

IN THE SUPREME COURT OF THE STATE 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,

Respondents.

Supreme Court No. 70083

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APPEAL FROM THE EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY NEVADA

HONORABLE JUDGE RICHARD SCOTTI

DISTRICT COURT CASE NO.: A-09-595780-C

RESPONDENT'S ANSWERING BRIEF

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NRAP 26.1 DISCLOSURE

Respondent 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. hereby submits its Disclosure Statement pursuant to NRAP 26.1

The undersigned counsel of record certifies that there are no parent corporations and/or publicly held company that owns 10% or more of the party's stock.

The Estate of Jane Doe, by and through its Special Administrator, Misty Petersen, has been represented by the law firms Murdock & Associates, Chtd., and Eckley M. Keach, Chtd. in all proceedings before the District Court and in the instant matter.

DATED this 17th day of October, 2016.

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

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I. SUMMARY OF ARGUMENT

Pursuant to NRAP 28 (b) (1-6), and for the reasons detailed below, Respondent does not provide headings or responses to Appellant's jurisdictional statement, routing statement, statement of the issues, statement of the case, statement of the facts, and statement of the standard of review.

On May 12, 2016, Respondent filed with this Court its Motion for Guidance and/or Motion to Dismiss the Estate of Jane Doe. See NSC Docket 16-15004. In the Motion, Respondent explained it had settled all claims with Appellants, entered into a Settlement Agreement and Release with Appellants, and entered into a Stipulation and Order for Dismissal with Prejudice, which was signed by the District Court on February 18, 2016. The Court has not yet ruled on the Motion.

As explained in the Motion, an express condition of the Settlement Agreement and Release stated Respondent's "counsel agree not to oppose the Hospital Entities' Motion to Vacate" the District Court's Order Striking Answer of Defendant Valley Health System LLC as Sanction for Discovery Misconduct and the associated Order Denying Motion for Reconsideration. These are the very orders which are the subject of the instant appeal. Though the Release seemed to indicate that the Motion to Vacate was to be filed within the District Court, and instead of filing a Motion, the Valley entities filed an appeal (which seemingly

would have the exact same effect as a Motion), because Respondent agreed not to oppose the Motion, Respondent does not want to in any way violate the terms of the Release. This was the reason for the Motion for Guidance which was filed in May of this year.¹

In the absence of a ruling by this Court on Respondent's Motion for Guidance and/or Motion to Dismiss the Estate of Jane Doe, Respondent is uncertain of its legal obligation regarding opposing Appellant's Opening Brief. Accordingly, *in an abundance of caution*, and to protect Respondent from any claim it breached the Settlement Agreement and Release, respectfully, Respondent cannot oppose Appellant's Opening Brief.

II. ARGUMENT

Based upon the issue set forth in the Summary of Argument above, Respondent does not oppose Appellant's arguments.

III. CONCLUSION

Based upon the issue set forth in the Summary of Argument above, Respondent does not oppose Appellant's arguments set forth in its Opening Brief.

¹ This is not an issue with regard to the Hall Prangle Writ which has been consolidated with this matter. There was no agreement regarding any issue relating to Hall Prangle. Hence, Respondent will be filing a response to the Writ.

IV. CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

☒ This brief has been prepared in a proportionally spaced typeface using Microsoft Word 2013 in Times New Roman Font 14; or

☐ This brief has been prepared in a monospaced typeface using [state name and version of word-processing program] with [state number of characters per inch and name of type style].

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

☒ Proportionately spaced, has a typeface of 14 points or more, and contains 420 words; or

☐ Monospaced, has 10.5 or fewer characters per inch, and contains _____ words or _____ lines of text; or

☐ Does not exceed _____ pages.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable

Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 17th day of October, 2016.

Respectfully submitted,
MURDOCK & ASSOCIATES, CHTD.
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V. CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 17th day of October, 2016. Electronic Service of the foregoing Respondent's Answering Brief is made using The Supreme Court's Web Based Electronic Filing System (EFlex) in accordance with the Master Service List as Follows:

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