. Ex Parte Order for Transport filed on October 23, 2009 with Receipt of Copy signed by Clark County Detention Center in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

6. Ex Parte Order for Transport filed on November 3, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

7. Ex Parte Order for Transport filed on November 3, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

8. Ex Parte Order for Transport filed on November 5, 2009 in the case of *The State of Nevada v. Steven Dale Farmer*, Case No. C245739.

The above documents will be produced upon request and at the requesting party's expense.

**WITNESSES**

Custodian of Records of the Eighth Judicial District Court, 200 Lewis Avenue, Las Vegas, Nevada 89155, is expected to testify regarding the search for and authenticity of the records produced.

1 DATED this 17th day of March, 2010.

2 MURDOCK & ASSOCIATES, CHTD.  
3 ECKLEY M. KEACH, CHTD.

4  
5 /s/ Robert E. Murdock  
6 Robert E. Murdock Bar No. 4013  
7 Eckley M. Keach Bar No. 1154  
8 520 South Fourth Street  
9 Las Vegas, NV 89101  
10 Attorneys for Plaintiff

11 **CERTIFICATE OF MAILING**

12 The undersigned hereby declares she is an employee of Murdock & Associates, Chtd.  
13 and that on March 17, 2010 she deposited a true copy of the foregoing PLAINTIFF’S FIFTH  
14 SUPPLEMENT TO EARLY CASE CONFERENCE DISCLOSURES in the United States mail,  
15 postage fully prepaid, addressed as follows:

16 David P. Ferrainolo, Esq.  
17 Hall Prangle & Schoonveld, LLC  
18 777 North Rainbow Blvd., Suite 225  
19 Las Vegas, NV 89107

20 Robert C. McBride, Esq.  
21 Mandelbaum, Schwarz, Ellerton & McBride  
22 2012 Hamilton Lane  
23 Las Vegas, NV 89106

24 S. Brent Vogel, Esq.  
25 Lewis Brisbois Bisgaard & Smith  
26 6385 South Rainbow Blvd., Suite 600  
27 Las Vegas, NV 89118

28  
/s/ Karen A. Kilmartin  
An employee of Murdock & Associates, Chtd.



# EXHIBIT 11

Eckley M. Keach, Esq.  
Nevada Bar No. 1154  
ECKLEY M. KEACH, CHTD.  
520 South Fourth Street  
Las Vegas, NV 89101  
702-384-5563  
Attorneys for Plaintiff

|                                                                                     |   |           |             |
|-------------------------------------------------------------------------------------|---|-----------|-------------|
| <div style="border-bottom: 1px solid black; padding-bottom: 5px;"> JANE DOE, </div> | ) | CASE NO.  | 09-A-595780 |
|                                                                                     | ) | DEPT. NO. | II          |
| Plaintiff,                                                                          | ) |           |             |

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.

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**DOCUMENTS**

1. Deposition transcript of Christine Murray taken on January 27, 2010 in the case of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
2. Deposition transcript of Karen Sue Goodhart taken on January 27, 2010 in the case of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
3. Deposition transcript of Lisa Doty taken on February 2, 2010 in the case of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
4. Deposition transcript of Harold Collins Suto taken on February 3, 2010 in the case of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
5. Deposition transcript of Lorraine Wescott taken on February 4, 2010 in the case of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
6. Deposition transcript of Carine Antoinette Brown taken on February 8, 2010 in the case of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
7. Deposition transcript of Amy Bochenek taken on March 10, 2010 in the case of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
8. Deposition transcript of Douglas Nichols taken on March 24, 2010 in the case of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*
9. Deposition transcript of Evette Wilson taken on April 7, 2010 in the case of *Cagnina v. Centennial Hills Hospital Medical Center, et al.*

Copies of the above deposition transcripts will made available upon request and at the requesting party's expense.

**WITNESSES**

Custodian of Records of Litigation Services, 1640 Alta Drive, Suite 4, Las Vegas, Nevada 89106, is expected to testify regarding the search for and authenticity of the transcripts produced.

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1 DATED this 13<sup>th</sup> day of May, 2010.

2 MURDOCK & ASSOCIATES, CHTD.  
3 ECKLEY M. KEACH, CHTD.

4  
5 /s/ Robert E. Murdock  
6 Robert E. Murdock Bar No. 4013  
7 Eckley M. Keach Bar No. 1154  
8 520 South Fourth Street  
9 Las Vegas, NV 89101  
10 Attorneys for Plaintiff

11 **CERTIFICATE OF MAILING**

12 The undersigned hereby declares she is an employee of Murdock & Associates, Chtd.  
13 and that on May 13, 2010 she deposited a true copy of the foregoing PLAINTIFF’S SIXTH  
14 SUPPLEMENT TO EARLY CASE CONFERENCE DISCLOSURES in the United States mail,  
15 postage fully prepaid, addressed as follows:

16 David P. Ferrainolo, Esq.  
17 Hall Prangle & Schoonveld, LLC  
18 777 North Rainbow Blvd., Suite 225  
19 Las Vegas, NV 89107

20 Robert C. McBride, Esq.  
21 Mandelbaum, Schwarz, Ellerton & McBride  
22 2012 Hamilton Lane  
23 Las Vegas, NV 89106

24 Tracey L. Heinhold, Esq.  
25 Lewis Brisbois Bisgaard & Smith  
26 6385 South Rainbow Blvd., Suite 600  
27 Las Vegas, NV 89118

28  
/s/ Karen A. Kilmartin  
An employee of Murdock & Associates, Chtd.

# EXHIBIT 12

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DISTRICT COURT  
CLARK COUNTY, NEVADA

ROXANNE CAGNINA, an individual, )  
Plaintiff, )  
vs. )  
CENTENNIAL HILLS HOSPITAL MEDICAL )  
CENTER AUXILIARY, a Nevada )  
corporation; VALLEY HEALTH SYSTEM )  
LLC, Limited Liability Company; )  
VALLEY HOSPITAL MEDICAL CENTER, )  
INC., a Nevada corporation; )  
UNIVERSAL HEALTH SERVICES )  
FOUNDATION, a Pennsylvania )  
corporation; AMERICAN NURSING )  
SERVICES, INC., a Louisiana )  
corporation; STEVEN DALE FARMER, )  
an individual; DOES INDIVIDUALS )  
1 through 10 and ROE BUSINESS OR )  
GOVERNMENTAL ENTITIES 1 through )  
10, inclusive, )  
Defendants. )

Case No.  
A570756

DEPOSITION OF CHRISTINE MURRAY

Taken on January 27, 2010

At 12:59 P.M.

1640 West Alta Drive, Suite 4

Las Vegas, Nevada

LST 117315B

Reported by: Jennifer A. Caton, RDR, CRR, CCR #422

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div>2</div> <div>1 APPEARANCES:</div> <div>2 For the Plaintiff:</div> <div>3 NEAL K. HYMAN, ESQ.</div> <div>4 The Law Offices of Neal Hyman</div> <div>5 2441 West Horizon Ridge Parkway</div> <div>6 Suite 120</div> <div>7 Henderson, Nevada 89052</div> <div>8 702.939.5234</div> <div>9 702.939.5235 Fax</div> <div>10 nealhyman@lawyerinvegas.com</div> <div>11</div> <div>12 For Defendant Centennial Hills Hospital Medical</div> <div>13 Center:</div> <div>14</div> <div>15 DAVE FERRAINOLO, ESQ.</div> <div>16 HALL PRANGLE &amp; SCHOONVELD</div> <div>17 777 North Rainbow Boulevard</div> <div>18 Suite 225</div> <div>19 Las Vegas, Nevada 89107</div> <div>20 702.889.6400</div> <div>21 702.384.6025 Fax</div> <div>22 dferrainolo@hpslaw.com</div> <div>23</div> <div>24</div> <div>25</div> <div> <div>INDEX</div> <div> <div>Witness</div> <div>CHRISTINE MURRAY</div> <div>Examination by Mr. Hyman</div> <div>Page</div> <div>3</div> </div> </div> <div> <div>EXHIBITS</div> <div> <div>Number</div> <div>Page</div> <div>Description</div> <div>(None)</div> </div> </div> | <div>4</div> <div>1 Q. And what is your current employment?</div> <div>2 A. I'm a registered nurse.</div> <div>3 Q. Is that with Centennial Hills Hospital?</div> <div>4 A. No.</div> <div>5 Q. Is there a certain place that you're</div> <div>6 primarily working at?</div> <div>7 A. Yes. North Vista Hospital.</div> <div>8 Q. You don't happen to know the address, do</div> <div>9 you?</div> <div>10 A. No. It is on Lake Mead. I know that.</div> <div>11 It's in North Las Vegas.</div> <div>12 Q. Have you had your deposition taken</div> <div>13 before?</div> <div>14 A. No, I haven't.</div> <div>15 Q. Okay. So what I'll do is I'm going to</div> <div>16 go over a series of ground rules, admonitions that</div> <div>17 kind of explain the deposition process.</div> <div>18 The first is there's a court reporter</div> <div>19 you can see to your right taking down everything I</div> <div>20 say and everything you say.</div> <div>21 A. Uh-huh.</div> <div>22 Q. This will basically be question and</div> <div>23 answer, and the important thing is not to talk over</div> <div>24 each other. So please let me finish what I'm</div> <div>25 saying, pause a second or two, that will give your</div> |
| <div>3</div> <div>1 LAS VEGAS, NEVADA; JANUARY 27, 2010</div> <div>2 12:59 P.M.</div> <div>3 -o0o-</div> <div>4</div> <div>5 CHRISTINE MURRAY,</div> <div>6 having been called as a witness and having been</div> <div>7 first duly sworn, was examined and testified as</div> <div>8 follows:</div> <div>9 (Prior to the commencement of</div> <div>10 the deposition, all counsel</div> <div>11 present agreed to waive</div> <div>12 statements by the court</div> <div>13 reporter pursuant to</div> <div>14 Rule 30(b)(4) of the NRCP.)</div> <div>15</div> <div>16 EXAMINATION</div> <div>17 BY MR. HYMAN:</div> <div>18 Q. Good afternoon. My name is Neal Hyman.</div> <div>19 I'm here on behalf of the plaintiff in this case</div> <div>20 called Cagnina versus Valley Health System, LLC, I</div> <div>21 think.</div> <div>22 A. Okay.</div> <div>23 Q. Would you please state your name and</div> <div>24 spell your last name for the record.</div> <div>25 A. Christine Murray, M-U-R-R-A-Y.</div>                                                                                | <div>5</div> <div>1 attorney a chance to object if he wants to, and then</div> <div>2 answer, and this will avoid us talking over each</div> <div>3 other. Okay?</div> <div>4 A. Okay.</div> <div>5 Q. And there is a tendency sometimes where</div> <div>6 the witness will anticipate the answer to my</div> <div>7 question before I'm done and they start to</div> <div>8 automatically answer, so just try not to do that.</div> <div>9 Okay?</div> <div>10 A. Okay.</div> <div>11 Q. You understand that you've been placed</div> <div>12 under oath. This would be just like testifying in a</div> <div>13 court of law.</div> <div>14 A. Yes, I do.</div> <div>15 Q. And obviously for not telling the truth,</div> <div>16 there will be a perjury penalty.</div> <div>17 Do you understand that?</div> <div>18 A. Absolutely.</div> <div>19 Q. Can you think of any reason why you</div> <div>20 wouldn't be able to offer your best testimony here</div> <div>21 today?</div> <div>22 A. No, I do not.</div> <div>23 Q. You're not under the influence of</div> <div>24 anything? You got enough rest and all that?</div> <div>25 A. Absolutely.</div>                                                                   |

1 little earlier, because I had to check the orders  
 2 and everything. I really -- that could have been  
 3 just an estimate.  
 4 When you see somebody come up and you're  
 5 walking them back to the thing and you -- you know,  
 6 your times get a little -- you're not on the dot.  
 7 The only thing I would say is on the dot would be  
 8 here, because this is done by computer. This is  
 9 probably my generalized time.  
 10 BY MR. HYMAN:

11 Q. I mean, can you give me an estimate of  
 12 how long it would take you, once you make initial  
 13 contact with the patient, to do everything you just  
 14 stated, do the -- you know, the vitals and all that?

15 A. The vitals -- okay. The CNA does the  
 16 vitals. When we came in, we walked her from the  
 17 bathroom, 'cause Mr. Farmer had her in there. And  
 18 he left 'cause he had to get back down to the ER.  
 19 We walked her back. We got her settled.

20 They had the -- she already had the  
 21 machine in there, so she took the vitals. I talked  
 22 to her for a few minutes. She was complaining of a  
 23 headache. I went back to check her orders, see if  
 24 she could have anything, and probably maybe  
 25 20 minutes tops.

1 Q. Do you recall Mr. Farmer saying anything  
 2 significant to you?

3 A. When we saw him in the bathroom with  
 4 her?

5 Q. Really at any point. I mean, do you see  
 6 him numerous times during this?

7 A. I saw him twice.

8 Q. So I mean, did he say anything to you  
 9 about his transporting of her, her condition or  
 10 anything?

11 A. He came over -- I was in another  
 12 patient's room. He stopped at the door and said I  
 13 brought your patient up. She's in 25.

14 I said, okay. Then I went to get  
 15 something for this patient.

16 Then I went back around this way, and I  
 17 saw the gurney was still there, which I was kind of  
 18 surprised, about because our transporters usually --  
 19 you know, they know that they need to get back down  
 20 as fast as possible. So I stepped inside with the  
 21 CNA, and we saw him helping her in the bathroom. He  
 22 said she had to go really bad. I helped her go --  
 23 helped her take her to the bathroom.

24 We said, okay. Well, you can go ahead  
 25 and go.

1 He said great, took his thing and went.

2 That was it.

3 Q. And have you, prior to this incident --  
 4 or this time with Roxanne Cagnina, ever seen  
 5 Mr. Farmer before?

6 A. Yes.

7 Q. How many times?

8 A. I don't know. He worked several times.  
 9 He worked quite a bit there.

10 Q. Like, tell me about the times you saw  
 11 him. I mean, what was the circumstance? What was  
 12 he doing?

13 A. Just bringing people up to the floors,  
 14 dropping them off. He was a sitter one time for  
 15 about a half hour, which meant -- or one on one,  
 16 they call it, where you sat in there while the  
 17 patient was in bed because the patient had problems.  
 18 I saw him off and on. I certainly didn't count how  
 19 many times.

20 Q. And you can't think of anything that he  
 21 might have said that you thought was strange for  
 22 some reason?

23 A. No. I thought it was very nice that he  
 24 came around and told me that he dropped her off,  
 25 because a lot of the transporters just put the

1 patient in there, drop off the paperwork, and  
 2 they're gone.

3 Q. At this point when you were dealing with  
 4 Mr. Farmer, did you know anything about his  
 5 background or where he came from?

6 A. No.

7 Q. Did you know if he was an actual  
 8 employee of the hospital or an outsourced employee?

9 A. I didn't know.

10 Q. Is it safe to say that when people are  
 11 working at Centennial Hills Hospital, I mean, just  
 12 by looking at them, you can't tell if they're an  
 13 actual hospital employee or an outsourced employee?

14 MR. FERRAINOLO: Object to form.

15 THE WITNESS: No. I don't -- it  
 16 depends. Some of them have badges. Everybody has a  
 17 badge. So if it's a hospital badge, then they work  
 18 for the hospital. And if it's an agency badge, then  
 19 they work for an agency but --

20 BY MR. HYMAN:

21 Q. So they actually wear an agency badge?

22 A. Uh-huh.

23 Q. So say if there was an outsourced agency  
 24 American Nursing Services, they would wear that  
 25 badge?



CERTIFICATE OF DEPONENT

PAGE LINE CHANGE REASON

\* \* \* \* \*

I, Christine Murray, deponent herein, do hereby certify and declare under the penalty of perjury that the within and foregoing transcription, including my corrections reflected above, is a true and correct transcription of my testimony contained therein; that I have read, corrected, and hereby affix my signature to said deposition.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2010,  
at \_\_\_\_\_.

(City/State)

\_\_\_\_\_  
Christine Murray, Deponent

CERTIFICATE OF REPORTER

STATE OF NEVADA )

SS:

COUNTY OF CLARK )

I, Jennifer A. Caton, a Certified Court Reporter licensed by the State of Nevada, do hereby certify: That I reported the deposition of Christine Murray, commencing on January 27, 2010.

That prior to being deposed, the witness was duly sworn by me to testify to the truth. That I thereafter transcribed my said stenographic notes into written form, and that the typewritten transcript is a complete, true, and accurate transcription of my said stenographic notes. That review of the transcript was requested.

I further certify that I am not a relative, employee, or independent contractor of counsel or of any of the parties involved in the proceeding, nor a person financially interested in the proceeding, nor do I have any other relationship that may reasonably cause my impartiality to be questioned.

IN WITNESS WHEREOF, I have set my hand in my office in the County of Clark, State of Nevada, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Jennifer A. Caton, RDR, CRR, CCR 422

# EXHIBIT 13

1 **ORDR**  
 2 S. BRENT VOGEL  
 Nevada Bar No. 006858  
 3 V. ANDREW CASS  
 Nevada Bar No. 005246

2009 SEP 17 P 4: 03

*[Signature]*  
 CLERK OF THE COURT

4 **LEWIS BRISBOIS BISGAARD**  
 & SMITH LLP  
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 Suite 500  
 6 Las Vegas, Nevada 89101  
 702.893.3383  
 7 FAX: 702.893.3789

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 E-mail address: [cass@lbbslaw.com](mailto:cass@lbbslaw.com)

9 Attorneys for Defendant American Nursing  
 10 Services, Inc.

11 **DISTRICT COURT**  
 12 **CLARK COUNTY, NEVADA**

14 ROXANNE CAGNINA, an Individual,  
 15 Plaintiff,  
 16 v.

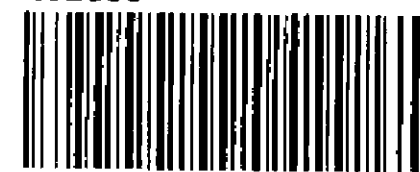
CASE NO. A570756  
 DEPT NO.: X

17 CENTENNIAL HILLS HOSPITAL  
 18 MEDICAL CENTER AUXILIARY, a Nevada  
 Corporation; VALLEY HEALTH SYSTEMS,  
 19 LLC; a Nevada Limited Liability Company,  
 VALLEY HOSPITAL MEDICAL CENTER,  
 20 INC., a Nevada Corporation; UNIVERSAL  
 HEALTH SERVICES FOUNDATION, a  
 21 Pennsylvania Corporation; AMERICAN  
 NURSING SERVICES, INC., a Louisiana  
 22 Corporation; STEVEN DALE FARMER, an  
 individual; DOE INDIVIDUALS 1 through 10  
 23 and ROE BUSINESS OR GOVERNMENTAL  
 ENTITIES 1 through 10, inclusive,

**PROTECTIVE ORDER**

24 Defendant.

08A570756  
 402368



RECEIVED

SEP 17 2009

CLERK OF THE COURT

27 Pursuant to the Discovery Commissioner's Report and Recommendations approved by the  
 28 Court and counsel, and attached hereto as Exhibit B, the parties to the above-captioned litigation shall

1 conduct discovery under the following terms:

2 1. As set out in, and limited by, the attached Discovery Commissioner's Report and  
3 Recommendations approved by the Court, documents or things or information produced or otherwise  
4 furnished by any of the parties in informal or other discovery that contain confidential, trade secret or  
5 other proprietary information may be designated "CONFIDENTIAL" by the producing party or a  
6 party who is the original source of the document or information. The producing party must effectuate  
7 the designation of "CONFIDENTIAL" documents or information by stamping or marking on the  
8 documents or other material the term "CONFIDENTIAL." Those documents or other matters must be  
9 maintained by the other parties to this action and their counsel in confidence and used only for the  
10 purposes of this litigation. To the extent that any such items are filed with the Clerk of Court or with  
11 the Court, they must be placed in an envelope marked "CONFIDENTIAL MATERIALS SUBJECT  
12 TO PROTECTIVE ORDER" and sealed. Such sealed envelopes must be opened only by the Clerk of  
13 Court or by the Court, or their agents.

14 2. Documents or other materials designated as "CONFIDENTIAL" must be restricted to  
15 the following persons:

16 a. counsel who have appeared of record for any party in this case and have signed this  
17 Protective Order, and partners, shareholders, associates, paralegal assistants, clerical staff, and  
18 secretaries who are regularly employed by such counsel, and are actively engaged in assisting such  
19 counsel with respect to this litigation;

20 b. each party to this litigation, a designated member of each party's general counsel's  
21 office, and legal administrative staff to the designated member of the general counsel's office;

22 c. any certified shorthand or court reporters retained to report a deponent's testimony  
23 taken in this litigation;

24 d. experts or any person retained or used by counsel for any party to assist counsel with  
25 respect to this litigation;

26 e. persons shown on the face of the document to have authored or received it;

27 f. any person whom the parties agree, in advance and in writing, may receive such  
28 protected information; and

1 g. employees, former employees (but only to the extent necessary to prepare for  
2 deposition or assist in preparation of discovery responses by their former employer) or other agents of  
3 the producing party.

4 3. A party may also designate as "CONFIDENTIAL—ATTORNEYS' EYES ONLY" in  
5 whole or in part, materials which contain the social security number of Steven Farmer. Such  
6 designation must be made by marking the documents or material (or part(s) thereof) in a conspicuous  
7 manner. The marking must state "CONFIDENTIAL-ATTORNEYS' EYES ONLY" or some similar  
8 marking. Access to materials designated "CONFIDENTIAL—ATTORNEYS' EYES ONLY" and to  
9 any portion of any transcript, brief, affidavit, memorandum or other paper that contains, reveals or  
10 refers to materials so designated is limited to those persons set forth in paragraphs 2(a), 2(c), 2(d),  
11 2(e), and 2(f) above; a designated member of each party's general counsel's office; and legal  
12 administrative staff to the designated member of the general counsel's office. To the extent that any  
13 such items are filed with the Clerk of Court or with the Court, they must be placed in an envelope  
14 marked "CONFIDENTIAL—ATTORNEYS' EYES ONLY" and sealed. Such sealed envelopes must  
15 be opened only by the Clerk of Court or by the Court, or their agents.

16 4. Any copies, photographs, depictions, excerpts, notes concerning, or other information  
17 generated from an inspection of the matters designated "CONFIDENTIAL," or "CONFIDENTIAL—  
18 ATTORNEYS' EYES ONLY" must be treated in the same manner.

19 5. In the case of a deposition:

20 a. Deposition testimony must be deemed temporarily designated as "CONFIDENTIAL,"  
21 provided that within forty-five (45) days after receipt of the transcript, counsel must review the  
22 transcript and designate only those pages of the transcript which the designating party believes  
23 constitute, reflect or disclose confidential information. If no specific designation is made, the entire  
24 transcript will be deemed **not** confidential.

25 b. Counsel for any party or the witness may designate that information disclosed during a  
26 deposition is to be treated as "CONFIDENTIAL - ATTORNEYS' EYES ONLY" by indicating on  
27 the record of the deposition and requesting the preparation of a separate transcript of such material.

28 c. When information or documents designated "CONFIDENTIAL - ATTORNEYS'

1 EYES ONLY" are disclosed or discussed during a deposition, counsel for the witness or any party  
2 who may be affected by disclosure has the right to exclude from attendance during that portion of the  
3 deposition any person who is not entitled to receive such "CONFIDENTIAL - ATTORNEYS' EYES  
4 ONLY information or documents pursuant to this Protective Order.

5 6. Documents or other information designated as "CONFIDENTIAL" or  
6 "CONFIDENTIAL—ATTORNEYS' EYES ONLY," may be used in connection with hearings before  
7 the Court. Transcripts or portions thereof which record hearing testimony concerning confidential  
8 documents or information may be marked as "CONFIDENTIAL" or "CONFIDENTIAL -  
9 ATTORNEYS' EYES ONLY" by any party within forty-five (45) days after receiving the hearing  
10 transcript. The party wishing to make such designation must advise all other parties, and the  
11 designated portion(s) of the hearing transcript must thereafter be treated as subject to the terms of this  
12 Protective Order.

13 7. Subject to the terms of this Protective Order and applicable rules of evidence,  
14 documents or other materials designated as "CONFIDENTIAL" or "CONFIDENTIAL-  
15 ATTORNEYS' EYES ONLY" may be offered at the trial of this matter for consideration by the trier  
16 of fact.

17 8. Neither the parties nor their counsel must disclose or permit the disclosure of the  
18 documents or other information designated as "CONFIDENTIAL" to anyone other than partners,  
19 associates, legal assistants or employees of counsel to this action; the parties themselves; any expert(s)  
20 or consultant(s) retained in connection with the preparation for and hearing of this proceeding and any  
21 other person agreed upon in writing by the parties or authorized by orders of the Court.

22 9. Except for the parties themselves and their counsel (including partners, associates, legal  
23 assistants or employees of their law firm), all persons to whom any information subject to this  
24 Protective Order is disclosed must, prior to any disclosure to them, be provided a copy of this  
25 Protective Order and must then execute a protective agreement in the form attached as Exhibit A to  
26 this Protective Order. The signed protective agreement need not be provided to opposing counsel,  
27 except as ordered by the court.

28 10. Nothing contained in this Protective Order shall restrict or prevent any party to this

1 action from disclosing or otherwise using any matter not subject to this Protective Order and not  
2 designated as "CONFIDENTIAL" or "CONFIDENTIAL—ATTORNEYS' EYES ONLY."

3 11. If any party wishes to have any information, document or testimony marked  
4 "CONFIDENTIAL" or "CONFIDENTIAL—ATTORNEYS' EYES ONLY" by another party  
5 reclassified, the parties will confer and try to reach agreement. If the parties cannot reach agreement,  
6 the party seeking to reclassify may seek appropriate relief from the Court, with the party seeking to  
7 maintain the "CONFIDENTIAL" or "CONFIDENTIAL—ATTORNEYS' EYES ONLY"  
8 designation bearing the burden to establish its claim of confidentiality.

9 12. If a party inadvertently produces information subject to any privilege, the recipient,  
10 upon notice from the producing party of the production and privilege, shall promptly return or destroy  
11 all such information, including all copies thereof and all materials and documents incorporating or  
12 referring to such documents.

13 13. Upon the final conclusion of this proceeding, including any appeal, or upon the  
14 settlement and/or dismissal of the proceeding, all documents and things or information subject to this  
15 Protective Order shall be returned to the party which produced them, or shall be destroyed. Counsel  
16 for the parties may preserve work product and privileged documents in their permanent files even  
17 though such documents may reflect or contain confidential documents or information. The conclusion  
18 of this proceeding shall not relieve any person or party from any of the requirements imposed by this  
19 Protective Order.

20 14. Any non-party subpoenaed or requested to produce documents and things or  
21 information, or to give deposition testimony, shall have the full benefits and protections of this  
22 Protective Order, and may designate documents or deposition testimony as "CONFIDENTIAL" or  
23 "CONFIDENTIAL—ATTORNEYS' EYES ONLY" in the manner, and subject to the same  
24 protections, set forth above.

25 15. Nothing contained in this Protective Order, nor any action taken in compliance with it,  
26 shall operate as an admission by any party or third party that any particular information is or is not  
27 "CONFIDENTIAL" or "CONFIDENTIAL—ATTORNEYS' EYES ONLY" matter within the  
28 contemplation of the law or prejudice in any way the right of any party or third-party to seek a Court

1 determination of whether or not any particular materials should be disclosed or if disclosed whether or  
2 not it should be subject to the terms of this Protective Order.

3 16. The relevance or admissibility of this Protective Order for any purpose in this  
4 proceeding is reserved for the future decision of the Court.

5 17. The provisions of this Protective Order shall not preclude any party from seeking from  
6 the Court, for good cause shown, additional protections or limitations on the use of certain documents  
7 or information as permitted by NRCP 26(c).

8  
9 THE LAW OFFICES OF NEAL HYMAN

10  
11 By 

12 NEAL K. HYMAN, ESQ. (005998)  
13 2441 W. Horizon Ridge Parkway, Suite 120  
14 Henderson, Nevada 89052

15 *Attorney for Plaintiff*

16 HALL PRANGLE & SCHOONVELD, LLC

17 By 

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21 Las Vegas, Nevada 89107

22 *Attorneys for Defendant Valley Health system,  
23 LLC dba Centennial Hills Hospital Medical  
24 Center*

25 LEWIS BRISBOIS BISGAARD & SMITH, LLP

26 By 

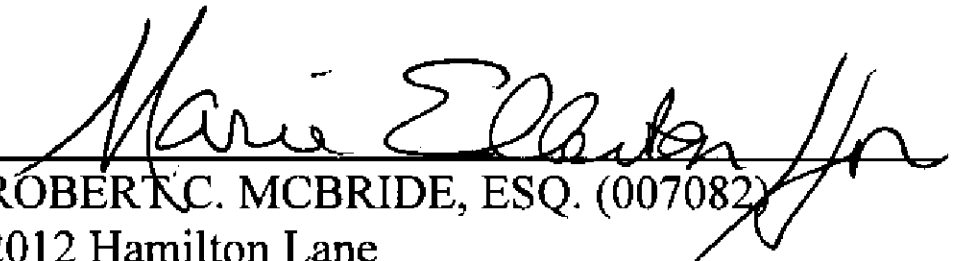
27 ANDREW CASS, ESQ. (005246)  
28 S. BRENT VOGEL, ESQ. (006858)  
400 S. 4<sup>th</sup> Street, Suite 500  
Las Vegas, Nevada 89101

*Attorneys for Defendant. American Nursing  
Services, Inc.*



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MANDELBAUM SCHWARZ ELLERTON &  
MCBRIDE

By   
ROBERT C. MCBRIDE, ESQ. (007082)  
2012 Hamilton Lane  
Las Vegas, Nevada 89106

*Attorneys for Defendant Steven Farmer*

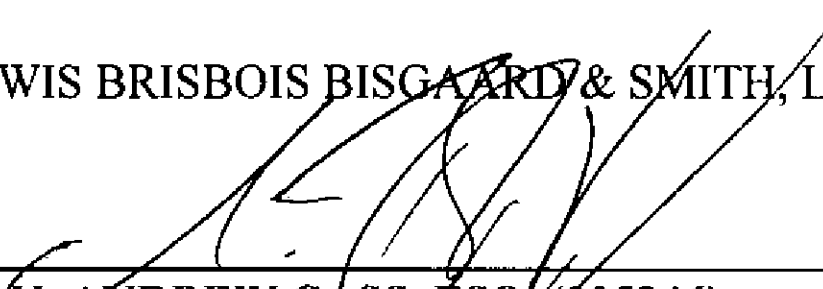
IT IS SO ORDERED.

  
DISTRICT COURT JUDGE

Dated: 9/17/09

Submitted by:

LEWIS BRISBOIS BISGAARD & SMITH, LLP

By   
V. ANDREW CASS, ESQ. (005246)  
S. BRENT VOGEL, ESQ. (006858)  
400 S. 4<sup>th</sup> Street, Suite 500  
Las Vegas, Nevada 89101

*Attorneys for Defendant. American Nursing  
Services, Inc.*

## **EXHIBIT A**

## **EXHIBIT A**

4830-8412-6209.1

A

**EXHIBIT A**

**Declaration Regarding Compliance With Protective Order**

I, \_\_\_\_\_, have read the attached Protective Order ("Order"), understands its contents, and hereby undertake to be bound by it.

1. I agree to use the Confidential Information provided to me for the purposes of litigation only.

2. I understand and agree that in the event I intentionally violate this Order, the designating party shall be entitled to petition the Court to impose a monetary sanction, in its discretion, for the violation hereof.

3. I submit to the jurisdiction of the Eighth Judicial District Court of Nevada for the purpose of enforcing the terms of this Order and freely and knowingly waive any right I may otherwise have to object to the jurisdiction of said Court.

4. I understand and agree that in the event I intentionally violate this Order, the designating party shall be entitled to its attorney's fees and costs incurred to enforce this Order, in addition to the monetary sanction which may be imposed under Paragraph 2 above.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

## **EXHIBIT B**


## **EXHIBIT B**

4830-8412-6209.1

B

**FILED**

SEP 15 11 03 AM '09

  
CLERK OF THE COURT

1 **DCRR**  
2 **S. BRENT VOGEL**  
3 Nevada Bar No. 006858  
4 **LEWIS BRISBOIS BISGAARD & SMITH LLP**  
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7 702.893.3383 - Main  
8 702.893.3789 - Facsimile  
9 bvogel@lbbslaw.com  
10 Attorneys for American Nursing Services, Inc.

11  
12 **DISTRICT COURT**  
13 **CLARK COUNTY, NEVADA**

14 **ROXANNE CAGNINA, an individual,**  
15 **Plaintiff,**

16 **v.**

17 **CENTENNIAL HILLS HOSPITAL**  
18 **MEDICAL CENTER AUXILIARY, a Nevada**  
19 **Corporation; VALLEY HEALTH SYSTEM**  
20 **LLC, a Limited Liability Company, VALLEY**  
21 **HOSPITAL MEDICAL CENTER, INC., a**  
22 **Nevada Corporation; UNIVERSAL HEALTH**  
23 **SERVICES FOUNDATION, a Pennsylvania**  
24 **Corporation; AMERICAN NURSING**  
25 **SERVICES, INC., a Louisiana Corporation;**  
26 **STEVEN DALE FARMER, an individual;**  
27 **DOE INDIVIDUALS 1 through 10 and ROE**  
28 **BUSINESS OR GOVERNMENTAL**  
**ENTITIES 1 through 10, inclusive,**

**Defendants.**

**CASE NO. A570756**  
**DEPT NO.: X**

**DISCOVERY COMMISSIONER'S**  
**REPORT AND RECOMMENDATIONS**

**DATE OF HEARING: July 29, 2009**  
**TIME OF HEARING: 9:30 a.m.**

**APPEARANCES:**

**Plaintiff: Rhonda R. Long, Esq., of Law Office of Neal Hyman.**

**Defendants:**

**American Nursing Services, Inc. - S. Brent Vogel, Esq., of Lewis Brisbois Bisgaard &**

1 Smith, LLP;

2 Steven D. Farmer – Robert C. McBride, Esq., of Mandelbaum Schwarz Ellerton &  
3 McBride;

4 Centennial Hills Hospital – David Ferrainolo, Esq., of Hall Prangle & Schoonveld.

5 **FINDINGS**

6 1. Defendant American Nursing Services, Inc., (“ANS”) filed a Motion for Protective  
7 Order seeking to protect certain information from discovery. ANS served a privilege Redaction Log  
8 covering information that is insurance premium information, personal information (e.g., social  
9 security numbers, employee I.D. numbers, salary information, private contact information); and  
10 proprietary information, or protected health information. ANS produced numerous non-privileged  
11 documents and redacted a small amount of information considered to be privileged or confidential.

12 2. ANS also sought a protective order regarding its contract with Broadlane, Inc., which  
13 was inadvertently produced in this litigation by Centennial Hills Hospital as well as other information  
14 that is proprietary to ANS and considered confidential as a trade secret.

15 3. ANS also requested a Protective Order regarding its Clinical Policy and Procedure  
16 Manual, orientation information, training information and related confidential information that is  
17 proprietary to ANS and a trade secret. ANS’s requested a Protective Order would allow the parties to  
18 mark documents as “CONFIDENTIAL”, or “CONFIDENTIAL – ATTORNEY’S EYES ONLY,”  
19 among other common designations designed to protect confidential information from broad public  
20 dissemination.

21 **RECOMMENDATIONS**

22 IT IS HEREBY RECOMMENDED that ANS’s Motion and Joinder for Protective Order are  
23 GRANTED IN PART AND DENIED IN PART as follows:

24 1. The following information must be produced:

25 A) the last four (4) digits of Mr. Farmer’s Social Security number;

26 B) Mr. Farmer’s medical information and test results that support or deny any finding  
27 of a communicable disease;

28 C) health information that calls into question Mr. Farmer’s ability to act in a



1 professional capacity;

2 D) past employment references;

3 E) employment applications;

4 F) a redacted W-2 showing who paid Mr. Farmer's wages (personal identifying  
5 information redacted);

6 G) any time cards for work schedules for the day in question (for Mr. Farmer's  
7 employment at that facility for no more than six months;

8 2. PROTECTION IS GRANTED as follows:

9 A) other medical health information pertaining to Mr. Farmer other than what was  
10 allowed in 1(B) and (C) above;

11 B) Mr. Farmer's complete Social Security number is protected;

12 C) Mr. Farmer's wage information except as Ordered section 1(F) above;

13 D) ANS's and Mr. Farmer's insurance premium information.

14 3. IT IS FURTHER RECOMMENDED that certain materials will be turned over but  
15 protected under N.R.C.P. 26(c); *puruant to proprietary or trade secret protections* meaning the information may be shared with attorneys, experts, or  
16 individuals working on the case only and the documents may not be filed with the Court unless they  
17 are attached under seal. This information may be marked "CONFIDENTIAL" and a  
18 "CONFIDENTIAL - ATTORNEY'S EYES ONLY" designation is not necessary, except as set out in  
19 section 7 below. Furthermore, protected documents or topics discussed at depositions must be  
20 protected under seal with the Court Reporter. Protection remains in effect until a Decision is made by  
21 the Court.

22 IT IS FURTHER RECOMMENDED that the following information will be produced  
23 with protection:

24 A) the Broadlane, Inc., contract inadvertently disclosed is under a protective order;

25 B) ANS's employee orientation materials;

26 C) ANS's Policies and Procedures that are relevant;

27 D) CNA testing for Mr. Farmer.

28 4. IT IS FURTHER RECOMMENDED, no attorneys' fees or costs be awarded.

1 5. IT IS FURTHER RECOMMENDED, the signature page related to the Protective Order  
2 will be kept by counsel, but need not be turned over to other counsel.

3 6. IT IS FURTHER RECOMMENDED that information may be shared with Mr.  
4 Farmer's criminal Attorney to the extent that some information will assist his Attorney in the criminal  
5 action.

6 7. IT IS FURTHER RECOMMENDED that Plaintiff's counsel must make a good faith  
7 effort to conduct a background investigation using the last four digits of Mr. Farmer's Social Security  
8 Number and other personal identifying information. If Plaintiff's counsel is able to make a good faith  
9 showing that reasonably indicates Mr. Farmer's full Social Security number is needed to conduct the  
10 background investigation, it will be considered "CONFIDENTIAL - ATTORNEYS' EYES ONLY" and  
11 counsel may contact the Hon. Discovery Commissioner by conference call, if necessary, to address  
12 this issue.

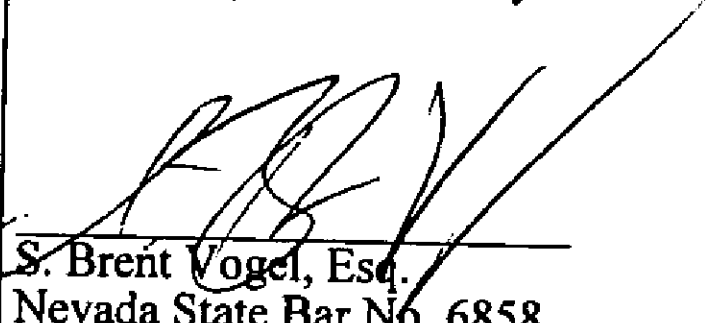
13 8. IT IS FURTHER RECOMMENDED that Mr. Farmer's Criminal Attorney(s) may  
14 attend the Depositions in this case; however, he or she cannot make any objections *since*

15 DATED this 24 day of August, 2009.

*Mr. Farmer's civil  
counsel will be  
representing  
him  
for this  
deposition. MS*

16  
17 DS  
18 DISCOVERY COMMISSIONER

19 Respectfully Submitted by:

20  
21   
22 S. Brent Vogel, Esq.  
23 Nevada State Bar No. 6858  
24 LEWIS BRISBOIS BISGAARD & SMITH, LLP  
25 400 S. Fourth Street, Fifth Floor  
26 Las Vegas, NV 89101  
27 Attorneys for American Nursing Services, Inc.  
28

NOTICE

Pursuant to NRCP 16.1 (d) (2), you are hereby notified you have five (5) days from the date you receive this document within which to file written objections.

[Pursuant to E.D.C.R. 2.34 (f) an objection must be filed and served no more than five (5) days after receipt of the Discovery Commissioner's Report. The Commissioner's Report is deemed received when signed and dated by a party, his attorney or his attorney's employee, or three (3) days after mailing to a party or his attorney, or three (3) days after the clerk of the court deposits a copy of the Report in a folder of a party's lawyer in the Clerk's office.]

A copy of the foregoing Discovery Commissioner's Report was:

\_\_\_\_\_ Mailed to Plaintiff/Defendant at the following address on the \_\_\_\_ day of \_\_\_\_\_, 2009.

X Placed in the folder of Plaintiff's/Defendant's counsel in the Clerk's office on the 27 day of Aug., 2009.

By:   
Deputy Clerk

Case Name: Cagnina v. Centennial Hills Hospital Medical Center Auxiliary, et al.  
Case No. A570756

**ORDER**

The Court, having reviewed the above report and recommendations prepared by the  
Discovery Commissioner and,

\_\_\_\_\_ The parties having waived the right to object thereto,

<sup>mm</sup>  
X No timely objection having been received in the office of the Discovery  
Commissioner pursuant to EDCR 2.34(f),

\_\_\_\_\_ Having received the objections thereto and the written arguments in support  
of said objections, and good cause appearing,

\* \* \*

AND

X IT IS HEREBY ORDERED the Discovery Commissioner's Report and  
Recommendations are affirmed and adopted.

\_\_\_\_\_ IT IS HEREBY ORDERED the Discovery Commissioner's Report and  
Recommendations are affirmed and adopted as modified in the following manner  
(attached hereto).

\_\_\_\_\_ IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's  
Report is set for the \_\_\_\_\_ day of \_\_\_\_\_, 2009 at  
\_\_\_\_\_ a.m.

DATED this 10 day of Sept, 2009.

Jeannie Walsh  
DISTRICT COURT JUDGE

# EXHIBIT 14

Robert E. Murdock, Esq.  
Nevada Bar No. 4013  
MURDOCK & ASSOCIATES, CHTD.  
521 South Third Street  
Las Vegas, NV 89101  
702-685-6111

Eckley M. Keach, Esq.  
Nevada Bar No. 1154  
ECKLEY M. KEACH, CHTD.  
521 South Third Street  
Las Vegas, NV 89101  
702-685-6111  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

|                                             |   |                             |               |
|---------------------------------------------|---|-----------------------------|---------------|
| ESTATE OF JANE DOE, by and through its      | ) | CASE NO.                    | 09-A-595780-C |
| Special Administrator, Misty Petersen,      | ) | DEPT. NO.                   | II            |
|                                             | ) |                             |               |
| Plaintiff,                                  | ) |                             |               |
|                                             | ) |                             |               |
| vs.                                         | ) |                             |               |
|                                             | ) | <b>PLAINTIFF’S 25th</b>     |               |
| VALLEY HEALTH SYSTEM LLC, a Nevada          | ) | <b>SUPPLEMENT TO CASE</b>   |               |
| limited liability company, d/b/a CENTENNIAL | ) | <b>CONFERENCE</b>           |               |
| HILLS HOSPITAL MEDICAL CENTER;              | ) | <b>DISCLOSURES PURSUANT</b> |               |
| UNIVERSAL HEALTH SERVICES, INC., a          | ) | <b>TO NRCP 16.1</b>         |               |
| 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.                                 | ) |                             |               |
|                                             | ) |                             |               |

COMES NOW Plaintiff Estate of Jane Doe, by and through its Special Administrator, Misty Petersen, by and through its attorneys of record, Murdock & Associates, Chtd. and Eckley M. Keach, Chtd., and hereby supplements her early case conference disclosures pursuant to NRCP 16.1 as follows. **New information appears in bold.**

**DOCUMENTS**

1. Plaintiff's medical and billing records from Centennial Hills Hospital Medical Center. Said records will be provided upon receipt of same.

2. Medical records from Centennial Hospital Medical Center for date of admission of May 14, 2008.

3. Indictment filed on November 19, 2008 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C249693.

4. Indictment Warrant filed on November 19, 2008 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C249693.

5. Indictment Warrant Return filed on November 20, 2008 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C249693.

6. Notice dated November 26, 2008.

7. Reporter's Transcript of Proceedings of November 18, 2008 Before the Grand Jury Impaneled by the Aforesaid District Court in the case of The State of Nevada v. Steven Dale Farmer, Case No. 08AGJ078X.

8. Information filed July 2, 2008 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

9. Reporter's Transcript of Preliminary Hearing on July 1, 2008 in the case of The State of Nevada v. Steven Dale Farmer, Case No. 08F10344X.

10. Certificate filed on July 31, 2008, Commitment and Order to Appear, Register of Appearances – Hearing, Amended Criminal Complaint, Criminal Complaint, Las Vegas Metropolitan Police Department Temporary Custody Record, Declaration of Arrest for Event No. 080516-1021, Arrest Report of Steven Dale Farmer, Charge/Bail Review Request, Justice Court, Las Vegas Township, four Pretrial Services Information Sheets, two Media Request & Order in Las Vegas Justice Court Case No. 08F10344X, Facsimile Transmission cover sheet dated 6/18/08 to JCT 8 from Summer Clarke with Amended Criminal Complaint.

11. "Received of Justice Court the Following Items: Justice Court Proceedings and Documents" dated July 3, 2008.

1           12.     Media Request and Order for Camera Access to Court Proceedings filed July 24,  
2 2008 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

3           13.     Notification of Media Request filed July 24, 2008 in the case of The State of  
4 Nevada v. Steven Dale Farmer, Case No. C245739.

5           14.     Motion for Discovery filed December 30, 2008 in the case of The State of Nevada  
6 v. Steven Dale Farmer, Case No. C245739.

7           15.     State's Opposition to Defendant's Motion for Discovery filed January 16, 2009 in  
8 the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

9           16.     Motion to Continue Trial Date filed January 20, 2009 in the case of The State of  
10 Nevada v. Steven Dale Farmer, Case No. C245739.

11          17.     Defendant's Reply to State's Opposition to Motion for Discovery filed January 21,  
12 2009 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

13          18.     Ex Parte Motion for Release of Medical Records relating to Denise Hanna filed  
14 January 22, 2009 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

15          19.     Ex Parte Motion for Release of Medical Records relating to Frances Rose filed  
16 January 22, 2009 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

17          20.     Ex Parte Motion for Release of Medical Records filed January 22, 2009 in the case  
18 of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

19          21.     Ex Parte Motion for Release of Medical Records relating to Roxanne Cagnina filed  
20 January 22, 2009 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

21          22.     Ex Parte Motion for Release of Medical Records relating to Heather Shank filed  
22 January 22, 2009 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

23          23.     Ex Parte Motion for Release of Medical Records relating to Ledahlia Spurlock filed  
24 January 22, 2009 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

25          24.     Order Releasing Medical Records of Ledahlia Spurlock filed February 4, 2009 in  
26 the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

27          25.     Order Releasing Medical Records of Denise Hanna filed February 4, 2009 in the  
28 case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.



1           26.     Order Releasing Medical Records filed February 4, 2009 in the case of The State of  
2 Nevada v. Steven Dale Farmer, Case No. C245739.

3           27.     Order Releasing Medical Records of Frances Rose filed February 4, 2009 in the  
4 case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

5           28.     Order Releasing Medical Records of Heather Shank filed February 4, 2009 in the  
6 case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

7           29.     Notification of Media Request filed February 9, 2009 in the case of The State of  
8 Nevada v. Steven Dale Farmer, Case No. C245739.

9           30.     Media Request and Order for Camera Access to Court Proceedings filed February  
10 9, 2009 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

11          31.     Order Releasing Medical Records of Roxanne Cagnina filed February 12, 2009 in  
12 the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

13          32.     Expedited Ex Parte Order for Transcript filed May 15, 2009 in the case of The State  
14 of Nevada v. Steven Dale Farmer, Case No. C245739.

15          33.     Motion to Continue Trial Date filed June 5, 2009 in the case of The State of Nevada  
16 v. Steven Dale Farmer, Case No. C245739.

17          34.     Amended Notice of Witnesses and/or Expert Witnesses filed June 5, 2009 in the  
18 case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

19          35.     Notice of Witnesses and/or Expert Witnesses filed June 4, 2009 in the case of The  
20 State of Nevada v. Steven Dale Farmer, Case No. C245739.

21          36.     Documents received from Rawson-Neal Psychiatric Hospital pursuant to a  
22 subpoena duces tecum.

23          37.     Recorder's Transcript Re: Calendar Call, Defendant's Motion for Discovery and  
24 Defendant's Motion to Continue Trial filed on June 9, 2009 in the case of The State of Nevada v.  
25 Steven Dale Farmer, Case No. C245739.

26          38.     Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234] filed on  
27 September 28, 2009 in the case of The State of Nevada v. Steven Dale Farmer, Case No. C245739.

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1           39.     Second Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]  
2 filed on September 28, 2009 in the case of The State of Nevada v. Steven Dale Farmer, Case No.  
3 C245739.

4           40.     Third Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]  
5 filed on October 16, 2009 in the case of The State of Nevada v. Steven Dale Farmer, Case No.  
6 C245739.

7           41.     Ex Parte Order for Transport filed on October 23, 2009 with Receipt of Copy  
8 signed by Clark County Detention Center in the case of The State of Nevada v. Steven Dale  
9 Farmer, Case No. C245739.

10          42.     Ex Parte Order for Transport filed on November 3, 2009 in the case of The State of  
11 Nevada v. Steven Dale Farmer, Case No. C245739.

12          43.     Ex Parte Order for Transport filed on November 3, 2009 in the case of The State of  
13 Nevada v. Steven Dale Farmer, Case No. C245739.

14          44.     Ex Parte Order for Transport filed on November 5, 2009 in the case of The State of  
15 Nevada v. Steven Dale Farmer, Case No. C245739.

16          45.     Deposition transcript of Christine Murray taken on January 27, 2010 in the case of  
17 Cagnina v. Centennial Hills Hospital Medical Center, et al.

18          46.     Deposition transcript of Karen Sue Goodhart taken on January 27, 2010 in the case  
19 of Cagnina v. Centennial Hills Hospital Medical Center, et al.

20          47.     Deposition transcript of Lisa Doty taken on February 2, 2010 in the case of  
21 Cagnina v. Centennial Hills Hospital Medical Center, et al.

22          48.     Deposition transcript of Harold Collins Suto taken on February 3, 2010 in the case  
23 of Cagnina v. Centennial Hills Hospital Medical Center, et al.

24          49.     Deposition transcript of Lorraine Wescott taken on February 4, 2010 in the case of  
25 Cagnina v. Centennial Hills Hospital Medical Center, et al.

26          50.     Deposition transcript of Carine Antoinette Brown taken on February 8, 2010 in the  
27 case of Cagnina v. Centennial Hills Hospital Medical Center, et al.

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1           51.     Deposition transcript of Amy Bochenek taken on March 10, 2010 in the case of  
2 Cagnina v. Centennial Hills Hospital Medical Center, et al.

3           52.     Deposition transcript of Douglas Nichols taken on March 24, 2010 in the case of  
4 Cagnina v. Centennial Hills Hospital Medical Center, et al.

5           53.     Deposition transcript of Evette Wilson taken on April 7, 2010 in the case of  
6 Cagnina v. Centennial Hills Hospital Medical Center, et al.

7           54.     Documents received from the Henderson Police Department pursuant to a  
8 subpoena duces tecum to the Henderson Detention Center.

9           55.     CD of photos and audio recording from the Henderson Detention Center relating to  
10 Defendant Steven Dale Farmer.

11          56.     Declaration and documents produced by Michelle Simmons pursuant to a subpoena  
12 duces tecum.

13          57.     Correspondence dated February 14, 2013 and documents produced by Nevada State  
14 Board of Nursing pursuant to a subpoena duces tecum.

15          58.     Motion to Continue Trial Date filed on February 14, 2013 in the case of State v.  
16 Farmer, Case No. C245739.

17          59.     Exemplar of Centennial Hills Hospital Medical Center staff badge.

18          60.     Order Denying Motion for Modification of an Order Lifting Stay by American  
19 Nursing Services, Inc. filed on June 24, 2013 in the case of In Re: American Nursing Services,  
20 Inc., et al., Case No. 09-13411 (PJW), United States Bankruptcy Court for the District of  
21 Delaware.

22          61.     Six (6) pages of notes from Jane Doe (Bates JD0001-JD0006) (redaction on  
23 JD0005 – see Privilege Log).

24          62.     Transcript of Jane Doe's testimony on January 20, 2012 in the case of State of  
25 Nevada v. Steven Dale Farmer, Case No. C245739 in the District Court, State of Nevada.

26          63.     CD containing Jane Doe's diary (Bates JDD00001-JDD00025) (redaction on  
27 JDD00015 and JDD00021 - see Plaintiff's Second Privilege Log).

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64. Criminal discovery provided to Steven Farmer. (This is protected but will be released after the criminal trial of Mr. Farmer and as soon as Plaintiff receives same pursuant to earlier subpoenas.)

65. All documents from the Las Vegas Metropolitan Police Department investigation of Steven Farmer. (This is protected but will be released after the criminal trial of Mr. Farmer and as soon as Plaintiff receives same pursuant to earlier subpoenas.)

66. Correspondence dated April 29, 2014 from Ryan J. Bashor, Deputy Public Defender, to Robert E. Murdock, Esq. with invoice relating to Sandra Higelin in the case of State of Nevada v. Steven Dale Farmer, Case No. C245739.

67. Second Amended Information filed on February 24, 2014 in State v. Farmer, Case No. 10C245739.

68. Court Minutes of May 28, 2014 in State v. Farmer, Case No. 08C249693.

69. Judgment of Conviction filed on June 2, 2014 in State v. Farmer, Case No. C245739 / C249693.

70. CD containing emails concerning Steven Farmer between the Clark County Public Defender's Office and Defense Counsel dated April 9, 2009 through January 21, 2014 (Bates PD000001-PD00135) received via FOIA Request.

**71. Documents received from Public Defender's Office Bates Stamped PDDISC0001-477.**

72. Plaintiff reserves the right to supplement this list of documents as further information becomes available.

73. Plaintiff further reserves the right to identify any and all documents identified by any of the Defendants.

**WITNESSES**

1. Jane Doe, c/o Murdock & Associates, Chtd. and Eckley M. Keach, Chtd., 520 South Fourth Street, Las Vegas, Nevada 89101, will testify regarding the facts and circumstances of the subject incident.

2. Person(s) Most Knowledgeable of Centennial Hills Hospital Medical Center, c/o Hall Prangle & Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada

1 89144, is/are expected to testify regarding his/her knowledge of the facts and circumstances of the  
2 subject incident.

3 3. Person(s) Most Knowledgeable of Universal Health Services, c/o Hall Prangle &  
4 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is/are  
5 expected to testify regarding his/her knowledge of the facts and circumstances of the subject  
6 incident.

7 4. Person(s) Most Knowledgeable of Valley Health System, LLC, c/o Hall Prangle &  
8 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is/are  
9 expected to testify regarding his/her knowledge of the facts and circumstances of the subject  
10 incident.

11 5. Person(s) Most Knowledgeable of American Nursing Services, c/o Lewis Brisbois  
12 Bisgaard & Smith, LLP, 400 South Fourth Street, Suite 500, Las Vegas, Nevada 89101, is/are  
13 expected to testify regarding his/her knowledge of the facts and circumstances of the subject  
14 incident.

15 6. Steven Dale Farmer, c/o Mandelbaum, Schwarz, Ellerton & McBride, 2012  
16 Hamilton Lane, Las Vegas, Nevada 89106, is expected to testify regarding his knowledge of the  
17 facts and circumstances of the subject incident.

18 7. Investigating Personnel, Las Vegas Metropolitan Police Department, 400 Stewart  
19 Avenue, Las Vegas, Nevada 89101, are expected to testify regarding the investigated conducted of  
20 the subject incident.

21 8. Plaintiff's treating medical personnel are expected to testify regarding the treatment  
22 provided to Plaintiff following the subject incident.

23 9. Custodian of Records of Centennial Hills Hospital Medical Center, c/o Hall  
24 Prangle & Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada  
25 89144, is expected to testify regarding the search for and authenticity of the records produced.

26 10. Custodian of Records of the Eighth Judicial District Court, 200 Lewis Avenue, Las  
27 Vegas, Nevada 89155, is expected to testify regarding the search for and authenticity of the  
28 records produced.

1           11.     Frances V. Rose, 2104 Club Pacific Way, No. 19-102, Las Vegas, Nevada 89128,  
2 is expected to testify regarding her sexual assault by Steven Dale Farmer while she was a patient  
3 at Rawson-Neal Psychiatric Hospital.

4           12.     Ledahlia Spurlock, 4408 San Gabriel Hill Avenue, Las Vegas, Nevada 89115, is  
5 expected to testify regarding her sexual assault by Steven Dale Farmer while she was a patient at  
6 Centennial Hills Hospital Medical Center.

7           13.     Heather Shank, 5209 Fireside Ranch Avenue, Las Vegas, Nevada 89131, is  
8 expected to testify regarding her sexual assault by Steven Dale Farmer while she was a patient at  
9 Centennial Hills Hospital Medical Center.

10          14.     Denise Hanna, 7932 Olympus Avenue, Las Vegas, Nevada 89131, is expected to  
11 testify regarding the sexual assault by Steven Dale Farmer while she was a patient at Centennial  
12 Hills Hospital Medical Center.

13          15.     Person Most Knowledgeable of Rawson-Neal Psychiatric Hospital, 1650  
14 Community College Drive, Las Vegas, Nevada 89146, is expected is testify regarding various  
15 allegations concerning Steven Dale Farmer and Rawson-Neal advising American Nursing  
16 Services, Inc. about said allegations.

17          16.     Custodian of Records of Rawson-Neal Psychiatric Hospital, 1650 Community  
18 College Drive, Las Vegas, Nevada 89146, is expected is testify regarding the search for and  
19 authenticity of the records produced.

20          17.     Custodian of Records of the Eighth Judicial District Court, 200 Lewis Avenue, Las  
21 Vegas, Nevada 89155, is expected to testify regarding the search for and authenticity of the  
22 records produced.

23          18.     Custodian of Records of Litigation Services, 1640 Alta Drive, Suite 4, Las Vegas,  
24 Nevada 89106, is expected to testify regarding the search for and authenticity of the transcripts  
25 produced.

26          19.     Kristen Grega, Custodian of Records of Henderson Police Department, 223 Lead  
27 Street, Henderson, Nevada 89015, is expected to testify regarding the search for and authenticity  
28 of the records produced.

1           20.     Michelle Simmons, c/o Lewis Brisbois Bisgaard & Smith LLP, 6385 South  
2 Rainbow Boulevard, Suite 600, Las Vegas, Nevada 89118, is expected to testify regarding the  
3 search for and authenticity of the records produced, as well as her knowledge of American  
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1 Nursing Services, Inc.

2 21. Frederick R. Olmstead, General Counsel, Nevada State Board of Nursing, 5011  
3 Meadowood Mall Way, Suite 300, Reno, Nevada 89502, is expected to testify regarding the  
4 search for and authenticity of the records produced.

5 22. Jeff Maningo, Esq., Deputy Public Defender, 309 South Third Street, Suite 226,  
6 Las Vegas, Nevada 89155, is expected to testify regarding Defendant Steven Farmer's criminal  
7 matter and the Motion to Continue Trial Date filed on February 14, 2013.

8 23. Philip J. Kohn, Esq., Public Defender, 309 South Third Street, Suite 226, Las  
9 Vegas, Nevada 89155, is expected to testify regarding Defendant Steven Farmer's criminal matter.

10 24. Amy Feliciano, Deputy Public Defender, 309 South Third Street, Suite 226, Las  
11 Vegas, Nevada 89155, is expected to testify regarding Defendant Steven Farmer's criminal matter.

12 25. Person Most Knowledgeable of Valley Health System LLC, c/o Hall Prangle &  
13 Schoonveld, LLC, 1160 North Town Center Dr., Suite 200, Las Vegas, Nevada 89144, is expected  
14 to testify regarding the authenticity of the exemplar of Centennial Hills Hospital Medical Center  
15 staff badge produced at the deposition of Person(s) Most Knowledgeable of Valley Health System  
16 LLC on March 12, 2013.

17 26. John F. Bemis, Esq., Hall Prangle & Schoonveld, LLC, 1160 North Town Center  
18 Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify regarding his meeting with the  
19 Public Defender for Steven Dale Farmer and documents being provided to the Public Defender's  
20 Office for Steven Dale Farmer. Further, he is expected to testify regarding the sharing of  
21 information between Criminal Defense Counsel and American Nursing Services, Inc., and  
22 Centennial Hills Hospital and the receipt of the criminal discovery in 2013.

23 27. S. Brent Vogel, Esq., Lewis Brisbois Bisgaard & Smith LLP, 6385 South Rainbow  
24 Boulevard, Suite 600, Las Vegas, Nevada 89118, is expected to testify regarding his meeting with  
25 the Public Defender for Steven Dale Farmer and documents being provided to the Public  
26 Defender's Office for Steven Dale Farmer. Further, he is expected to testify regarding the sharing  
27 of information between Criminal Defense Counsel and American Nursing Services, Inc., and  
28 Centennial Hills Hospital and the receipt of the criminal discovery in 2013.



1           28.     Amanda J. Brookhyser, Esq., Lewis Brisbois Bisgaard & Smith LLP, 6385 South  
2 Rainbow Boulevard, Suite 600, Las Vegas, Nevada 89118, is expected to testify regarding her  
3 meeting with the Public Defender for Steven Dale Farmer and documents being provided to the  
4 Public Defender's Office for Steven Dale Farmer. Further, she is expected to testify regarding the  
5 sharing of information between Criminal Defense Counsel and American Nursing Services, Inc.,  
6 and Centennial Hills Hospital and the receipt of the criminal discovery in 2013.

7           29.     Person(s) Most Knowledgeable, Chubb Commercial Insurance, 15 Mountain View  
8 Road, Warren, New Jersey 07059, is expected to testify regarding the payments made for  
9 attorney's fees for Steven Dale Farmer.

10          30.     Person(s) Most Knowledgeable, Interstate Fire and Casualty Company, 33 West  
11 Monroe Street, Suite 1400, Chicago, Illinois 60603, is expected to testify regarding the payments  
12 made for attorney's fees for Steven Dale Farmer.

13          31.     Johnette Spellman, c/o Ochsner Health System, Human Resources Department,  
14 1601 Jefferson Highway, New Orleans, Louisiana 70121, is expected to testify regarding her  
15 knowledge of American Nursing Services, Inc.

16          32.     Timothy J. Fagan, c/o Jay C. Ong, Esq., Munsch Hardt Kopf & Harr, 401 Congress  
17 Avenue, Suite 3050, Austin, Texas 78701, is expected to testify regarding his knowledge of  
18 American Nursing Services, Inc.

19          33.     Deann Anderson, c/o Rawson Neal Psychiatric Hospital, 1650 Community College  
20 Drive, Las Vegas, Nevada 89146, is expected to testify as to the rules, regulations, procedures, and  
21 events occurring with Steven Farmer.

22          34.     Dr. Frederick M. Brown, c/o Rawson Neal Psychiatric Hospital, 1650 Community  
23 College Drive, Las Vegas, Nevada 89146, is expected to testify as to the rules, regulations,  
24 procedures, and events occurring with Steven Farmer.

25          35.     Carol Butler, Centennial Hills Hospital, c/o Hall Prangle & Schoonveld, LLC, 1160  
26 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify as to the  
27 rules, regulations, procedures, and events occurring with Steven Farmer.

28          36.     Roxanne Cagnina, 3717 Lower Saxon Avenue, North Las Vegas, Nevada 89085, is  
expected to testify regarding her knowledge of the subject incident.

1           37.     Michelle Casper, LVMPD #06549, 400 South Martin Luther King Boulevard, Las  
2 Vegas, Nevada 89106, is expected to testify regarding the investigation into the subject incident.

3           38.     Lora Cody, LVMPD #07294, 400 South Martin Luther King Boulevard, Las  
4 Vegas, Nevada 89106, is expected to testify regarding the investigation into the subject incident.

5           39.     John Coldsmith, Centennial Hills Hospital, c/o Hall Prangle & Schoonveld, LLC,  
6 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify as to  
7 the rules, regulations, procedures, and events occurring with Steven Farmer.

8           40.     Kimberly Davis, R.N., Centennial Hills Hospital, c/o Hall Prangle & Schoonveld,  
9 LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify  
10 as to the proper protocols and procedures when treating patients in a nursing capacity.

11          41.     Luke Doty, LVMPD #09368, Centennial Hills Hospital, c/o Hall Prangle &  
12 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is  
13 expected to testify as to the rules, regulations, procedures, and events occurring with Steven  
14 Farmer.

15          42.     Christen Edwards, R.N., Centennial Hills Hospital, c/o Hall Prangle & Schoonveld,  
16 LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify  
17 as to the rules, regulations, procedures, and events occurring with Steven Farmer.

18          43.     Craig Fabert, CCDA, SVU Investigations, 200 Lewis Avenue, Las Vegas, Nevada  
19 89155, is expected to testify regarding the investigation of the subject incident.

20          44.     Karen Goodhart, R.N., Centennial Hills Hospital, c/o Hall Prangle & Schoonveld,  
21 LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify  
22 as to the rules, regulations, procedures, and events occurring with Steven Farmer.

23          45.     Thomas Hanna, 7932 Olympus Avenue, Las Vegas, Nevada, is expected to testify  
24 regarding his knowledge of the subject incident.

25          46.     Jeanine James, R.N., Centennial Hills Hospital, c/o Hall Prangle & Schoonveld,  
26 LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify  
27 as to the rules, regulations, procedures, and events occurring with Steven Farmer.

28          47.     Craig Jex, LVMPD #05597, 400 South Martin Luther King Boulevard, Las Vegas,  
Nevada 89106, is expected to testify regarding the investigation into the subject incident.

1           48.     Elaine Knepp, CCDA, SVU Investigations, 200 Lewis Avenue, Las Vegas, Nevada  
2 89155, is expected to testify regarding the investigation of the subject incident.

3           49.     Timothy Lehan, 5209 Fireside Ranch Avenue, Las Vegas, Nevada 891131, is  
4 expected to testify regarding his knowledge of the subject incident.

5           50.     Ruth Leon, CCDA, SVU Investigations, 200 Lewis Avenue, Las Vegas, Nevada  
6 89155, is expected to testify regarding the investigation of the subject incident.

7           51.     Raymond McCormick, 1841 Leonard, Las Vegas, Nevada, is expected to testify  
8 regarding his knowledge of the subject incident.

9           52.     Ronald Miller, LVMPD #03233, 400 South Martin Luther King Boulevard, Las  
10 Vegas, Nevada 89106, is expected to testify regarding the investigation into the subject incident.

11          53.     Julie Montero, R.N., Centennial Hills Hospital, c/o Hall Prangle & Schoonveld,  
12 LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify  
13 as to the rules, regulations, procedures, and events occurring with Steven Farmer.

14          54.     Christine Murray, R.N., 9051 Echelon Point Drive, Building 1, Unit #1006, Las  
15 Vegas, NV 89149, (702)743-7043, is expected to testify as to the rules, regulations, procedures,  
16 and events occurring with Steven Farmer.

17          55.     Sandra Pagain, R.N., Centennial Hills Hospital, c/o Hall Prangle & Schoonveld,  
18 LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify  
19 as to the rules, regulations, procedures, and events occurring with Steven Farmer.

20          56.     Misty Pence, LVMPD #04950, 400 South Martin Luther King Boulevard, Las  
21 Vegas, Nevada 89106, is expected to testify regarding the investigation into the subject incident.

22          57.     Julie Rackley, R.N., Centennial Hills Hospital, c/o Hall Prangle & Schoonveld,  
23 LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify  
24 as to the rules, regulations, procedures, and events occurring with Steven Farmer.

25          58.     Pam Robertson, R.N., Centennial Hills Hospital, c/o Hall Prangle & Schoonveld,  
26 LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify  
27 as to the rules, regulations, procedures, and events occurring with Steven Farmer.

28          59.     Michael Saunders, LVMPD #06076, 400 South Martin Luther King Boulevard, Las  
Vegas, Nevada 89106, is expected to testify regarding the investigation into the subject incident.

1           60.     Jackie Schumacher, R.N., Centennial Hills Hospital, c/o Hall Prangle &  
2 Schoonveld, LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is  
3 expected to testify as to the rules, regulations, procedures, and events occurring with Steven  
4 Farmer.

5           61.     Jeffery Smith, LVMPD #08177, 400 South Martin Luther King Boulevard, Las  
6 Vegas, Nevada 89106, is expected to testify regarding the investigation into the subject incident.

7           62.     Margaret Wolfe, R.N., Centennial Hills Hospital, c/o Hall Prangle & Schoonveld,  
8 LLC, 1160 North Town Center Drive, Suite 200, Las Vegas, Nevada 89144, is expected to testify  
9 as to the rules, regulations, procedures, and events occurring with Steven Farmer.

10          63.     Kristina Holloway, Chief Human Resources, Healdsburg District Hospital, 1375  
11 University Avenue, Healdsburg, California 95448, is expected to testify about Steven Farmer, his  
12 employment, and his departure.

13          64.     Ryan J. Bashor, Deputy Public Defender, Office of the Public Defender, 309 South  
14 Third Street, Second Floor, Las Vegas, Nevada 89154, is expected to testify regarding the Public  
15 Defender's billing regarding Sandra Higelin.

16          65.     Heather S. Hall, Esq., Carroll, Kelly, Trotter, Franzen, McKenna & Peabody, 701  
17 North Green Valley Parkway, Suite 200, Henderson, NV 89074, is expected to testify regarding  
18 the sharing of information between Criminal Defense Counsel and American Nursing Services,  
19 Inc., and Centennial Hills Hospital.

20          66.     Mary Lee Kammer, Former President/CEO of American Nursing Services, Inc.,  
21 c/o Baker Donelson Bearman Caldwell & Berkowitz, PC, 201 St. Charles Avenue, Suite 3600,  
22 New Orleans, Louisiana 70170, is expected to testify regarding conversations she had with  
23 Johnette Spellman, Michelle Simmons and others regarding Steven Farmer and the Las Vegas  
24 office.

25          67.     Lisa Lamber, c/o All's Well Healthcare Services, 6655 W. Sahara Ave., #A-200,  
26 Las Vegas, NV 89146, is expected to testify regarding Steven Farmer and Michelle Simmons.

27     ///  
28

1           68.     Bonnie Pyle, 7711 Little Valley Ave., Las Vegas, NV 89147-8509, is expected to  
2 testify regarding conversations had between her and Michelle Simmons regarding Steven Farmer.

3           69.     Plaintiff reserves the right to supplement this list of documents as discovery  
4 continues.

5           70.     Plaintiff further reserves the right to identify any and all documents identified by  
6 any of the Defendants.

7           DATED this 19th day of March, 2015.

8                                   MURDOCK & ASSOCIATES, CHTD.  
9                                   ECKLEY M. KEACH, CHTD.

10                                   /s/ Robert E. Murdock  
11                                   Robert E. Murdock     Bar No. 4013  
12                                   Eckley M. Keach       Bar No. 1154  
13                                   521 South Third Street  
14                                   Las Vegas, NV 89101  
15                                   Attorneys for Plaintiff  
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**CERTIFICATE OF SERVICE**

I hereby certify that on 3/19/15, I served a copy of the foregoing PLAINTIFF’S 25th SUPPLEMENT TO EARLY CASE CONFERENCE DISCLOSURES upon the parties to this action via the court’s Wiznet mandatory electronic service, addressed as follows:

|                                                                                                                                                    |                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| John F. Bemis, Esq.<br>Hall Prangle & Schoonveld, LLC<br>1160 North Town Center Dr., Suite 200<br>Las Vegas, NV 89144                              | Kim Irene Mandelbaum, Esq.<br>Mandelbaum, Ellerton & McBride<br>2012 Hamilton Lane<br>Las Vegas, NV 89106 |
| Robert C. McBride, Esq.<br>Carroll, Kelly, Trotter, Franzen, McKenna & Peabody<br>701 North Green Valley Parkway, Suite 200<br>Henderson, NV 89074 |                                                                                                           |
| S. Brent Vogel, Esq.<br>Lewis Brisbois Bisgaard & Smith<br>6385 South Rainbow Blvd., Suite 600<br>Las Vegas, NV 89118                              |                                                                                                           |
| James P.C. Silvestri, Esq.<br>Pyatt Silvestri<br>701 Bridger Avenue, Suite 600<br>Las Vegas, NV 89101                                              |                                                                                                           |

/s/ Robert E. Murdock  
An employee of Murdock & Associates, Chtd.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 1

EVENT #: 080530-2056 (Reference 080516-1021)

SPECIFIC CRIME: OPEN & GROSS LEWDNESS

DATE OCCURRED:

TIME OCCURRED:

LOCATION OF OCCURRENCE:

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: MARGARET WOLFE

DOB: 06/11/70

SOCIAL SECURITY #:

RACE:

SEX: F

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS:

HOME PHONE:

WORK ADDRESS: CENTENNIAL HILLS HOSPITAL

WORK PHONE: 629-1211

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE M. SAUNDERS, P# 6076, LVMPD SEXUAL ASSAULT Detail, on MAY 30, 2008 at 0758 hours.

Q. Hello operator. This is Detective M. Saunders, P# 6076, dictating—or not dictating. I'm sorry. Uh, having one taped interview reference event number 080516-1021. This interview is taking place at 8775 West Deer Springs Road, Las Vegas, Nevada 89149. The time is approximately 0758 hours on the 30<sup>th</sup> of May, 2008. Present for this interview, last name of Wolfe, W-O-L-F-E, first name of Margaret, M-A-R-G-

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STATEMENT OF: MARGARET WOLFE

A-R-E-T. Her date of birth is 06/11 of 1970. She has a work phone number of 629-

1211. Is that information true and correct?

A. Yes.

Q. Okay. Is it all right if I call you Margaret?

A. Yes.

Q. Okay. Margaret, um, I was talking to you a little while ago about an incident that you're aware of that occurred at your hospital, uh, and you work at Centennial Hills Hospital. Correct?

A. That's correct.

Q. And where do, where, what do you do for uh, uh, Centennial Hills Hospital?

A. I'm an E.R. nurse.

Q. \_\_\_\_\_ And were you working on the day of uh, or the, the evening shift or graveyard shift of...uh...May 15<sup>th</sup> to May 16<sup>th</sup>?

A. Yes, I was.

Q. Okay. And was there somebody that worked with you or was assisting, I should say, in the E.R., by the name of Steven Farmer?

A. Yes.

Q. Okay. And what was Steven Farmer's job?

A. He was a CNA. Contracted out through an agency.

Q. \_\_\_\_\_ And what would you say his job duties were?



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STATEMENT OF: MARGARET WOLFE

A. Um, he was to assist the nurses with um, patient care, taking them to the bathroom, uh, possibly changing their clothing, cleaning any uh, messes that patient, you know, may have. Uh, just, just general assistance in patient care. Transporting patients to and from different units.

Q. Okay. Um...and did you know Mr. Farmer?

A. Just through work.

Q. Just through work. Okay. Um...I want to direct you back to--on that specific in--uh, specific night there was a young lady that was brought into the E.R. that I believe, um, um, Nurse Goodheart, uh, Karen Goodheart worked on, and uh--or was assigned to and her name was um...Roxanne Ca--uh, Cagnina. Was that--does that name sound familiar?

A. No.

Q. Okay. Um, are you familiar with the circumstances with Mr. Farmer and his arrest?

A. Yes.

Q. Um, that night--uh, let me back up. There was--while I was talking to you um, you relayed some information to me that you saw something one night--on that same night. It was the 15<sup>th</sup>, that you felt was inappropriate and, and suspicious and can you tell me about what that situation was again.

A. Yes. I had a patient that was um...brought in...by ambulance and uh, she was laying on the gurney, uh, in a gown that opened from the front. She was brought

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STATEMENT OF: MARGARET WOLFE

from a Quick Care. Our gowns open in the back, but um, this gown happened to  
open in the front and...

Q. Okay.

A. um, he went into her room for uh, no apparent reason. The call light was not on. The alarms on the monitor were not going off and I was standing right outside the patient's room. So he had no reason to have gone in there.

Q. And she was your patient?

A. Yes, she was.

Q. Okay. And he was not assigned to her?

A. No, he was not.

Q. Okay.

A. He's just assigned to the general E.R.

Q. Okay.

A. Not to specific patients.

Q. Okay.

A. Um, so he went into the room, opened her gown, fully, underneath the sheets. Uh, he put his hands inside of her gown. I didn't see what he was touching but to me it looked like he pretended like he was uh, checking the monitor wires that were on her to see if there were placed correctly which again, he would have absolutely no

**VOLUNTARY STATEMENT**

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STATEMENT OF: MARGARET WOLFE

reason to do that and in fact it's out of his scope of practice to be checking monitor

placements. Um—

Q. What was the...what was this um, this patient, um, what was her mental status?

Was she awake, asleep, was she—

A. She was awake and alert.

Q. \_\_\_\_\_ Um, was she on any medications?

A. I don't recall if I gave her any morphine or not.

Q. Okay.

A. Um, if she had any medication it would have been morphine.

Q. Okay. And what would—uh, I don't know if you can tell me or not, do you remember what she was brought in for?

A. I do.

Q. Okay. I don't know—what, you know, never mind. We won't—I don't need to know that. Do you remember what the patient's name was?

A. It was Denise Hanna.

Q. Denise Hanna. Do you remember how that's spelled?

A. The last name is H-A-N-N-A. The first name is D-E-N-I-S-E.

Q. Okay. And how old was she?

A. Uh, approximately thirties or forties.

Q. Thirties to forties? Okay. And white female, black female, Hispanic?

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EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

- A. White female.
- 
- Q. White female. Okay. Okay. And so...did Ms. Hanna say anything to you or...
- A. I was out, outside of the room, but within view, um, at the time. She didn't say anything but she quickly closed her gown and appeared very uncomfortable about what had just happened. Um, when I had gone back into the room, she didn't say anything about the situation but uh, continued to just act in a way that she was uh, very self conscious about uh, being covered up.
- Q. Okay. Now you say that he put his hands, \_\_\_\_ he opened up the front of her gown but he put his hands under the sheets. Were there sheets still laying over the top of her?
- A. He lifted the sheet up and opened her gown, so the sheet wasn't touching her but it was lifted up over the top of her body.
- Q. Okay. So were her breasts completely exposed?
- A. Yes.
- Q. Okay. And could you see her breasts--
- A. \_\_\_\_
- Q. --from where you were at?
- A. Not from where I was at but the view he was standing at, she would have been completely exposed.
- Q. She was completely exposed to him?

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STATEMENT OF: MARGARET WOLFE

A. Yes.

Q. Okay. And he did this...um...under the pretense that, that you could assu—that you assumed by what you could see what he was doing, like wanting to check wires?

A. Right. The heart monitor.

Q. The heart monitor. Okay. And where would the probes, so to speak, be placed on a, on a female patient, um, that had this type of monitor hooked up to them?

A. There's five leads. Two of them go underneath the clavicle, midline underneath the clavicle. One of them goes, um, approximately between the breasts and then there's two that would be on the ribs, kind of on the sides, that would be on a woman, usually fall underneath her breasts.

Q. Okay. So it'd be just, just under the—to, \_\_\_\_ to the right and the left of the breasts?

A. Yes.

Q. Okay. Um...did he say anything to you, did he say anything to you when uh, when he came out of the room?

A. No, he did not. He walked away.

Q. Did he immediately go to another room or what did he—did you see where he went to or what he did?

A. I didn't see where he went after that.

Q. Okay. Um, and, and Ms. Hanna never said anything to you?

A. No.

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STATEMENT OF: MARGARET WOLFE

- Q. Okay. Did anybody, um...did you talk to anybody about this?
- 
- A. I did. I told another male nurse. His name is Ray Sumera.
- Q. Okay.
- A. And I asked him if he would talk to him about it, which he told me he did.
- Q. Okay. Did Ray say, did Mr. Sumera say anything about what uh, Mr. Farmer's response was to him?
- A. No, he did not.
- Q. Did uh...excuse me. Um...has uh, anybody else in the E.R. room, that you've worked with, uh, ev—ever come to you or have you ever talked to anybody that shared similar concerns that you do about Mr. Farmer?
- A. Um, the same nurse, Ray Sumera, had told me um, another time that he—to watch him around my female patients. That he was concerned because he was very, overly attentive with female patients and very anxious to um to connect them to the monitors and disconnect them from the monitors, which would, um, require him to reach into their clothing.
- Q. Okay. Had, had anybody else \_\_\_\_—had you talked to anybody else about Mr. Uh, Mr. Farmer?
- A. I told Julie, who is the nurse I gave report to that morning, about the situation that happened with Ms. Hanna.
- Q. Okay. And again, all this occurred on the uh, morning of the 16<sup>th</sup>?

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EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

A. Correct.

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Q. Okay. Um...was uh, Ms. Hanna, um, released from E.R.—did she go home or was she admitted to the hospital?

A. She was admitted to the hospital but she was released um, later that day.

Q. Later that day. Okay. Um...can you think of anything that uh, might be beneficial that I might have forgot to ask to something that you feel is important that I need to know?

A. He was just very suspicious in his activities. Um, such as going into rooms with doors closed with female patients when he was not asked to.

Q. Is that against protocol?

A. It's not against protocol. It's just unusual—

Q. It's just unusual.

A. —for a CNA to do something like this.

Q. Okay.

A. Typically, if they enter a room, it's because a call light is on or um, a nurse has asked them to go in there. Especially when a door is closed, it's um, very atypical for somebody, even another nurse, just to walk into that room when there's no need for it.

Q. Okay. Wh—are the door normally closed? What would be a reason that they would close doors?

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STATEMENT OF: MARGARET WOLFE

A. If there was um, some sort of exam going on.

---

Q. Okay.

A. Um...if there was a procedure going on that was exposing the patient or a patient would be uncomfortable about. Uh, if a patient was sleeping.

Q. Okay.

A. Typically the doors stay open and um, curtains, often times, are closed, but doors typically stay open.

Q. How...if you had to give me an estimate, how many times would you say that you...you've seen him walk into rooms, for female patients, where the doors are closed but there's no, no need for him to be in that room?

A. Multiple times. I couldn't put a number on it.

Q. Okay. Um...have you ever had any conversations or talked to Mr. Farmer, before?

A. Um, just in general-

Q. Just \_\_\_\_\_

A. -course of work.

Q. Okay. Um...and you said that he just-these, these actions that he was doing is what made uh...it, it was of a concern and made you suspicious?

A. Yes.



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STATEMENT OF: MARGARET WOLFE

- Q. Had there been anything else or had any other patients ever come forward to you on anything else, um, anything that Mr. Farmer had ever done that seemed inappropriate?
- A. Not any other patients. No.
- Q. \_\_\_\_\_ patients? But, but uh, some—Ms. Hanna's the only, only one that, that \_\_\_\_\_ to mind with you, where you actually observed him do something that, as you put it, was beyond his scope?
- A. Yes.
- Q. Okay. Um...okay. And then you understand that Mr. Farmer is the subject of an investigation right now, into a, a sexual assault?
- A. Yes, I do.
- Q. Okay. Okay. Do you harbor any...do you have any personal gain by coming forward to uh, with—to me with this information?
- A. No, I don't. In fact um, I \_\_\_\_\_ fear that I could possibly get uh, in trouble with my job if I were to give out information uh, you know, regarding—against \_\_\_\_\_ with my patients.
- Q. Okay. Um, anything else you can think of that might be of uh, useful information to me to assist me in my investigation?
- A. Um, nothing that comes to mind other than, like I said, there were other people that had um, told me that they had the same—

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STATEMENT OF: MARGARET WOLFE

Q. Ex-expressed concerns?

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A. Yeah. Concerns about him.

Q. Okay. And that would be Ray S--Sumera. Did Julie say she had any concerns?

A. Julie hasn't worked with him because she works on the day shift.

Q. Okay.

A. So um, she wouldn't normally be able to observe--

Q. Okay.

A. --any actions of his.

Q. Okay. And was he primarily just E.R. help? Did he ever go to any other areas of the hospital and assist there instead?

A. He worked on multiple floors.

Q. He worked multiple floors?

A. He was not specifically assigned to the E.R. every night.

Q. Okay. All right.

A. Sometimes he was um, assigned to be what's called a sitter, with um, psychiatric patients that are not medically cleared, if they are transferred up to the medical floor and are a flight risk or need to be observed um, for suicide precautions, things like that. Then they're um...they're put on a one on one sitter situation where he would be alone, watching that patient.

Q. Gotcha. Okay. All right. Well, um, anything else?

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EVENT #: 080530-2056 (Reference 080516-1021)

STATEMENT OF: MARGARET WOLFE

- A. There's one other nurse that had come to me that I'm, I'm trying to remember her name, that had told me some of the same things. Um...if you could turn it off one second and give me a second to think \_\_\_\_\_
- Q. That, that's all right. What we'll do, we'll uh, what we'll do is, we'll go ahead and terminate this interview. Uh—
- A. Kim. That's her name. Kim.
- Q. Kim?
- A. Yeah.
- Q. Okay. And where, where does Kim work?
- A. She works in the E.R. as well.
- Q. She works in the E.R. as well?
- A. Yes.
- Q. Okay. And she, she um, relayed some concern to you also?
- A. The same concerns that Ray had said about uh, his actions were suspicious, especially with a female patient.
- Q. Was—and, and is Ray a nurse also or is he a—
- A. Yes.
- Q. Okay.
- A. He's a nurse and occasionally works as a charge nurse.
- Q. Okay. Okay. Um...okay. Anything else?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

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STATEMENT OF: MARGARET WOLFE

A. (No audible response.)

Q. That you can think of? If I needed to speak with you about anything further, would that, would that still be possible?

A. Yes.

Q. Okay. Operator, this will end the interview. The time is uh...0811 hours on the 30<sup>th</sup> of May, 2008. Same people present. Same location. Thank you.

**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 8775 WEST DEER SPRINGS ROAD, LAS VEGAS, NEVADA 89149, ON THE 30<sup>TH</sup> DAY OF MAY, 2008 AT 0811 HOURS.**

MS:gm