

1 allegations contained therein and deny them on that basis.

2 210. In answering paragraph 210 of Plaintiff's Second Amended Complaint,
3 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
4 allegations contained therein and deny them on that basis.

5 211. In answering paragraph 211 of Plaintiff's Second Amended Complaint,
6 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
7 allegations contained therein and deny them on that basis.

8 212. In answering paragraph 169 of Plaintiff's Second Amended Complaint,
9 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
10 allegations contained therein and deny them on that basis.

11 213. In answering paragraph 170 of Plaintiff's Second Amended Complaint,
12 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
13 allegations contained therein and deny them on that basis.

14 214. In answering paragraph 171 of Plaintiff's Second Amended Complaint,
15 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
16 Order of the Court.

17 215. In answering paragraph 172 of Plaintiff's Second Amended Complaint,
18 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
19 allegations contained therein and deny them on that basis.

20 **XVII.**

21 **WRONGFUL DEATH FROM NEGLIGENCE (SEGOVIA)**

22 216. Defendants herein repeat and reallege their answers to each and every allegation
23 contained in Paragraphs 1 through 215 of Plaintiff's Second Amended Complaint as if set forth
24 at length herein.

25 217. In answering paragraph 217 of Plaintiff's Second Amended Complaint,
26 Defendants respond that the cited Nevada Revised Statute speaks for itself. Defendants
27 specifically deny all allegations of negligence and wrongdoing.

28 218. In answering paragraph 218 of Plaintiff's Second Amended Complaint,

1 Defendants deny the truth of the allegations contained therein. Defendants specifically assert
2 that PA Segovia, a Physician's Assistant licensed pursuant to NRS 630.015 and NRS 633.107, is
3 a provider of healthcare as that term is used in NRS Chapter 41A and that the provisions of NRS
4 Chapter 41A do apply to PA Segovia and this cause of action.

5 219. In answering paragraph 219 of Plaintiff's Second Amended Complaint,
6 Defendants deny that PA Segovia was employed by Dr. Elkanich. Defendants admit that PA
7 Segovia participated in a surgical procedure on Mary Haase and that PA Segovia had a duty to
8 exercise reasonable care. Defendants deny the truth of the remainder of the allegations contained
9 therein. Defendants specifically deny all allegations of negligence or wrongdoing.

10 219. In answering paragraph 219 of Plaintiff's Second Amended Complaint,
11 Defendants deny the truth of the allegations contained therein.

12 220. In answering paragraph 220 of Plaintiff's Second Amended Complaint,
13 Defendants deny the truth of the allegations contained therein.

14 221. In answering paragraph 221 of Plaintiff's Second Amended Complaint,
15 Defendants deny the truth of the allegations contained therein.

16 222. In answering paragraph 222 of Plaintiff's Second Amended Complaint,
17 Defendants deny the truth of the allegations contained therein.

18 223. In answering paragraph 223 of Plaintiff's Second Amended Complaint,
19 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
20 Order of the Court.

21 224. In answering paragraph 224 of Plaintiff's Second Amended Complaint,
22 Defendants deny the truth of the allegations contained therein.

23 **XVIII.**

24 **WRONGFUL DEATH FROM INTENTIONAL MISCONDUCT (SEGOVIA)**

25 225. Defendants herein repeat and reallege their answers to each and every allegation
26 contained in Paragraphs 1 through 224 of Plaintiff's Second Amended Complaint as if set forth
27 at length herein.

28 226. In answering paragraph 226 of Plaintiff's Second Amended Complaint,

1 Defendants respond that the cited Nevada Revised Statute speaks for itself. Defendants
2 specifically deny all allegations of intentional misconduct and wrongdoing.

3 227. In answering paragraph 227 of Plaintiff's Second Amended Complaint,
4 Defendants deny the truth of the allegations contained therein.

5 228. In answering paragraph 228 of Plaintiff's Second Amended Complaint,
6 Defendants deny all allegations of intentional misconduct and wrongdoing. Defendants
7 specifically assert that the provisions of NRS Chapter 41A do apply to this cause of action.

8 229. In answering paragraph 229 of Plaintiff's Second Amended Complaint,
9 Defendants deny the truth of the allegations contained therein.

10 230. In answering paragraph 230 of Plaintiff's Second Amended Complaint,
11 Defendants deny the truth of the allegations contained therein.

12 231. In answering paragraph 231 of Plaintiff's Second Amended Complaint,
13 Defendants deny the truth of the allegations contained therein.

14 232. In answering paragraph 232 of Plaintiff's Second Amended Complaint,
15 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
16 Order of the Court.

17 233. In answering paragraph 233 of Plaintiff's Second Amended Complaint,
18 Defendants deny the truth of the allegations contained therein.

19 **XIX.**

20 **WRONGFUL DEATH FROM NEGLIGENCE (GILLILAN)**

21 234. Defendants herein repeat and reallege their answers to each and every allegation
22 contained in Paragraphs 1 through 233 of Plaintiff's Second Amended Complaint as if set forth
23 at length herein.

24 235. In answering paragraph 235 of Plaintiff's Second Amended Complaint,
25 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
26 allegations contained therein and deny them on that basis.

27 236. In answering paragraph 236 of Plaintiff's Second Amended Complaint,
28 Defendants are without knowledge or information sufficient to form a belief as to the truth of the

1 allegations contained therein and deny them on that basis.

2 237. In answering paragraph 237 of Plaintiff's Second Amended Complaint,
3 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
4 allegations contained therein and deny them on that basis.

5 238. In answering paragraph 238 of Plaintiff's Second Amended Complaint,
6 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
7 allegations contained therein and deny them on that basis.

8 239. In answering paragraph 239 of Plaintiff's Second Amended Complaint,
9 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
10 allegations contained therein and deny them on that basis.

11 240. In answering paragraph 240 of Plaintiff's Second Amended Complaint,
12 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
13 allegations contained therein and deny them on that basis.

14 241. In answering paragraph 241 of Plaintiff's Second Amended Complaint,
15 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
16 Order of the Court.

17 242. In answering paragraph 242 of Plaintiff's Second Amended Complaint,
18 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
19 allegations contained therein and deny them on that basis.

20 **XX.**

21 **WRONGFUL DEATH FROM INTENTIONAL MISCONDUCT (GILLILAN)**

22 243. Defendants herein repeat and reallege their answers to each and every allegation
23 contained in Paragraphs 1 through 242 of Plaintiff's Second Amended Complaint as if set forth
24 at length herein.

25 244. In answering paragraph 244 of Plaintiff's Second Amended Complaint,
26 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
27 allegations contained therein and deny them on that basis.

28 245. In answering paragraph 245 of Plaintiff's Second Amended Complaint,

1 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
2 allegations contained therein and deny them on that basis.

3 246. In answering paragraph 246 of Plaintiff's Second Amended Complaint,
4 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
5 allegations contained therein and deny them on that basis.

6 247. In answering paragraph 247 of Plaintiff's Second Amended Complaint,
7 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
8 allegations contained therein and deny them on that basis.

9 248. In answering paragraph 248 of Plaintiff's Second Amended Complaint,
10 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
11 allegations contained therein and deny them on that basis.

12 249. In answering paragraph 249 of Plaintiff's Second Amended Complaint,
13 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
14 allegations contained therein and deny them on that basis.

15 250. In answering paragraph 250 of Plaintiff's Second Amended Complaint,
16 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
17 Order of the Court.

18 251. In answering paragraph 251 of Plaintiff's Second Amended Complaint,
19 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
20 allegations contained therein and deny them on that basis.

21 **XXI.**

22 **WRONGFUL DEATH FROM NEGLIGENCE**

23 **(NEUROMONITORIN ASSOCIATES)**

24 252. Defendants herein repeat and reallege their answers to each and every allegation
25 contained in Paragraphs 1 through 251 of Plaintiff's Second Amended Complaint as if set forth
26 at length herein.

27 253. In answering paragraph 253 of Plaintiff's Second Amended Complaint,
28 Defendants are without knowledge or information sufficient to form a belief as to the truth of the

1 allegations contained therein and deny them on that basis.

2 254. In answering paragraph 254 of Plaintiff's Second Amended Complaint,
3 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
4 allegations contained therein and deny them on that basis.

5 255. In answering paragraph 255 of Plaintiff's Second Amended Complaint,
6 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
7 allegations contained therein and deny them on that basis.

8 256. In answering paragraph 256 of Plaintiff's Second Amended Complaint,
9 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
10 allegations contained therein and deny them on that basis.

11 257. In answering paragraph 257 of Plaintiff's Second Amended Complaint,
12 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
13 allegations contained therein and deny them on that basis.

14 258. In answering paragraph 258 of Plaintiff's Second Amended Complaint,
15 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
16 allegations contained therein and deny them on that basis.

17 259. In answering paragraph 259 of Plaintiff's Second Amended Complaint,
18 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
19 Order of the Court.

20 260. In answering paragraph 260 of Plaintiff's Second Amended Complaint,
21 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
22 allegations contained therein and deny them on that basis.

23 **XXII.**

24 **WRONGFUL DEATH FROM INTENTIONAL MISCONDUCT**

25 **(NEUROMONITORING ASSOCIATES)**

26 261. Defendants herein repeat and reallege their answers to each and every allegation
27 contained in Paragraphs 1 through 260 of Plaintiff's Second Amended Complaint as if set forth
28 at length herein.

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1 at length herein.

2 271. In answering paragraph 271 of Plaintiff's Second Amended Complaint,
3 Defendants respond that the cited Nevada Revised Statutes speak for themselves. Defendants
4 specifically deny all allegations of negligence and wrongdoing.

5 272. In answering paragraph 272 of Plaintiff's Second Amended Complaint,
6 Defendants deny all allegations contained therein.

7 273. In answering paragraph 273 of Plaintiff's Second Amended Complaint,
8 Defendants deny all allegations contained therein.

9 274. In answering paragraph 274 of Plaintiff's Second Amended Complaint,
10 Defendants deny all allegations contained therein.

11 **AFFIRMATIVE DEFENSES**

12 **FIRST AFFIRMATIVE DEFENSE**

13 Defendants allege that Plaintiff's Second Amended Complaint fails to state a
14 compensable claim for relief as against these Defendants. Defendants specifically deny each and
15 every allegation of negligence in any manner, as well as allegations of agency and/or right of
16 control over other defendants. Defendants further specifically deny each and every allegation of
17 concealment, fraudulent dealing, fraudulent conduct and/or conspiracy with other defendants.

18 **SECOND AFFIRMATIVE DEFENSE**

19 In all of the treatment provided and rendered to the decedent, Mary Haase, by
20 Defendants, if any, the decedent was fully informed of the risks inherent in such medical and
21 mental health procedures and the risks inherent in her own failure to comply with instructions,
22 and did voluntarily assume all risks attendant thereto.

23 **THIRD AFFIRMATIVE DEFENSE**

24 Defendants allege Decedent failed to use ordinary care for the safety of her person and
25 property, was negligent and careless concerning the matters set forth in this action, and any
26 damages suffered by her and/or her heirs proximately resulted therefrom.

27 **FOURTH AFFIRMATIVE DEFENSE**

28 Plaintiff's causes of action against these Defendants are barred by the applicable statute

1 of limitations of N.R.S. 41A or any other applicable affirmative statute of limitations.

2 **FIFTH AFFIRMATIVE DEFENSE**

3 Defendants allege that Plaintiff's damages, if any, were caused solely by conditions or
4 illnesses suffered by the decedent prior to any association with Defendants, and that said
5 illnesses or conditions were not the result of any negligence or malpractice, nor are they alleged
6 to be the result of any negligence or malpractice by Defendants.

7 **SIXTH AFFIRMATIVE DEFENSE**

8 Plaintiff is barred from asserting any claims against these answering Defendants because
9 the alleged damages were the result of the intervening and/or superseding conduct of others.

10 **SEVENTH AFFIRMATIVE DEFENSE**

11 Some or all of the claims in the complaint are barred because Plaintiff, although under a
12 duty to do so, failed to mitigate his alleged damages.

13 **EIGHTH AFFIRMATIVE DEFENSE**

14 Defendants have performed and fully discharged all medical and legal obligations to the
15 decedent and/or Plaintiff, if any, including meeting the requisite standard of care to which they
16 were entitled.

17 **NINTH AFFIRMATIVE DEFENSE**

18 The damages, if any, alleged by the Plaintiff was not the result of any acts or omission,
19 commission, or negligence, but were the results of known risks which were consented to by the
20 decedent and/or Plaintiff, such risks being inherent in the nature of the care rendered, if any, and
21 such risks were assumed by the decedent and/or Plaintiffs upon consent to treatment.

22 **TENTH AFFIRMATIVE DEFENSE**

23 Defendants assert that Plaintiffs' injuries, if any, were caused by the acts or inactions of
24 persons over whom Defendants had neither control nor right of control and for whom these
25 answering Defendants are not liable or responsible.

26 **ELEVENTH AFFIRMATIVE DEFENSE**

27 Pursuant to N.R.S. § 41A.045, in the event Defendants are found liable, liability shall be
28 several liability for Plaintiff's economic and non-economic damages only for that portion of the

1 judgment which represents the percentage of negligence attributable to these answering
2 Defendants.

3 **TWELFTH AFFIRMATIVE DEFENSE**

4 These answering Defendants avail themselves to all affirmative defenses as set forth in
5 N.R.S. §§ 41A.021, 41A.031, 41A.035, 41A.045, 41A.071, 41A.100 and 42.020.

6 **THIRTEENTH AFFIRMATIVE DEFENSE**

7 Plaintiff has failed to join a party pursuant to N.R.C.P. 19 necessary for the just
8 adjudication of the claims at issue in this action.

9 **FOURTEENTH AFFIRMATIVE DEFENSE**

10 These answering Defendants deny each and every allegation of Plaintiff's Complaint,
11 Plaintiff's Amended Complaint and Plaintiff's Second Amended Complaint not specifically
12 admitted or otherwise plead to herein.

13 **FIFTEENTH AFFIRMATIVE DEFENSE**

14 Plaintiff has no standing to assert the claims set forth in their Complaints.

15 **SIXTEENTH AFFIRMATIVE DEFENSE**

16 Any award of punitive damages would be unconstitutional under applicable constitutional
17 protection.

18 **SEVENTEENTH AFFIRMATIVE DEFENSE**

19 Defendants and their agents and/or employees, if any, at all times met the applicable
20 standard of care.

21 **EIGHTEENTH AFFIRMATIVE DEFENSE**

22 These answering Defendants hereby incorporates by reference those affirmative defenses
23 enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the
24 event further investigation or discovery reveals the applicability of any such defenses, these
25 answering Defendants reserve the right to seek leave of court to amend this Answer to
26 specifically assert any such defense. Such defenses are herein incorporated by reference for the
27 specific purpose of not waiving any such defense.

28 **NINETEENTH AFFIRMATIVE DEFENSE**

1 The injuries complained of in Plaintiff's Complaints, if any, were not the result of willful,
2 malicious or deliberate conduct on the part of these answering Defendants.

3 **TWENTIETH AFFIRMATIVE DEFENSE**

4 Plaintiff has failed to plead any acts or omissions of these answering Defendants
5 sufficient to constitute punitive damages.

6 **TWENTY FIRST AFFIRMATIVE DEFENSE**

7 Defendants reserve the right to amend this Answer to allege additional affirmative
8 defenses if subsequent investigation warrants.

9 **WHEREFORE**, Defendants, having fully answered Plaintiffs' Second Amended
10 Complaint, prays for judgment against Plaintiff as follows:

11 1. That Plaintiff's Second Amended Complaint and all other claims therein be
12 dismissed with prejudice and that Plaintiff take nothing thereby;

13 2. For an award of Defendants' costs and attorney's fees incurred in the defense of
14 this action and interest on such costs and attorney's fees at the highest rate allowed by law from
15 the entry of final judgment until paid in full; and

16 3. For such other and further relief as the Court deems just and proper.

17 **DATED** this 27th day of January 2015.

18 **JOHN H. COTTON & ASSOCIATES**

19 /s/ Katherine L. Turpen

20

JOHN H. COTTON, ESQ.

21 Nevada Bar No. 005268

22 KATHERINE L. TURPEN, ESQ.

23 Nevada Bar No. 008911

24 Attorneys for Defendants George Michael
25 Elkanich, M.D., Jocelyn L. Segovia, PA-C
26
27
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4

4

CLERK OF THE COURT

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 3 Nevada Bar No. 4013
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 6 Las Vegas, NV 89101
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 12 Las Vegas, NV 89101
 13 (702) 685-6111
 14 Attorneys for Plaintiff Madden Duda

DISTRICT COURT
CLARK COUNTY, NEVADA

15 **MADDEN DUDA, a minor, by and through**
 16 **Jovan Duda, his Natural Father and Guardian,**

17 Plaintiff,

18 vs.

19 **GEORGE MICHAEL ELKANICH, M.D.;**
 20 **FEZA GUNALP, M.D.; REBECCA GILLILAN,**
 21 **CNIM; NEUROMONITORING**
 22 **ASSOCIATES, INC.; a Nevada corporation;**
 23 **JOCELYN SEGOVIA, PA-C; VALLEY**
 24 **HOSPITAL MEDICAL CENTER,**
 25 **INC., a Nevada corporation; STEVEN**
 26 **SPILLERS, M.D.; ROE CORPORATIONS I**
 27 **through X, inclusive; and DOES I through X,**
 28 **inclusive,**

Defendants.

AUTUMN MATESI, et al.,

Plaintiffs,

vs.

VALLEY HOSPITAL MEDICAL CENTER,
et al.,

Defendants.

CASE NO. A-13-677611-C
 DEPT. NO. XII

MOTION FOR PARTIAL SUMMARY
JUDGMENT AS TO JOCELYN SEGOVIA,
PA-C AND NRS 41A

Date:
Time:

Consolidated With:
 CASE NO. A-13-677720-C

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1 amended the portion of NRS 41A defining "providers of healthcare" to now include Physician's
2 Assistants, the change is prospective, not retrospective. Hence, *for this case*, Ms. Segovia is not a
3 "provider of healthcare" as the voters of Nevada excluded her profession from NRS 41A.017. She
4 is not capped and is jointly and severally liable.

6 II. UNCONTESTED FACTS

- 7 1. Mary Haase was operated on at Valley Hospital on March 5, 2012.
- 8 2. Ms. Segovia was a PA or Physician's Assistant in the operating room during Ms. Haase's
9 surgery.
- 10 3. Ms. Segovia was not a physician licensed under chapter 630 or 633 of NRS, dentist,
11 licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric
12 physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical
13 laboratory director or technician, licensed dietitian or a licensed hospital and its employees.
14

15 III. LAW AND ARGUMENT

16 A. Law on Summary Judgment

17 NRCP 56(c) provides that summary judgment shall be rendered forthwith if the pleadings,
18 depositions, answers to interrogatories, and admissions on file, together with affidavits, if any,
19 show that there is no genuine issue as to any material fact and the moving party is entitled to
20 judgment as a matter of law. As this Court well knows, the "slightest doubt" issue regarding
21 summary judgment is no longer the law in Nevada. Instead, the issue is whether a rational juror
22 could come to a different conclusion based upon a genuine issue of material fact.
23

24 "Summary judgment is appropriate under NRCP 56 when the pleadings,
25 depositions, answers to interrogatories, admissions, and affidavits, if any, that are
26 properly before the court demonstrate that no genuine issue of material fact exists,
27 and the moving party is entitled to judgment as a matter of law. The substantive law
28 controls which factual disputes are material and will preclude summary judgment;
other factual disputes are irrelevant. A factual dispute is genuine when the evidence
is such that a rational trier of fact could return a verdict for the nonmoving party."

1 **Wood v. Safeway, Inc.**, 121 Nev. 724, 731 (Nev. 2005). Simply showing “there is some
2 metaphysical doubt as to the operative facts in order to avoid summary judgment being entered in
3 the moving party’s favor” will no longer suffice:

4 “The non-moving party “must, by affidavit or otherwise, set forth specific facts
5 demonstrating the existence of a genuine issue for trial or have summary judgment
6 entered against him.” The non-moving party “is not entitled to build a case on the
7 gossamer threads of whimsy, speculation, and conjecture.”

8 *Id.*, 121 Nev. at 732.

9 **B. The 2015 Amendment to NRS 41A Does Not Apply**

10 As this Court well knows, in 2015, the Legislature amended Chapter 41A. Unlike the prior
11 version of NRS 41A.017, the 2015 Amendment specifically lists physician’s assistants as
12 “providers of healthcare”. However, as this Court has already ruled, the 2015 amendments do not
13 apply to this matter. See Order dated August 9, 2016. The reason is that the amendments, by the
14 Legislation’s own terms, are prospective, not retrospective.

15 Plaintiff has attached the 2015 Legislative changes to NRS 41A as Exhibit “1”. Drawing the
16 Court’s attention to Section 11 therein, the Legislature wrote: “Sec. 11. **The amendatory**
17 **provisions of this act apply to a cause of action that accrues on or after the effective date of**
18 **this act.**” Exhibit “1”, Page 6. Per Section 13, that date is “upon passage and approval.” *Id.* Then,
19 if this Court turns to page 2 of Exhibit “1”, regarding NRS 41A.017 (the relevant subsection of
20 NRS 41A), the Legislature specifically states that “NRS 41A.017 is hereby amended...” Section
21 2, Page 2, Exhibit “1” herein. Since the changes in NRS 41A.017 were “amendatory”, there is no
22 question but that the changes are not retroactive. If that wasn’t clear enough, the Nevada Supreme
23 Court has also told us this:
24
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26

27 “Although the 2015 Legislature amended NRS 41A.071, it did not change the
28 language central to this appeal. See 2015 Nev. Stat., ch. 439, § 6 (“If an action for
professional negligence is filed in the district court, the district court shall dismiss
the action, without prejudice, if the action is filed without an affidavit, that: 1.

1 Supports the allegations contained in the action; 2. Is submitted by a medical expert
2 who practices or has practiced in an area that is substantially similar to the type of
3 practice engaged in at the time of the alleged professional negligence; 3. Identifies
4 by name, or describes by conduct, each provider of health care who is alleged to be
5 negligent; and 4. Sets forth factually a specific act or acts of alleged negligence
6 separately as to each defendant in simple, concise and direct terms." (emphasis
7 added)). We analyze this appeal under the 2014 version of NRS 41A.071, since
8 the 2015 amendments do not apply retroactively. See *id.* at §§ 11, 13."

9 **Baxter v. Dignity Health**, 357 P.3d 927, 929 fn 2 (Nev. 2015). Accordingly, the 2015
10 Amendments are not retroactive and thus the prior statute applies.

11 **C. Defendant Segovia Is Not a Provider of Healthcare**

12 There is no question of fact regarding the status of Ms. Segovia. On March 5, 2012, she was
13 not a "provider of healthcare" as that term was defined at the time, nor when this case was filed.
14 At the time that Ms. Haase died and when this case was filed, NRS 41A.017 stated:

15 **NRS 41A.017 "Provider of health care" defined.** "Provider of health care"
16 means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed
17 nurse, dispensing optician, optometrist, registered physical therapist, podiatric
18 physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical
19 laboratory director or technician, licensed dietitian or a licensed hospital and its
20 employees.

21 This is important because only those individuals who fit those categories were entitled to the
22 benefits of the balance of NRS 41A. In other words, the voters of Nevada gave "special status" to
23 some practitioners while excluding others.

24 As discovery went along in this matter, Ms. Segovia answered Requests for Admission as
25 follows:

26 **"REQUEST FOR ADMISSIONS NO. 1:**

27 Admit that you are not a licensed physician under Chapter 630 or 633
28 of the NRS.

RESPONSE TO REQUEST 1:

Admit.

REQUEST FOR ADMISSIONS NO. 2:

Admit that you are not a dentist.

RESPONSE TO REQUEST 2:

1 Admit.

2 **REQUEST FOR ADMISSIONS NO. 3:**

3 Admit that you are not a licensed nurse.

4 **RESPONSE TO REQUEST 3:**

5 Admit.

6 **REQUEST FOR ADMISSIONS NO. 4:**

7 Admit that you are not a dispensing optician.

8 **RESPONSE TO REQUEST 4:**

9 Admit.

10 **REQUEST FOR ADMISSIONS NO. 5:**

11 Admit that you are not an optometrist.

12 **RESPONSE TO REQUEST 5:**

13 Admit.

14 **REQUEST FOR ADMISSIONS NO. 6:**

15 Admit that you are not a registered physical therapist.

16 **RESPONSE TO REQUEST 6:**

17 Admit.

18 **REQUEST FOR ADMISSIONS NO. 7:**

19 Admit that you are not a podiatric physician.

20 **RESPONSE TO REQUEST 7:**

21 Admit.

22 **REQUEST FOR ADMISSIONS NO. 8:**

23 Admit that you are not a licensed psychologist.

24 **RESPONSE TO REQUEST 8:**

25 Admit.

26 **REQUEST FOR ADMISSIONS NO. 9:**

27 Admit that you are not a chiropractor.

28 **RESPONSE TO REQUEST 9:**

Admit.

REQUEST FOR ADMISSIONS NO. 10:

Admit that you are not a doctor of Oriental medicine.

RESPONSE TO REQUEST 10:

Admit.

REQUEST FOR ADMISSIONS NO. 11:

Admit that you are not a medical laboratory director or technician.

RESPONSE TO REQUEST 11:

Admit.

REQUEST FOR ADMISSIONS NO. 12:

Admit that you are not a licensed dietitian.

RESPONSE TO REQUEST 12:

Admit.

1 REQUEST FOR ADMISSIONS NO. 13

2 Admit that you are not a licensed hospital and its employee.

3 RESPONSE TO REQUEST 13:

4 Admit.”

5 See Jocelyn Segovia, PA-C’s Responses to Plaintiff’s First Set of Requests for Admission, dated
6 September 6, 2013. As this Court knows, a matter admitted per Rule 36 is “conclusively
7 established.” See NRCp 36(b). Additionally, summary judgment is proper on a basis of those
8 admissions. See **Graham v. Carson-Tahoe Hosp.**, 91 Nev. 609, 540 P.2d 105 (1975) (responses
9 deemed admitted proper basis for summary judgment.). In order to fit within the parameters of the
10 then statute, Ms. Segovia was required to identify as one those individuals specifically listed in
11 NRS 41A.017 as it existed prior to the 2015 Amendment. She did not. Hence, Ms. Segovia was
12 not a “provider of healthcare.” Accordingly, she was not entitled to the special protections of NRS
13 41A that the voters of Nevada gave certain other practitioners.
14

15 As the United States Supreme Court has explained: “[I]n interpreting a statute a court
16 should always turn to one cardinal canon before all others. . . . [C]ourts must presume that a
17 legislature says in a statute what it means and means in a statute what it says there”. **Connecticut**
18 **Nat’l Bank v. Germain**, 112 S. Ct. 1146, 1149 (1992). In explaining this, Justice Kozinski has
19 stated, “And if a statute expressly excluded golf from its definition of ‘fun sports’, we couldn’t
20 hold that golf is a fun sport”. **Pintos v. Pac. Creditors Ass’n**, 605 F.3d 665, 672 (9th Cir. Cal.
21 2010) (Chief Judge Kozinski).
22

23 The Nevada Supreme Court “has long held that statutes should be given their plain
24 meaning. **McKay v. Bd. of Supervisors**, 102 Nev. 644, 648, 730 P.2d 438, 441 (1986). A basic
25 principle of statutory interpretation is that courts should ‘give effect, if possible, to every clause
26 and word of a statute, avoiding, if it may be, any construction which implies that the legislature
27 was ignorant of the meaning of the language it employed’”. **Montclair v. Ramsdell**, 107 U.S.
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1 147, 152 (1883). See, also, **Bailey v. United States**, 516 U.S. 137, 146 (1995) (“we assume that
2 Congress used two terms because it intended each term to have a particular, nonsuperfluous
3 meaning”). A converse of the rule that courts should not read statutory language as surplusage is
4 that courts should not add language that Congress has not included. **Iselin v. United States**, 270
5 U.S. 245, 250 (1926). See, also, **Faleke v. Douglas County**, 116 Nev. 583, 588, 3 P.3d 661, 664
6 (2000) (providing that, when a statute's language is clear, this court generally is “not permitted to
7 search for its meaning beyond the statute itself” (quoting *Charlie Brown Constr. Co. v. Boulder*
8 *City*, 106 Nev. 497, 503, 797 P.2d 946, 949 (1990), overruled on other grounds by *Calloway v.*
9 *City of Reno*, 116 Nev. 250, 993 P.2d 1259 (2000)); see, also, **Cirac v. Lander County**, 95 Nev.
10 723, 729, 602 P.2d 1012, 1016 (1979) (noting that, “[i]f the words of a statute are clear, [this
11 court] should not add to or alter them to accomplish a purpose not on the face of the statute”). If
12 the Legislature's intention is apparent from the face of the statute, there is no room for
13 construction, and this court will give the statute its plain meaning. **Madera v. SIIS**, 114 Nev. 253,
14 257, 956 P.2d 117, 120 (1998). “When a statute is clear on its face, we will not look beyond the
15 statute's plain language”. **Wheble v. Eighth Judicial Dist. Court**, 128 Nev. , , 272 P.3d 134,
16 136 (2012). Statutes should be read as a whole, so as not to render superfluous words or phrases or
17 make provisions nugatory. **Southern Nev. Homebuilders v. Clark County**, 121 Nev. 446, 449,
18 117 P.3d 171, 173 (2005). See, 2A Norman J. Singer & J.D. Shambie Singer, **Statutes and**
19 **Statutory Construction** § 47:1, at 274-75 (7th ed. 2007) (“The starting point in statutory
20 construction is to read and examine the text of the act and draw inferences concerning the meaning
21 from its composition and structure”. (footnote omitted)); Oliver Wendell Holmes, *Collected Legal*
22 *Papers* 207 (New York 1920) (“we do not inquire what the legislature meant; we ask only what
23 the statute means”).
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1 Here, of course, the Legislature had nothing to do with NRS 41A.017. *The voters did.*¹ The
2 statutory initiative process is not only different from the Legislature's process but one that the
3 state constitution separates from the Legislature's process. See **Rogers v. Heller**, 18 P.3d 1034,
4 1036 (Nev. 2001) (outlining the separation: "Nevada's Constitution expressly empowers the
5 people to propose, by initiative petition, statutes and amendments to statutes; it requires the
6 Secretary of State to transmit a certified initiative petition to the Legislature as soon as the
7 Legislature convenes. Thereafter, the Legislature must enact or reject the proposed initiative
8 petition without change or amendment within forty days. If the Legislature fails to act within the
9 forty days, or rejects the initiative petition, then the Secretary of State must submit the initiative
10 petition to the electorate for a vote at the next general election. If approved, the Legislature cannot
11 amend, annul, repeal, set aside or suspend the law within three years after it takes effect".)
12 (internal citations omitted); see also *Id.* at 1039–40 ("Initiative legislation is not subject to
13 judicial tampering—the substance of an initiative petition should reflect the unadulterated will of
14 the people and should proceed, if at all, as originally proposed and signed. For this reason, our
15 constitution prevents the Legislature from changing or amending a proposed initiative petition that
16 is under consideration. Like the Legislature, we are not in a position to know whether an
17 initiative's drafters and signers would want an initiative to proceed without a primary component
18 of the proposal").

19 In **Egan v. Chambers**, 129 Nev. Adv. Op. 25, 299 P.3d 364 (2013), the Court found, *inter*
20 *alia*, that a case against Southwest Medical Associates did not have to comply with the affidavit of
21 merit necessity for malpractice actions since Southwest Medical Associates was not a physician
22 and could only be liable for professional negligence, not medical malpractice. The latter required
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¹ Though the Legislature could have amended the statute for years to add various professions, it did not do so until 2015.

1 an affidavit; professional negligence (as that term is defined) is not found within the statute
2 mandating the affidavit (NRS 41A.071). Hence, the Court held that the affidavit of merit was not
3 required against Southwest Medical.

4
5 **Egan** resolves the issue against Ms. Segovia because **Egan's** limited holding depended
6 upon a strict reading of the definitions of the statute. The Court overruled **Fierle v. Perez**, 125
7 Nev. 728, 219 P.3d 906, (Nev. 2009), modified, 2009 Nev. LEXIS 76 (Nev. Dec. 16, 2009) in
8 limited part because the statute's definitions are strictly and literally construed. **Fierle** originally
9 ruled that "professional negligence" and "malpractice" were the same. The reason that case was
10 overturned, **within four years**, was because the *en banc* Court determined stare decisis was
11 important, but they needed to fix a mistake. **Fierle** was a mistake because it "conflated"
12 professional negligence with medical malpractice instead of simply using the definitions set forth
13 within the statute for each. Once that was done, the Court determined that the Court should not be
14 "expanding the reach of the statute beyond its precise words". (**Egan** at 365). It then reversed
15 **Fierle** on that limited basis.

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18 The Nevada Supreme Court takes a dim view of expanding definitions within a statute. In
19 **Rogers v. State**, 255 P.3d 1264 (Nev. 2011), Justice Pickering held that a confession to an EMT
20 during an ambulance ride was not covered by the physician patient privilege because the statute at
21 hand specifically defined who would be covered within that privilege. See NRS 49.215(2). Justice
22 Pickering stated:

23
24 "There is little doubt that Rogers meant his statement to Friedlander about smoking
25 marijuana to be "confidential". The problem is that "doctor", as defined in NRS
26 49.215(2), does not include EMTs or paramedics, while "patient" is defined in NRS
27 49.215(3) with reference to the defined term "doctor". Reading NRS 49.225
28 literally, the "doctor-patient" relationship required for the privilege to attach did not
arise simply by virtue of Rogers, a person en route by ambulance to a hospital,
speaking to Friedlander, an EMT/paramedic, in confidence.

1 Id. at 1266.² Discussing how the Legislature might have changed it *but didn't*, the Court then
2 affirmed the trial court in denying the argument made by Rogers. Definitions matter and should
3 not be expanded upon by Courts.

4
5 In a recent unpublished order³, **Zhang v. Barnes**, Case No. 67219 (Sept. 12, 2016), the
6 Court considered the issue of professional corporation liability versus physician liability in the
7 face of NRS 41A. The Court found that because the liability was vicarious, not independent, the
8 liability was the same despite the professional corporation's not being listed specifically in then
9 NRS 41A.015. The underlying rationale for such was that because the liability was vicarious, and
10 not independent, corporate liability could not exceed that of the doctor. And, of course, that makes
11 sense because vicarious liability is only as good as the underlying liability. The difference in the
12 case at bar is that Ms. Segovia's liability is not vicarious at all—it is independent. Specifically, in
13 Plaintiff's Second Amended Complaint, there are two separate and independent causes of action
14 against Ms. Segovia. See Counts XVII and XVIII of Plaintiff's Second Amended Complaint. They
15 are each for her independent actions (and inactions). Further, Plaintiffs' expert, Dr. Corenman, has
16 opined that Ms. Segovia breached her standard of care:

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19 "32. In addition, I must opine with regard to PA Segovia. While PA Segovia was
20 left in a horrible situation by Dr. Elkanich, she needed to do everything in her
21 power to advocate for her patient. While she did page Dr. Elkanich twice, when he
22 didn't return immediately (and actually when he left the OR), PA Segovia should
23 have immediately went up the chain of command at Valley Hospital to either get
24 Dr. Elkanich back in the OR, or, bring in additional medical personal. She could
25 and should have also called a Code, called the Rapid Response Team, called Dr.
Luh, etc. This was below the standard of care on her part. And, it was a proximate
result of the death. While I certainly appreciate that Dr. Gunalp was still in the OR,
Mary Haase was still Dr. Elkanich's patient and, since PA Segovia was working for

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27 ² In a secondary argument, Mr. Rogers failed another claim by misreading a statute and placing an "a"
where a "the" was.

28 ³ The Supreme Court has repealed Rule 123 and has allowed citation to unpublished Orders from post
January 1, 2016. However, an unpublished Order shall not be regarded as mandatory precedent. Plaintiff
brings the case to this Court's attention as the case explains the difference between vicarious and
independent liability as such relates to NRS 41A.

1 Dr. Elkanich, she had a responsibility to get Dr. Elkanich back or get another
2 surgeon to help. She did not do so.”

3 See Report of Donald Corenman M.D. at p. 3.⁴ Hence, the liability of Jocelyn Segovia is
4 independent of Dr. Elkanich’s liability and not vicarious. Zhang does not help Ms. Segovia and
5 specifically explains why this Court cannot add to NRS 41A.017.

6 Therefore, since the prior statute applies, and the prior statute did not include Physician’s
7 Assistant’s within NRS 41A.017, and Ms. Segovia has admitted that she does not fall within any
8 of the specific categories stated in NRS 41A.017, Ms. Segovia is not a “provider of healthcare.”

9 Since NRS 41A only applies to providers of healthcare, Ms. Segovia does not get any of the
10 benefits of Chapter 41A including the benefit of the caps on non-economic damages under NRS
11 41A.035 or of the abrogation of joint and several liability under NRS 41A.045. Of course, plaintiff
12 still needs to establish liability. But, if the jury determines that Ms. Segovia is liable, her liability
13 is not capped. In addition, per NRS 41.141, her liability is joint and several.⁵

14 DATED this 19th day of September, 2016.

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

17 /s/ Robert E. Murdock
18 Robert E. Murdock Bar No. 4013
19 Eckley M. Keach Bar No. 1154
20 521 South Third Street
21 Las Vegas, NV 89101
22 Attorneys for Plaintiff

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27 ⁴ To repeat, the issue at bar is not related to the ultimate liability of Ms. Segovia. Plaintiff just points out the
28 report of Dr. Corenman to show that the allegation is of independent liability, not vicarious.

⁵ There is no question at all regarding “comparative fault”. Hence, liability is joint and several. See **Buck v. Greyhound Lines, Inc.**, 105 Nev. 756, 783 P.2d 437 (1989).

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CERTIFICATE OF SERVICE

The undersigned hereby declares she is an employee of Murdock & Associates, Chtd. and that on September 19, 2016, she served the foregoing Motion for Partial Summary Judgment as to Jocelyn Segovia, PA-C and NRS 41A, upon the parties to this action via the court's Wiznet mandatory electronic service, addressed as follows:

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/s/ Vera Minkova

An employee of Murdock & Associates, Chtd.

EXHIBIT “1”

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EXHIBIT “1”

S.B. 292

SENATE BILL NO. 292--SENATOR ROBERSON

MARCH 16, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain civil actions involving negligence. (BDR 3-954)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.EXPLANATION - Matter in *bolded italics* is new; matter between brackets ~~(omitted-matter)~~ is material to be omitted.

AN ACT relating to civil actions; revising the applicability of certain provisions of existing law pertaining to certain civil actions involving negligence; revising provisions governing the limitation on the amount of noneconomic damages that may be awarded in certain civil actions; requiring a trier of fact to determine the percentage of responsibility for a plaintiff's harm assigned to various parties in certain civil actions; making various other changes relating to certain actions involving negligence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law defines "medical malpractice," "dental malpractice" and
2 "professional negligence" and contains various provisions relating to civil actions
3 involving claims of medical malpractice, dental malpractice and professional
4 negligence. (Chapter 41A of NRS) This bill removes references in existing law to
5 medical malpractice and dental malpractice and replaces those references with
6 references to professional negligence.

7 Existing law defines the term "provider of healthcare" for the purposes of
8 certain civil actions involving professional negligence. (NRS 41A.017) **Section 2**
9 of this bill revises that definition to include certain other professionals who provide
10 health care and to include clinics, surgery centers and other entities that employ
11 physicians and other such persons.

12 Existing law limits the amount of noneconomic damages that may be awarded
13 in an action for injury or death against a provider of health care based upon
14 professional negligence. (NRS 41A.035) **Section 3** of this bill limits the total
15 noneconomic damages that may be awarded in such an action to \$350,000,
16 regardless of the number of plaintiffs, defendants or theories of liability.

17 Existing law provides that in an action for injury or death against a provider of
18 health care based upon professional negligence, each defendant is liable to the



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19 plaintiff for certain damages severally only, and not jointly. (NRS 41A.045)
 20 **Section 4** of this bill: (1) requires the trier of fact in an action for professional
 21 negligence to determine the percentage of responsibility assigned to each person;
 22 and (2) authorizes a defendant to present certain evidence to establish the
 23 percentage of responsibility of any party or nonparty to such an action.

24 Existing law establishes a rebuttable presumption in actions for negligence
 25 against providers of medical care that the personal injury or death was caused by
 26 negligence when certain injuries are sustained. (NRS 41A.100) **Section 9** of this
 27 bill provides that the rebuttable presumption does not apply in an action in which:
 28 (1) a plaintiff submits an affidavit or designates an expert witness to establish that a
 29 provider of health care deviated from the accepted standard of care; or (2) expert
 30 medical testimony is used to establish a claim of professional negligence.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 41A.003 is hereby amended to read as
 2 follows:

3 41A.003 As used in this chapter, unless the context otherwise
 4 requires, the words and terms defined in NRS ~~41A.004~~ 41A.007 to
 5 41A.017, inclusive, have the meanings ascribed to them in those
 6 sections.

7 **Sec. 2.** NRS 41A.017 is hereby amended to read as follows:

8 41A.017 "Provider of health care" means a physician licensed
 9 ~~under~~ pursuant to chapter 630 , 630A or 633 of NRS, *physician*
 10 *assistant*, dentist, licensed nurse, dispensing optician, optometrist,
 11 *practitioner of respiratory care*, registered physical therapist,
 12 *occupational therapist*, podiatric physician, licensed psychologist,
 13 *licensed marriage and family therapist*, *licensed clinical*
 14 *professional counselor*, *music therapist*, chiropractor, *athletic*
 15 *trainer*, *perfusionist*, doctor of Oriental medicine ~~in any form~~,
 16 medical laboratory director or technician, *pharmacist* or licensed
 17 dietitian or a licensed hospital , *clinic*, *surgery center* or other
 18 *entity that employs any such person* and its employees.

19 **Sec. 3.** NRS 41A.035 is hereby amended to read as follows:

20 41A.035 In an action for injury or death against a provider of
 21 health care based upon professional negligence, the injured plaintiff
 22 may recover noneconomic damages, but the amount of
 23 noneconomic damages awarded in such an action must not exceed
 24 \$350,000 ~~in any case~~ , *regardless of the number of plaintiffs, defendants or*
 25 *theories upon which liability may be based.*

26 **Sec. 4.** NRS 41A.045 is hereby amended to read as follows:

27 41A.045 1. In an action for injury or death against a provider
 28 of health care based upon professional negligence, each defendant is
 29 liable to the plaintiff for economic damages and noneconomic
 30 damages severally only, and not jointly, for that portion of the



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1 judgment which represents the percentage of ~~{negligence}~~ fault
2 attributable to the defendant.

3 2. *In an action described in subsection 1, the trier of fact*
4 *shall determine the percentage of responsibility assigned to all*
5 *persons relating to the harm caused for which recovery is being*
6 *sought. The trier of fact shall consider the percentage of*
7 *responsibility of any person who could have contributed to the*
8 *alleged injury or death, regardless of whether the person was, or*
9 *could have been, named as a party to the action. A determination*
10 *of the percentage of responsibility for any nonparty;*

11 (a) *May only be used as a vehicle for accurately determining*
12 *the fault of the named parties;*

13 (b) *Does not subject the nonparty to liability in the action or in*
14 *any other action; and*

15 (c) *May be introduced as evidence of liability in any action.*

16 3. *To establish the percentage of responsibility of any party or*
17 *nonparty, a defendant may present to the trier of fact:*

18 (a) *An affidavit produced pursuant to NRS 41A.071;*

19 (b) *A report prepared by an expert pursuant to the Nevada*
20 *Rules of Civil Procedure; and*

21 (c) *Testimony of an expert designated by any party, at any*
22 *time, pursuant to the Nevada Rules of Civil Procedure.*

23 4. This section is intended to abrogate joint and several liability
24 of a provider of health care in an action for injury or death against
25 the provider of health care based upon professional negligence.

26 Sec. 5. NRS 41A.061 is hereby amended to read as follows:

27 41A.061 1. Upon the motion of any party or upon its own
28 motion, unless good cause is shown for the delay, the court shall,
29 after due notice to the parties, dismiss an action involving ~~{medical~~
30 ~~malpractice or dental malpractice}~~ *professional negligence* if the
31 action is not brought to trial within {
32 ~~(a) Three years after the date on which the action is filed, if the~~
33 ~~action is filed on or after October 1, 2002, but before October 1,~~
34 ~~2005;~~

35 ~~(b) Two} 2 years after the date on which the action is filed . {~~if~~~~
36 ~~the action is filed on or after October 1, 2005.}~~

37 2. Dismissal of an action pursuant to subsection 1 is a bar to
38 the filing of another action upon the same claim for relief against the
39 same defendants.

40 3. Each district court shall adopt court rules to expedite the
41 resolution of an action involving ~~{medical malpractice or dental~~
42 ~~malpractice.}~~ *professional negligence.*

43 Sec. 6. NRS 41A.071 is hereby amended to read as follows:

44 41A.071 If an action for ~~{medical malpractice or dental~~
45 ~~malpractice}~~ *professional negligence* is filed in the district court,



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1 the district court shall dismiss the action, without prejudice, if the
2 action is filed without an affidavit ~~supporting~~ *that:*

3 *1. Supports the allegations contained in the action* ~~};~~;

4 *2. Is submitted by a medical expert who practices or has*
5 *practiced in an area that is substantially similar to the type of*
6 *practice engaged in at the time of the alleged* ~~{malpractice.}~~
7 *professional negligence;*

8 *3. Identifies by name, or describes by conduct, each alleged*
9 *provider of health care; and*

10 *4. Complies with any written report required pursuant to Rule*
11 *16.1 of the Nevada Rules of Civil Procedure.*

12 **Sec. 7.** NRS 41A.081 is hereby amended to read as follows:

13 41A.081 1. In an action for ~~{medical-malpractice-or-dental~~
14 ~~malpractice.}~~ *professional negligence*, all the parties to the action,
15 the insurers of the respective parties and the attorneys of the
16 respective parties shall attend and participate in a settlement
17 conference before a district judge, other than the judge assigned to
18 the action, to ascertain whether the action may be settled by the
19 parties before trial.

20 2. The judge before whom the settlement conference is held:

21 (a) May, for good cause shown, waive the attendance of any
22 party.

23 (b) Shall decide what information the parties may submit at the
24 settlement conference.

25 3. The judge shall notify the parties of the time and place of the
26 settlement conference.

27 4. The failure of any party, the party's insurer or the party's
28 attorney to participate in good faith in the settlement conference is
29 grounds for sanctions, including, without limitation, monetary
30 sanctions, against the party or the party's attorney, or both. The
31 judges of the district courts shall liberally construe the provisions of
32 this subsection in favor of imposing sanctions in all appropriate
33 situations. It is the intent of the Legislature that the judges of the
34 district courts impose sanctions pursuant to this subsection in all
35 appropriate situations to punish for and deter conduct which is not
36 undertaken in good faith because such conduct overburdens limited
37 judicial resources, hinders the timely resolution of meritorious
38 claims and increases the costs of engaging in business and providing
39 professional services to the public.

40 **Sec. 8.** NRS 41A.085 is hereby amended to read as follows:

41 41A.085 1. In an action for damages for ~~{medical-malpractice~~
42 ~~or-dental-malpractice.}~~ *professional negligence* in which the
43 defendant is insured pursuant to a policy of insurance covering the
44 liability of the defendant for a breach of the defendant's professional
45 duty toward a patient:



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1 (a) At any settlement conference, the judge may recommend that
2 the action be settled for the limits of the policy of insurance.

3 (b) If the judge makes the recommendation described in
4 paragraph (a), the defendant is entitled to obtain from independent
5 counsel an opinion letter explaining the rights of, obligations of and
6 potential consequences to the defendant with regard to the
7 recommendation. The insurer shall pay the independent counsel to
8 provide the opinion letter described in this paragraph, except that the
9 insurer is not required to pay more than \$1,500 to the independent
10 counsel to provide the opinion letter.

11 2. The section does not:

12 (a) Prohibit the plaintiff from making any offer of settlement.

13 (b) Require an insurer to provide or pay for independent counsel
14 for a defendant except as expressly provided in this section.

15 Sec. 9. NRS 41A.100 is hereby amended to read as follows:

16 41A.100 1. Liability for personal injury or death is not
17 imposed upon any provider of ~~{medical}~~ health care based on
18 alleged negligence in the performance of that care unless evidence
19 consisting of expert medical testimony, material from recognized
20 medical texts or treatises or the regulations of the licensed medical
21 facility wherein the alleged negligence occurred is presented to
22 demonstrate the alleged deviation from the accepted standard of care
23 in the specific circumstances of the case and to prove causation of
24 the alleged personal injury or death, except that such evidence is not
25 required and a rebuttable presumption that the personal injury or
26 death was caused by negligence arises where evidence is presented
27 that the *provider of health care caused the* personal injury or death
28 occurred in any one or more of the following circumstances:

29 (a) A foreign substance other than medication or a prosthetic
30 device was unintentionally left within the body of a patient
31 following surgery;

32 (b) An explosion or fire originating in a substance used in
33 treatment occurred in the course of treatment;

34 (c) An unintended burn caused by heat, radiation or chemicals
35 was suffered in the course of medical care;

36 (d) An injury was suffered during the course of treatment to a
37 part of the body not directly involved in the treatment or proximate
38 thereto; or

39 (e) A surgical procedure was performed on the wrong patient or
40 the wrong organ, limb or part of a patient's body.

41 2. Expert medical testimony provided pursuant to subsection 1
42 may only be given by a provider of ~~{medical}~~ health care who
43 practices or has practiced in an area that is substantially similar to
44 the type of practice engaged in at the time of the alleged negligence.



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1 3. ~~{As used in this section, "provider of medical care" means a~~
 2 ~~physician, dentist, registered nurse or a licensed hospital as the~~
 3 ~~employer of any such person.}~~ *The rebuttable presumption*
 4 *pursuant to subsection 1 does not apply in an action in which:*

5 (a) *A plaintiff submits an affidavit pursuant to NRS 41A.071,*
 6 *or otherwise designates an expert witness pursuant to the Nevada*
 7 *Rules of Civil Procedure, to establish that a provider of health*
 8 *care deviated from the accepted standard of care or caused the*
 9 *alleged personal injury or death.*

10 (b) *Expert medical testimony is used to establish a claim of*
 11 *negligence.*

12 **Sec. 10.** NRS 3.029 is hereby amended to read as follows:

13 3.029 1. The Supreme Court shall provide by court rule for
 14 mandatory appropriate training concerning the complex issues of
 15 ~~{medical malpractice}~~ litigation *alleging professional negligence*
 16 for each district judge to whom actions involving ~~{medical~~
 17 ~~malpractice}~~ *professional negligence* are assigned.

18 2. *As used in this section, "professional negligence" has the*
 19 *meaning ascribed to it in NRS 41A.015.*

20 **Sec. 11.** The amendatory provisions of this act apply to a
 21 cause of action that accrues on or after the effective date of this act.

22 **Sec. 12.** NRS 41A.004, 41A.009 and 41A.013 are hereby
 23 repealed.

24 **Sec. 13.** This act becomes effective upon passage and
 25 approval.

TEXT OF REPEALED SECTIONS

41A.004 "Dental malpractice" defined. "Dental malpractice" has the meaning ascribed to the term "malpractice" in NRS 631.075.

41A.009 "Medical malpractice" defined. "Medical malpractice" means the failure of a physician, hospital or employee of a hospital, in rendering services, to use the reasonable care, skill or knowledge ordinarily used under similar circumstances.

41A.013 "Physician" defined. "Physician" means a person licensed pursuant to chapter 630 or 633 of NRS.

H



EXHIBIT “2”

000453

000453

EXHIBIT “2”

1 OGSJ

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14 Attorneys for Plaintiff Madden Duda

DISTRICT COURT
CLARK COUNTY, NEVADA

MADDEN DUDA, a minor, by and through
Jovan Duda, his Natural Father and Guardian,

Plaintiff,

vs.

GEORGE MICHAEL ELKANICH, M.D.;
FEZA GUNALP, M.D.; REBECCA GILLILAN,
CNIM; NEUROMONITORING
ASSOCIATES, INC.; a Nevada corporation;
JOCELYN SEGOVIA, PA-C; VALLEY
HOSPITAL MEDICAL CENTER,
INC., a Nevada corporation; STEVEN
SPILLERS, M.D.; ROE CORPORATIONS I
through X, inclusive; and DOES I through X,
inclusive,

Defendants.

AUTUMN MATESI, et al.,

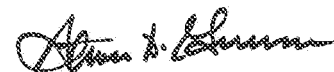
Plaintiffs,

vs.

VALLEY HOSPITAL MEDICAL CENTER,
et al.,

Defendants.

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CLERK OF THE COURT

CASE NO. A-13-677611-C
DEPT. NO. XII

ORDER GRANTING MADDEN DUDA'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT AS TO STEVEN SPILLERS,
M.D. AND NRS 41A WITH FINDINGS OF
FACT AND CONCLUSIONS OF LAW

Consolidated With:
CASE NO. A-13-677720-C

RECEIVED
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1 This matter came on for hearing on June 27, 2016 at the hour of 8:30 AM on Plaintiff
2 Madden Duda's Motion for Partial Summary Judgment as to Steven Spillers, M.D. and NRS 41A.
3 Appearing for Plaintiff Madden Duda were his attorneys of record, Robert E. Murdock, Esq. of
4 Murdock & Associates, Chtd. and Eckley M. Keach, Esq. of Eckley M. Keach, Chtd. Appearing
5 for Plaintiffs Robert Ansara, Autumn Matesi, and Estate of Mary Ann Haase was Karlie Gabour,
6 Esq. of Seegmiller & Associates. Appearing for Defendant Steven Spillers, M.D. were Troy
7 Rackham, Esq., pro hac vice, of Fennemore Craig and Douglas M. Cohen, Esq. of Fennemore
8 Craig Jones Vargas. Appearing on behalf of Defendants Jocelyn L. Segovia and Valley Hospital
9 was attorney Sarah Silverman, Esq. of Hall Prangle & Schoonveld, LLC.
10

11
12 The Court, having read and considered all of the pleadings submitted by the parties relating
13 to this motion, as well as all pleadings and papers on file herein, and having heard and considered
14 the arguments of Madden's counsel and Dr. Spillers' counsel, and being fully advised herein, and
15 good cause appearing, hereby grants the Motion for Partial Summary Judgment as to Steven
16 Spillers, M.D. and NRS 41A.
17

18 BRIEF FACTUAL SUMMARY

19 This case involves a failed surgery at Valley Hospital on March 5, 2012 which resulted in
20 the death of four year old Madden's mother, Mary Haase. At the time of the surgery, Dr. Steven
21 Spillers was practicing telemedicine, specifically inter-operative neuromonitoring ("IONM") as
22 the supervisor of the neuromonitoring technologist. The technologist was in the operating room.
23 Dr. Spillers was in Colorado where he could monitor up to eight surgeries at the same time. Dr.
24 Spillers was a licensed physician in Nevada at the time of the surgery. Valley Hospital's Medical
25 Staff Bylaws (MSB) contained a restriction on who could practice medicine at Valley Hospital
26 and specifically required physicians practicing telemedicine to apply for and be approved for
27 privileges prior to participating in the diagnosis, treatment or care of patients at the hospital. Dr.
28

1 Spillers did not have privileges to practice at Valley Hospital. Dr. Spillers violated Medical Staff
2 Bylaw 3.3 Telemedicine Privileges of Valley Hospital by not having privileges at the hospital,
3 despite treating decedent Mary Haase there via telemedicine on March 5, 2012.

4
5 **BRIEF SUMMARY OF THE PARTIES' ARGUMENTS**

6 Without describing all of Plaintiff Duda's and Defendant Spillers' arguments, all of which
7 are detailed in the moving papers and oral arguments of counsel, those arguments can be
8 summarized as follows:

9
10 Madden asks the Court to construe the language of NRS 41A.015 according to its plain and
11 unambiguous meaning. NRS 41A.015 defines "Professional Negligence" as:

12 "Professional negligence" means a negligent act or omission to act by a provider of
13 health care in the rendering of professional services, which act or omission is the
14 proximate cause of a personal injury or wrongful death. **The term does not include**
15 **services that are outside the scope of services for which the provider of health**
16 **care is licensed or services for which any restriction has been imposed by the**
17 **applicable regulatory board or health care facility."**

18 It is this highlighted second sentence that is at issue here. NRS 41A.015 describes three
19 separate and distinct ways in which a person, who falls under the definition of a "provider of
20 health care", does not engage in "professional negligence" in his care and treatment of patients.
21 First, if the services delivered by the provider of health care are **"services that are outside the**
22 **scope of services for which the provider of health care is licensed"**, then any negligence is not
23 "professional negligence." Second, if the services delivered by the provider of health care are
24 **"services for which any restriction has been imposed by the applicable regulatory board"**,
25 then any negligence is not "professional negligence." Third, if the services delivered by the
26 provider of health care are **"services for which any restriction has been imposed by the**
27 **applicable...health care facility"**, then any negligence is not "professional negligence." It is this
28 third exception that Madden argues applies here.

1 Madden argues that Valley Hospital, the "applicable...health care facility", restricted all
2 licensed physicians from practicing telemedicine without first obtaining hospital privileges as
3 required by MSB 3.3 Telemedicine Privileges. NRS 41A.015 makes clear that "any restriction"
4 "imposed by the applicable health care facility" regarding the services being provided by the
5 health care provider removes a practitioner's negligence from the definition of "professional
6 negligence." Madden argues practicing telemedicine are "services for which any restriction has
7 been imposed by the applicable...health care facility." Since Dr. Spillers was practicing
8 telemedicine at the time of the decedent's surgery, and did not have privileges as required by
9 Valley Hospital, his negligence cannot be "professional negligence" under the third exception in
10 NRS 41A.015.

13 Dr. Spillers provides his own summary of his arguments in his Opposition. He argues the
14 2015 amendment to NRS 41A.015, which deleted the second sentence that included the three
15 exceptions, should control. Next, even if the 2015 amended statute does not control and the prior
16 version is reviewed, there are several reasons why the third exception relied upon by Madden does
17 not remove Dr. Spillers' conduct from "professional negligence." First he makes a public policy
18 argument that regardless of what the language of the statute says, the intent of Chapter 41A is to
19 limit liability of doctors and that intent should override the plain meaning of the statute. Second,
20 he argues the meaning of the word "restriction" should be limited to acts affirmatively imposed by
21 the governing body in response to an event and that the Bylaws themselves are not a "restriction."
22 Third, Dr. Spillers argues the holdings in two California cases support his position. The two cases
23 are *Waters v. Bourhis*, 40 Cal.3d 424; 709 P.2d 469 (1985) and *Prince v. Sutter Health*
24 *Central*, 161 Cal.App.4th 971 (2008).

26 The Motion was brought per NRCP 56. NRCP 56(c) provides that summary judgment
27 shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and
28

1 admissions on file, together with affidavits, if any, show that there is no genuine issue as to any
2 material fact and the moving party is entitled to judgment as a matter of law. As this Court well
3 knows, the "slightest doubt" issue regarding summary judgment is no longer the law in Nevada.
4 Instead, the issue is whether a rational juror could come to a different conclusion based upon a
5 genuine issue of material fact.
6

7 "Summary judgment is appropriate under NRCP 56 when the pleadings,
8 depositions, answers to interrogatories, admissions, and affidavits, if any, that are
9 properly before the court demonstrate that no genuine issue of material fact exists,
10 and the moving party is entitled to judgment as a matter of law. The substantive law
11 controls which factual disputes are material and will preclude summary judgment;
other factual disputes are irrelevant. A factual dispute is genuine when the evidence
is such that a rational trier of fact could return a verdict for the nonmoving party."

12 *Wood v. Safeway, Inc.*, 121 Nev. 724, 731 (Nev. 2005). Simply showing "there is some
13 metaphysical doubt as to the operative facts in order to avoid summary judgment being entered in
14 the moving party's favor" will no longer suffice:

15 "The non-moving party "must, by affidavit or otherwise, set forth specific facts
16 demonstrating the existence of a genuine issue for trial or have summary judgment
17 entered against him." The non-moving party "is not entitled to build a case on the
18 gossamer threads of whimsy, speculation, and conjecture."

19 *Id.*, 121 Nev. at 732.

FINDINGS OF FACT

- 20 1. Steven Spillers, M.D. ("Dr. Spillers") is a medical doctor licensed to practice medicine
21 by the Nevada State Board of Medical Examiners since September 10, 2010. (SRMPSJ
22 Ex. A¹).
23
- 24 2. Mary Haase was operated on at Valley Hospital on March 5, 2012.
25
26
27
28

¹ Exhibit A to Defendant Steven Spillers, M.D.'s Response to Plaintiffs Duda's Motion for Partial Summary Judgment as to Steven Spillers, M.D. and NRS 41A, hereafter "SRMPSJ Ex. A"

- 1 3. In February 2012, Dr. Elkanich scheduled Mary Haase for spine surgery (a bilateral
2 microdecompression microdiscectomy at L3-4 and L4-5), which was to occur on March
3 5, 2012 at Valley Hospital. (SRMPSJ Ex. G).
- 4 4. On March 5, 2012, Dr. Elkanich, assisted by Jocelyn Segovia, P.A. performed the spine
5 surgery on Mary Haase at Valley Hospital. (MPSJ Ex. 2², operative report).
- 6 5. Intraoperative neuromonitoring ("IONM") was ordered for the procedure. Id.
- 7 6. Valley Hospital had a contract with Neuromonitoring Associates ("NMA") to provide
8 intraoperative neuromonitoring services at Valley Hospital in 2012. See Contract Labor
9 Agreement (SRMPSJ Ex. H).
- 10 7. The contract did not mention the issue of privileges for the IONM supervisor nor did it
11 specifically reference Bylaw 3.3. (SRMPSJ Ex. H).
- 12 8. Further, NMA had contracted with Dr. Spillers, as an independent contractor, to be the
13 reading physician and remotely review cases to interpret the IONM waveforms,
14 consistent with the standards used by Clinical Neurophysiologists. See Luekenga Depo.,
15 at 32:10-35:11; 73:1-21 (SRMPSJ Ex. J).
- 16 9. NMA did not tell Dr. Spillers that he was required to get privileges at Valley Hospital.
17 (Spillers Depo at 32). However, no one from NMA specifically told Dr. Spillers that he
18 did not need privileges at Valley Hospital. (Id. At 40).
- 19 10. Dr. Spillers was the reading physician for Mary Haase's March 5, 2012 surgery and was
20 the supervising physician of the Neuromonitoring Technologist. (MPSJ Ex. 3,
21 NAI0071).
- 22
- 23
- 24
- 25
- 26
- 27
- 28

² Plaintiffs Duda's Motion for Partial Summary Judgment as to Steven Spillers, M.D. and NRS 41A, Exhibit 2, hereafter "MPSJ Ex. 2"

1 11. Dr. Spillers prepared a report of his impressions of the IONM for Ms. Haase's March 5,
2 2012 surgery. Id.

3 12. Dr. Spillers was based in Colorado Springs Colorado and monitored the case from
4 Colorado Springs Colorado. (Citation)

5 13. Dr. Spillers was practicing telemedicine when he was treating Mary Haase. (SRMPSJ
6 Exh. B., at 181:16-25; SRMPSJ Undisputed Facts, P. 7, No. 23).

7 14. Dr. Spillers conceded in his deposition and in his Opposition to the Motion for Partial
8 Summary Judgment he was practicing telemedicine by IONM at the time of the surgery.
9 (SRMPSJ Ex. B., at 181:16-25; SRMPSJ Undisputed Facts, P. 7, No. 23)

10 15. At the time, Dr. Spillers was aware that many, but not all, hospitals required privileges
11 for someone practicing IONM by telemedicine. Id.

12 16. Dr. Spillers has privileges at twenty-six medical facilities and hospitals nationwide. See
13 Hospital Affiliations (SRMPSJ Ex. E).

14 17. Valley Hospital Medical Staff Bylaws required practitioners who provided telemedicine
15 services to have hospital privileges before providing such services, as defined Bylaws
16 3.3 which states:

17 "3.3 Telemedicine Privileges

18 Practitioners who wish to provide telemedicine services, as defined in these
19 Bylaws, in prescribing, rendering a diagnosis, or otherwise providing clinical
20 treatment to a Hospital patient, without clinical supervision or direction from a
21 Medical Staff Member, shall be required to apply for and be granted Privileges
22 for these services as provided in the Medical Staff Bylaws and Associated
23 Manuals. The Medical Staff shall define in the Rules and Regulations or Medical
24 Staff policy which clinical services are appropriately delivered through a
25 telemedicine medium, according to commonly accepted quality standards.
26 Consideration of appropriate utilization of telemedicine equipment by the
27 telemedicine practitioner shall be encompassed in clinical privileging decisions."
28 (SRMPSJ Ex. K, P. 20).

- 1 18. Dr. Spillers did not have any hospital privileges at Valley Hospital on March 5, 2012
2 when he provided telemedicine services to Mary Haase. (Citation)
- 3 19. Valley Hospital bylaws required all practitioners of telemedicine at Valley hospital to
4 have privileges. (SRMPSJ Ex. K, P. 20; SRMPSJ Ex. M, P. 76-80; MPSJ Ex. 7, at pages
5 67, 68, 71 and 72).
- 6
7 20. The failure of a physician who prescribes, renders a diagnosis, or otherwise clinically
8 treats a patient at Valley Hospital via telemedicine without having privileges at Valley
9 hospital violates Valley Hospital Bylaws. (SRMPSJ Ex. K, P. 20; SRMPSJ Ex. M, P. 76-
10 80; MPSJ Ex. 7, at pages 67, 68, 71 and 72).
- 11
12 21. Dr. Spillers concedes that he would not be allowed to practice telemedicine in a hospital
13 that required telemedicine providers to have privileges:
- 14 "Q. If you get a phone call tonight asking you to do a case tomorrow via
15 telemedicine, you're sitting in your office in Colorado Springs, the patient is
16 being operated on at Swedish Medical Center in Seattle, you're allowed to do
17 that because you have privileges, right?
18 A. Yes, I have privileges.
19 Q. And you're allowed to do it because you have privileges. You're allowed --
20 A. I'm allowed to do that, yes.
21 Q Okay. If you didn't have privileges at Swedish Medical Center, you
22 wouldn't be allowed to do it, right?
23 MR. RACKHAM: Object to the form.
24 MR. WEBSTER: Join.
25 THE DEPONENT: Assuming that Swedish Medical Center requires that
26 people have privileges in order to work at their hospital.
27 BY MR. MURDOCK:
28 Q. Right.
A. Correct.
- (SRMPSJ Ex. B., at p. 38).
22. Kevin Stockton was the CEO of Valley Hospital who signed the IONM contract with
NMA, under which the Dr. Spillers' telemedicine services were provided for the March
5, 2012 surgery Ms. Haase underwent. (SRMPSJ Ex. M, at 40:16 - 41:19).

1 23. Mr. Stockton testified that a physician practicing telemedicine at Valley Hospital was
2 required to have privileges, stating:

3 "Q. So let's look at Section 3.3. It talks about telemedicine privileges. Do you see
4 that?

5 A. I do.

6

7 Q. Do you know what that first sentence means?

8 A. If practitioners want to practice in the hospital prescribing, rendering
9 diagnoses and treating patients in the hospital, they need to apply for privileges.

10 Q. Or telemedicine services?

11 MR. WEBSTER: Form.

12 A. This is under telemedicine privileges, yes.

13 Q. And telemedicine is basically they are treating -- the physician or
14 practitioner is treating a patient, prescribing, rendering diagnoses,
15 providing some kind of clinical treatment outside of the hospital to a patient
16 in the hospital. Is that correct?

17 MR. WEBSTER: Form and foundation.

18 A. Yes.

19 Q. Okay. So the bylaws required practitioners who did that type of work to
20 actually get privileged, correct?

21 MR. WEBSTER: Same objection.

22 A. Correct.

23 (SRMPSJ Ex. M, at pages 76-80). Mr. Stockton also testified that he recalled that telemedicine
24 applied to radiology services (Id. at 76), but he did not recall any specific provision within the
25 Bylaws or regulations, policies, or procedures stating that telemedicine only applied to radiology.
26 (Id. at 77).

27 24. According to Dr. Eddy Luh, Chief of Surgery at Valley, if one is practicing telemedicine
28 at Valley and that person does not have privileges, the person is in violation of the
Bylaws, stating:

"Q. Do you know what telemedicine is?

A. Vaguely.

Q. Do you use telemedicine in surgery at all, personally?

A. No.

Q. As chief of surgery at Valley Hospital, do you know if telemedicine is used at
all in the OR suites at Valley Hospital?

A. No.

Q. You don't know one way or the other, right?

1 A. I don't know.

(Plaintiffs' Exhibit 4 marked.)

2 BY MR. MURDOCK:

3 Q. Let me show you what's been marked as Plaintiffs' Exhibit 4. These are the
4 medical staff bylaws dated February 16, 2012. That's when they were approved
5 by the Board of Governors, allegedly. They're marked MS00001, 10, 11, 12, 13,
6 14 and 26. If you would turn to the last page, 26, showing you the section that's
7 called 3.3, it says "Telemedicine Privileges." Do you see that?

8 A. Yes.

9 Q. First of all, do you know what the medical staff bylaws are?

10 A. The entire bylaws, no.

11 Q. No, I don't mean know them by heart, but do you know what they are in
12 general?

13 A. Yes.

14 Q. What are they?

15 A. They're laws you go by.

16
17 Q. Why don't you take a look at 3.3. It's on the last page of Plaintiffs' Exhibit 4.
18 We can read it together. It says, "Practitioners who wish to provide telemedicine
19 services, as defined in these bylaws, in prescribing, rendering a diagnosis, or
20 otherwise providing clinical treatment to a hospital patient, without clinical
21 supervision or direction from a medical staff member, shall be required to apply
22 for and be granted privileges for these services." Do you see that?

23 A. Yes.

24 Q. What does that mean to you?

25 A. A person who wishes to provide telemedicine services needs to apply for and
26 get privileges.

27 Q. If a person is doing work at Valley Hospital -- a doctor is providing
28 telemedicine services at Valley Hospital and is not privileged, that's a violation
of these bylaws, isn't it?

MR. COHEN: Objection. Calls for speculation.

THE WITNESS: I would believe so.

MR. MURDOCK: Thank you.

MR. SEEGMILLER: I'm sorry, I didn't hear that answer.

THE WITNESS: I would believe so.

(MPSJ Ex. 7, at pages 67, 68, 71 and 72).

25. Dr. Spillers conceded that if a Nevada licensed surgeon wanted to perform an operation
at Valley Hospital, (a) he would need to be granted hospital privileges, (b) if he
performed the surgery without first being granted privileges by the hospital, that would
be a violation of a restriction imposed by the applicable health care facility, as defined
by NRS 41A.015, and (c) would mean any negligence of the surgeon would not be

1 "professional negligence." (Oral Argument of Dr. Spillers' counsel, June 27, 2016).

2 CONCLUSIONS OF LAW

- 3 1. That Dr. Spillers treated Mary Haase at Valley Hospital on March 5, 2012.
- 4 2. That the Bylaws of Valley Hospital required all telemedicine providers to have
- 5 privileges.
- 6 3. Dr. Spillers practiced telemedicine.
- 7 4. That Dr. Spillers did not have privileges at Valley Hospital.
- 8 5. NRS 41A.013 states: "Physician" means a person licensed pursuant to chapter 630 or
- 9 633 of NRS."
- 10 6. Dr. Spillers was a physician.
- 11 7. NRS 41A.017 states:
- 12 "Provider of health care" means a physician licensed under chapter 630 or 633 of
- 13 NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical
- 14 therapist, podiatric physician, licensed psychologist, chiropractor, doctor of
- 15 Oriental medicine, medical laboratory director or technician, licensed dietitian or
- 16 a licensed hospital and its employees."
- 17 8. Dr. Spillers was a provider of health care.
- 18 9. NRS 41A.035 states:
- 19 "In an action for injury or death against a provider of health care based upon
- 20 professional negligence, the injured plaintiff may recover noneconomic
- 21 damages, but the amount of noneconomic damages awarded in such an action
- 22 must not exceed \$350,000."
- 23 10. NRS 41A.045 states:
- 24 "In an action for injury or death against a provider of health care based upon
- 25 professional negligence, each defendant is liable to the plaintiff for economic
- 26 damages and noneconomic damages severally only, and not jointly, for that
- 27 portion of the judgment which represents the percentage of negligence
- 28 attributable to the defendant. This section is intended to abrogate joint and several
- liability of a provider of health care in an action for injury or death against the
- provider of health care based upon professional negligence."

- 1 11. NRS 41A.035 places a cap on "professional negligence" by a provider of health of
2 \$350,000 noneconomic damages.
- 3 12. NRS 41A.045 abrogates joint and several liability for a provider of health based upon
4 "professional negligence".
- 5 13. A provider of health care is given the benefits of NRS 41A.035 and NRS 41A.045 only
6 if his conduct is "professional negligence" as defined in NRS 41A.015.
- 7 14. NRS 41A.015 defines "professional negligence" as follows:
8
9 "Professional negligence" means a negligent act or omission to act by a provider
10 of health care in the rendering of professional services, which act or omission is
11 the proximate cause of a personal injury or wrongful death. The term does not
12 include services that are outside the scope of services for which the provider of
13 health care is licensed or services for which any restriction has been imposed by
14 the applicable regulatory board or health care facility."
- 15 15. The last sentence of NRS 41A.015 was removed by the Legislature in 2015 but the
16 changes are prospective not retrospective via the specific language of the 2015
17 Legislative changes, Sections 11 and 13.
- 18 16. Section 11 states "The amendatory provisions of this act apply to a cause of action that
19 accrues on or after the effective date of this act."
- 20 17. Regarding the changes to NRS 41A.015 (the relevant subsection of NRS 41A), the
21 Legislature specifically states that "NRS 41A.015 is hereby amended..." Section 1.5.
- 22 18. Hence, since the removal of the last sentence of NRS 41A.015 was an "amendment" and
23 the "amendatory provisions" are prospective, the pre-change statute applies.
- 24 19. Thus, the exception in the last sentence of NRS 41A.015 applies in this matter.
- 25 20. The term "professional negligence" does not include services that are outside the scope
26 of services for which the provider of health care is licensed.
- 27
28

- 1 21. The term "professional negligence" does not include services for which any restriction
2 has been imposed by the applicable regulatory board.
- 3 22. The term "professional negligence" does not include services for which any restriction
4 has been imposed by the applicable health care facility.
- 5
- 6 23. Nevada State Board of Medical Examiners is a regulatory board as defined in NRS
7 41A.015.
- 8 24. Requiring a provider of health care to apply for and be granted a license to practice
9 medicine is a restriction imposed by Nevada State Board of Medical Examiners under
10 the analysis in of the two California cases relied upon by Dr. Spillers, *Waters v.*
11 *Bourhis*, 40 Cal.3d 424; 709 P.2d 469 (1985) and *Prince v. Sutter Health Central*, 161
12 Cal.App.4th 971 (2008).
- 13
- 14 25. Valley Hospital is a healthcare facility under NRS 41A.015.
- 15 26. A hospital may restrict a provider of health care from practicing medicine in the hospital
16 by requiring him to apply for and be approved for privileges.
- 17
- 18 27. A healthcare facility's restriction requiring a provider of health care to apply for and be
19 granted privileges to practice medicine is analogous to a regulatory board's requiring a
20 provider of health care to apply for and be granted a license to practice medicine.
- 21
- 22 28. Valley Hospital Medical Staff Bylaws restricts a practitioner from practicing medicine in
23 the hospital by requiring him to apply for and be approved for privileges.
- 24 29. Valley Hospital Medical Staff Bylaws requires practitioners who provided telemedicine
25 services to have hospital privileges before providing such services.
- 26 30. That Bylaw 3.3 requires all practitioners of telemedicine to have privileges at Valley
27 Hospital.
- 28

1 31. That Bylaw 3.3 was a restriction imposed by the healthcare facility, Valley Hospital, as
2 to whom it would allow to treat its patients, per NRS 41A.015.

3 32. That Bylaw 3.3 was a restriction imposed by Valley Hospital as provided in NRS
4 41A.015.

5 33. There are no relevant genuine issues of material fact in dispute.

6 34. This issue in this case is the interpretation of the meaning of the second sentence of NRS
7 41A.015.

8 35. All words in a statute must have meaning.

9 36. The legislature modified the word "restriction" with "any".

10 37. If "a statute's language is clear and unambiguous, it must be given its plain meaning,
11 unless doing so violates the spirit of the act."). *Griffith v. Gonzales-Alpizar*, 2016 Nev.
12 LEXIS 476 (Nev. 2016).

13 38. "When a statute's language is unambiguous, this court does not resort to the rules of
14 construction and will give that language its plain meaning." *Slade v. Caesars Entm't*
15 *Corp.*, 2016 Nev. LEXIS 442 (Nev. 2016).

16 39. That a statute is ambiguous only "when the statutory language lends itself to two or more
17 reasonable interpretations." *State v. Lucero*, 127 Nev. 92, 95, 249 P.3d 1226, 1228
18 (2011).

19 40. That a statute needs to be read in a limited manner when the plain language of the statute
20 is clear. See *Egan v. Chambers*, 129 Nev. Adv. Op. 25 (Apr. 25, 2013).

21 41. NRS 41A.015 is not ambiguous. It does not lend itself to more than one reasonable
22 interpretation.

1 42. That Dr. Spillers' failure to apply for and be approved for privileges by Valley Hospital
2 prior to his participating in Mary Haase's surgery on March 5, 2012 was in violation of
3 the restriction imposed by Valley Hospital in Bylaw 3.3.

4
5 43. Dr. Spillers' failure to apply for and be approved for privileges by Valley Hospital prior
6 to his participating in Mary Haase's surgery on March 5, 2012 violated a restriction
7 imposed by Valley Hospital as provided in NRS 41A.015.

8
9 44. Dr. Spillers' violation of a restriction imposed by Valley Hospital (Bylaw 3.3 of Valley
10 Hospital) as provided in NRS 41A.015 as an exception to "professional negligence"
11 means any negligence of Dr. Spillers cannot be considered "professional negligence" as
12 defined in NRS 41A.015.

13 45. Any negligence by Dr. Spillers in the care and treatment of Mary Haase is not
14 "professional negligence" as defined in NRS 41A.015.

15
16 46. That the medical malpractice caps, NRS 41A.035, and the abrogation of joint and several
17 liability, NRS 41A.045, only apply if the negligence of a provider of health care is
18 "professional negligence" per NRS 41A.015.

19 47. That because Dr. Spillers violated a restriction imposed by Valley Hospital, he loses his
20 status as a physician entitled to the protections of NRS 41A.035 and 41A.045 for any
21 negligence in the treatment of Mary Haase.

22
23 48. Therefore, NRS 41A.035 and NRS 41A.045 do not apply to the conduct of Dr. Spillers
24 in this case.

25 CONCLUSIONS

26 Based upon the foregoing, and good cause appearing,

27 **IT IS HEREBY ORDERED THAT** Plaintiff Madden Duda's Motion for Partial Summary
28

Judgment as to Steven Spillers, M.D. and NRS 41A be, and hereby is, Granted.

1 **IT IS FURTHER ORDERED THAT** Defendant Steven Spillers, M.D. is not entitled to
2 the benefits provided to providers of healthcare for professional negligence limiting the amount of
3 damages that can be awarded under NRS 41A.035.

4
5 **IT IS FURTHER ORDERED THAT** Defendant Steven Spillers, M.D. is not entitled to
6 the benefit provided to providers of healthcare for professional negligence limiting the application
7 of joint and several liability under NRS 41A.045.

8 **IT IS SO ORDERED** this 9 day of August, 2016.

9
10
11 
12 DISTRICT JUDGE

13 Respectfully submitted by:

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

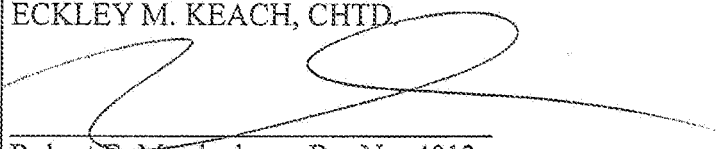
16 
17 Robert E. Murdock Bar No. 4013
18 Eckley M. Keach Bar No. 1154
19 521 South Third Street
20 Las Vegas, NV 89101
21 Attorneys for Plaintiff Madden Duda

EXHIBIT “3”

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000470

EXHIBIT “3”

1 **RESP**

2 JOHN H. COTTON, ESQ.

3 Nevada Bar No. 005268

4 SARAH T. BASSETT, ESQ.

5 Nevada Bar No. 12326

6 COTTON, DRIGGS, WALCH,

7 HOLLDY, WOLOSON & THOMPSON

8 400 South Fourth Street, Third Floor

9 Las Vegas, Nevada 89101

10 Telephone: 702/791-0308

11 Facsimile: 702/791-1912

12 *Attorney for Defendants*

13 *George Michael Elkanich, M.D., Jocelyn L. Segovia, PA-C*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 MADDEN DUDA, a minor, by and through
17 Jovan Duda, his Natural Father and Guardian,

18 Plaintiff,

19 v.

20 GEORGE MICHAEL ELKANICH, M.D.; FEZA
21 GUNALP, M.D.; REBECCA GILLIGAN,
22 CNIM; NEUROMONITORING ASSOCIATES,
23 INC., a Nevada corporation; JOCELYN
24 SEGOVIA, PA-C; VALLEY HOSPITAL
25 MEDICAL CENTER, INC., a Nevada
26 corporation; ROE CORPORATIONS I through
27 X, inclusive; and DOES I through X, inclusive

28 Defendants.

29 AUTUMN MATESI, individually and as an heir
30 to the Estate of MARY ANN HAASE, and
31 ROBERT ANSARA as Special Administrator of
32 the Estate of MARY ANN HAASE

33 Plaintiffs,

34 v.

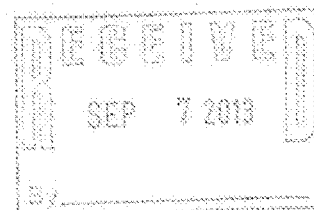
35 GEORGE MICHAEL ELKANICH, M.D.; FEZA
36 GUNALP, M.D.; REBECCA GILLILAN,
37 CNIM; NEUROMONITORING ASSOCIATES,
38 INC., a Nevada corporation; JOCELYN
39 SEGOVIA, PA-C; VALLEY HOSPITAL
40 MEDICAL CENTER, INC., a Nevada
41 corporation; ROE CORPORATIONS I through
42 X, inclusive; and DOES I through X, inclusive

43 Defendants.

Case No: A-13-677611

Dept. No.: 29

JOCELYN SEGOVIA PA C'S
RESPONSES TO PLAINTIFF'S FIRST
SET OF REQUEST FOR ADMISSIONS



1 Defendant JOCELYN SEGOVI, PA-C, by and through her attorney(s) of record, John H.
2 Cotton, Esq., and Sarah Bassett, Esq., of the law firm of COTTON, DRIGGS, WALCH,
3 HOLLEY, WOLOSON & THOMPSON, and, pursuant to Rules 26 and 34 of the Nevada Rules
4 of Civil Procedure, hereby responds to Plaintiff's First Set of Requests for Admissions as
5 follows:

6 REQUEST FOR ADMISSIONS NO. 1:

7 Admit that you are not a licensed physician licensed under Chapter 630 or 633 of the
8 NRS.

9 RESPONSE TO REQUEST 1:

10 Admit.

11 REQUEST FOR ADMISSIONS NO. 2:

12 Admit that you are not a dentist.

13 RESPONSE TO REQUEST 2:

14 Admit.

15 REQUEST FOR ADMISSIONS NO. 3:

16 Admit that you are not a licensed nurse.

17 RESPONSE TO REQUEST 3:

18 Admit.

19 REQUEST FOR ADMISSIONS NO. 4:

20 Admit that you are not a dispensing optician.

21 RESPONSE TO REQUEST 4:

22 Admit.

23 REQUEST FOR ADMISSIONS NO. 5:

24 Admit that you are not an optometrist.

25 RESPONSE TO REQUEST 5:

26 Admit.

27 REQUEST FOR ADMISSIONS NO. 6:

28 Admit that you are not a registered physical therapist.

1 RESPONSE TO REQUEST 6:

2 Admit.

3 REQUEST FOR ADMISSIONS NO. 7:

4 Admit that you are not a podiatric physician.

5 RESPONSE TO REQUEST 7:

6 Admit.

7 REQUEST FOR ADMISSIONS NO. 8:

8 Admit that you are not a licensed psychologist.

9 RESPONSE TO REQUEST 8:

10 Admit.

11 REQUEST FOR ADMISSIONS NO. 9:

12 Admit that you are not a chiropractor.

13 RESPONSE TO REQUEST 9:

14 Admit.

15 REQUEST FOR ADMISSION NO.10:

16 Admit that you are not a doctor or oriental medicine.

17 RESPONSE TO REQUEST 10:

18 Admit.

19 REQUEST FOR ADMISSION NO.11:

20 Admit that you are not a medical laboratory director or technician.

21 RESPONSE TO REQUEST 11:

22 Admit.

23 REQUEST FOR ADMISSION NO. 12:

24 Admit that you are not a licensed dietician.

25 RESPONSE TO REQUEST 12:

26 Admit.

27 REQUEST FOR ADMISSION NO. 13:

28 Admit that you are not a licensed hospital and its employee.

1 RESPONSE TO REQUEST 13:

2 Admit.

3 Dated this 6 day of September 2013.

4 COTTON, DRIGGS, WALCH,
5 HOLLEY, WOLOSON & THOMPSON

6 

7 JOHN H. COTTON, ESQ.

8 Nevada Bar No. 005268

9 SARAH T. BASSETT, ESQ.

10 Nevada Bar No. 12326

11 400 South Fourth Street, Third Floor

12 Las Vegas, Nevada 89101

13 *Attorneys for Defendants George Michael*
14 *Elkanich, M.D., Jocelyn L. Segovia, PA-C*

CERTIFICATE OF MAILING

I hereby certify that on this 4 day of September, 2013 I served the foregoing
DEFENDANT SEGOVIA'S RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS
FOR ADMISSIONS upon the following party by placing a true and correct copy of the same in
the United States Mail at Las Vegas, Nevada, with first class postage fully prepaid thereon, and
addressed as follows:

Robert E. Murdock, Esq.
Eckley M. Keach, Esq.
520 S. Fourth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiffs in Case No. A-13-677611

Danial O. Laird, Esq.
Brian Keith, Esq.
Richard Harris Law Firm
801 S. 4th Street
Las Vegas, Nevada 89101
Attorneys for Plaintiffs in Case No. A-13-677720

Jill M. Chase, Esq.
Law Offices of Arthur W. Tuverson
7201 W. Lake Mead Blvd., Ste. 570
Las Vegas, Nevada 89128
Attorneys for Defendant Feza Gunalp, M.D.

S. Brent Vogel, Esq.
Lewis Brisbois Bisgaard & Smith
6835 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant Rebecca Gillilian, CNIM

James E. Murphy, Esq.
Laxalt & Nomura, Ltd.
6720 Via Austi Pkwy., Suite 430
Las Vegas, Nevada 89119
Attorneys for Defendant Neuromonitoring Associates, Inc.

Kenneth Webster, Esq.
Hall Prangle & Schoonveld, LLC
1160 N. Town Center Drive, Suite 200
Las Vegas, NV 89144
Attorneys for Defendant Valley Health System


An employee of Cotton, Driggs, Walch,
Holley, Woloson & Thompson

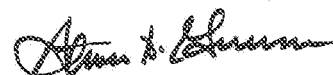
EXHIBIT “4”

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EXHIBIT “4”

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CLERK OF THE COURT

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(702) 685-6111
Attorneys for Plaintiff Madden Duda

DISTRICT COURT

CLARK COUNTY, NEVADA

MADDEN DUDA, a minor, by and through)
Jovan Duda, his Natural Father and Guardian,)

Plaintiffs,)

vs.)

GEORGE MICHAEL ELKANICH, M.D.; FEZA)
GUNALP, M.D.; REBECCA GILLILAN, CNIM;)
NEUROMONITORING ASSOCIATES, INC.; a)
Nevada Corporation; JOCELYN SEGOVIA,)
PA-C; VALLEY HOSPITAL MEDICAL)
CENTER, INC., a Nevada corporation; STEVEN)
SPILLERS, M.D.; ROE CORPORATIONS I)
through X, inclusive; and DOES I through X,)
inclusive,)

Defendants.)

AUTUMN MATESI, et al.,)

Plaintiffs,)

vs.)

VALLEY HOSPITAL MEDICAL CENTER,)
et al.,)

Defendants.)

CASE NO. A-13-677611-C
DEPT. NO. XXIX

**SECOND AMENDED
COMPLAINT**

Consolidated With:
CASE NO. A-13-677720-C

000479

1 226. Pursuant to NRS 41.085, Plaintiff brings this cause of action against this Defendant
2 for the wrongful death of Mary Haase and seeks all damages authorized by statute and available at
3 law.

4 227. Some or all of the actions and conduct of Segovia, as set forth hereinabove, were
5 intentional, reckless, wanton, willful and with a conscious disregard of the rights and safety of
6 Mary Haase.

7 228. This intentional misconduct by Segovia does not fall under the provisions of NRS
8 Chapter 41A and it does not apply to this cause of action.

9 229. As a direct and proximate result of the intentional misconduct of Defendant
10 Segovia, as set forth hereinabove, Plaintiff has suffered general and special damages in the past in
11 an amount in excess of Ten Thousand Dollars (\$10,000.00) and general and special damages in
12 the future in an amount in excess of Ten Thousand Dollars (\$10,000.00).

13 230. As a further direct and proximate result of the intentional misconduct of Defendant
14 Segovia, as set forth hereinabove, Plaintiff has suffered general and special damages in the past
15 and in the future in an amount in excess of Ten Thousand Dollars (\$10,000.00) as allowed by NRS
16 41.085.

17 231. The actions and conduct of Defendant Segovia, as set forth hereinabove, show
18 Defendant Segovia has been guilty of oppression, fraud or malice, express or implied, and
19 Plaintiff, in addition to the compensatory damages, is entitled to recover damages for the sake of
20 example and by way of punishing Defendant in an amount in excess of Ten Thousand Dollars
21 (\$10,000.00).

22 232. As a direct and proximate result of the actions, conduct and breaches of duty of
23 Defendant, as set forth hereinabove, Plaintiff is entitled to double damages, attorney's fees and
24 costs pursuant to NRS 41.1395.

25 233. It has become necessary for Plaintiff to retain the services of an attorney to
26 prosecute this action, and Plaintiff is therefore entitled to attorney's fees and costs of suit.

27 //

28 //

EXHIBIT “5”

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EXHIBIT “5”

COMES NOW DONALD CORENMAN, M.D., provides his Expert Report, as follows:

1. That I am a physician licensed to practice medicine in the States of Colorado, California and Hawaii.
2. That I am an orthopedic surgeon Board Certified by the Board of Orthopedic Surgery, a fellow of the American Academy of Orthopaedic Surgeons, a charter diplomate of the American Board of Spine Surgery, and a diplomate of the American Board of Chiropractic Orthopaedics;
3. That I practice at The Steadman Clinic in Vail, Colorado, and was a clinical assistant professor of orthopaedic surgery at the University of Colorado, and an adjunct instructor of chiropractic medicine at LACC.
4. That I have previously provided an Affidavit of Merit in this matter and incorporate that to this Report as if fully rewritten. See Exhibit One.
5. That my full CV is attached hereto as Exhibit Two.
6. That I have been asked to opine on the conduct of Dr. Elkanich with regard to his patient Mary Haase.
7. That in order to do so, I have reviewed the medical records of Valley Hospital, Dr. Elkanich's records, the Coroner's records, and the depositions of Drs. Barnum, Spillers, Gunalp, and Luh. I have also reviewed the depositions of Justin Faulkner, Rebecca Gillilan, Kevin Stockton, Julie Walker and Sally Salamon. I have also looked at some additional documents.
8. That to a reasonable degree of medical certainty, it is my opinion that Dr. Elkanich fell below the standard of care and such conduct was a direct and proximate result of the death of Mary Haase. Though there may have been some contribution to the death by other parties, my opinion is limited to Dr. Elkanich and his conduct. My expertise is in orthopedics and I will limit my opinion to this field.
9. That Ms. Haase presented to Dr. Elkanich with L3-4 and L4-5 issues. I agree with Dr. Elkanich (via his medical records), that in order to relieve the leg pain issues, a L3-4, L4-5 bilateral micro discectomy and micro decompression was the proper surgery.
10. That neither Dr. Elkanich nor his assistant, PA Segovia's deposition has been taken yet. Accordingly, my opinion is based upon what others say occurred. I reserve the right to amend, alter, and/or add to this opinion once they provide testimony about what occurred.
11. I will also note that I have not seen a death summary or discharge report of what actually occurred by Dr. Elkanich. This is somewhat surprising.
12. The surgical procedure began at approximately 1335, and Mary Haase's blood pressure dropped from 101/60 to 80/50 at approximately 1540. Her pressure continued to drop to 60/40 by 1550, at which point the anesthesiologist (Dr. Gunalp) notified the surgeon (Dr. Elkanich) and administered vasopressin and ephedrine in an attempt to raise the blood pressure, with no effect. Dr. Elkanich stated that the surgical field was dry, with no evidence of bleeding at that time.

13. According to Dr. Gunalp, the anesthesiologist, at one point during the procedure, Dr. Elkanich stated that there was a significant amount of bleeding. Later on, Dr. Gunalp states that Ms. Haase's blood loss was about 1000 ml.
14. This is a very significant blood loss in a surgery that should be nearly blood free.
15. The notes of the neuromonitoring technologist state that there was "a lot of bleeding".
16. The dictation of the surgery by Dr. Elkanich does not mention anything about the bleeding and how significant it was.
17. When the actual surgery was finished, it appears that Dr. Elkanich scrubbed out and allowed his assistant, PA Segovia to close the skin.
18. According to Justin Faulkner, a nurse in the operating room, as Dr. Elkanich was finishing his dictation, Dr. Gunalp stated to Dr. Elkanich that he was having a problem with the blood pressure.
19. But, Dr. Elkanich, who had already scrubbed out and was dictating, tells him, "We should have canceled this case" in a joking manner and left the OR. See Deposition of Justin Faulkner at 30-32. Dr. Gunalp attempted to downplay this exchange by saying that this was merely operating room banter. Gunalp Deposition at 164-165. However, Dr. Elkanich has admitted in written discovery that (though Ms. Haase was still on the table) he left the operating room, met with his next patient, went to the cafeteria, and then went into the office lounge. See Answers to Fourth Set of Interrogatories of Elkanich at 4. Despite at least two pages, Dr. Elkanich failed to come back to the OR.
20. Apparently, Dr. Elkanich returned at some point either immediately before or right after the Code was called. See Deposition of Dr. Barnum at 25.
21. Nevertheless, Dr. Elkanich left the operating room despite knowing his patient was having serious issues.
22. Once he returned, Dr. Gunalp, Dr. Elkanich and the ER Doctor apparently had a discussion about what was going on with Mary. Mary's lab results were clear that she was bleeding seriously. However, Dr. Elkanich told Dr. Gunalp that it couldn't be from the actual surgery because he did not go "below the plane." In fact, according to Dr. Barnum, the ER Doctor who arrived for the Code, Dr. Elkanich was adamant that any injury to the great vessels was very unlikely.
23. No one, including Dr. Elkanich called the on call vascular surgeon. According to the records, Dr. Romeya was on call for vascular surgery at the hospital. Interestingly, Dr. Gunalp was unaware that a vascular surgeon was on call.
24. Ms. Haase coded and died. The autopsy report shows that there was a slice in the aorta: "The posterior wall of the abdominal aorta at a 0.75 inch superior to the iliac bifurcation demonstrates a 0.5 inch laceration associated with dense surrounding retroperitoneal hemorrhage; outside of an in-line with the aortic injury is a 0.3 inch laceration of the left anterolateral aspect of the L4-5 disc; probing of the wound shows extension through the disc and into the surgical incision the low back." Thus, it appears that while performing surgery on Ms. Haase, Dr. Elkanich punctured the abdominal aorta in line with a laceration of the L4-L5 disc.

25. This is important because it is one thing for a piece of anatomy to be stuck on the aorta and when pulled, the aorta tears. Or, the individual may have some anatomical anomaly. However, Dr. Elkanich failed to state either of these issues in his report and therefore, I do not believe they were present. And, because no anomaly was present, a puncture and tear of the aorta is below the standard of care. But that is just the first part of my opinion.

26. This is a very sad case made especially so because of the age of Mary. It is also sad because of what occurred—and Dr. Elkanich's conduct was below the standard of care.

27. Leaving the operating room when the surgeon knows there is an issue with blood pressure (or something like that) is below the standard of care.

28. Dr. Elkanich was told about the gravity of the situation and then left the OR, not returning for a significant amount of time. Though the patient was left in the hands of Dr. Gunalp, Mary was Dr. Elkanich's patient. The failure to return to the OR after being paged is below the standard of care in this instance.

29. It is my opinion that Dr. Elkanich abandoned this patient—perhaps not in the legal sense (I am not an attorney), but, a surgeon should never leave the operating room until the patient is stable. Dr. Elkanich left the operating room despite knowing that Dr. Gunalp was having very serious problems with her blood pressure. This shows a conscious disregard for the safety of Mary Haase by Dr. Elkanich.

30. Finally, Dr. Elkanich's statements to Dr. Gunalp and Dr. Barnum about not going "below the plane" and not injuring the great vessels were defensive comments. In the abstract, they are meaningless. But, in this situation, they obviously led Dr. Gunalp and Dr. Barnum towards a different path of treatment. As Dr. Barnum stated, had Dr. Elkanich stated even meekly that he may have "nicked" something, he would have started to look at that cause and would have asked Dr. Elkanich what a surgeon does if that happens. In other words, Dr. Elkanich's statements took Dr. Gunalp and Dr. Barnum down a different path.

31. The statements of Dr. Elkanich fell below the standard of care because they failed to take into account the blood loss and the bleeding. Dr. Elkanich knew (or should have known) that Mary had the possibility of significant blood loss. That fact should have indicated to Dr. Elkanich that he may very well have injured a great vessel. And, the failure to understand that is below the standard of care.

32. In addition, I must opine with regard to PA Segovia. While PA Segovia was left in a horrible situation by Dr. Elkanich, she needed to do everything in her power to advocate for her patient. While she did page Dr. Elkanich twice, when he didn't return immediately (and actually when he left the OR), PA Segovia should have immediately went up the chain of command at Valley Hospital to either get Dr. Elkanich back in the OR, or, bring in additional medical personnel. She could and should have also called a Code, called the Rapid Response Team, called Dr. Lüh, etc. This was below the standard of care on her part. And, it was a proximate result of the death. While I certainly appreciate that Dr. Gunalp was still in the OR, Mary Haase was still Dr. Elkanich's patient and, since PA Segovia was working for Dr. Elkanich, she had a responsibility to get Dr. Elkanich back or get another surgeon to help. She did not do so.

33. There are a couple of other issues that I need to opine on. First, it appears that Dr. Elkanich may (this is per Dr. Barnum) have thought that because the drain had no blood in it, it meant that he did not injure a great vessel. That is not so. Blood in the drain would depend upon where the blood was going

from the aorta. Similarly, I have seen questions asked about the ultrasound and the claim that it did not show blood pooling. But, this is dependent again where the blood actually went. According to Dr. Gunaip, the ultrasound was of the "stomach" and this would not show blood unless she was bleeding into the stomach. According to Dr. Barnum (and the records), the ultrasound did not show free fluid in Morrison's pouch—at his deposition he stated that it was hard to see anything because of bowel gas and things in the middle of the abdomen were not visible. So, as Dr. Barnum stated, there may have been blood there, but he couldn't see. However, the blood could accumulate in different areas and Dr. Elkanich did not look in these areas. For example, the blood should accumulate in the retroperitoneal space. An ultrasound would not see this.

34. One of the guiding principles of medicine is that one should look at more obvious causes for a problem than less at least first. Mary underwent surgery. At one point during the surgery there was a significant drop in blood pressure. It stands to reason that while there may be plenty of other causes, something from the surgery caused her to bleed. Dr. Elkanich missed that. That is below the standard of care.

35. It is my opinion that Dr. Elkanich should have done several things. First, once he knew there was bleeding, he should have copiously inspected the surgical area, and areas around the surgical field for where the blood was coming from. Once he was told by Dr. Gunaip that there was a problem, he should not have left the operating room. He should have helped Dr. Gunaip and he should have determined that Mary was bleeding from his surgery. Once he was paged, he should have returned immediately. He should have written a proper discharge summary and/or death summary.

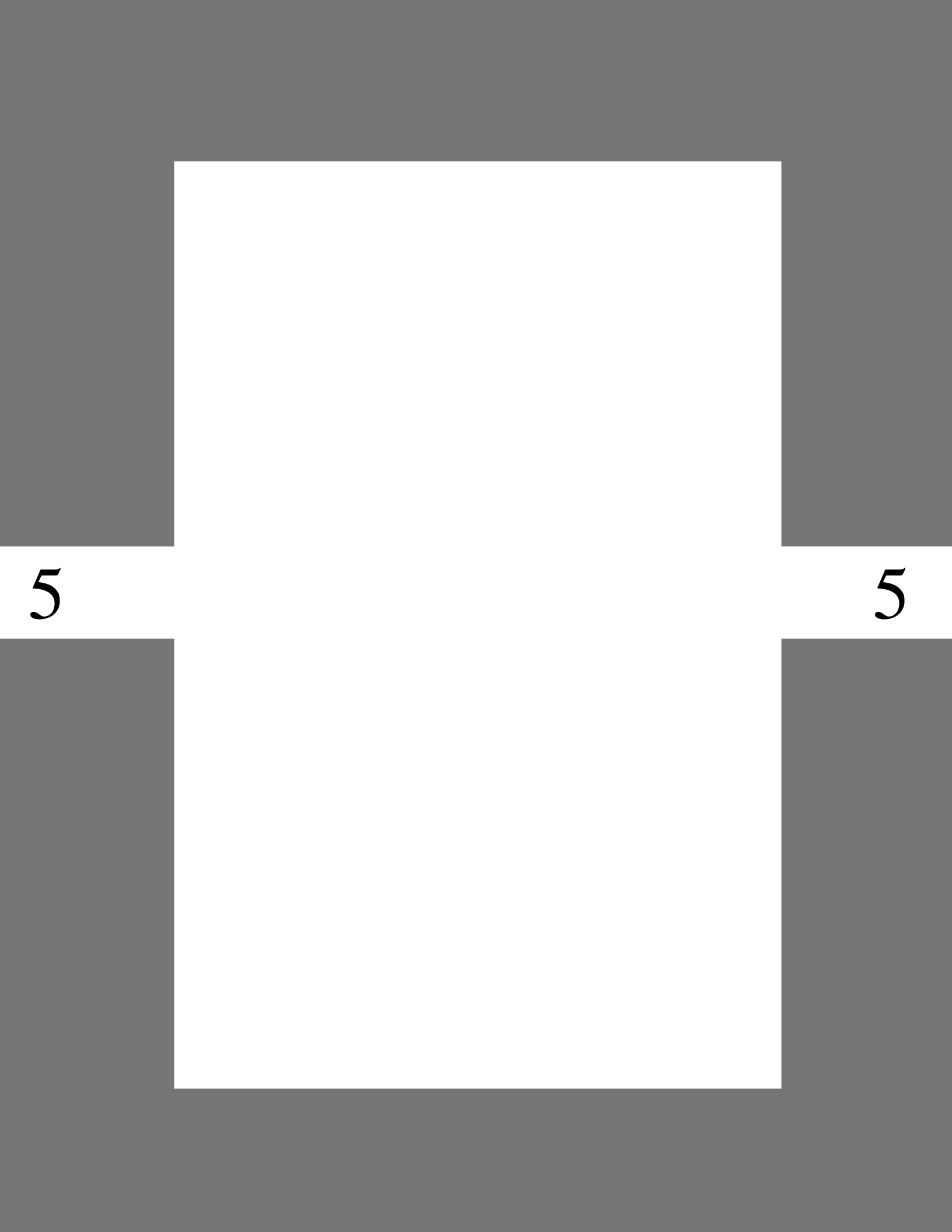
36. As I stated earlier, a torn aorta can be a complication of surgery. However, once the issue arises, the most important thing is recognizing that it has happened. At that point, Dr. Elkanich could have immediately called the on call vascular surgeon. Or, if the vascular surgeon was not available, he should have called a general surgeon to open the abdomen and investigate the abdomen, the aorta, and other blood prone areas.

37. Dr. Elkanich's failures in the areas indicated, to a reasonable degree of medical certainty, are below the standard of care. In addition, to a reasonable degree of medical certainty, they were a direct and proximate cause of Mary's death.

38. The factual assessments and medical opinions expressed herein are based on the currently available medical records and information available. I reserve the right to modify my assessments and medical opinions as additional records and information become available.



DONALD CORENMAN, M.D.



5

5


CLERK OF THE COURT

1 **OPP**
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2 Nevada Bar No. 005268
KATHERINE L. TURPEN, ESQ.
3 Nevada Bar No. 008911
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5 Telephone: 702/832-5909
Facsimile: 702/832-5910

6 *Attorney for Defendants George Michael Elkanich, M.D.*
7 *and Jocelyn L. Segovia, PA-C*

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 MADDEN DUDA, a minor, by and through
Jovan Duda, his Natural Father and Guardian,

Case No: A-13-677611
Dept. No.: 20

11 Plaintiff,

12 v.

13 GEORGE MICHAEL ELKANICH, M.D.; FEZA
GUNALP, M.D.; REBECCA GILLIGAN,
14 CNIM; NEUROMONITORING ASSOCIATES,
INC., a Nevada corporation; JOCELYN
15 SEGOVIA, PA-C; STEVEN SPILLER, M.D.;
VALLEY HOSPITAL MEDICAL CENTER,
16 INC., a Nevada corporation; ROE
CORPORATIONS I through X, inclusive; and
17 DOES I through X, inclusive

18 Defendants.

19 AUTUMN MATESI, individually and as an heir
to the Estate of MARY ANN HAASE, and
20 ROBERT ANSARA as Special Administrator of
the Estate of MARY ANN HAASE

21 Plaintiffs,

22 v.

23 GEORGE MICHAEL ELKANICH, M.D.; FEZA
GUNALP, M.D.; REBECCA GILLILAN,
24 CNIM; NEUROMONITORING ASSOCIATES,
INC., a Nevada corporation; JOCELYN
25 SEGOVIA, PA-C; VALLEY HOSPITAL
MEDICAL CENTER, INC., a Nevada
26 corporation; ROE CORPORATIONS I through
X, inclusive; and DOES I through X, inclusive

27 Defendants.
28

**DEFENDANTS' OPPOSITION TO
MOTION FOR PARTIAL SUMMARY
JUDGMENT AS TO JOCELYN
SEGOVIA, PA-C AND NRS 41A AND ALL
JOINDERS THERETO**

Date of Hearing: October 24, 2016
Time of Hearing: 8:30 a.m.

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1 **I. INTRODUCTION**

2 This matter arises out of allegations of medical malpractice and concerns Mary Haase's
3 surgery of March 5, 2012. Defendant Jocelyn Segovia, PA-C, participated in Mary's surgery and
4 rendered medical care and treatment to Mary, consistent with her professional license, her
5 privileges to render such care at Valley Hospital and under the supervision and direction of Dr.
6 Elkanich, her Supervising Physician.

7 The issue now before the Court is whether or not the 2015 change to NRS 41A.017,
8 specifically including Physician Assistant within the definition of "Provider of Health Care," was
9 a clarifying revision to be applied retrospectively, or whether it was a true amendment to the
10 statute to be applied prospectively. As will be set forth below, Defendants respectfully submit
11 that the language change brought about by Senate Bill No. 292 was a clarification consistent with
12 the original intent of "Keep Our Doctors in Nevada" (hereinafter referred to as KODIN) to
13 include Physician's Assistants, who practice under the auspices of their Supervising Physician's
14 medical license, as Providers of Health Care. Simply, this clarifying change is remedial in nature
15 and, pursuant to Nevada Statute and case law, applies retrospectively to PA Segovia and this
16 action.

17 **II. STATEMENT OF UNDISPUTED FACTS**

18 1. Mary Haase was operated on at Valley Hospital on March 5, 2012.

19 2. Jocelyn Segovia, PA-C was in the operating room and participated in the
20 surgical procedure on Mary Haase.¹

21 **III. DISPUTED FACTS**

22 As the remaining parties proceed to trial, there are a number of disputed facts. However,
23 for purposes of the instant motion, there is one specific disputed fact to be addressed: whether or
24 not PA Segovia was licensed under NRS Chapters 630 and 633.

25 As noted in Plaintiff's moving papers, in 2013, Defendant PA Segovia, in responding to
26

27 ¹ See, Defendants George Michael Elkanich, M.D.'s and Jocelyn Segovia, PA-C's Answer to
28 Second Amended Complaint, filed January 28, 2015, paragraph 219, attached hereto as Exhibit
 A.

1 Requests for Admissions, admitted that she was “not a licensed physician under Chapter 630 and
2 633 of the NRS.” As worded, it would be inappropriate for PA Segovia to have represented
3 herself as a doctor by denying this Request for Admission. However, this singular discovery
4 response is not dispositive of the issue now before the Court.² In fact, PA Segovia has regularly
5 maintained that she is, while not a doctor, licensed pursuant to NRS Chapter 630 and NRS
6 Chapter 633 and is, therefore, subject to the same statutory obligations and protections. Notably,
7 in Answering Plaintiffs’ Second Amended Complaint, Defendants repeatedly denied Plaintiff’s
8 allegations as to the nature of PA Segovia’s license. PA Segovia has asserted that she was
9 entitled to the statutory protections afforded other Providers of Health Care. Defendants’
10 Answer, filed on January 28, 2015, states in pertinent part:

11 “Defendants deny that PA Segovia is not licensed under Chapter 630 or 633 of the NRS
12 as PA Segovia is licensed as a Physician’ Assistant pursuant to NRS 630.015 and NRS
13 633.107 and is, therefore, entitled to all of the statutory protections arising therefrom.”
Exhibit A, at paragraph 5.

14 . . .

15 “. . . Defendants deny the truth of the allegations contained therein. Defendants
16 specifically assert that PA Segovia, a Physician’s Assistant licensed pursuant to NRS
17 630.015 and NRS 630.107, is a provider of healthcare as that term is used in NRS
18 Chapter 41A and that the provisions of NRS Chapter 41A do apply to PA Segovia and
19 this cause of action” *Id.* at paragraph 218.

20 . . .

21 “. . . Defendants specifically assert that the provisions of NRS Chapter 41A do apply to
22 this cause of action.” *Id.* at paragraph 228.

23 As noted, subsequent to the 2013 Response relied upon by Plaintiff, Defendants have
24 regularly asserted PA Segovia’s professional status under NRS 630, 633, 41 and 41A. In sum,
25 PA Segovia’s Response to Plaintiff’s 2013 Request for Admission is an admission that she is not
26 a doctor, not an admission precluding her from the statutory protections afforded her by her
27 license under NRS 630 or 633, nor is the Response dispositive of her statutory protections.

28 ² Defendant reserves the right to bring a Motion to Withdraw this Response to Request for Admission, pursuant to NRCP 36(b), properly before the Discovery Commissioner, to make the Response consistent with Defendants’ 2015 Answer to the Second Amended Complaint.

1 **IV. JOCELYN SEGOVIA, PA-C**

2 Defendant Jocelyn Segovia is a Physician's Assistant, licensed to provide medical
3 services in the State of Nevada pursuant to NRS Chapter 630 and NRS Chapter 633. NRS
4 630.015 defines a Physician Assistant, such a PA Segovia, as "a person who is a graduate of an
5 academic program approved by the Board or who, by general education, practical training and
6 experience determined to be satisfactory by the Board, is qualified to perform medical services
7 under the supervision of a supervising physician and who has been issued a license by the Board.
8 (emphasis added). As a Physician's Assistant, PA Segovia practices under the auspices of her
9 Supervising Physician's medical license and is precluded from practicing absent a Supervising
10 doctor. *See, Notification to Nevada State Board of Medical Examiners of Supervision of*
11 *Physician Assistant*, attached hereto as Exhibit B. *See also*, NRS 630.015 and NRS 633.107.

12 Pursuant to the Nevada Administrative Code 630.375, "a physician assistant is
13 considered to be and is deemed the agent of his or her supervising physician in the performance
14 of all medical activities" and "a physician assistant shall not perform medical services without
15 supervision from his or her supervising physician." Likewise, at Valley Hospital, where she
16 participated in Ms. Haase's surgery, PA Segovia was rendering medical care consistent with the
17 "Statement of Sponsor" provided by Dr. Elkanich, acknowledging that she was under his
18 direction and he was responsible under this Statement for her actions in dealing with patients.³
19 *See "Statement of Sponsor,"* attached hereto as Exhibit C.

20 With the above in mind, the need to clarify the language of NRS 41A.017 is reasonably
21 understood. The interpretation and application of the statute, as proposed by Plaintiff, would
22 provide that PA Segovia, if found negligent, would theoretically be liable for an amount far
23 above that of Dr. Elkanich, under whose license she practices, by whom she is supervised and in
24 contravention to NAC 630.375, which deems her his agent. There is no reasonable interpretation
25 of the original intent of KODIN that would be in anyway consistent with such an outcome.

26
27 ³ Defendant Dr. Elkanich is unquestionably a Provider of Health Care as defined by NRS
28 41A.017. The provisions of NRS Chapter 41A, including but not limited to NRS 41A.035 NRS
41.141, apply to Dr. Elkanich.

1 **V. LAW AND ARGUMENT**

2 **A. STANDARD OF REVIEW FOR SUMMARY JUDGMENT**

3 In Nevada, “summary judgment is appropriate and shall be rendered forthwith when the
4 pleadings and other evidence on file demonstrate that no genuine issue as to any material fact
5 [remains] and that the moving party is entitled to a judgment as a matter of law.” *Wood v.*
6 *Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005) (quotations omitted); NRC
7 56(c). Although “the pleadings and other proof must be construed in a light most favorable to the
8 nonmoving party,” the Nevada Supreme Court “has often stated that the nonmoving party may
9 not defeat a motion for summary judgment by relying on the gossamer threads of whimsy,
10 speculation and conjecture.” *Wood*, 121 Nev. at 730-32, 121 P.3d at 1030-31 (quotations
11 omitted). “[T]he non-moving party may not rest upon general allegations and conclusions, but
12 must, by affidavit or otherwise, set forth specific facts demonstrating the existence of a genuine
13 factual issue.” *Id.* at 731, 121 P.3d at 1030-31 (internal quotations omitted).

14 **B. THE INCLUSION OF PHYSICIAN ASSISTANTS BY SB 292 WAS A**
15 **CLARIFICATION OF THE ORIGINAL LEGISLATION AND NOT AN**
16 **AMENDMENT; AS CLARIFYING AND REMEDIAL LANGUAGE, IT**
SHOULD BE APPLIED RETROSPECTIVELY

17 In 2015, the Nevada Legislature made changes to NRS Chapter 41A. *See Senate Bill*
18 *292*, attached hereto as Exhibit D. However, not all changes to the statute were amendatory in
19 nature. Specifically, NRS 41A.017 was *clarified* to ensure that Physician’s Assistant were
20 included within the definition of “provider of healthcare.” This clarification was made to
21 reiterate the original intent of the 2004 KODIN legislation and was not to otherwise add a new or
22 additional provider to the definition. Accordingly, this clarifying change to the statute operates
23 retrospectively and applies to PA Segovia in the instant matter.

24 On this issue, there is testimony in the legislative minutes which demonstrates that this
25 change to NRS 41A.017, specifically identifying Physician’s Assistants as Health Care
26 Providers,” was a clarification of what was originally intended: to protect all providers licensed
27
28

1 pursuant to NRS Chapters 630 and 633. John Cotton, Esq., legal counsel for KODIN,⁴ spoke to
2 the clarifying intent of this provision of SB 292:

3 “The proposed amendment was necessary because NRS 630A already has a number of
4 different types of caregivers included. **It was not our intent to add additional**
5 **providers of health care to the bill. Our goal with SB 292 was to reiterate and**
6 **clarify KODIN’s intent with Questions No. 3 from 2004.**” See, *Minutes of the Senate*
7 *Judiciary Committee on Judiciary, Seventy-Eighth Session (March 26, 2015)*, at Page 15,
8 attached hereto as Exhibit E.

9 With respect to clarifications, the Nevada Supreme Court has found that “an amendment is
10 considered remedial only if it clarifies or technically corrects an ambiguous statute.” *Castillo v.*
11 *State*, 110 Nev. 535, 541-542 (Nev. 1994) (citation omitted) (disapproved on other grounds by
12 *Wood v. State*, 111 Nev. 428, 430, 892 P.2d 944, 946 (1995)). To answer this question, courts
13 can look to legislative minutes, such as the testimony offered above by Mr. Cotton. *Id.*

14 NRS 0.023 provides that “[t]he provisions of any law or statute which is reenacted,
15 amended or revised, so far as they are the same as those of prior laws, shall be construed as a
16 continuation of such laws and not as new enactments.” “In Nevada and
17 neighboring jurisdictions, changes in statutes are presumed to operate prospectively absent clear
18 legislative intent to apply a statute retroactively.” *Castillo v. State*, 110 Nev. 535, 540 (Nev.
19 1994) (disapproved on other grounds by *Wood v. State*, 111 Nev. 428, 430, 892 P.2d 944, 946
20 (1995)). However, statutory amendments that do not substantively alter existing law are deemed
21 to be a clarification of existing law and may be properly applied to disputes that arose prior to the
22 legislative amendment pursuant to NRS 0.023. Here, the clarifying language testified to by Mr.
23 Cotton to specifically include Physician’s Assistants within the definition of “Provider of Health
24 Care” does not substantively alter the existing law. In Nevada, Physician’s Assistants are issued
25 their licenses by the same administrative boards as Physician: the Nevada State Board of Medical
26

27 ⁴ While stating the obvious, Defendants acknowledge that Mr. Cotton and his law firm are
28 counsel of record for Dr. Elkanich, PA Segovia and KODIN. However, it is not a reason to
discredit or otherwise ignore his testimony before the Committee on behalf of KODIN.

1 Examiners or the Nevada State Board of Osteopathic Medicine. NRS 630.015. NRS 633.107.
2 The change does not expand the statute by adding a new class or providers, nor does it involve
3 an additional State Agency, further demonstrating that the change was a clarification of the
4 original intent and not an amendment.

5 The statute as a whole will be examined to determine whether a statutory amendment was
6 a substantive change or a clarification. *See Minor Girl v. Clark County Juvenile Court Servs.*, 87
7 Nev. 544, 548 (Nev. 1971). As a preliminary matter, "[t]he intent of the legislature is the
8 controlling factor in statutory interpretation." *Cleghorn v. Hess*, 109 Nev. 544, 548, 853 P.2d
9 1260, 1262 (1993). Second, "the amendment of a statute is persuasive evidence of what the
10 legislature intended by the original statute." *Administrator of the Real Estate Educ., Research &*
11 *Recovery Fund v. Buhecker*, 113 Nev. 1147, 1150 (1997) (relying on an official's
12 characterization of the amendment as a clarification during the Minutes as evidence that "the
13 amendment was not a change in the legislature's intent, but a clarification of the statute's liability
14 limitations").

15 "[C]ourts have held that legislative enactments responding to judicial interpretations of a
16 statute by affirmatively changing the statute are not 'clarifications' of original legislative intent,
17 but are amendments presumed to operate prospectively absent contrary legislative intent. Such
18 decisions are based on the fact that after the supreme court of a state has interpreted the statute in
19 question, it is no longer ambiguous and therefore cannot be clarified by the Legislature." *Castillo*
20 *v. State*, 110 Nev. 535, 540 (Nev. 1994). Accordingly, "absent clear legislative intent to the
21 contrary, clarifying amendments will be applied retrospectively only if they do not contravene
22 any judicial construction of the statute." *Id.* It does not appear that the Nevada Supreme Court
23 has previously addressed whether a Physician's Assistant is covered by NRS 41A, as it existed
24 prior to the 2015 change – there is no judicial interpretation known to Defendants of this specific
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1 and novel issue that would otherwise preclude further analysis by this Court.

2 **C. THE ORDER GRANTING PLAINTIFF'S MOTION FOR PARTIAL**
3 **SUMMARY JUDGMENT AS TO STEVEN SPILLERS, M.D. AND NRS 41A IS**
4 **NOT DISPOSITIVE AS TO PA SEGOVIA**

5 As discussed at length herein the provisions of SB 292 and its legislative changes as it
6 concerns the inclusion of Physician's Assistants within the definition of Providers of Health Care
7 was a *remedial* change, meant to *clarify* the original intent of KODIN to include all providers
8 licensed under NRS Chapters 630 and 633. Accordingly, this change is retrospectively applied to
9 the instant matter. However, in their moving papers, Plaintiffs assert that the Order issued by
10 this Court on their Motion for Partial Summary Judgment as to Steven Spillers, M.D. and NRS
11 disposes of this question. They are incorrect. The Order of this Court on the Spillers Motion
12 provides, at page 12, paragraph 16, that "the amendatory provisions of this act apply to a cause
13 of action that accrues on or after the effective date of this act." Again, while the language at
14 issue in Plaintiffs' Motion as to Dr. Spillers may have been "amendatory," the very specific and
15 limited language at issue as to PA Segovia was not amendatory. As such, the analysis afforded
16 the Spillers Motion and the Spillers Order do not apply to the issue now before the Court.

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1 **VI. CONCLUSION**

2 PA Segovia is entitled to the same statutory protections of Chapter NRS 41A as Dr.
3 Elkanich, including but not limited to the provisions of NRS 41A.017 and NRS 41.141. The
4 remedial and clarifying change to NRS 41A.017, identifying her as a Provider of Health Care per
5 SB 292 is the reason why. The original intent of KODIN was to protect Providers licensed
6 pursuant to NRS 630 and 633. PA Segovia is one of these Providers and including her in the
7 definition for purposes of this case does not expand the statute. Rather, it is common sense.

8 For the reasons set forth herein, as may be heard at the time of hearing, Defendants
9 respectively request that an Order be entered DENYING Plaintiffs' Motion.

10 DATED this 7th day of October 2016.

11 **JOHN H. COTTON & ASSOCIATES**

12 */s/ Katherine L. Turpen*

13
14

JOHN H. COTTON, ESQ.
15 KATHERINE L. TURPEN, ESQ.
16 *Attorneys for Defendants George Michael*
17 *Elkanich, M.D., Jocelyn L. Segovia, PA-C*
18
19
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DECLARATION OF KATHERINE L. TURPEN

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

KATHERINE L. TURPEN, declares:

1. I am an attorney duly licensed to practice law in the State of Nevada and, along with John H. Cotton, am the attorney for Defendant George Michael Elkanich, MD and Jocelyn Segovia PA-C.

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 "A" is a true and correct copy of Defendants Elkanich MD and Segovia PA-C's Answer to Second Amended Complaint.

4. Attached hereto as Exhibit "B" is a true and correct copy of Defendant Segovia PA-C's Notification to Nevada State Board of Medical Examiners of Supervision of Physician Assistant.

5. Attached hereto as Exhibit "C" is a true and correct copy of Defendant Elkanich MD's Statement of Sponsor regarding Defendant Segovia PA-C.

6. Attached hereto as Exhibit "D" is a true and correct copy of Senate Bill No: 292.

7. Attached hereto as Exhibit "E" is a true and correct copy of Minutes of the Senate Committee on Judiciary, seventy-eighth session, dated March 26, 2015.

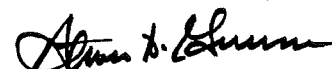
FURTHER YOUR DECLARANT SAYETH NAUGHT.

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


KATHERINE L. TURPEN, ESQ.

Exhibit A

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CLERK OF THE COURT

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13 Attorneys for Defendants George Michael Elkanich, M.D.
14 and Jocelyn L. Segovia, PA-C

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 **MADDEN DUDA, a minor, by and through**
18 **Jovan Duda, his Natural Father and Guardian,**

19 **Plaintiff,**

20 **v.**

21 **GEORGE MICHAEL ELKANICH, M.D.; FEZA**
22 **GUNALP, M.D.; REBECCA GILLIGAN,**
23 **CNIM; NEUROMONITORING ASSOCIATES,**
24 **INC., a Nevada corporation; JOCELYN**
25 **SEGOVIA, PA-C; VALLEY HOSPITAL**
26 **MEDICAL CENTER, INC., a Nevada**
27 **corporation; STEVEN SPILLERS, M.D.; ROE**
28 **CORPORATIONS I through X, inclusive; and**
DOES I through X, inclusive

Defendants.

Case No.: A-13-677611
Dept. No.: 29

DEFENDANTS GEORGE MICHAEL
ELKANICH, M.D.'S AND JOCELYN
SEGOVIA, PA-C'S ANSWER TO
SECOND AMENDED COMPLAINT

21 **AUTUMN MATESI, individually and as an heir**
22 **to the Estate of MARY ANN HAASE, and**
23 **ROBERT ANSARA as Special Administrator of**
24 **the Estate of MARY ANN HAASE**

25 **Plaintiffs,**

26 **v.**

27 **GEORGE MICHAEL ELKANICH, M.D.; FEZA**
28 **GUNALP, M.D.; REBECCA GILLILAN,**
CNIM; NEUROMONITORING ASSOCIATES,
INC., a Nevada corporation; JOCELYN
SEGOVIA, PA-C; VALLEY HOSPITAL
MEDICAL CENTER, INC., a Nevada

Consolidated with:

Case No.: A-13-677720

1 corporation; ROE CORPORATIONS I through
2 X, inclusive; and DOES I through X, inclusive

3 Defendants.

4 Defendants, GEORGE MICHAEL ELKANICH, M.D. and JOCELYN SEGOVIA, PA-C
5 (Hereinafter "Defendants"), by and through their attorneys of record, John H. Cotton, Esq. and
6 Katherine L. Turpen, Esq., of the law firm of JOHN H. COTTON & ASSOCIATES, in
7 answering Plaintiff's Second Amended Complaint, hereby admit, deny and allege as follows:

8 1. In answering paragraph 1 of Plaintiff's Second Amended Complaint, Defendants
9 respond that the cited Nevada Revised Statute speaks for itself. Defendants specifically deny all
10 allegations of negligence and wrongdoing.

11 2. In answering paragraph 2 of Plaintiff's Second Amended Complaint, Defendants
12 are without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained therein and deny them on that basis.

14 3. In answering paragraph 3 of Plaintiff's Second Amended Complaint, Defendants
15 are without knowledge or information sufficient to form a belief as to the truth of the allegations
16 contained therein and deny them on that basis.

17 4. In answering paragraph 4 of Plaintiff's Second Amended Complaint, Defendants
18 admit that Defendant George Michael Elkanich, M.D. is a physician practicing in the County of
19 Clark, State of Nevada and that he practices surgery and is licensed to practice medicine in the
20 State of Nevada. Defendants further admit that Defendant Jocelyn Segovia, PA-C, is a
21 Physician's Assistant. Defendants deny the remainder of the allegations contained therein.

22 5. In answering paragraph 5 of Plaintiff's Second Amended Complaint, Defendants
23 admit that Jocelyn Segovia, PA-C ("PA Segovia") is a Physicians' Assistant. Defendants deny
24 that PA Segovia is employed by Dr. Elkanich. Defendants deny that PA Segovia is an agent of
25 Valley Hospital/UHS. Defendants admit that PA Segovia is a resident of Clark County.
26 Defendants deny that PA Segovia is not licensed under Chapter 630 or 633 of the NRS as PA
27 Segovia is licensed as a Physicians' Assistant pursuant to NRS 630.015 and NRS 633.107 and is,
28 therefore, entitled to all of the statutory protections arising therefrom. Defendants admit that PA

1 Segovia is not a dentist, licensed nurse, dispensing optician, optometrist, registered physical
2 therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine,
3 medical laboratory director or technician, licensed dietitian or a licensed hospital or its
4 employee.

5 6. In answering paragraph 6 of Plaintiff's Second Amended Complaint, Defendants
6 are without knowledge or information sufficient to form a belief as to the truth of the allegations
7 contained therein and deny them on that basis.

8 7. In answering paragraph 7 of Plaintiff's Second Amended Complaint, Defendants
9 are without knowledge or information sufficient to form a belief as to the truth of the allegations
10 contained therein and deny them on that basis.

11 8. In answering paragraph 8 of Plaintiff's Second Amended Complaint, Defendants
12 are without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained therein and deny them on that basis.

14 9. In answering paragraph 9 of Plaintiff's Second Amended Complaint, Defendants
15 are without knowledge or information sufficient to form a belief as to the truth of the allegations
16 contained therein and deny them on that basis.

17 10. In answering paragraph 10 of Plaintiff's Second Amended Complaint, Defendants
18 are without knowledge or information sufficient to form a belief as to the truth of the allegations
19 contained therein and deny them on that basis.

20 11. In answering paragraph 11 of Plaintiff's Second Amended Complaint, Defendants
21 are without knowledge or information sufficient to form a belief as to the truth of the allegations
22 contained therein and deny them on that basis.

23 12. In answering paragraph 12 of Plaintiff's Second Amended Complaint, Defendants
24 are without knowledge or information sufficient to form a belief as to the truth of the allegations
25 contained therein and deny them on that basis.

26 13. In answering paragraph 13 of Plaintiff's Second Amended Complaint, Defendants
27 deny the truth of allegations contained therein.

28 14. In answering paragraph 14 of Plaintiff's Second Amended Complaint, Defendants

Case No. _____

In the Supreme Court of Nevada

JOCELYN SEGOVIA, PA-C,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT of the State of Nevada, in
and for the County of Clark; and
THE HONORABLE MICHELLE
LEAVITT, District Judge,

Respondents,

and

MADDEN DUDA, a minor, by and
through JOVAN DUDA, his natural
father and guardian; AUTUMN
MATESI, individually and as an heir
to the estate of MARY ANN HAASE,
and ROBERT ANSARA as special
administrator of the estate of MARY
ANN HAASE,

Real Parties in
Interest.

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Feb 22 2017 08:27 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

PETITIONER'S APPENDIX

**Volume 2
Pages 251-500**

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Presentation; "Upper Extremity Range of Motion: Effect on Tension of the Cervical Nerve Roots", Donald S. Corenman, M.D., D.C.; David C Karil, M.D.; Dhruv B Pateder, M.D.; Sarah A Kelley-Spearing, B.A.; Eric L Strauch, P.A.-C. February 2008; Breckenridge CO; Denver Spine Annual Winter Meeting. Presenting Author

Donald S. Corenman, M.D., D.C.
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Poster Presentation; "Upper Extremity Range of Motion: Effect on Tension of the Cervical Nerve Roots", Donald S. Corenman, M.D., D.C.; David C Karli, M.D.; Dhruv B Pateder, M.D.; Sarah A Kelley-Spearing, B.A.; Eric L Strauch, P.A.-C. November 2007; San Francisco CA; Cervical Spine Research Society 2007 Annual Meeting, Presenting Author

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Presentation; "Physical Exam Findings Relate to Perceived Disability in Neck Patients", Donald S Corenman, M.D., D.C.; Sarah A Kelley-Spearing, B.A.; David C Karli, M.D.; Eric L Strauch, P.A.-C.; Rebecca D Glassman, B.A., October 2007; Austin TX; North American Spine Society 2007 Annual Meeting, Co-author

Presentation; "General Health Relates to Disability in Neck and Back Patients", Sarah A Kelley-Spearing, B.A.; Donald S Corenman, M.D., D.C.; Rebecca D Glassman, B.A. Karen K Briggs, MPH, October 2007; Austin TX; North American Spine Society 2007 Annual Meeting, Co-author

Presentation; "Inflammatory and Autoimmune Spondyloarthopathies", October 2007; Vail CO.; Steadman Hawkins Lecture Series, Donald Corenman M.D., D.C. Moderator

Presentation; "Artificial Disc Replacement-The Controversy"; Vail CO; May 9, 2006; Steadman Hawkins Clinic Lecture Series Donald Corenman M.D., D.C. Moderator

Presentation; "Spinal Cord Injuries" Keystone, A-Basin, Breckenridge Ski patrollers and Keystone Medical Center; December 2005; Donald Corenman M.D., D.C. Moderator

Presentation; "Rheumatological and Inflammatory Spinal Disorders"; Vail, CO.; February 2005; Steadman Hawkins Clinic Lecture Series, Donald Corenman M.D., D.C. Moderator

Presentation; "Recognition & Treatment of Cervical Radiculopathy"; 2005 Baseball Medicine Conference, Injury Prevention & Treatment Techniques; Denver, CO; January 6-8, 2005; Lewis Yocum M.D. Moderator

Presentation; "Spine Injuries in Athletes"; 5th Annual Colorado Rockies Medical and Training Staff Retreat; Vail Valley Medical Center; Vail, CO.; November 5-7, 2004; Thomas Noonan M.D. Moderator

Donald S. Corenman, M.D., D.C.
Curriculum Vitae Page 5

Presentation; "The Acute Recognition and Management of On Hill Spinal Injuries"; Copper Mountain Ski Patrol; Copper, CO; November 2003

Presentation; "The Acute Recognition and Management of On Hill Spinal Injuries"; Vail Mountain Ski Patrol; Vail, CO; November 2003

Presentation; "The Acute Recognition and Management of On Hill Spinal Injuries"; Keystone Ski Patrol; Keystone, CO; November 2003

Presentation; "The Physiology of Lumbar and Cervical Discs"; Steadman Hawkins Lecture Series; Donald S. Corenman, M.D., D.C., Moderator; October 2003

Presentation; "Recognition and Treatment of Spinal Injuries in the Athlete"; Grand Rounds; Vail Valley Medical Center; Richard Hawkins, M.D., Moderator; Vail, CO; October 2003

Presentation; "Human Physiology, Incidence of Skier or Snowboard Injury and Safety Considerations, Sport Biomechanical Reaction Time In High Speed Skiing with Application to Ski Safety"; American Association for the Advancement of Science Annual Meeting; "The Science of Snow and Skiing"; David Lind, PhD, Moderator; Denver, CO; February 2003

Presentation; "Diagnosis and Treatment of Scheuermann's Disease and Management of Sagittal Plane Deformity"; Steadman Hawkins Lecture Series, Donald Corenman, M.D., D.C., Moderator; December 2002

Presentation; "In Field Evaluation of the Spinal Injured Patient"; Vail Ski Patrol; Mark Patterson, Moderator; November 2002; Vail, CO

Presentation; "Management of Spinal Disorders in the Professional Athlete"; Colorado Rockies Athletic Trainers Camp; Richard Hawkins, M.D., Moderator; Vail, CO

Presentation; "Surgical Treatment of Degenerative Disc Disease"; Steadman Hawkins Spine Lecture Series; Donald Corenman, M.D., D.C., Moderator, June 2002; Vail, CO

Presentation; "Treatment of Scoliosis and Kyphosis"; Steadman Hawkins Spine Lecture Series; Donald Corenman, M.D., D.C., Moderator, June 2001; Vail, CO

Presentation; "Diagnosis and Treatment of Lumbar Spine Fractures"; Steadman Hawkins Spine Lecture Series; Donald Corenman, M.D., D.C., Moderator; February, 2001

Presentation; "Office Evaluation of the Cervical Spine" Steadman Hawkins Spine Lecture Series; Donald Corenman, M.D., D.C., Moderator; June, 2000

Donald S. Corenman, M.D., D.C.

Curriculum Vitae Page 6

**Presentation; "Alignment Pain"; Steadman Hawkins Spine Lecture Series;
Donald Corenman, M.D., D.C., Moderator; February, 2000**

**Presentation; "Fractures of the Cervical and Lumbar Spine"; Steadman Hawkins
Spine Lecture Series; Donald Corenman, M.D., D.C., Moderator; August, 1999**

**Presentation; "Causes and Rehabilitation of Cervical and Lumbar Pain
Generators"; University of Colorado Physical Therapy School, Karen
Backstrom, P.T.; Denver, CO; October 1998**

**Presentation; "Causes and Appropriate Management of Neck, Back and
Radicular Pain"; Colorado Rehabilitation Insurance Nurses Group; Nora
Palmer Fox, R.N., President; Denver, CO; February 1998**

**Presentation; "Interesting Orthopaedic Case Studies"; American Chiropractic
College of Radiology, 1997 Workshop-Symposium, Denver, CO; Moderator-
Terry Yochum, D.C.; September, 1997**

**Presentation; "Management of Chronic Low Back Pain"; Primary
Musculoskeletal Care Conference; University of Colorado; Breckenridge, CO;
August, 1997; William Winter, M.D., John Hill, M.D.; Chairmen**

**Presentation; "Referred Neck and Shoulder Pain"; Primary Musculoskeletal Care
Conference; University of Colorado; Breckenridge, CO; August, 1997;
William Winter, M.D., John Hill, M.D.; Chairmen**

**Workshop; "Manipulation"; Primary Musculoskeletal Care Conference;
University of Colorado; Breckenridge, CO; August, 1997; William Winter,
M.D., John Hill, M.D.; Chairmen**

**Chairman; "Comprehensive Evaluation and Treatment of Back and Neck Pain",
University of Colorado and Colorado Chiropractic Assn.; Denver, CO; June
1997**

**Presentation; "Causes of Pain in the Cervical and Lumbar Regions";
Comprehensive Evaluation and Treatment of Back and Neck Pain;
University of Colorado and Colorado Chiropractic Assn.; Denver, CO; June
1997**

**Presentation; "Making a Diagnosis Work"; Comprehensive Evaluation and
Treatment of Back and Neck Pain; University of Colorado and Colorado
Chiropractic Assn.; Denver, CO; June 1997**

**Presentation; "Role of Surgery in Treatment of Back and Neck Pain";
Comprehensive Evaluation and Treatment of Back and Neck Pain;
University of Colorado and Colorado Chiropractic Assn.; Denver, CO; June
1997**

Donald S. Corenman, M.D., D.C.

Curriculum Vitae Page 7

Moderator; "Subluxation Based Treatment vs Outcomes Based Treatment" Comprehensive Evaluation and Treatment of Back and Neck Pain; University of Colorado and Colorado Chiropractic Assn.; Denver, CO; June 1997

Moderator; "Rehabilitation Protocols: Med X versus Low Tech"; Comprehensive Evaluation and Treatment of Back and Neck Pain; University of Colorado and Colorado Chiropractic Assn.; Denver, CO; June 1997

Moderator; "Approaches in Case Management"; Comprehensive Evaluation and Treatment of Back and Neck Pain; University of Colorado and Colorado Chiropractic Assn.; Denver, CO; June 1997

Presentation; "Surgical Management of Cervical Fractures"; University of Colorado Spine Lecture Series; April 1997

Presentation; "Physical Examination of the Cervical Spine"; Independent Medical Examination Seminar; Colorado Chiropractic Society and Colorado Trial Lawyers Assn.; Denver, CO; April 1997

Presentation; "Diagnosis and Management of Cervical and Lumbar Disorders"; University of Colorado Nurse Practitioners Course, April 1997

Presentation; "Management of Failed Back Surgery Syndrome"; University of Colorado Spine Day, Department of Orthopaedics, April 1997

Presentation; "The Causes and Treatment of Lower Back and Neck Pain"; University of Colorado Longevity Lecture Series, Natural History Museum, Denver, CO; March 1997

Presentation; "Complications associated with Anterior Cervical Spine Approaches"; Neurosurgery in the Rockies; University of Colorado; March 1997, Robert Breeze, M.D., Chairman

Presentation; "Surgical Approach for Anterior Cervical Fusions"; ENT Rounds; University of Colorado, January 1997

Presentation; "How to Avoid or Treat Spine Problems Yourself", University Longevity Lecture Series, Museum of Natural History, Denver Colorado, November 1996 (x2)

Presentation; "Diagnosis and Rehabilitation of Lumbar Spine Disorders", University of Colorado Physical Therapy School, November 1996

Presentation; "Diagnosis and Rehabilitation of Cervical Spine Disorders", University of Colorado Physical Therapy School, November 1996

Debate; "Metal vs. No Metal" (in lumbar spine fusion), Colorado Spine Symposium, Lakewood, Colorado, November 1996, Courtney Brown, M.D., Chairman

Donald S. Corenman, M.D., D.C.

Curriculum Vitae Page 8

Moderator; "Interesting Areas in Spine", Colorado Spine Symposium, Lakewood, Colorado, November, 1996, Courtney Brown, M.D, Chairman

Presentation; "Basic Physiology of the Central and Peripheral Nervous Systems" Resident Academic Rounds, University of Colorado; October, 1996

Presentation; "The Diagnosis and Treatment of Cervical Myelopathy and Lumbar Spinal Stenosis"; Resident Academic Rounds; University of Colorado; September 1996

Presentation; "The Diagnosis and Treatment of Cervical Rheumatoid Arthritis"; Resident Academic Rounds; University of Colorado; August 1996

Presentation; "The Normal Neck"; Primary Musculoskeletal Care Conference, August 1996; University of Colorado School of Medicine; Breckenridge, CO, William Winter, M.D., Chairman

Presentation; "Management of Chronic Lower Back Pain"; Primary Musculoskeletal Care Conference, August 1996; University of Colorado School of Medicine; Breckenridge, CO; William Winter, M.D., Chairman

Workshop; "The Normal Neck"; Primary Musculoskeletal Care Conference; August 1996; University of Colorado School of Medicine; Breckenridge, CO; William Winter, M.D., Chairman

Panel Discussion; "Treatment of Cervical Spine Pain"; Primary Musculoskeletal Care Conference; August 1996; University of Colorado School of Medicine; Breckenridge, CO; William Winter, M.D., Chairman

Panel Discussion; "Treatment of Lumbar Spine Pain"; Primary Musculoskeletal Care Conference; August 1996; University of Colorado School of Medicine; Breckenridge, CO; William Winter, M.D., Chairman

Chairman; "The Differential Diagnosis of Spinal Disorders"; July 1996; University of Colorado, Department of Orthopaedics and Colorado Chiropractic Association; Denver, CO

Presentation; "The Pathology of Cervical Spine Disorders"; The Differential Diagnosis of Spinal Disorders; July 1996; University of Colorado, Department of Orthopaedics and Colorado Chiropractic Association; Denver, CO

Presentation; "Surgical Indications and Treatment of Lumbar Spine Disorders" The Differential Diagnosis of Spinal Disorders; July 1996; University of Colorado, Department of Orthopaedics and Colorado Chiropractic Association; Denver, CO

**Workshop: "History and Physical of the Cervical Spine and Upper Extremities";
The Differential Diagnosis of Spinal Disorders; July 1996; University of
Colorado, Department of Orthopaedics and Colorado Chiropractic
Association; Denver, CO**

**Workshop: "Alternate Treatment Modalities in Neck and Back Pain: Internal
Medicine, Chiropractic and Orthopaedic Surgery Perspectives"; 32nd
Annual Internal Medicine Program; University of Colorado, Department of
Internal Medicine; Estes Park, CO; July 1996; Linda A. Barbour, M.D., M.P.H.,
Director**

**Presentation: "The Effect of Washers and Staples on an Anterior Model"; 4th
International Scientific Congress, Spine 96 System; May, 1996; Paris,
France; Jean Huppert, M.D. and Thierry Marnay, M.D., Chairmen**

**Presentation; "The Effect of a Spinal Ligament System on the Adjacent Segment
in Lumbar Fusion", 4th International Scientific Congress, Spine 96 System;
May, 1996; Paris, France; Jean Huppert, M.D. and Thierry Marnay, M.D.,
Chairmen**

**Presentation; "Diagnosis and Treatment of Lumbar and Cervical Pain"; Nurse
Practitioners Course; University of Colorado; April 19, 1996**

**Presentation; "Diagnosis and Management of Cervical Spine Trauma"; Residents
Spine Day; University of Colorado; March 1996**

**Presentation; "Indications for Halo Application and Technique of Application";
Residents Spine Day; University of Colorado; March 1996**

**Presentation; "Techniques of Thoracolumbar Casting for Treatment of Burst
Fractures"; Residents Spine Day; University of Colorado; March 1996**

**Presentation; "Examination of the Injured Cervical Spine", Managing the
Cervical Spine in the '90's; Colorado Chiropractic Society; February, 1996;
Denver, CO; Reiner G. Kremer, D.C., Chairman**

**Presentation: "The Physiology and Biomechanics of Lumbar Spine Fusion";
Neurosurgery Meeting of the Rockies; February 1996; Vail, CO; Robert
Breeze, M.D., Chairman**

**Poster Exhibit; "An Outcome Study on 119 Patients With Chronic Low Back Pain
Treated With Lumbar Spinal Fusion Utilizing Pre-Operative Discography";
The Surgical Management of Spinal Disorders; January 1995; Vail, CO;
Thomas Lowe, M.D., Chairman**

**Presentation; "An Outcome Study on 119 Patients With Chronic Low Back Pain
Treated With Lumbar Spinal Fusion Utilizing Pre-Operative Discography";
Western Pacific Orthopaedic Association Congress; Hong Kong; November
13, 1995**

Donald S. Corenman, M.D., D.C.

Curriculum Vitae Page 10

Panel Debate; "The Role of Surgery in Lower Back Pain"; Colorado Spine Symposium; Englewood, CO; November 3, 1995; Courtney Brown, M.D., Chairman

Moderator, Radiologic Conference, Surgical Management of Spinal Disorders; Vail, CO; January 1994; Thomas Lowe, M.D., Chairman

Presentation; "Management of Acute Cervical Spine Injuries"; General Surgery Residency Rounds; Providence Hospital; Southfield, MI; November 30, 1992

Presentation; "The History and Practice of Chiropractic"; Grand Rounds: Orthopaedic Surgery Residency Program; Providence Hospital, Southfield, MI; October 31, 1992

Presentation; "Diagnosis and Stabilization of Cervical Trauma"; Grand Rounds; Emergency Medicine Residency Program; Grace Hospital; Detroit, MI; August 11, 1992

EXHIBIT 3

SWORN AFFIDAVIT OF ALAN DAVID KAYE, M.D., Ph.D., DABA, DABPM

STATE OF LOUISIANA)
)
 JEFFERSON PARRISH)

COMES NOW, ALAN KAYE, M.D., Ph.D. who after being duly sworn, deposes and says:

1. I am a Physician and Surgeon licensed to practice medicine and surgery in the States of Louisiana, Arizona, Texas, and Florida.
2. I am Chairman, Director of Interventional Pain Services, Anesthesia Staff, Intensive Care Staff, and Tenured Professor of Anesthesiology in the Department of Anesthesiology at LSU School of Medicine, New Orleans. I am Professor of Pharmacology at LSU School of Medicine, New Orleans. I am also an Adjunct Clinical Professor in the Departments of Pharmacology and Anesthesiology at Tulane School of Medicine, New Orleans.
3. I am a graduate of the University of Arizona School of Medicine and Tulane University School of Medicine, Pharmacology. I completed postgraduate internship in Internal Medicine at Alton Ochsner Medical Foundation and Clinic in New Orleans, Louisiana and my residencies in Anesthesiology at Massachusetts General Hospital and Tulane Medical Center in New Orleans, Louisiana. I also completed postgraduate fellowship training at Texas Tech University Health Sciences Center, International Pain Institute in Lubbock, Texas.
4. I am board-certified in both Anesthesiology and Pain Medicine.
5. My experience and education are documented in my *curriculum vitae* (Attached hereto as Exhibit 1.)
6. I have been retained to review and comment on the standard of care of the health care providers involved in the care of Ms. Mary Haase during her admission to the Valley Hospital Medical Center in Las Vegas, Nevada, in March 2012.
7. I have reviewed Ms. Haase's available medical records, including those from the episodes of care that are the subject of this lawsuit. I offer all of my opinions to a reasonable degree of medical certainty. These opinions support the allegations in the pending complaint.

8. Pursuant to the medical records, Ms. Haase, was a 41 year-old, ASA Class III female who was scheduled to undergo a bilateral Microdecompression Microdiscectomy at the L3-4 and L4-5 levels, and other procedures, on March 5, 2012 at Valley Hospital Medical Center.
9. Ms. Haase's spine surgeon for her operation on March 5, 2012 was George Elkanich, MD. His assistant was Jocelyn Segovia, PA-C.
10. Pursuant to Operating Room Nursing Records, Mary Haase entered the Operating Room at Valley Hospital at 1:34 PM on March 5, 2012.
11. Pursuant to Anesthesiology Records, at the March 5, 2012 surgery, general anesthesia was administered to Mary Haase by Feza Gunalp, MD who was the Anesthesiologist for the case.
12. Pursuant to Operating Room Circulating Nursing Records, the surgery on Mary Haase on March 5, 2012 began at 2:02 PM and ended at 3:42 PM.
13. Pursuant to Anesthesiology and Operating Room Circulating Nursing Records, Mary Haase became hemodynamically unstable in the Operating Room at approximately 3:40 PM on March 5, 2012.
14. Pursuant to Operating Room Circulating Notes, Mary Haase's trachea was extubated and she was transported *in extremis* from the Operating Room to the Post Anesthesia Care Unit (Recovery Room) at 4:33 PM on March 5, 2012.
15. At 5:05 PM on March 5, 2012, Mary Haase experienced cardiac arrest, her cardiac rhythm was noted to be Pulseless Electrical Activity, and a Code Blue was called.
16. At 5:08 PM on March 5, 2012, Mary Haase's trachea was reintubated in the Post Anesthesia Care Unit.
17. At 6:16 PM on March 5, 2012, Mary Haase was pronounced dead.
18. On March 5, 2012, the Office of the Clark County, Nevada Coroner took immediate jurisdiction of the death of Mary Haase because of the possibility of death by medical misadventure.

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19. On March 6, 2012, an autopsy was performed on the remains of Mary Haase with findings including, "Diffuse Retroperitoneal Hemorrhage and Hematomas with Extension into the Mesenteric Root due to Injury of the Abdominal Aorta due to Lumbar Disc Surgery..., Hemothorax, Bilateral, Chest, Pale Internal Organs consistent with Acute Blood loss..."
20. I am familiar with the standard of care for an Anesthesiologist and operating room and recovery room personnel providing medical and surgical care in circumstances similar to those in this case in the preoperative, intraoperative, and postoperative periods.
21. I am also familiar with the duties of an Anesthesiologist as they relate to communicating with a Spine Surgery Team before, during, and after a spinal operation such as the one in this case.
22. An Anesthesiologist has a duty to keep the Surgical Team, including the operating attending surgeon, informed of significant intraoperative hemodynamic instability.
23. An Anesthesiologist has a duty to maintain an airway in a patient who is *in extremis* or significantly hemodynamically compromised.
24. Dr. Feza Nevil Gunalp, MD fell below the standard of care for an attending Anesthesiologist on or around March 5, 2012 when he failed to communicate to the Surgical Team that Mary Haase was *in extremis* and hemodynamically unstable for the final portion of her spinal operation.
25. Dr. Feza Nevil Gunalp, MD fell below the standard of care for an attending Anesthesiologist on or around March 5, 2012 when he extubated the trachea of Mary Haase while she was *in extremis* and hemodynamically unstable.
26. As a result of the breaches in the standard of care on or around March 5, 2012 by Dr. Feza Gunalp, Mary Haase was injured and suffered a markedly decreased chance of survival after her Abdominal Aorta was lacerated by her surgeon and she suffered massive retroperitoneal hemorrhage, bilateral hemothorax, extreme hemodynamic instability, pulseless electrical activity of her heart, cardiac arrest, and death.
27. All of the medical opinions expressed in this affidavit are to a reasonable degree of medical certainty and are based upon the available medical records; I reserve the right to change, modify, or revise my medical opinions if other medical records or additional information becomes available.

28. The medical opinions expressed herein are unique to the specific factual circumstances of this particular case and therefore may not apply to other cases or factual scenarios.

Further, your affiant sayeth naught.


Alan David Kaye, M.D., PhD

SUBSCRIBED and SWORN to before me
this 12 day of February, 2012.
March 2013


NOTARY PUBLIC in and for said
Parrish and State

Curriculum Vitae

Alan David Kaye, M.D., Ph.D., D.A.B.A., D.A.B.P.M.

Tenured Professor, Director Pain Services, & Chairman

PERSONAL

Address 1542 Tulane Ave, 6th Floor, New Orleans, Louisiana 70112
 Spouse Kim Sutker Kaye, M.D.
 Children Aaron, 20 years, Rachel, 17 years
 Place of Birth Long Island, New York
 Date of Birth March 21, 1962
 E-mail address alankaye44@hotmail.com

EDUCATION

Undergraduate

University of Arizona B.S. in Biology (Honors thesis in Humanities), *magna cum laude*, 1984

University of Arizona B.S. in Psychology (Honors thesis in Humanities), *magna cum laude*, 1985

Graduate

University of Arizona School of Medicine M.D., 1989

Tulane University School of Medicine, Pharmacology Ph.D., 1997

Dissertation: "Pharmacology of Angiotensin Peptides and Nonpeptide Agonists in the Pulmonary Vascular Beds of the Cat and the Rat," under Dr. Philip J. Kadowitz

Postgraduate

Internship in Internal Medicine, Alton Ochsner Medical Foundation and Clinic, New Orleans, Louisiana 1989-90

Residency in Anesthesiology, Massachusetts General Hospital
 Boston, Massachusetts (Clinical Fellow Harvard Medical School) 1990-91

Residency in Anesthesiology, Tulane Medical Center, Clinical Scientist Track,
 New Orleans, Louisiana (including 9 months of CV & rotation at Texas Heart Institute) 1992-93

Pain Fellowship (ACGME accredited), Texas Tech University Health Sciences Center 2001-2003
 (Dr. Gabor B. Racz, Dr. Miles Day, Dr. Leland Lou, and Dr. P. Prithvi Raj), International Pain Institute, Lubbock, Texas

LICENSURE AND CERTIFICATION

Louisiana 08774R; Arizona 27323; Texas K9313; Florida ME 92078	all current
Diplomate, National Board of Medical Examiners Exam	1990
Diplomate, American Board of Anesthesiology (#25483)	1995
Diplomate, American Board of Pain Medicine (#02603)	2003-13
American Board of Anesthesiology Subspecialty Certification in Pain Medicine (#25483)	2003-13
American Board of Anesthesiology Re-Certification in Pain Medicine (#25483)	2013-23
Controlled Substance Certificate American Society Interventional Pain Physicians	August, 2011
Coding, Compliance, and Practice Management Certificate American Society Interventional Pain Physicians	September, 2012
X DEA Code through Buprenorphine Training Program Certification/Testing	December 2012
Advance Cardiac Life Support	1989-Present
Basic Cardiac Life Support	1989-Present

PRESENT/PAST PROFESSIONAL APPOINTMENTS

Assistant Professor of Anesthesiology / Attending Staff Department of Anesthesiology, Tulane Medical Center	July 1993-September 1997
Associate Professor of Anesthesiology with Tenure/ Attending Staff Department of Anesthesiology, Tulane Medical Center	September 1997-99
Adjunct Associate Professor, Department of Pharmacology	January 1998-2002
Adjunct Professor, Department of Pharmacology	July 2002-Present
Adjunct Professor, Department of Anesthesiology	July 2007-Present
Attending Staff and Vice-Medical Director Greater New Orleans Surgical Center	July 1995-May 1998
Attending Staff and Medical Director Greater New Orleans Surgical Center	May 1998-August 2000
Chairman, Program Director, and Professor of Anesthesiology/ Attending Staff/Intensivist Department of Anesthesiology, Texas Tech Medical Center	March 1999-Jan 2005
Attending Staff, Highland Hospital and St. Mary's Hospital	February 2000-2002

December 11, 2012

Curriculum Vitae
 Alan David Kaye, M.D.

Successful Founder, LSU Department of Anesthesia Independent Residency	October, 2008
New Orleans Anesthesia Hall of Fame Inductee	2007
Outstanding Leadership Award from the LSU Anesthesiology Dept/Hurricane Katrina	2006-2007
Consumer Research Outstanding Anesthesiologist/Pain Doctor in USA	2006-2007
Outstanding Teaching Award LSU	2005-2006; 2006-2007; 2007-2008; 2008-2009
Texas Tech Dept. of Anesthesia Hall of Fame Inductee	2004
500 Leaders of Influence	2001-Present
Strathmore's Who's Who of American Leaders	2001-Present
Most Outstanding Clinical Faculty Award, Texas Tech-Anesth	99-00, 00-01, 01-02, 02-03, 03-04
Physician Mentor of the Year, Finalist, Texas Tech Health Sciences Center	99-00, 00-01
Who's Who in the World	2000-Present
Baxter Certificate for Clinical Research Excellence	1999
Greater New Orleans Surgical Center Certificate of Excellence	1999
Who's Who in Science and Engineering	1999-Present
Who's Who in Medicine and Healthcare	1997-Present
Robert Dripps Memorial Outstanding Graduating Resident Award	1993
Chief Resident, Department of Anesthesiology, Tulane Medical Center	1992-1993
American Society of Anesthesiology Resident Delegate, State of Louisiana President, State of Louisiana Chapter	1992-1993
National Student Research Forum, First Place Roche Laboratories Award For Excellence in Basic Science Research (Intern/Resident Division)	1992
Award of Excellence for Teaching Medical Students at Tulane	1992

Curriculum Vitae
 Alan David Kaye, M.D.

Award of Excellence for Research from the Tulane Department of Anesthesiology	1992, 1993
Louisiana Educational Quality Support Fund Super Stipend	1991
Arizona Medical Association Scholarship	1987-1989
University of Utah Joshua Millbank Scholars Program Scholarship	1987
E. Blois du Bois Scholarship	1981-1989
Rhodes Scholar Candidate	
Selected as one of the representatives for the University of Arizona	
Selected as the state of Arizona Rhodes Competition Winner	
Runner-up in the Western Regional Rhodes Competition Finals	1983-1984
University of Arizona Outstanding Senior Man of the Year Award	1983-1984
College of Liberal Arts, Faculty of Social and Behavioral Sciences, Outstanding Graduating Senior Award	1983-1984
Blue Key Senior Men's Honorary	1983-1984
Who's Who among Students in American Colleges and Universities	1983-1984
<i>Phi Beta Kappa</i> and <i>Phi Kappa Phi</i> Honorary	1982-1983
University of Arizona Honors Student of the Year Award	1982-1983
President, Honors Program Planning Board	
Golden Key National Junior Honorary	1982-1983
Residence Life Student Appreciation Award of Excellence	1982-1983
Presidential Committee on Academic Integrity	1982-1983
<i>Phi Eta Sigma</i> Gold Seal Award	1982-1983
President, University of Arizona Chapter	
Associated Students, University of Arizona	1982-1983
Director, Student Discount Card Program	
University of Arizona Silver Bowl Award (4.0 G.P.A./year, twice)	1981-1983
MILITARY	
Captain, United States Army Medical Reserves	1990-1997

Major, United States Army Medical Reserves	1997–02 (Retired, Honorable Discharge)
Academy of Health Sciences, Officers Basic Training, San Antonio, Texas	May, 1996
National Defense Service Medal (for being in Reserves during Gulf War)	1992
Louisiana Military Honor Service Medal	April, 2010

NATIONAL/REGIONAL COMMITTEES/EXAMINER

Federal Drug Administration (FDA), the Division of Anesthetic, Analgesic, and Addiction Products, Anesthetic and Analgesic Drug Products Advisory Committee	August, 2012-Present
Consultant Expert in Anesthesia and in Pain, Louisiana Attorney General's Office	2007-Present
Consultant Expert in Anesthesia and in Pain, Louisiana Board Medical Examiners	2007-Present
Consultant Expert in Anesthesia and in Pain, Arizona Board Medical Examiners	2010-Present
Consultant Expert in Anesthesia and in Pain, Texas Board of Medical Examiners	2000-2005
American Society of Anesthesiologists Cancer and Chronic Pain	2011-Present
American Society of Anesthesiologists Committee on Membership	2010-Present
American Society of Anesthesiologists Committee on Local Arrangements	2008-2009
American Society of Anesthesiologists Committee on Physician Resources	2006-Present
American Nurse Anesthetist Manpower Task Force, Chicago, Illinois	2002
American Society of Anesthesiologists Subcommittee on Respiration	2000-2010
American Society of Anesthesiologists Committee on Residents and Medical Students	1998-2000
American Board of Anesthesiology, Associate National Examiner	1998-2003
Texas Society of Anesthesiology-Education Committee	1999-2005
Society of Academic Anesthesiology Chairs	1999-2005; 2007-Present
Association of Academic Anesthesiology Chairs	1999-2005

COMMITTEES/DEPARTMENT RESPONSIBILITIES AT LSU HEALTH SCIENCES CENTER

Administrative Council	January 2005-Present
Credentials Committee	January 2005-Present
Executive Committee	January 2005-Present
Medical Executive Committee, University Hospital	January 2005-Present
Administrative Director, University Hospital Operating Room Division	January 2005-Present
--Root Cause Analysis Leader/Member	January 2005-Present
Operating Room Committee, Director MCLNO (9/06-Present)	January 2005-Present
Clinical and Basic Science Chairs Committee	January 2005-Present
Program Director, Medical Director of Anesthesia Services	January 2005-Present
Trauma Committee	January 2005-Present
Pulmonary Chair Search Committee	2005
CV Surgery Chair Search Committee	2005
Cardiology Chair Search Committee	2005-2006
Trauma Verification Subcommittee Chair	2005
Urology Chair Search Committee	2006
Pain Management Advisory Committee	2008-Present
Kenner Physician Excellence Committee	January 2009-2011

COMMITTEES/DEPARTMENT RESPONSIBILITIES AT TEXAS TECH MEDICAL CENTER

Executive Committee	March 1999-January 2005
Medical Liability Committee	March 1999-January 2005
Operating Room Committee, Vice Chairman/Co-Chairman	March 1999-January 2005
Clinical and Basic Science Chairs Committee	March 1999-January 2005
Pharmacy and Therapeutics Committee	March 1999-January 2005
Program Director, Medical Director of Anesthesia Services	March 1999-January 2005
Director, Anesthesia Operating Room STAT Blood Gas Laboratory	March 1999-January 2005
Trauma Committee	March 1999-January 2005
Admissions Committee	July 1999-January 2005

Graduate Education Task Force, TTPA Information-Communication Task Force 2000-2001

COMMITTEES/DEPARTMENT RESPONSIBILITIES AT TULANE MEDICAL CENTER

Academic/Administrative Review Committee, OB & GYN, Chair	May-December 1998
Academic/Administrative Review Committee, Internal Medicine, member	July 1997-Jan 1998
Medical School Admissions, Interviewer	September 1996-1999
Pharmacy and Therapeutics Committee (Vice-Chair 1998-present)	March 1996-1999
Investigational Studies Subcommittee	March 1996-1999
Assistant Residency Coordinator, Anesthesiology Department	July 1993-1999
Acting Residency Coordinator, Anesthesiology Department	August 1995-October 1995 Dec 1996-Feb 1997; June 1997-November 1998
Residency Recruitment Coordinator	July 1993-1999
Transitional Year Coordinating Committee, member	July 1993 - 1999
Grievance Committee, member	July 1993 - 1999
Promotion and Honors Committee, member	July 1993 - 1999
Clinical Competency Committee, member	March 1995-1999
Drug Utilization Committee, Research Advisory Committee, member	July 1996 - 1999
Director, Basic Science Research & Medical Student Research Elective	July 1993-1999
Institutional Graduate Medical Education Advisory Committee	July 1998-1999
Director, Basic Science Research, Department of Anesthesiology	July 1993-1999

GRANTS/STUDIES

Safety of Desflurane versus Isoflurane in patients with coronary artery disease undergoing peripheral vascular surgery, (potential for 125 patients at \$3,500.00/patient or \$437,500.00 from Ohmeda: Alan Kaye (PI), Bobby Nossaman, Muhammad Anwar, Robert Hewitt, and Donald Akers, Department of Anesthesiology, Tulane School of Medicine, New Orleans, July 1997-2002 (\$105,000.00)

Desflurane effects on intracranial pressure on neurosurgical patients with intracranial tumors, \$135,000.00 from Ohmeda: Alan Kaye (PI), Bobby Nossaman, Muhammad Anwar, Dzong Dinh, and Don Richardson, Department of Anesthesiology, Tulane School of Medicine, New Orleans, June 1995-1998 (\$125,000.00)

The Role of Surgical Stress on Arachidonic Acid Mediators \$500.00 from GlaxoWellcome: Alan Kaye (PI), Bobby Nossaman, John Imig, Muhammad Anwar, and Philip Kadowitz,

Department of Anesthesiology, Tulane School of Medicine, New Orleans, 1997-1998

Desflurane effects on water emersion on lithotripsy patient, \$300.00 from Ohmeda: Alan Kaye (PI) and Don Smith, Department Anesthesiology, Tulane School of Medicine, New Orleans, 1994

Propofol effects on the lung, \$1,000.00: Alan Kaye (PI) and Bobby Nossaman, Department Anesthesiology, Tulane School of Medicine, New Orleans, 1995

The role of bovine immunoglobulin extract in cryptococcal diarrhea in the immunocompromised host: Alan Kaye (PI), Department Anesthesiology, Tulane School of Medicine, New Orleans, LA/Good Samaritan Hospital, Phoenix, AZ, 1993-1994

The Efficacy and Safety of LY315920 in Patients with Severe Sepsis from Eli Lilly: Bobby Nossaman (PI), Alan Kaye, Salam Arif, and Marilyn Duban, Department of Anesthesiology, Tulane School of Medicine, New Orleans, 1999

Preoperative Regional Anesthesia in Children Undergoing Extremity Surgery: David Godfried (PI), Santhanam Suresh, Alan Kaye, Department of Anesthesiology, Texas Tech School of Medicine, Lubbock, 1999-2001

Effects of Intrathecal Narcotics on Catecholamine levels in Obstetric Patients: Alan Kaye (PI), Fima Lenkovsky, Bonny Carter, Tom Davis, Raj Saber, Department of Anesthesiology, Texas Tech School of Medicine, Lubbock, February 2000-2002

Recovery effects of general inhalational agents in the elderly, \$30,000.00: Alan Kaye, (PI), Carlos Ricaldi, John Gianoli, Raj Saber, Department of Anesthesiology, Texas Tech School of Medicine, Lubbock, September 2000-2002

Effects of general inhalational agents in patients with laryngeal mask airways, \$40,000.00: Alan Kaye, (PI), Sanjev Vig, Paula Rushing, Department of Anesthesiology, Texas Tech School of Medicine, Lubbock, March 2001-January 2002.

Pulmonary vascular Responses to Ephedra Alkaloids, American Medical Association Seed Grant \$2,500, Todd Richards, Aaron Fields, Ikhllass Ibrahim, Alan Kaye, 2002-2003.

Epidural effects of encapsulated 48 hour morphine in bowel surgery, \$210,000, Skye Pharmaceuticals. Alan Kaye, (PI), James Heavener, Lin Bor Kang, Feb. 2002-2003.

Epidural effects of encapsulated 48 hour morphine in gynecological procedures, \$210,000, Skye Pharmaceuticals. Alan Kaye, (PI), James Heavener, Lin Bor Kang, August 2004-2005.

Resident Education and Teaching Grant, Organon, \$7800. Alan Kaye, (PI), July 2006-2008.

Resident Education and Teaching Award, Hospira, \$2500. Alan Kaye, (PI), 2006-2008.

LSU Chancellor's Research Grant, The role of VR1-+Dorsal Horn Neurons in Central Sensitization; Neuropathic Pain Management. \$67,245.00 JianGuo Cui (PI), Gabriel Tender,

Alan Kaye, 2007-2011.

The effects of Gralise on spinal stenosis patients with radicular symptoms, Depomed Pharmaceuticals. Alan Kaye (PI), 100,000.00, 2011-2013.

Opioids and the Lung: Alan Kaye, (PI), Bracken DeWitt, NIH RO-1, \$955,000.00 (to be submitted), Department of Anesthesiology, LSU School of Medicine, New Orleans.

PRESENTATIONS

International/National

1. "Lemakalin is a Potent Vasodilator in the Feline Pulmonary Vascular Bed," Anaheim, CA, American Heart Association, Hood JS, Kaye AD, McMahon TJ, Kadowitz PJ, October, 1991.
2. "Methylene Blue Inhibits Pulmonary Vasodilator Responses to Efferent Vagal Stimulation in the Cat," FASEB meeting, Anaheim, CA, McMahon TJ, Kaye AD, Kadowitz PJ, October, 1992.
3. "Pulmonary Vasoconstrictor Effects of the Thromboxane Analog, U46619, Prostaglandin D₂, and Prostaglandin F_{2α} are Mediated by a Glybenclamide Sensitive Mechanism," FASEB meeting, Anaheim, CA, Kaye AD, McMahon TJ, Minkes R, Nossaman BD, Ibrahim I, Kadowitz PJ, October, 1992.
4. "The Pulmonary Vasodilation Response to Efferent Vagal Stimulation is Inhibited by N-Nitro-L-Arginine Methyl Ester in the Cat," FASEB meeting, Anaheim, CA Kadowitz PJ, Hood JS, Kaye AD, McMahon TJ, October 1992.
5. "Pulmonary Vasoconstrictor Effects of U46619, Prostaglandin F_{2α}, and Prostaglandin D₂ are Mediated by a Glibenclamide Sensitive Mechanism," National Research Forum, Galveston, TX, Kaye AD and Kadowitz PJ, March, 1992.
6. "Inhibitory Effects of DuP 753 and Exp. 3174 on Responses to Angiotensin II in the Pulmonary Vascular Bed of the Cat," FASEB meeting, Anaheim, CA, Gottliebson WA, McMahon TJ, Kaye AD, Hood JS, Minkes, RK, Nossamnan BD, Kadowitz PJ, October

1992.

7. "Effects of GR 3981 on Thromboxane Receptor-Mediated Responses in the Pulmonary Vascular Bed of the Cat," Gulf-Atlantic Anesthesiology Research Conference, Kaye AD, Nossaman BD, Ibrahim IN, DeWitt BJ, Feng CJ, and Kadowitz PJ, May 1992.
8. "Cholinergic Pulmonary Vasodilator Response to Efferent Vagal Stimulation are Inhibited by Methylene Blue." American Heart Association, New Orleans, LA, McMahon TJ, Kaye AD, and Kadowitz PJ, November, 1992.
9. "Influence of Zaprinas on Vascular Tone and on Vasodilator Responses in the Intact Chest Cat." Anaheim, CA, FASEB meeting, Kaye AD, Ibrahim IN, Wang JK, Feng CJ, Kadowitz PJ, Nossaman BD, April, 1993.
10. "Influence of DuP 532 on Vasoconstrictor Responses to Angiotensin II in the Pulmonary Vascular Bed of the Cat." Anaheim, CA, FASEB meeting, Ibrahim IN, Cheng DY, McMahon TJ, Osei SY, DeWitt BJ, Kaye AD, Kadowitz PJ, Nossaman BD, April, 1993.
11. "Analysis of Responses of Allicin, a Constituent of Garlic Oil, in the Pulmonary Vascular Bed of the Cat." Pulmonary Vasodilator Responses of Allicin, a Constituent of Garlic Oil, Anaheim, CA, FASEB meeting, Kaye AD, Nossaman BD, Ibrahim IN, Feng CJ, McNamara DB, Agrawal KC, Kadowitz PJ, April 1993.
12. "Inhibitory Effects of DuP 753 and Exp. 3174 on Responses to Angiotensin II in the Pulmonary Vascular Bed of the Cat," Anaheim, CA, FASEB meeting, McMahon TJ, Kaye AD, Hood JS, Nossaman BD, Kadowitz PJ, April 1993.
13. "Comparison of Pulmonary Effects of DuP 753 and Exp. 3174 on Responses to Angiotensin II and Angiotensin III in the Pulmonary Vascular Bed of the Cat," Anaheim, CA, FASEB meeting, Kadowitz PJ, Kaye AD, and McMahon TJ, April 1993.
14. "Analysis of Thromboxane Receptor-Mediated Responses in the Feline Pulmonary Vascular Bed." Galveston, Tx, Gulf Atlantic Anesthesia Residents Research Conference, Kaye AD, Nossaman BD, Ibrahim IN, DeWitt BJ, Feng CJ, Kadowitz PJ., May, 1993.
15. "Magnetic Resonance Imaging: Can an Anesthetic be Safely Administered?" Chapel Hill, North Carolina, Gulf-Atlantic Anesthesia Residents Research Conference, Cooper RL and Kaye AD, April 1994.
16. "Analysis of Responses to Angiotensin IV, {Angiotensin II(3-8)} and Effects of DuP 753 and PD 123319." New Orleans, LA, FASEB meeting, Nossaman BD, Feng CJ, Kaye AD, Kadowitz PJ, Nossaman BD, April, 1994.
17. "Local Anesthesia Infiltration as a Cause of Intraoperative Tension Pneumothorax in a Young Healthy Female Undergoing Breast Augmentation under General Anesthesia." Chapel Hill, NC, Gulf-Atlantic Anesthesia Residents Research Conference, Kaye AD, Eaton WM, Jahr JS, Nossaman BD, Youngberg JA, April 1994.

18. "Analysis of the Protein Kinase C Inhibitors Calphostin-C and Staurosporine on Vasoconstrictor Responses in the Pulmonary Vascular Bed of the Cat," FASEB meeting, Anaheim, CA, Kaye AD, Nossaman BD, Ibrahim I, Kadowitz PJ, April 1994.
19. "Influence of N^ω-L-Nitro-L-Arginine Methyl Ester, LY83583, Glibenclamide and L158809 in the Perfused Rat Lung," Maui, Hawaii, International Anesthesiology Research Society, Feng CJ, Cheng DY, Kaye AD, Kadowitz PJ, Nossaman BD, March, 1995.
20. "Influence of the Phospholipase C and Myosin Light Chain Inhibitors, U73122 and KT5926, and the Role of L- and N-Calcium Channels on Vasoconstrictor Responses in the Pulmonary Vascular Beds of the Cat and Rat," Atlanta, GA, FASEB meeting, Kaye AD, Ibrahim IN, Feng CJ, Kadowitz PJ, Nossaman BD, April 1995.
21. "Allergy in Anesthesia," abstract accepted for presentation to Gulf Atlantic Research Anesthesiology Conference, Stone Mountain, GA, Lentz, JM and Kaye, AD, May 1995.
22. "Role of Signal Transduction Inhibitors (Phospholipase C, Myosin Light Chain Kinase, and L- and Calcium Channels) in Agonist-Induced Vasoconstrictor Responses in the Cat Pulmonary Vascular Bed," New Orleans, LA, Society of Critical Care Medicine, 25th Educational and Scientific Symposium, Kaye AD, Nossaman BD, Ibrahim IN, Feng CJ, Kadowitz PJ, January, 1996.
23. "Pulmonary Vasodilator Responses to Adrenomedullin Are Reduced by Nitric Oxide Synthase Inhibitors in the Rat But Not in the Cat," New Orleans, LA, Society of Critical Care Medicine, 25th Educational and Scientific Symposium, Nossaman BD, Kaye AD, Ibrahim IN, Feng CJ, Kadowitz PJ, January, 1996.
24. "Analysis of Responses to Bradykinin and Selective antagonism in the Rat Hindquarters Vascular Bed," New Orleans, LA, Society of Critical Care Medicine, 25th Educational and Scientific Symposium, Nossaman BD, Kaye AD, Ibrahim IN, Feng CJ, Kadowitz PJ, January, 1996.
25. "Analysis of Responses of Pentoxifylline in the Pulmonary Vascular Bed of the Cat", Society of Cardiovascular Anesthesia, Aruba, Mexico, Smith, DE, Kaye AD, Ibrahim IN, Kadowitz PJ, Nossaman BD., January, 1996.
26. "Analysis of Responses of Pentoxifylline in the Pulmonary Vascular Bed of the Rat", Kaye AD, World Anesthesia Congress, Sydney, Australia, Ibrahim IN, Kadowitz PJ, Nossaman BD., FASEB meeting, April, 1996.
27. "Analysis of the Phospholipase A₂, Lipoxxygenase, and Cyclooxygenase Inhibitors on Vasoconstrictor Responses in the Pulmonary Vascular Bed of the Cat," FASEB meeting, Washington, D.C., Kaye AD, Nossaman BD, Francis, MC, Ibrahim I, Kadowitz PJ, April 1996.
28. "Analysis of the Responses to the Angiotensin Subtype 1 Receptor Antagonist, LY 301875, on Vasoconstrictor Responses in the Pulmonary Vascular Bed of the Cat,"

- FASEB meeting, Washington, D.C., Nossaman BD, Kaye AD, Youngberg, JA, Ibrahim I, Kadowitz PJ, April 1996.
29. "Coagulopathies and intraoperative therapies for blood loss," 12th Annual Mardi Gras Anesthesia Update Refresher Course in New Orleans, LA, Kaye AD, February, 1997.
 30. "Role of angiotensin peptides in the pulmonary vascular bed of the cat and the rat," University of Indiana, Indianapolis, Indiana, Kaye AD, March, 1997.
 31. "Effects of Charybdotoxin, a Ca^{++} sensitive K^{+} Channel Blocker, on Nitrovasodilators and on Hypoxic Pulmonary Vasoconstriction in the Rat." Nossaman BD, Kaye AD, Feng CJ, Kadowitz PJ. Experimental Biology '97, FASEB meeting, New Orleans, April, 1997.
 32. "Analysis of Responses to Ang 1 (3-10) and Leu³ Ang (3-8) in the Feline Pulmonary Vascular Bed." Kaye AD, Nossaman BD, Feng CJ, Smith DE, Ibrahim IN, Harding J, Kadowitz PJ. Experimental Biology '97, FASEB meeting, New Orleans, April, 1997.
 33. "Analysis of Responses to Bradykinin and Influence of B₁ and B₂-Subtype Blockade in Isolated Perfused Rat Lung." Feng CJ, Kaye AD, Kadowitz PJ, Nossaman BD. Experimental Biology '97, FASEB meeting, New Orleans, April, 1997.
 34. "Current Concepts--Allergy and Anesthesia," Gulf Atlantic Research Anesthesiology Conference, New Orleans, LA, Summers CJ, Kaye AD, Moudgil GC, May 1997.
 35. "The Role of the Anesthesiologist in the Operating Room," Tucson, Arizona, Tucson Unified School District, Kaye AD, January, 1998.
 36. "Coagulopathies and intraoperative fluid therapies," 13th Annual Mardi Gras Anesthesia Update Refresher Course in New Orleans, LA, Kaye AD, February, 1998.
 37. "Analysis of Responses to Propofol in Isolated Perfused Rat Lung," Orlando, Florida, International Anesthesiology Research Society, Kaye AD, Nossaman BD, Feng CJ, Kadowitz PJ, March, 1998.
 38. "Analysis of Ketamine Vasodilator Responses in the Pulmonary Vascular Bed of the Rat," Banister R, Kaye AD, Ibrahim I, Fox C, Kadowitz PJ, Nossaman BD. American Society of Anesthesiologists, Orlando, FL, October, 1998.
 39. "Analysis of Ketamine Vasodilator Responses in the Pulmonary Vascular Bed of the Cat," Kaye AD, Banister R, Ibrahim I, Nossaman BD. European International Congress of Anesthesiology, Vienna, Austria, October, 1998.
 40. The Differential Effects of Peroxynitrite in the Pulmonary and Hindquarters Vascular Bed of the Rat. Nossaman BD, Champion H, Kaye AD, Feng CJ, Anwar M, Kadowitz PJ. American Heart Association, Dallas, Texas, November, 1998.
 41. The Role of Desflurane in Neurosurgical Anesthesia, New York Medical College, Valhalla, New York; Kaye AD, September 1998.

42. Fast Tracking Neurosurgical Patients with New Inhalational Agents, University of Vienna, Vienna, Austria; Kaye AD, September 1998.
43. Fast Tracking Neurosurgical Patients with New Inhalational Agents, University of Paris, Pitie-Salpetriere Hospital, Paris, France; Kaye AD, October 1998.
44. The Role of Desflurane and Sevoflurane in Neurosurgical Anesthesia, The Lille University Hospital, Lille , France; Kaye AD, October 1998.
45. Fast Tracking Neurosurgical Patients with New Inhalational Agents, University of Paris, Saint-Vincent-de-Paul Hospital, Paris, France; Kaye AD, October 1998.
46. Concepts in Local Anesthetics and the Role of Ropivacaine in Anesthesia, The Lille University Hospital, Lille , France; Kaye AD, October 1998.
47. The Role of Desflurane and Sevoflurane in Neurosurgical Anesthesia, The Mississippi State Anesthesiology Society Meeting, Jackson, Mississippi; Kaye AD, November 1998.
48. The Role of Desflurane and Sevoflurane in Neurosurgical Anesthesia, The New Orleans Anesthesiology Society Meeting, New Orleans, Louisiana; Kaye AD, November 1998.
49. Fast Tracking Neurosurgical Patients with New Inhalational Agents, Alton Oschner Hospital and Clinic Department of Anesthesiology, New Orleans, Louisiana; Kaye AD, November 1998.
50. Fast Tracking Neurosurgical Patients with New Inhalational Agents, St. Louis Anesthesia Society, St. Louis, Missouri; Kaye AD, December 1998.
51. "Coagulopathies and intraoperative therapies for blood loss," 12th Annual Mardi Gras Anesthesia Update Refresher Course in New Orleans, LA, Kaye AD, February, 1997.
52. Fast Tracking Neurosurgical Patients with New Inhalational Agents, St. Joseph's Medical Center, Department of Anesthesiology, Orange County, California; Kaye AD, March 1999.
53. Fast Tracking Neurosurgical Patients with New Inhalational Agents, Memphis Anesthesia Society (Shelby County), Memphis Tennessee; Kaye AD, April 1999.
54. "Analysis of the Effects of Protein Kinase C Isozyme Inhibitors on Vasoconstrictor Responses in the Pulmonary Vascular Bed of the Cat," FASEB meeting, Washington, D.C., Kaye AD, De Witt B, Ibrahim I, Nossaman BD, April 1999.
55. Fast Tracking Neurosurgical Patients with New Inhalational Agents, International Anesthesia Research Society, Los Angeles, California; Kaye AD, March 1999.
56. "Analysis of the Effects of Bisindolemaleimide on Vasoconstrictor Responses in the Pulmonary Vascular Bed of the Cat," FASEB meeting, Washington, D.C., De Witt B, Kaye AD, Ibrahim I, Nossaman BD, February 1999.

57. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Saint Vincent's Hospital Anesthesia Department, Birmingham, Alabama; Kaye AD, February 1999.
58. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," International Anesthesia Research Society, Los Angeles, California; Kaye AD, March 1999.
59. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Pasadena Community Hospital Program, Pasadena, California; Kaye AD, March 1999.
60. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Shelby County Medical Society, Memphis, Tennessee; Kaye AD, April 1999.
61. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Arizona Society of Anesthesiologists, Scottsdale, Arizona; Kaye AD, May 1999.
62. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Alabama Society of Nurse Anesthetists, San Destin, Florida; Kaye AD, May 1999.
63. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," South Fulton Medical Center, Atlanta, Georgia; Kaye AD, June 1999.
64. "Neuroanesthesia Consideration and Fast Tracking," St. Joseph's Hospital, Los Angeles, California; Kaye AD, July 1999.
65. "Neuroanesthesia, Desflurane and Sevoflurane," University of Arizona, Tucson, Arizona; Kaye AD, August 1999.
66. "Experimental Intensive Care: Effects of Commonly Used Drugs on Leukocyte-Endothelial Cell Interactions," European Society of Critical Care, Berlin, Germany, Hofbauer R, Kaye AD, Kapiotis S, Wagner O, Frass M, September 1999.
67. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Parkland VA Medical Center, Dallas, Texas; Kaye AD, October 1999.
68. "Neuroanesthesia, Desflurane and Sevoflurane," University of New Mexico, Albuquerque, New Mexico; Kaye AD, December 1999.
69. "Blood Coagulation and Blood Products," University of New Mexico, Albuquerque, New Mexico; Kaye AD, December 1999.
70. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Indiana Private Anesthesiologists, Highland, Indiana; Kaye AD, December 1999.
71. "Neuroanesthesia, Desflurane and Sevoflurane," Riverpoint Surgicenter, Elk Hart, Indiana; Kaye AD, December 1999.
72. "Neuroanesthesia Consideration and Fast Tracking," St. Joseph's Anesthesiologists, Stockton, California; Kaye AD, January 2000.

73. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Vanderbilt, Nashville, Tennessee; Kaye AD, February 2000.
74. "Neuroanesthesia, Desflurane and Sevoflurane," Riverpoint Surgicenter, Centennial Hospital, Nashville, Tennessee; Kaye AD, December 1999.
75. "Preoperative sleep deprivation influences recovery and postoperative analgesic requirements," 6th America-Japan Anesthesia Congress, Hawaii, A Arif, C Scher, Kaye AD, Anesthesia and Analgesia, 2000;90;S4001, March 2000.
76. "72 Hours Use of Heparin-Coated Pulmonary Artery Catheters and Its Surface Analysis," 6th America-Japan Anesthesia Congress, Hawaii, Hofbauer R, Moser D, Kapiotis S, Wagner O, Frass M, Kaye AD, 2000;90;S4123, March 2000.
77. "Anti-Inflammatory Effect of Ibuprofen" 6th America-Japan Anesthesia Congress, Hawaii, Hofbauer R, Speiser W, Frass M, Kapiotis S, Wagner O, Kaye AD, 2000;90;S4424, March 2000.
78. "Preoperative sleep deprivation influences recovery and postoperative analgesic requirements," International Anesthesia Research Society, Hawaii, A Arif, C Scher, Kaye AD, Anesthesia and Analgesia, 2000; 90; S4001, March 2000.
79. "72 Hours Use of Heparin-Coated Pulmonary Artery Catheters and Its Surface Analysis," International Anesthesia Research Society, Hawaii, Hofbauer R, Moser D, Kapiotis S, Wagner O, Frass M, Kaye AD, 2000;90;S4123, March 2000.
80. "Anti-Inflammatory Effect of Ibuprofen" International Anesthesia Research Society, Hawaii, Hofbauer R, Speiser W, Frass M, Kapiotis S, Wagner O, Kaye AD, 2000;90;S4424, March 2000.
81. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Vanderbilt, Nashville, Tennessee, Kaye AD, March 2000.
82. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Tri-Cities Anesthesia Society Meeting, Johnson City, Tennessee, Kaye AD, April, 2000.
83. "A new in vitro triple migration chamber assay to investigate leukocyte-endothelial-smooth muscle cell interactions simultaneously," European Anesthesia Society Meeting, Vienna, Austria, Hofbauer, R, Moser D, Gmeiner B, Hofbauer L, Speiser W, Frass M, Kapiotis S, Kaye AD, April, 2000.
84. "Propofol and its solvent effect on the non-specific branch of the immune system," European Anesthesia Society Meeting, Vienna, Austria, Hofbauer, R, Moser D, Gmeiner B, Hornykewycz S, Wagner M, Frass M, Kapiotis S, Kaye AD, April, 2000.
85. "The reporting of dietary supplements that can interact with commonly used drugs," World Congress of Anesthesia, Montreal, Canada, Clarke RC, Kaye AD, Kaye AM, Nossaman B, June, 2000.

86. "Influence of Propofol on the transmigration of leukocytes through endothelial cell monolayers," World Congress of Anesthesia, Montreal, Canada, Hofbauer, R, Moser D, Gmeiner B, Hornykewycz S, Kapiotis S, Wagner M, Frass M, Kaye AD, June, 2000.
87. "Vasodilator activity of naloxone in the pulmonary circulation of the rat: influence of ν , κ , and δ opioid receptors," World Congress of Anesthesia, Montreal, Canada, Kaye AD, Kaye AM, Nossaman B, June, 2000.
88. "Thrombus formation on heparin bonded pulmonary artery catheters," World Congress of Anesthesia, Montreal, Canada, Hofbauer, R, Moser D, Handler S, Oielacher C, Speiser W, Kapiotis S, Wagner M, Frass M, Kaye AD, June, 2000.
89. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Parkland Hospital, Dallas, Texas, Kaye AD, July 2000.
90. "Neuroanesthesia, Desflurane and Sevoflurane," Dallas Society of Anesthesia, Dallas, Texas, Kaye AD, July 2000.
91. "Opiate Pharmacology and Rapid Detoxification," 5th Annual World Pain Symposium, Budapest, Hungary; Kaye AD, September 2000.
92. "Anticoagulation and thrombus formation during hemodialysis," American Federation of Medical Research, Chicago, Hofbauer R, Moser D, Frass M, Wagner O, Kapiotis S, Kaye AD, September 2000.
93. "Sterioselektive effects of ibuprofen on leukocyte transmigration through endothelial cell monolayers," International Conference on Inflammopharmacology, Sheffield, UK, Hofbauer R, Kaye AD, Moser D, Gmeiner B, Rasse M, Evans AM, Frass M, September 2000.
94. "Analysis of the effects of Defibrotide in the pulmonary vascular bed of the cat," American Society of Anesthesia meeting, San Francisco, CA, De Witt B, Kaye AD, Ibrahim I, Nossaman BD, September 2000.
95. "Neuroanesthesia Consideration and Fast Tracking," Venezuela Society of Anesthesia, Caracas, Venezuela; Kaye AD, November 2000.
96. "Opiate Pharmacology and Rapid Detoxification," Talbott Recovery Center, Atlanta, Georgia; Kaye AD, February 2001.
97. "Heparin Anticoagulation in Hemodialysis Patients and the Clotting of Dialyser Membranes: A Scanning Electron Microscopical Analysis," International Anesthesia Research Society, Ft. Lauderdale, Hofbauer R, Moser D, Nemetz D, Wagner O, Frass M, Kaye AD, March 2001.
98. "Is the Combitube as Effective as the Endotracheal Airway with Respect to Epinephrine," International Anesthesia Research Society, Ft. Lauderdale, Hofbauer R, Kofler J, Sterz F, Kaye AD, Benumhof J, Frass M, March 2001.

99. "The Effects of Desflurane and Isoflurane on Cerebrospinal Fluid Pressure in Humans with Supratentorial Mass Lesions," International Anesthesia Research Society, Ft. Lauderdale, Kaye AD, Arif AS, Anwar M, Duban M, Nossaman B, March 2001.
100. "Analysis of Responses to Levosimendan in the Pulmonary Vascular Bed of the Cat," International Anesthesia Research Society, Ft. Lauderdale, Kaye AD, De Witt B, Ibrahim I, Hofbauer R, Nossaman B, March 2001.
101. "Spinal Sufentanil, Fetal Bradycardia, and Maternal Catecholamines in Parturients," Society for Obstetric Anesthesia and Perinatology, San Diego, Lenkovsky F, Garaban M, Kristensen E, Bernstein I, Rathmell J, Kaye A, April, 2001.
102. "Current Concepts in Herbal Medicines and Anesthetic Interactions," Tulane Medical Center, Department of Anesthesia, New Orleans, April, 2001.
103. "Current Concepts in Herbal Medicines and Anesthetic Interactions," Texas Society of Anesthesia, Houston, May, 2001.
104. "Opiate Pharmacology and Rapid Detoxification," Texas Society of Anesthesia, Houston, May, 2001.
105. "Recovery from Desflurane versus Sevoflurane in the Elderly," Society for Ambulatory Anesthesia (SAMBA), 16th Annual Meeting, Palm Springs, Kaye A, Gianoli J, Sahinler B, Powell J, Summers C, Bayer E, Bolton J, Rushing P, Carter B, May, 2001.
106. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Rush Medical Center, Chicago, IL, Kaye AD, August 2001.
107. "Current Concepts in Herbal Medicines and Anesthetic Interactions," Rush Medical Center, Chicago, IL, Kaye AD, August 2001.
108. "Analysis of Ma Huang, Ephedrine Responses in the Pulmonary Vascular Bed of the Cat," Richards T, Ibrahim I, Fields A, Sirithanakul K, Kaye A. American Society of Anesthesiologists, New Orleans, LA, October, 2001.
109. "Recovery from Desflurane versus Sevoflurane," Kaye A, Gianoli J, King T, Lin B, American Society of Anesthesiologists, New Orleans, LA, October, 2001.
110. "Current Concepts in Herbal Medicines for the Interventional Pain Practitioner," 6th International Pain Conference, Budapest, Hungary Kaye AD, September 2001.
111. "Fast Tracking Neurosurgical Patients and Current Concepts on Inhalational Agents," Royal Gwent Medical Center, Gwent, South Wales, Kaye AD, September 2001.
112. "Current Concepts in Herbal Medicines for the Anesthesiologist," Medical University of South Carolina, Charleston, South Carolina Kaye AD, October 2001.
113. "Neuroanesthesia Consideration and Fast Tracking," Memorial University Hospital,

Savannah, Georgia; Kaye AD, November 2001.

114. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Medical College of Georgia, Augusta, Georgia, November, 2001.
115. "Acute Pain Current Concepts," University of Oklahoma, Oklahoma City, Oklahoma, November, 2001.
116. "Controversies in Pain Management," Metro Restaurant, University of Oklahoma and private practice faculty, Oklahoma City, Oklahoma, November, 2001.
117. "Analysis of Fentanyl in the Feline Pulmonary Vascular Bed," International Anesthesia Research Society, San Diego, California, March, 2002.
118. "Analysis of Sufentanil in the Feline Pulmonary Vascular Bed," International Anesthesia Research Society, San Diego, California, March, 2002.
119. "Analysis of Remifentanyl in the Feline Pulmonary Vascular Bed," International Anesthesia Research Society, San Diego, California, March, 2002.
120. "Analysis of Meperidine in the Feline Pulmonary Vascular Bed," International Anesthesia Research Society, San Diego, California, March, 2002.
121. "Analysis of Valerian in the Feline Pulmonary Vascular Bed," International Anesthesia Research Society, San Diego, California, March, 2002.
122. "Neuroanesthesia Consideration and Fast Tracking," Norton University Medical Center, Dept of Anesthesia, Louisville, Kentucky; Kaye AD, December 2001.
123. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Evansville, Indiana, December, 2001.
124. "Neuroanesthesia Consideration and Fast Tracking," University of Arkansas Medical Center, Dept of Anesthesia, Little Rock, Arkansas; Kaye AD, January 2002.
125. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Andre's Restaurant, Little Rock, Arkansas, January, 2002.
126. "Neuroanesthesia Consideration and Fast Tracking," St. Johns' Hospital, Dept of Anesthesia, Springfield, Missouri; Kaye AD, March 2002.
127. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Clary's Restaurant, Springfield, Missouri; Kaye AD, March 2002.
128. "Brain Tumors and Inhalational Agents—Are They Safe?" European Society of Anesthesia—Special Forum, Nice, France; Kaye AD, April 2002.
129. "Acute Pain, Mechanisms and Novel Treatment Options," Texas Tech National Pain

Meeting, Lubbock, Texas, June, 2002.

130. "Neuoranesesthesia Consideration and Fast Tracking," St. Johns' Hospital, Dept of Anesthesia, Springfield, Missouri; Kaye AD, March 2002.
131. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Loma Linda School of Medicine, San Bernardino, California; Kaye AD, July 2002
132. "Concepts in Inhalational Anesthetics," Desert View Medical Center, Palm Springs, California, August, 2002.
133. "Respiratory Implications of Inhalational Anesthetics," American Society of Anesthesia, Orlando, Florida, October, 2002.
134. "Analysis of Protein Kinase C Inhibitors, TMB-8 and Bisindolemaleimide, on Vasoconstrictor Responses in the Pulmonary Vascular Bed of the Cat." Federation of American Societies for Experimental Biology, New Orleans, April 2002.
135. "Analysis of Xestopongin C on Vasoconstrictor Responses in the Pulmonary Vascular Bed of the Cat" Federation of American Societies for Experimental Biology, New Orleans, April 2002.
136. "Analysis of Thapsigargin on Vasoconstrictor Responses in the Pulmonary Vascular Bed of the Cat" Federation of American Societies for Experimental Biology, New Orleans, April 2002.
137. "Valerian Root Extract is a Potent Vasodepressor and Nonselective GABA Agonist in the Pulmonary Vascular Bed of the Cat." American Society of Anesthesiology, Experimental Circulation, Orlando, October 2002.
138. "A Proposed Mechanism of Action for the Treatment of Pulmonary Hypertension Using the Opiate Morphine – A Study in the Pulmonary Vascular Bed of the Cat." American Society of Anesthesiology, Experimental Circulation, Orlando, October 2002.
139. "Analysis of Inositol Triphosphate Modulators Including Thapsigargin on Vasoconstrictor Responses in the Pulmonary Vascular Bed of the Cat." American Society of Anesthesiology, Experimental Circulation, Orlando, October 2002.
140. "3-Aminopropylphosphonic Acid-Induced Vasodilatation in the Pulmonary Vascular Bed of the Cat is Mediated by a GABAB Receptor." American Society of Anesthesiology, Experimental Circulation, Orlando, October 2002.
141. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Morton Plant Hospital, Clearwater, Florida, Kaye AD, March 2003.
142. "Neuro and Airway Considerations with Newer Inhalational Agents," Clearwater Anesthesia Society Meeting, Clearwater, Florida, Kaye AD, March, 2003.

143. "Analysis of the GABAA Receptor Agonist, Muscimol, in the Pulmonary Vascular Bed of the Cat." International Anesthesia Research Society, New Orleans, Louisiana, March, 2003.
144. "The Effects of Norepinephrine in the Pulmonary Vascular Bed of the Cat." International Anesthesia Research Society, New Orleans, Louisiana, March, 2003.
145. "The Effects of Ephedrine in the Pulmonary Vascular Bed of the Cat." International Anesthesia Research Society, New Orleans, Louisiana, March, 2003.
146. "The Effects of Ma Huang in the Pulmonary Vascular Bed of the Cat." International Anesthesia Research Society, New Orleans, Louisiana, March, 2003.
147. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Scott and White Hospital, Temple, Texas; Kaye AD, April 2003.
148. "Neuroanesthesia Consideration and Fast Tracking," Ruth Chris Steakhouse, Austin, Texas; Kaye AD, April 2003.
149. "Respiratory Effects of Newer Inhalational Agents," Medical College of Georgia, Augusta, Georgia; Kaye AD, April 2003.
150. "Neuroanesthesia Consideration and Fast Tracking," Augusta Anesthesia Society, Augusta, Georgia; Kaye AD, April 2003.
151. "Respiratory and Neuroanesthesia Effects of Newer Inhalational Agents," Pinnacle Anesthesia Group, Del Monico's, Las Vegas, Nevada; Kaye AD, May 2003.
152. "Respiratory and Pharmacological Considerations of Newer Inhalational Agents," St. Luke's Hospital, Houston, Texas; Kaye AD, June 2003.
153. "Respiratory and Pediatric Considerations of Newer Inhalational Agents," Houston Anesthesia Society, Houston, Texas; Kaye AD, June 2003.
154. "Neuroanesthesia Consideration and Fast Tracking," Medical College of Toledo, Toledo, Ohio; Kaye AD, June 2003.
155. "Acute Pain, Mechanisms and Novel Treatment Options," Medical College of Toledo, Toledo, Ohio; Kaye AD, June 2003.
156. "Acute Pain, Mechanisms and Perioperative Strategies," Alvarado Hospital, San Diego, California; Kaye AD, June 2003.
157. "COX 2 Inhibitors and Newer Roles in Acute Pain Management," The Yard House, San Diego, California; Kaye AD, June 2003.
158. "Neuroanesthesia and Airway Consideration in Anesthesia Practice," Pappas Brothers Restaurant; Dallas, Texas, Kaye AD, September, 2003

159. "The Effects of Kava Kava in the Pulmonary Vascular Bed of the Cat." American Society of Anesthesiology, San Francisco, California, October, 2003.
160. "Neuroanesthesia and Airway Consideration in Anesthesia Practice," Del Frisco's Steakhouse; Ft. Worth, Texas, Kaye AD, October 2003.
161. "COX 2 Inhibitors and Newer Roles in Acute Pain Management in Family Practice," The Soho Grill, Lubbock, Texas; Kaye AD, November 2003.
162. "Neuroanesthesia and Airway Consideration in Anesthesia Practice," Ft. Wayne Country Club; Ft. Wayne, Indiana, Kaye AD, November 2003.
163. "Neuroanesthesia and Airway Consideration and the Role of Newer Inhalational Agents," University of Illinois Grand Rounds; Chicago, Illinois, Kaye AD, November 2003.
164. "Neuroanesthesia and Airway Consideration in Anesthesia Practice," The Inn; Macon, Georgia, Kaye AD, November 2003.
165. "Neuroanesthesia and Airway Consideration and the Role of Newer Inhalational Agents," Phoebe Putney Hospital; Albany, Georgia, Kaye AD, November 2003.
166. "Fast Tracking Neurosurgical Patients and Airway Considerations with New Inhalational Agents," Bohanan's Prime Steaks and Seafood, San Antonio, Texas, Kaye AD, December, 2003.
167. "The Effects of St. Johns' Wort in the Feline Pulmonary Vascular Bed," International Anesthesia Research Society," Tampa, Florida, Kaye AD and Hoover J, March 2004.
168. "Neuroanesthesia and Airway Consideration and the Role of Newer Inhalational Agents," The Armadillo Cafe, Ft. Lauderdale, Florida, Kaye AD, March 2004.
169. "Role of Newer Inhalational Agents in Modern Practice," UCSF Dept of Anesthesiology, Tampa, Florida, Kaye AD, March, 2004.
170. "Neuroanesthesia and Airway Consideration and the Role of Newer Inhalational Agents," Six Tables, Ft. Lauderdale, Florida, Kaye AD, April 2004.
171. "Contemporary Issues with Newer Inhalational Agents," Baylor College of Medicine, Department of Anesthesiology, Houston, Texas, Kaye AD, April 2004.
172. "Neuroanesthesia and the Role of Newer Inhalational Agents," UTMB Galveston, Texas, Kaye AD, April 2004.
173. "Contemporary Issues with Newer Inhalational Agents," Vera Mae's Bistro, Muncie, Indiana, Kaye AD, April 2004.
174. "Role of Newer Inhalational Agents in Modern Practice," Rush North Shore Medical Center Dept of Anesthesiology, Chicago, Illinois, Kaye AD, April, 2004.

175. "Neuroanesthesia and Airway Consideration and the Role of Newer Inhalational Agents," Sarge Oak at the Holiday Inn Select City Centre, Lafayette, Indiana, Kaye AD, April 2004.
176. "Herbal Pharmacology, What Do We Need To Know," University of Pacific School of Pharmacy, Stockton, California, Kaye AD, May 2004.
177. "Airway Consideration and the Role of Newer Inhalational Agents," Baxter National Speakers Meeting, Orlando, Florida, May 2004.
178. "The Efficacy of Clonidine in Ultra Rapid Opioid Detoxification," Association of University Anesthesiologists, UC Davis, California, (included non-IRB approved data) Kaye AD, May 2004.
179. "Neuroanesthesia—Controversial Issues, An Update," Annual Texas AM Scott & White Refresher Course, Santa Fe, New Mexico, Kaye AD, June 2004.
180. "Contemporary Issues in Acute Pain Management," Annual Texas AM Scott & White Refresher Course, Santa Fe, New Mexico, Kaye AD, June 2004.
181. "Ultra Rapid Detoxification, A Review," Annual Texas AM Scott & White Refresher Course, Santa Fe, New Mexico, Kaye AD, June 2004.
182. "Anesthetic Considerations in the Obese Patient," Ruth Chris Steak House, San Antonio, Texas, Kaye AD, July 2004.
183. "Anesthetic Considerations for Bariatric Surgery," Renaissance Casa De Palmas Hotel, McAllen, Texas, Kaye AD, July 2004.
184. "Anesthetic Considerations in the Obese Patient," Emilio's Steakhouse, Harlingen, Texas, Kaye AD, August 2004.
185. "Anesthetic Considerations in the Obese Patient," Ruth Chris Steak House, San Antonio, Texas, Kaye AD, August 2004.
186. "Anesthetic Considerations in the Obese Patient," McMahon's Steak House, Tucson, Arizona, Kaye AD, August 2004.
187. "Herbals and the Role of the Anesthesiologist," U of New Mexico School of Medicine, Albuquerque, New Mexico, September 2004.
188. "The role of inhalational Agents in Neuroanesthesia and Airway Management," U of New Mexico School of Medicine, Albuquerque, New Mexico, September 2004.
189. "The expression of COX 1 and COX 2 in the Feline Pulmonary Vascular Bed," Society of Critical Care Medicine, Las Vegas, Nevada, October 2004.
190. "The Effects of Norepinephrine on Alpha Subtype Receptors in the Feline Pulmonary Vascular Bed," International Anesthesia Research Society," Honolulu, Hawaii, Kaye AD 1

Ibrahim, S Baber, and Hoover J, March 2005.

191. "The Effects of Cyclooxygenase in the Pulmonary Vascular Bed of the Cat," International Anesthesia Research Society," Honolulu, Hawaii, Kaye AD I Ibrahim, S Baber, and Hoover J, March 2005.
192. "The Effects of Ma Huang on Alpha Subtype Receptors in the Feline Pulmonary Vascular Bed," International Anesthesia Research Society," Honolulu, Hawaii, Kaye AD I Ibrahim, S Baber, and Hoover J, March 2005.
193. "Anesthetic Considerations in the Obese Patient," International Anesthesia Research Society, Honolulu, Hawaii, Kaye AD, March 2005.
194. "The Effects of Norepinephrine on Alpha Subtype Receptors in the Feline Pulmonary Vascular Bed," American-Japanese Anesthesia Research Society," Honolulu, Hawaii, Kaye AD I Ibrahim, S Baber, and Hoover J, March 2005.
195. "The Effects of Cyclooxygenase in the Pulmonary Vascular Bed of the Cat," American-Japanese Anesthesia Research Society," Honolulu, Hawaii, Kaye AD I Ibrahim, S Baber, and Hoover J, March 2005.
196. "The Effects of Ma Huang on Alpha Subtype Receptors in the Feline Pulmonary Vascular Bed," American-Japanese Anesthesia Research Society," Honolulu, Hawaii, Kaye AD I Ibrahim, S Baber, and Hoover J, March 2005.
197. "Anesthetic Considerations in the Obese Patient," Tigres Restaurant, Pass Christian, Mississippi, Kaye AD, April 2005.
198. "Anesthetic Considerations in the Obese Patient," Texas Gulf Anesthesia Association, Houston, Texas, Kaye AD, May 2005.
199. "Anesthetic Considerations in the Obese Patient," U of Kentucky Visiting Professor, Sal's Chop Shop, Lexington, Kentucky, Kaye AD, May 2005.
200. "Neuroanesthesia and the Role of Newer Inhalational Agents, Desflurane and Sevoflurane," U of Kentucky Visiting Professor, Lexington, Kentucky, Kaye AD, June 2005.
201. "Anesthetic Considerations in the Obese Patient," Medical College of Central Georgia Visiting Professor, Macon, Georgia, Kaye AD, June 2005.
202. "Anesthetic Considerations in the Morbidly Obese," Marshal House, Savannah, Georgia, Kaye AD, June 2005.
203. "Role of Newer Inhalational Agents in the Management of the Obese Patient," Shands Hospital, Jacksonville, Florida, Kaye AD, July 2005.
204. "Update on Acute Pain Management," Pain Management Therapeutics from Acute to

Chronic, Truman Medical Center, Kansas City, Missouri, Kaye AD, November 2005.

205. "Herbals for the Anesthesiologist and Pain Practitioner," Pain Management Therapeutics from Acute to Chronic, Truman Medical Center, Kansas City, Missouri, Kaye AD, November 2005.
206. "Role of Newer Inhalational Agents in the Management of the Obese Patient," Mangia Mangia Restaurant, Columbia, South Carolina, Kaye AD, January 2006.
207. "Anesthetic Considerations in the Obese Patient," Cristiano Restaurant, Houma, Louisiana, Kaye AD, February 2006.
208. "Neuroanesthesia and the Role of Newer Inhalational Agents, Desflurane and Sevoflurane," Texas Society of Anesthesia, Ruth Chris Steak House, San Antonio, Texas, Kaye AD, February 2006.
209. "Anesthetic Considerations in the Obese Patient," Harlengen, Texas, Kaye AD, February 2006."
210. "Role of Newer Inhalational Agents in the Management of the Obese Patient," Steve's Café American Restaurant for the University of Florida Anesthesia Dept., Gainesville, Florida, Kaye AD, March 2006.
211. "Anesthetic Considerations in the Obese Patient," The Palm Restaurant, Tampa, Florida, Kaye AD, March 2006.
212. "Role of Newer Inhalational Agents in the Management of the Obese Patient," The Vinoy Club, St. Petersburg, Florida, Kaye AD, March 2006.
213. "Human Simulator Model at LSU," Human Patient Simulation Network, Tampa, Florida, Kozmenko V, Morgan B, Kaye A, Hilton C, March 2006.
214. "Clinical Model and Human Patient Simulator Curriculum," Southern Society For Clinical Investigation, Atlanta, Georgia, Kozmenko V, Morgan B, Kaye A, Hilton C, March 2006.
215. "Creating Anesthesia Nursing Curriculum that Results in Steady Behavioral Patterns," Southern Society For Clinical Investigation, Atlanta, Georgia, Kozmenko V, Morgan B, Kaye A, Hilton C, March 2006
216. "Role of Newer Inhalational Agents in the Management of the Obese Patient," The 213 Restaurant, Florence, South Carolina, Kaye AD, April 2006.
217. "Changing Role of Clinical Anesthesia Practice in the Management of the Obese Patient," Spring Anesthesiology Symposium of Scott & White, Austin, Texas, Kaye AD, April 2006.
218. "Update on Acute Pain Management and the Role of the Anesthesiologist," Spring

Anesthesiology Symposium of Scott & White, Austin, Texas, Kaye AD, April 2006.

219. "Role of Newer Inhalational Agents in the Management of the Obese Patient," The Highlawn Pavilion, West Orange, New Jersey, Kaye AD, April 2006.
220. "Changing Role of Clinical Anesthesia Practice in the Management of the Obese Patient St. Barnabas Hospital Grand Rounds, Livingston, New Jersey, Kaye AD, April 2006
221. "Various Techniques to Prevent Complications of Central Venous Catheterization," Association of University Anesthesiologists, Riopelle J, Baluch A, Kaye AD, Tucson, Arizona, May, 2006.
222. "Role of Newer Inhalational Agents in the Management of the Obese Patient," The Tony Roma Restaurant, McAllen, Texas, Kaye AD, May 2006.
223. "Changing Role of Clinical Anesthesia Practice in the Management of the Obese Patient," Valley Hospital Grand Rounds, Ridgewood, New Jersey, Kaye AD, June 2006.
224. "Contemporary Issues on Herbal Medications for Anesthesiologists," LSU Shreveport Grand Rounds, Department of Anesthesiology, Kaye AD, August, 2006.
225. "Role of Newer Inhalational Agents in the Management of the Obese Patient," South Carolina Nurse Anesthesia State Meeting, Hilton Head, South Carolina, Kaye AD, September, 2006.
226. "Role of Newer Inhalational Agents in the Management of the Obese Patient," The Wuhan International Anesthesiology Conference, Wuhan, China, Kaye AD, October 2006.
227. "Inhalational Agents Pharmacology, Clinical Studies, and Depth Monitoring," The Wuhan International Anesthesiology Conference, Wuhan, China, Kaye AD, October 2006.
228. "Pharmacologic Mechanisms and Principles in Anesthesia," Valley Baptist Hospital, Harlingen, Texas, November, 2006.
229. "Role of Newer Inhalational Agents in the Management of the Obese Patient," the Summit Club, Ft. Wayne, Indiana, Kaye AD, January 2007.
230. "Changing Role of Clinical Anesthesia Practice in the Management of the Obese Patient," Vera Mae's Bistro, Muncie, Indiana, Kaye AD, January, 2007.
231. "Perioperative Concerns and Strategies for the Morbidly Obese," The National Bariatric Surgery Meeting, La Trattoria, MGM Grand, Las Vegas, Nevada, Kaye AD, January, 2007.
232. "Changing Role of Clinical Anesthesia Practice in the Management of the Obese Patient," Jarrett's Restaurant, Memphis, Tennessee, Kaye AD, February, 2007.
233. "Role of Newer Inhalational Agents in the Management of the Obese Patient," the

Country Club at Spartanburg, South Carolina, Kaye AD, February 2007.

234. "Brain Wave Monitoring of General Anesthesia in the New Millennium," Acacia Restaurant in St. Philips, Kaye AD, April 2007.
235. "Herbals Update for the Operating Room Worker," National Surgical Technicians Meeting, New Orleans, Louisiana, Kaye AD, May 2007.
236. "Relative Opioid Responses in the Pulmonary Vascular Bed," International Society of Pharmacology, San Francisco, California, Kaye AD, October 2007.
237. "The Basis for Pharmacology in Anesthesia Practice," Valley Baptist Anesthesia Department, Harlingen, Texas, Kaye AD, November 2007.
238. "Obesity, Elderly, and Perioperative Anesthesia Considerations," Fiamma Trattoria, Las Vegas, Nevada, Kaye AD, March 2008.
239. "Obesity, Elderly, and Perioperative Anesthesia Considerations," Edinburgh, Texas, Kaye AD, March 2008.
240. "Morphine, Remifentanyl, Sufentanyl, Fentanyl, Meperidine—Differential Opioid Analysis in the Pulmonary Vascular Bed," International Anesthesia Research Society, San Francisco, California, Kaye AD, April 2008.
241. "Inhalational Anesthesia Pharmacology and Practice in the Obese," University of Southern California, Los Angeles, California, Kaye AD, April 2008.
242. "Herbals, Update for Anesthesia Practice," University of Southern California, Los Angeles, California, Kaye AD, April 2008.
243. "Obesity, Elderly, and Perioperative Anesthesia Considerations," Zucchi's Restaurant, Odessa, Texas, Kaye AD, April 2008.
244. "Roundtable on Inhalational Agents and Beta Blockers," Acacia Restaurant in St. Philips, Kaye AD, April 2008.
245. "Advanced Case Scenarios Based on the Clinical Model Provides More Effective Training, Association of University Anesthesiologists, Chapel Hill, North Carolina, Kozmenko V, Hilton C, Kaye AD, May 2008.
246. "Obesity, Elderly, and Perioperative Anesthesia Considerations," Delmonico's Steakhouse, San Antonio, Texas, Kaye AD, May 2008.
247. "Obesity and its Influence on Anesthesia Management in the Operating Room," Laredo Country Club, Laredo, Texas, Kaye AD, June 2008.
248. "Obesity, Elderly, and Perioperative Anesthesia Considerations," Methodist Hospital, Brooklyn, New York, Kaye AD, July 2008.

249. "Obesity and its Influence on Anesthesia Management in the Operating Room," Metropolitan Hospital, New York City, New York, Kaye AD, July 2008.
250. "Obesity Implications in Anesthesia Practice," St. Joesph's Hospital, Patterson, New Jersey, Kaye AD, July 2008.
251. "Obesity Implications in Anesthesia Practice," Yale School of Medicine, New Haven, Connecticut, Kaye AD, August 2008.
252. "Herbals, Update for Anesthesia Practice," Yale School of Medicine, New Haven, Connecticut, Kaye AD, August 2008.
253. "Obesity, Elderly, and Perioperative Anesthesia Considerations," Zea Cafe, New Orleans, Louisiana, Kaye AD, November 2008.
254. "Pharmacologic Mechanisms and Principles in Anesthesia," Valley Baptist Hospital, Harlingen, Texas, December, 2008.
255. "Herbals, Update for Anesthesia Practice," Louisiana Society of Anesthesiology, New Orleans, Louisiana, Kaye AD, March 2009.
256. "Herbals, Pharmacological Considerations and Anesthesia Practice," 20 degree SMART Program, Milan Convention Center, Milan, Italy, Kaye AD, May 2009.
257. "Neurotrophin-3 and Tryrosine Kinase C have modulatory effects on neuropathic pain in the rat dorsal root ganglia," American Society of Interventional Pain Physicians (ASIPP) National Meeting, selected oral presentation, Washington, D.C., June, 2009.
258. "Clinical Techniques with Inhalational Agents in Modern Anesthesia Practice," Washington Medical Center Hospital, Washington D.C., Kaye AD, July 2009.
259. "American Society of Interventional Pain Practice National Review Course Lecture on Psychiatric Drugs and Effects." New Orleans, Louisiana, Kaye AD, August 2009.
260. "American Society of Interventional Pain Practice National Review Course Lecture on Opiate Pharmacology." New Orleans, Louisiana, Kaye AD, August 2009.
261. "American Society of Interventional Pain Practice National Review Course Lecture on Nonsteroidals, Anihypertensives and Autonomic Nervous System." New Orleans, Louisiana, Kaye AD, August 2009.
262. "Obesity Implications in Anesthesia Practice," Fairfax Hospital, Fairfax, Virginia, Kaye AD, September 2009.
263. "The Laryngeal Mask Airway and Perioperative Anesthesia Considerations," Walnut Circle Grill, Hattiesburg, Mississippi, Kaye AD, September 2009.
264. "Katrina and its Effects on Anesthesia in the Gulf Coast." Keynote Address, American

- Society of Critical Care Medicine, American Society of Anesthesiologists Meeting, New Orleans, Louisiana, October, 2009.
265. "The Laryngeal Mask Airway and Perioperative Anesthesia Considerations," Capital Grille, Las Vegas, Nevada, Kaye AD, October 2009.
 266. The Use of Ultrasound in Central Line Placement, a Three Year Study at an Academic Teaching Facility, American Society of Anesthesiology, New Orleans, LA, Kaye AD, October 2009.
 267. "Rapid Detoxification and Opioid Pharmacology," Department of Anesthesiology, Grand Rounds, Tampa General Hospital, Kaye AD, April 2010
 268. "American Society of Interventional Pain Practice National Review Course Lecture on Psychiatric Drugs and Effects." St. Louis, Missouri, Kaye AD, August 2011.
 269. "American Society of Interventional Pain Practice National Review Course Lecture on Opiate Pharmacology." St. Louis, Missouri, Kaye AD, August 2011.
 270. "American Society of Interventional Pain Practice National Review Course Lecture on Nonsteroidals, Anihypertensives and Autonomic Nervous System." St. Louis, Missouri, Kaye AD, August 2011.
 271. "American Society of Interventional Pain Practice National Review Course Controlled Substance Management Lecture on Opiate Pharmacology." St. Louis, Missouri, Kaye AD, August 2011.
 272. "Smoking cessation in chronic pain patients, survey," Kaye AD, Fitzmaurice M, Ellender R, Hymel B, Liu H, Fox CJ, American Society of Anesthesia, Chicago, Illinois, October, 2011.
 273. "John Adriani, His Life," Kaye AD, Ellender R, Hymel B, Liu H, Fox CJ, American Society of Anesthesia, Chicago, Illinois, October, 2011.
 274. "American Society of Interventional Pain Practice National Review Course, Cervical and Thoracic Epidurals in Interventional Pain Practice." Memphis, Tennessee, Kaye AD, November 2011.
 275. "American Society of Interventional Pain Practice National Review Course, Lumbar Facet Injections in Interventional Pain Practice." Memphis, Tennessee, Kaye AD, November 2011.
 276. "Gralise, its Role in Neuropathic Pain." MAPS (Minnesota Pain Center), Minneapolis, Minnesota, November, 2011.
 277. "Gralise, its Role in Neuropathic Pain." Phoenix Neurology & Sleep Medicine, Goodyear, Arizona, December, 2011.

278. "Gralise, its Role in Neuropathic Pain." The Pain Center of Arizona, Phoenix, Arizona, December 2011.
279. "Gralise, its Role in Neuropathic Pain." Mastro's City Hall Steakhouse, Scottsdale, Arizona, December, 2011.
280. "Gralise, its Role in Neuropathic Pain." Integrated Pain Care, San Francisco, California, December, 2011.
281. "Gralise, its Role in Neuropathic Pain." SOMA Orthopedics Medical Group, San Francisco, California, December, 2011.
282. "Gralise, Gabapentin, and Pregabalin an overview in Post Herpetic Neuralgia from the View of Pain Physician." Omni Mandalay Bay Hotel, Dallas, Texas, January, 2012.
283. "Gralise, Tolerability Concerns, in Post Herpetic Neuralgia from the View of Pain Physician." Omni Mandalay Bay Hotel, Dallas, Texas, January, 2012.
284. "Treatment Strategies in Neuropathic Pain." Pinnacle Pain Center, Kennewick, Washington, February, 2012.
285. "Treatment Strategies in Neuropathic Pain." V5 Medical Center, Richland, Washington, February, 2012.
286. "Treatment Strategies in Neuropathic Pain." Twigs Bistro, Kennewick, Washington, February, 2012.
287. "Treatment Strategies in Neuropathic Pain." Southwest Florida Rehab & Pain Management Associates, Ft. Meyers, Florida, February, 2012.
288. "Options in Neuropathic Pain." Florida Pain Center, Naples, Florida, February, 2012.
289. "Options in Neuropathic Pain." Sunset Neurology Associates, Portland, Oregon, March, 2012.
290. "Options in Neuropathic Pain." Rehabilitation Medical Associates, Portland, Oregon, March, 2012.
291. "Treatment Strategies in Neuropathic Pain." Neuromuscular Disorder Clinic, Milwaukie, Oregon, March, 2012.
292. "Options in Neuropathic Pain." McMinnville Internal Medicine Associates, McMinnville, Oregon, March, 2012.
293. "Treatment Strategies in Neuropathic Pain." OAG: Interventional Pain Consultants, Portland, Oregon, April, 2012.
294. "Options in Neuropathic Pain." Rehabilitation Medical Associates, Portland, Oregon,

April, 2012.

295. "Concepts in Neuropathic Pain." Balog Pain Management, Portland, Oregon, April, 2012.
296. "Options in Neuropathic Pain." Washington Center for Pain Management, Edmonds, Washington, April, 2012.
297. "Concepts in Neuropathic Pain." Valley Rehabilitation, Fresno, California, May, 2012.
298. "Options in Neuropathic Pain." RuthChris Steakhouse, Fresno, California, May, 2012.
299. "Polypharmacy Survey in Chronic Pain." ASIPP Annual Meeting, Arlington, Virginia, June, 2012.
300. "Options in Neuropathic Pain." Interventional Pain Associates, Houston, Texas, June, 2012.
301. "Treatment Strategies in Neuropathic Pain." Brennan's of Houston, Houston, Texas, June, 2012.
302. "Psychiatric Drugs and Miscellaneous Agents in Pain Management." Medical College of Vienna, Department of Anesthesiology, Section of Pain Management, Vienna, Kaye AD, July 2012.
303. "American Society of Interventional Pain Practice National Review Course Lecture on Psychiatric Drugs and Effects." San Francisco, California, Kaye AD, July 2012.
304. "American Society of Interventional Pain Practice National Review Course Lecture on Opiate Pharmacology." San Francisco, California, Kaye AD, July 2012.
305. "American Society of Interventional Pain Practice National Review Course Lecture on Nonsteroidals, Muscle Relaxants, NMDA Antagonists, Acetaminophen, Antiepileptics and Local Anesthetics." San Francisco, California, Kaye AD, July 2012.
306. "American Society of Interventional Pain Practice National Review Course Controlled Substance Management Course, Lecture on Opiate Pharmacology." San Francisco, California, Kaye AD, August 2012.
307. "Therapeutic Options in Neuropathic Pain." Olson/Naibert Pain Clinic, Edmonds, Washington, August, 2012.
308. "Concepts in Neuropathic Pain." Electrodiagnosis and Rehabilitation Associates, Washington, August, 2012.
309. "Options in Neuropathic Pain." StatCare, Everett, Washington, August, 2012.
310. "Herbals, Update for Anesthesia Practice," Cedar Sinai Hospital, Department of

Anesthesiology, Los Angeles, California, September, 2012

311. "Post Herpetic Neuralgia, "Pharmacotherapies and Interventional Options." North Florida Pain Management, Pensacola, Florida, September, 2012.
312. "American Society of Interventional Pain Practice National Review Course, Cervical and Thoracic Epidurals in Interventional Pain Practice." Memphis, Tennessee, Kaye AD, September, 2012.
313. "American Society of Interventional Pain Practice National Review Course, Lumbar Facet Injections in Interventional Pain Practice." Memphis, Tennessee, Kaye AD, September, 2012.
314. "Post Herpetic Neuralgia, "Pharmacotherapies and Interventional Options." Neurological Associates, Meridian, Idaho, October, 2012.
315. "Post Herpetic Neuralgia, "Pharmacotherapies and Interventional Options." Berryhill and Company, Boise, Idaho, October, 2012.
316. "Changes of K-Opioid Receptors and Anti-Proliferative Effects During Hypoxia." American Society of Anesthesiology, Washington D.C., October, 2012.
317. "Concepts in Neuropathic Pain." Texas Pain Management, Tyler, Texas, November, 2012.
318. "Options in Neuropathic Pain." India Palace, Dallas, Texas, November, 2012.
319. "Concepts in Neuropathic Pain." Perry's Steakhouse, San Antonio, Texas, November, 2012.
320. "Options in Neuropathic Pain." Greater Houston Interventional Pain, Houston, Texas, November, 2012.
321. "Concepts in Neuropathic Pain." Neurology, Pain Medicine and Rehabilitation, Houston, Texas, November, 2012.

Institutional/Regional

1. "The Prader-Willi Syndrome," Division of Endocrinology, Alton Ochsner Clinic, New Orleans, LA, March, 1990 (as an intern).

2. "Management of Lower Back Pain," Department of Internal Medicine, Alton Ochsner Clinic, New Orleans, LA, May, 1990 (as an intern).
3. "Neurosurgical Anesthesia Considerations of the Patient with Increased Intracranial Pressure and Full Stomach," Department of Anesthesiology, Massachusetts General Hospital, Boston, MA, March, 1991 (as a resident).
4. "Serotonin and Cloning Techniques for the IC Receptor," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, September, 1991.
5. "Pharmacologic Basis of Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, October, 1991.
6. "Magnesium Intraoperatively and Postoperatively," Critical Care Lecture, Tulane School of Medicine, New Orleans, LA, February, 1992.
7. "Clinical Evaluation of Acid-Base Disturbances," Department of Physiology, Tulane School of Medicine, New Orleans, LA, February, 1992.
8. "Clinical Implications of Arachidonic Acid Metabolism," Critical Care Lecture, Tulane School of Medicine, New Orleans, LA, April, 1992.
9. "Pharmacologic Concepts in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, October, 1992.
10. "History of Pharmacology in the Autonomic Nervous System," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, January 1993.
11. "Intraoperative Fluid Management," Department of Anesthesiology, Veterans' Administration, New Orleans, LA, April, 1993.
12. "Pharmacologic Basis of Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, October, 1993.
13. "Protein Kinase C Modulators in the Cat and in the Rat", Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, March 1994.
14. "Neuromuscular Blockade and Monitoring", Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, April 1994.
15. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, October, 1994.
16. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, November, 1995.
17. "Mechanism of Action of Angiotensin Peptides in the Pulmonary Circulation," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, December

1996.

18. "Pharmacologic Concepts in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, December, 1996.

19. "Propofol its Pharmacology and Uses in the Outpatient Setting" Columbia Greater New Orleans Surgical Center, Metairie, LA, September, 1997.

20. "Pharmacologic Mechanisms and Principles in Anesthesia," Department of Pharmacology, Tulane University Uptown Campus, New Orleans, LA, November, 1997.

21. "Pharmacologic Mechanisms of General and Local Anesthetics," Department of Pharmacology, Tulane Medical School (basic science lecture--2nd year students, New Orleans, LA, March, 1998.

22. "Adjuvant Anesthetic Agents--Pharmacologic Mechanisms and Considerations," Department of Pharmacology, Tulane Medical School (basic science lecture--2nd year students, New Orleans, LA, March, 1998.

23. "Neuromuscular Blockers and IV Induction Agents--Pharmacologic Mechanisms and Considerations," Department of Pharmacology, Tulane Medical School (basic science lecture--2nd year students, New Orleans, LA, March, 1998.

24. "Pharmacologic Mechanisms and Principles in Anesthesia," Department of Pharmacology, Tulane University Uptown Campus, New Orleans, LA, November, 1998.

25. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Covington, Louisiana; Kaye AD, January 1999.

26. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Baton Rouge, Louisiana; Kaye AD, January 1999.

27. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Biloxi, Mississippi; Kaye AD, February 1999.

28. "Fast Tracking Neurosurgical Patients with New Inhalational Agents," Tulane Medical Center, Department of Anesthesia, New Orleans, LA; Kaye AD, February, 1999.

29. "Pharmacologic Mechanisms of General and Local Anesthetics," Department of Pharmacology, Tulane Medical School (basic science lecture--2nd year students, New Orleans, LA, March, 1999.

30. "Adjuvant Anesthetic Agents--Pharmacologic Mechanisms and Considerations," Department of Pharmacology, Tulane Medical School (basic science lecture--2nd year students, New Orleans, LA, March, 1999.

31. "The Role of the Anesthesiologist in Modern Medicine" Texas Tech Medical Center (medical student forum), Lubbock, TX; Kaye AD, March, 1999.

32. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, April, 1999.
33. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, April, 1999.
34. "Neuroanesthesia, Desflurane and Sevoflurane," Texas Tech University Health Sciences Center, El Paso; Kaye AD, October 1999.
35. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock; Kaye AD, November, 1999.
36. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock; Kaye AD, November, 1999.
37. "Neuroanesthesia, Desflurane and Sevoflurane," Refresher Course, Texas Tech University Health Sciences Center, Lubbock; Kaye AD, February 2000.
38. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans; Kaye AD, April, 2000.
39. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans; Kaye AD, April, 2000.
40. "Herbal Medicines and Anesthesia Considerations," Nursing and Operating Room Members, Texas Tech University Health Sciences Center, Lubbock; Kaye AD, November, 2000.
41. "Herbal Medicines and Considerations for the Primary Care Physician," Grand Rounds, Plainview Hospital, Plainview; Kaye AD, November, 2000.
42. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock; Kaye AD, November, 2000.
43. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock; Kaye AD, November, 2000.
44. "Rapid Detoxification and Opioid Pharmacology," Department of Internal Medicine, Grand Rounds, Texas Tech University Health Sciences Center, Lubbock; Kaye AD, April 2001.
45. "Current Concepts in Herbal Medicines and Anesthetic Interactions." Department of Pathology, Texas Tech University Health Sciences Center, medical student lecture, December 2000.
46. "Current Concepts in Herbal Medicines and Anesthetic Interactions." Nursing Grand Rounds, Texas Tech University Health Sciences Center, operating room nurse lecture, January 2001.

47. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, April, 2001.
48. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, April, 2001.
49. "Rapid Detoxification," Internal Medicine Grand Rounds, Texas Tech Medical School, Lubbock, TX, April 2001.
50. "Current Concepts in Herbal Medicines and Anesthetic Interactions." Carrillon House, Texas Tech University Health Sciences Center, April 2001.
51. "Current Concepts in Herbal Medicines and Anesthetic Interactions." Department of Anesthesiology, Tulane University School of Medicine, April 2001.
52. "Acute Pain Management for the Surgical Patient." Department of Surgery Annual Refresher Course, October, 2001.
53. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock, TX, November, 2001.
54. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock, TX, November, 2001.
55. "Current Concepts in Herbal Therapies, An Overview," Center for Integrative Medicine and Nutrition, Grand Rounds, Texas Tech School of Medicine, Lubbock, TX, November, 2001.
56. "Ma Huang, Vascular Effects and Mechanisms," Center for Integrative Medicine and Nutrition, Grand Rounds, Texas Tech School of Medicine, Lubbock, TX, November, 2001.
57. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, January, 2002.
58. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, January, 2002.
59. "Acute Pain Management, an Update." Key Note Talk for Texas State School of Medicine Admissions Offices, February, 2002.
60. "Rapid Detoxification and Opioid Pharmacology," Department of Anesthesiology Refresher Course, Texas Tech University Health Sciences Center, Lubbock; Kaye AD, March 2002.
61. "Acute Pain Management, Mechanisms and Treatment Options." Texas Tech Annual Refresher Course on Pain, June, 2002.
62. "Current Concepts in Herbal Therapies, An Overview," Center for Integrative Medicine

and Nutrition, Grand Rounds, Texas Tech School of Medicine, Lubbock, TX, November, 2002.

63. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock, TX, November, 2002.

64. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock, TX, November, 2002.

65. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, January, 2003.

66. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, January, 2003.

67. "Acute Pain Current Concepts in Obstetrics and Gynecology," Texas Land and Cattle, Lubbock, March, 2003.

68. "Acute Pain Current Concepts in Medical Practice," SW Neurosciences Center, Amarillo, September, 2003.

69. "Acute Pain Current Concepts in Primary Care," Covenant Heath Plus Clinic, September, 2003.

70. "Acute Pain Current Concepts in Orthopedics," Covenant Ortho Clinic (Lubbock Sports Medicine Clinic), October, 2003.

71. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock, TX, November, 2003.

72. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock, TX, November, 2003.

73. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, January, 2004.

74. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, January, 2004.

75. "Entrance into the Hall of Fame, the Story of Alan..." Texas Tech Dept. of Anesthesia, Lubbock, May 2004.

76. "Anesthetic Considerations in the Obese Patient," Texas Tech El Paso Multidisciplinary Grand Rounds, El Paso, Texas, Kaye AD, August 2004.

77. "Current Concepts in Herbal Medicines and Anesthetic Interactions." Department of Pathology, Texas Tech University Health Sciences Center, medical student lecture, November 2004.

78. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock, TX, November, 2004.
79. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Texas Tech School of Medicine, Lubbock, TX, November, 2004.
80. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, January, 2005.
81. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, Tulane School of Medicine, New Orleans, LA, January, 2005.
82. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, LSU School of Medicine, New Orleans, LA, April, 2005.
83. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, LSU School of Medicine, New Orleans, LA, April, 2005.
84. "Concepts in Pain Management, A Review," LSU CRNA Program, New Orleans, LA, May, 2005.
85. "Concepts in Anesthetic Pharmacology, A Review," LSU CRNA Program, New Orleans, LA, May, 2005.
86. "Concepts in Anesthetic Pharmacology, Clinical Implications," LSU Medical Students, New Orleans, LA, June, 2005.
87. "Anesthetic Considerations for Bariatric Surgery," Mississippi State CRNA Annual Meeting, Biloxi, Mississippi, Kaye AD, July 2005.
88. "Concepts in Acute Pain Management," LSU CRNA Program, New Orleans, LA, July, 2005.
89. "Anesthetic Considerations for Bariatric Surgery," Tulane Medical Center, New Orleans, Louisiana, Kaye AD, August 2005.
90. "Airway and Anesthetic Considerations for the Morbidly Obese Patient," LSU Grand Rounds, New Orleans, Louisiana, Kaye AD, August 2005.
91. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, LSU School of Medicine, Baton Rouge, LA, April, 2006.
92. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, LSU School of Medicine, Baton Rouge, LA, April, 2006.
93. "Pharmacological Concepts in Pain Management, Current Concepts," Department of Pharmacology, LSU School of Medicine, Baton Rouge, LA, April, 2006.
94. "Anesthetic Considerations in the Obese Patient," Alton Ochsner Grand Rounds,

Department of Anesthesiology, New Orleans, LA, Kaye AD, June 2006.

95. "Current Concepts in Herbal Medicines and Anesthetic Interactions." Department of Anesthesiology, Journal Club, Ochsner Clinic, New Orleans, LA, Kaye AD, June 2006.

96. "Pharmacological Concepts in Pain Management, A Review," CRNA Training Program, LSU School of Medicine, New Orleans, LA, July, 2006.

97. "Inhalational Agents in Clinical Practice," Department of Anesthesiology, Ochsner Resident Lecture Review, New Orleans, LA, August, 2006.

98. "Summary of Inhalational Agents in Anesthesiology," Department of Anesthesiology, Tulane School of Medicine, New Orleans, LA, August, 2006.

99. "Pain Treatment Modalities and Mechanisms," Department of Anesthesiology, LSU School of Medicine, New Orleans, LA, December, 2006.

100. "Pain Mechanisms and Therapies, with Emphasis on the Neurosciences," Department of the Neurosciences, LSU School of Medicine, New Orleans, LA, March, 2007.

101. "Anesthesia Concepts for the Surgeon," Department of Surgery, LSU School of Medicine, New Orleans, LA, March, 2007.

102. "Pharmacologic Agents in Anesthesia," Department of Pharmacology, LSU School of Medicine, New Orleans, LA, April, 2007.

103. "Pharmacologic Role of Drugs in Anesthesia," Department of Pharmacology, LSU School of Medicine, New Orleans, LA, April, 2007.

104. "Pharmacological Concepts in Anesthesia, in Pain Management, and Herbals, A Review," CRNA Training Program, LSU School of Medicine, New Orleans, LA, April, 2007.

105. "Pain Mechanisms and Pain Therapies," Pain Fellowship, LSU School of Medicine, New Orleans, LA, May, 2007.

106. "Ultrasound and Its Many Uses in Clinical Anesthesiology Practice," LSU Department of the Anesthesia Sonosite Ultrasound Course, LSU School of Medicine, New Orleans, LA, July, 2007.

107. "Anesthesia Concepts for the Surgery Resident," Department of Surgery, LSU School of Medicine, New Orleans, LA, August, 2007.

108. "Acute and Chronic Pain Mechanisms and Acute Pain Therapies," Pain Fellowship, LSU School of Medicine, New Orleans, LA, February, 2008.

109. "Pharmacologic Local Anesthetics in Anesthesia," Department of Pharmacology, LSU School of Medicine, New Orleans, LA, April, 2008.

110. "Pharmacologic Role of General and Adjuvant Anesthetics in Anesthesia," Department of

Pharmacology, LSU School of Medicine, New Orleans, LA, April, 2008.

112. "Pharmacological Concepts in Pain Management, A Review," CRNA Training Program, LSU School of Medicine, New Orleans, LA, April, 2008.

113. "Pharmacological Concepts in Anesthesia, A Review," CRNA Training Program, LSU School of Medicine, New Orleans, LA, April, 2008.

114. "Ultra Rapid Opiate Detoxification, A Review," CRNA Training Program, LSU School of Medicine, New Orleans, LA, April, 2008.

115. "Screen-based simulation prototype for teaching hypovolemic shock to medical students, a supplement to in vivo labs," Hilton A, Kozmenko V, Kaye A, Hilton C, Southern Regional Meeting, New Orleans, LA, February, 2009.

116. "Role of Newer Inhalational Agents in the Management of the Obese Patient," Juban's Restaurant, Baton Rouge, Louisiana, Kaye AD, March 2009.

117. "Anesthesia as a Career Choice," Anesthesia Interest Group, LSU School of Medicine, New Orleans, LA, March 2009.

118. "Pharmacologic Local Anesthetics in Anesthesia," Department of Pharmacology, LSU School of Medicine, New Orleans, LA, April, 2009.

119. "Pharmacologic Role of General and Adjuvant Anesthetics in Anesthesia," Department of Pharmacology, LSU School of Medicine, New Orleans, LA, April, 2009.

120. "Role of the Laryngeal Mask Airway and Inhalational Anesthetics in Clinical Practice," Ruth Chris Steak House, Lafayette, Louisiana, Kaye AD, May 2009

121. "LSU Pain Fellowship lecture on Psychiatric Drugs and Effects." New Orleans, Louisiana, Kaye AD, August 2009.

122. LSU Pain Fellowship lecture on "Opiate Pharmacology." New Orleans, Louisiana, Kaye AD, August 2009.

123. LSU Pain Fellowship lecture on "Nonsteroidals, Anihypertensives and Autonomic Nervous System." New Orleans, Louisiana, Kaye AD, August 2009.

124. LSU Residents and Medical Students on "Pharmacokinetics and Pharmacodynamics," New Orleans, Louisiana, Kaye AD, August 2009.

125. Grand Rounds, University Hospital on "Herbals and Anesthesia Practice," New Orleans, Louisiana, Kaye AD, New Orleans, Louisiana, August 2009.

126. LSU Residents and Medical Students on "Laryngeal Mask Airway and Inhalational Agent Recovery, New Orleans, Louisiana, September, 2009.

127. "The Obese, the Elderly, and the Laryngeal Mask Airway," Covington, Louisiana, Kaye
 40

AD, Dakota's Restaurant, October, 2009.

128. "Swine Flu, an Update," New Orleans Anesthesia Society, Kaye AD, December, 2009.

129. "Novel Influenza A (H1N1) Viral Infection in Late Pregnancy," Hymel BJ, Diaz JH, Labrie-Brown CL, Kaye AD, Southern Medical Society, New Orleans, Louisiana, February, 2010.

130. "Diabetes Mellitus, Thyroid, and Adrenal Pathogenesis and Anesthesia Considerations," Kaye AD, LSU Anesthesia Department, New Orleans, Louisiana, April, 2010.

131. "Pharmacologic Local Anesthetics in Anesthesia," Department of Pharmacology, LSU School of Medicine, New Orleans, Louisiana, April, 2010.

132. "Pharmacologic Role of General and Adjuvant Anesthetics in Anesthesia," Department of Pharmacology, LSU School of Medicine, New Orleans, Louisiana, April, 2010.

133. "Obesity and Anesthesia Considerations," Anesthesia Grand Rounds, LSU Anesthesia Department, New Orleans, Louisiana, April, 2010.

134. "Herbal Products and Anesthesia Considerations," Anesthesia Grand Rounds, LSU Anesthesia Department, New Orleans, Louisiana, February, 2011.

135. "Anesthesia Concepts for the Surgery Resident," Department of Surgery, Grand Rounds, LSU School of Medicine, New Orleans, Louisiana, February, 2011.

136. "Anesthesia Concepts for the Surgeon—Preoperative Assessment/Physiology/Preemptive Analgesia/Multimodal Treatment," Department of Surgery, Grand Rounds, LSU School of Medicine, New Orleans, Louisiana, February, 2011.

137. "Anesthesia Concepts for the Surgeon—Pharmacology, Technology, and Airway Management," Department of Surgery, Grand Rounds, LSU School of Medicine, New Orleans, Louisiana, February, 2011.

138. "Acute Pain and Surgical Considerations," Department of Surgery, Grand Rounds, LSU School of Medicine, New Orleans, Louisiana, February, 2011.

139. "Herbal Products and Anesthesia Considerations," Surgery Grand Rounds, LSU Anesthesia Department, New Orleans, Louisiana, February, 2011.

122. LSU Residents and Medical Students on "Neuroanesthesia and Neurophysiology," New Orleans, Louisiana, Kaye AD, February 2011.

123. Pharmacology of Local Anesthetics in Anesthesia," Department of Pharmacology, LSU School of Medicine, New Orleans, Louisiana, April, 2011.

124. "Pharmacologic Role of General and Adjuvant Anesthetics in Anesthesia," Department of Pharmacology, LSU School of Medicine, New Orleans, Louisiana, April, 2011.

125. "Acute Pain, Comprehensive Review," Department of Neurology, Dental Students, LSU School of Medicine, New Orleans, Louisiana, May, 2011.
126. "Multiple Sclerosis and Anesthetic Management in the Parturient," Department of Anesthesiology, LSU School of Medicine, New Orleans, Louisiana, May, 2011.
127. "Pharmacologic Role of Drugs in Anesthesia," Department of Anesthesiology, LSU School of Medicine, New Orleans, Louisiana, July, 2011.
128. "Psychiatric Drugs and Effects." Department of Anesthesiology, LSU School of Medicine, New Orleans, Louisiana, July, 2011.
129. "Opiate Pharmacology." Department of Anesthesiology, LSU School of Medicine, New Orleans, Louisiana, July, 2011.
130. "Nonsteroidals, Anihypertensives and Autonomic Nervous System." Department of Anesthesiology, LSU School of Medicine, New Orleans, Louisiana, July, 2011.
131. "Pros and Cons of a Career in Anesthesia." Anesthesia Interest Group, LSU School of Medicine, New Orleans, Louisiana, August, 2011.
132. "Gralise, its Role in Neuropathic Pain." Emeril's Delmonico Restaurant, New Orleans, Louisiana, November, 2011.
133. "Gralise, its Role in Neuropathic Pain." Sullivan's Steakhouse, Baton Rouge, Louisiana, December, 2011.
134. "Gralise, its Role in Neuropathic Pain." Premier Pain Center. Madisonville, Louisiana, December, 2011.
135. "Gralise, its Role in Post Herpetic Neuralgia." RuthChris Steakhouse. Metairie, Louisiana, January, 2011.
136. "Treatment Options in Neuropathic Pain." LSU Neurology Department. Gordon Biersch, New Orleans, Louisiana, February, 2012.
137. "Post Herpetic Neuralgia, "Pharmacotherapies and Interventional Options." Louisiana Pain Physicians, March, 2012.
138. "Treatment Strategies in Neuropathic Pain." RuthChris Steakhouse, Lafayette, Louisiana, April, 2012.
139. "Post Herpetic Neuralgia, "Pharmacotherapies and Interventional Options." RuthChris Steakhouse, May, 2012.
140. "Treatment Strategies in Neuropathic Pain." Orthopedic Surgery and Pain Clinic, Lafayette, Louisiana, May, 2012.
141. "Post Herpetic Neuralgia, "Pharmacotherapies and Interventional Options." Ochsner

Northshore Pain Clinic, Covington, May, 2012.

142. "Gralise, its Role in Post Herpetic Neuralgia." Office of Dr. J. Forester, Pineville, Louisiana, June, 2012.

143. "Post Herpetic Neuralgia, "Pharmacotherapies and Interventional Options." Office of Dr. Chukwuma Ugokwe, Alexandria, June, 2012.

144. "Post Herpetic Neuralgia, "Pharmacotherapies and Interventional Options." Ponchartrain Bone and Joint, Metairie, Louisiana, August, 2012.

145. "Issues In Anesthesia Practice, An Update, LSU School of Medicine, Anesthesia Interest Group, New Orleans, Louisiana, August, 2012.

146. "Herbals, Update for Anesthesia Practice," LSU School of Medicine, Grand Rounds/Journal Club, New Orleans, Louisiana, September, 2012.

147. "Gralise, its Role in Post Herpetic Neuralgia." Advanced Pain Institute, Hammond, Louisiana, September, 2012.

148. "Treatment Strategies in Neuropathic Pain." Dr. G. Hidalgo Clinic, Alexandria, Louisiana, September, 2012.

149. "Post Herpetic Neuralgia, "Pharmacotherapies and Interventional Options." Office of Dr. M. Elkersh Pain Clinic, Hammond, September, 2012.

150. "Gralise, its Role in Post Herpetic Neuralgia." Office of Dr, J. Crapanzano, Metairie, Louisiana, September, 2012.

151. "Gralise, its Role in Post Herpetic Neuralgia." RuthChris Steakhouse, Metairie, Louisiana, October, 2012.

152. "Post Herpetic Neuralgia, "Pharmacotherapies and Interventional Options." Sullivan's Steakhouse, Baton Rouge, October, 2012.

Additional Departmental Presentations

1-4 lectures a month on anesthesiology related topics including physiology, pharmacology, pain, disease states, and anesthetic techniques and management to the anesthesiology residents within Tulane Medical Center/Texas Tech Medical Center/LSU Health Sciences Center July 1993-present

1-4 lectures a month on anesthesiology related topics including preoperative assessment, asthma, diabetes, pharmacology, pain, disease states, and anesthetic techniques and management to the anesthesiology medical students within Tulane Medical Center/Texas Tech /LSU July 1993-present

EDITORIAL/ADVISORY BOARDS

Anesthesia Research and Practice, Reviewer	May, 2012-Present
Journal of the American Medical Informatics Association, Reviewer	February, 2012-Present
Journal of Pharmacy and Pharmacology Research, Reviewer	February, 2012-Present
Journal of Pain and Relief, Reviewer	January, 2012-Present
Gralise Advisory Committee	Aug, 2011-Present; (chair) March, 2012
Anesthesia Clinics, Guest Editor	Dec., 2010 issue
Ochsner Journal, Reviewer	March, 2010-Present
Journal of Clinical Pathology and Forensic Medicine, Reviewer	July 2011-Present
Current Opinion in Anesthesiology, Pharmacology Section Editor (two year term)	2006-2008
Pharmacy Letter, Therapeutic Research Center, Specialty Consultant Panel in Anesthesiology and Pain	February 2000-Present
British Journal of Anesthesia, Reviewer	December 2009-Present
Anesthesiology, Reviewer	December 2005-August 2008
Critical Care Medicine, Reviewer	February 2005-Present
Anesthesia and Analgesia, Reviewer	March 2004-Present
American Journal of Physiology, Reviewer	June 2007-Present

Pain Physician, Reviewer; Editorial Board; Associate Editor	March 2004 -Present
Endo Pharmaceuticals, Scientific Advisory Board Member	November 2001-2005
Current Opinion in Clinical Experimental Research	
--Associate Editor-In-Chief	November 1999–2005
Current Opinion in European Medicine	
--Associate Editor-In-Chief	November 1999–2005
Placebo	
--Associate Editor-In-Chief	January 1999–2005
Current News in Medicine	
--Associate Editor-In-Chief	January 1999–2005
Chemotaxis and Migration	
--Associate Editor-In-Chief	January 2001–2005
European Journal of Allied Health	
--Associate Editor-In-Chief	January 2001–2005
Anesthesiology News Editorial Board--Neuroanesthesia Section Head	February 2001–Present
OR Reports--Advisory Board	February 1997–2004
Current Drugs--Advisory Board	November 1998–2005
Anesthesia News, Pre-anesthetic assessment, Reviewer	September 1999-Present
American Journal of Anesthesiology-Editorial Board	May 2000-2003
Life Sciences --Guest reviewer	April 1999–Present
Pain Practice--Editorial board	April 2000–2005
Journal of Clinical Anesthesia -- Reviewer	August 2000–Present
Journal of Applied Physiology – Guest reviewer	March 2002-Present
European Journal of Cardiovascular Prevention & Rehabilitation—Reviewer	Jan, 2005-Present
Journal of Complementary and Alternative Medicine, Reviewer	2005-Present

Annals of Biomedical Engineering-Guest reviewer	2006-Present
Archives of Medicinal Research-Guest reviewer	2007-Present
Transplantation, Reviewer	2007
Point of Care—Guest editor	2007
Clinical Medicine: Circulatory, Respiratory and Pulmonary Medicine-Guest reviewer	2008
Clinical Transplantation -Guest reviewer	2008-Present
Cytokine-Guest reviewer	2009
American Journal of Cardiology-Guest reviewer	2009-Present
Chinese Heart Journal, Reviewer	2009-Present
Suprane Advisory Board	2000-Present

BOOKS/ BOOK CHAPTERS

BOOKS

1. **JASA Manufacturers (book)**, JASA Publications, Los Angeles, CA, 1st ed.-1986, 2nd ed.-1987, 3rd ed.-1988, 4th ed.-1989, 5th ed.-1990, 6th ed.-1991, 7th ed.-1992, 8th ed.-1993, 9th ed.-1994, 10th ed.-1995, 11th ed.-1996, 12th ed.-1997, 13th ed.-1997, 14th ed.-1998, 15th ed.-1999, 16th ed.-2000, 17th ed.-2001, J Kaye and AD Kaye, editors.
2. **JASA Contractors (book)**, JASA Publications, Los Angeles, CA, 1st ed.-1986, 2nd ed.-1987, 3rd ed.-1988, 4th ed.-1989, 5th ed.-1990, 6th ed.-1991, 7th ed.-1992, 8th ed.-1993, 9th ed.-1994, 10th ed.-1995, 11th ed.-1996, 12th ed.-1997, 13th ed.-1997, 14th ed.-1998, 15th ed.-1999, 16th ed.-2000, 17th ed.-2001, J Kaye and AD Kaye, editors.
3. **Combitube (book-ISBN registered)**. Editors, M Frass, AD Kaye, and R Hofbauer, 2000 edition.
4. **The Hofbauer-Chamber and other chemotaxis - migration assays (book-ISBN 3-902104-06-6)**, VICER Publishing, Vienna, Europe, 2000; editors: R Hofbauer, AD Kaye, B

Gmeiner, M Frass.

5. **The Endothelium and Anesthetics.** (book-ISBN 3-902104-02-3). VICER Publishing, Vienna, Europe, 2000; editors: R Hofbauer, M Frass, B Gmeiner, and AD Kaye.

6. **European Countries: Biomedical Research Ranking and the MFBP-Index.** (book-ISBN 3-902104-03-01). Editors: R. Hofbauer, B. Gmeiner, AD Kaye. VICER Publishing, Vienna, October 2000.

7. **International Chemotaxis Transmigration Research Group (ICTRG) Research Ranking Report 1999-2000.** Editors: R. Hofbauer, M Frass, B. Gmeiner, AD Kaye. VICER Publishing, Vienna, October 2000.

8. **Online Publishing for Everybody** (book-ISBN 3-902104-0508). Editors: R. Hofbauer, AD Kaye, B Gmeiner, M Frass. VICER Publishing, Vienna, November 2000.

9. **Biomedizinische Forschung im Europäischen Vergleich und der neue** (book-ISBN 3-902104-7-4). Editors: R. Hofbauer, B. Gmeiner, AD Kaye. VICER Publishing, Vienna, October 2000.

10. **Chemotaxis and Transmigration** (book-ISBN 3-902104-01-5). Editors: R. Hofbauer, M Frass, B Gmeiner, D Moser, AD Kaye. VICER Publishing, Vienna, November 2000.

11. **Combitube Online** (book-ISBN 3-902104-08-2). Editors: R. Hofbauer, M Frass, B Gmeiner AD Kaye. VICER Publishing, Vienna, January 2001.

12. **Franz Lackner** (book-ISBN 3-902104-14-7, German edition: 3-902104-16-3). Editors: R. Hofbauer, M Frass, B Gmeiner S Hornykewycz, AD Kaye. VICER Publishing, Vienna, January 2001.

13. **Euro-Factor A new European Journal Quality Factor—the new European “Scientific Currency.”** Editors: R. Hofbauer, B Gmeiner, AD Kaye, M Frass. VICER Publishing, Vienna, February 2002.

14. **A Goat Does Not Go Backwards, the Autobiography of Fania Eichenblat** (book-ISBN ISBN: 978-0-615-24529-4). Kaye AD, Horowitz B, AARK Publishing, New Orleans, October, 2008.

15. **Perioperative Pharmacology.** Anesthesia Clinics Kaye AD, Elsevier, Philadelphia, December 2010 (28) 4.

16. **Understanding Pain: Taking Control of Your Life,** AD Kaye, R. Urman, Praeger Publishing, October, 2011.

17. **Moderate and Deep Sedation in Clinical Practice,** R. Urman, AD Kaye, Cambridge Press Publishing, February, 2012.

18. **Essentials of Regional Anesthesia,** AD Kaye, R. Urman, N. Vadevalu, Springer

Publishing, January 2012.

19. **OR Leadership.** AD Kaye, C Fox, R. Urman, Cambridge Press Publishing, September, October, 2012.

20. **Essentials of Palliative Care Medicine.** N. Vadivelu, AD Kaye, J. Berger, Springer Publishing, December, 2012.

21. **Orofacial Pain a Clinicians Manual.** E book, Editors Vadivelu N , Vadivelu A and Kaye AD, Bentham publishers, 2013.

22. **Essentials of Pharmacology in Anesthesia Including Black Box Warnings,** AD Kaye, R. Urman, AM Kaye, Springer Publishing, 2013.

23. **Essentials of Neurophysiology Monitoring,** S Davis and AD Kaye, Springer Publishing, 2013.

24. **Essentials of Pediatric Anesthesia.** AD Kaye, C Fox, J. Diaz, Cambridge Press Publishing, 2013.

25. **Problem Based Cases in Pain Management.** AD Kaye, R Shah, Cambridge Press Publishing, 2013.

BOOK CHAPTERS

1. **Advances In Anesthesia,** Volume 16 chapter entitled, "Anesthesia Workforce Issues, Manpower 1998 Update" Carol Lake, editor, AD Kaye, W. Craig Scibetta, and A Grogono, 1998 edition (published in February, 1999), pp. 1-28.

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 102. "The Effects of Ephedrine in the Pulmonary Vascular Bed of the Cat." Richards TA, Ibrahim IN, Fields AM, and Kaye AD, International Anesthesia Research Society, New Orleans, Louisiana, March, 2003. *Anesthesia and Analgesia* 2003; 95; supplement.
 103. "The Effects of Ma Huang in the Pulmonary Vascular Bed of the Cat." Fields AM, Ibrahim IN, Richards TA, and Kaye AD, International Anesthesia Research Society, New Orleans, Louisiana, March, 2003. *Anesthesia and Analgesia* 2003; 95; supplement.
 104. "The Effects of Kava Kava in the Pulmonary Vascular Bed of the Cat." Ibrahim IN, Fields AM, Richards TA, and Kaye AD, American Society of Anesthesiology, San Francisco, California, October, 2003. *Anesthesiology* 2003; supplement.
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 106. "The Efficacy of Clonidine in Ultra Rapid Opioid Detoxification," Association of University Anesthesiologists, UC Davis, California, Kaye AD, Banister R, Hoover J, (includes non IRB approved data) May 2004.
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108. "The Effects of Norepinephrine on Alpha Subtype Receptors in the Feline Pulmonary Vascular Bed," International Anesthesia Research Society," Honolulu, Hawaii, Kaye AD I Ibrahim, S Baber, and Hoover J, March 2005.
109. "The Effects of Cyclooxygenase in the Pulmonary Vascular Bed of the Cat," International Anesthesia Research Society," Honolulu, Hawaii, Kaye AD I Ibrahim, S Baber, and Hoover J, March 2005.
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111. "The Role of Ephedrine in the Feline Pulmonary Vascular Bed," International Anesthesia Research Society," Honolulu, Hawaii, Kaye AD I Ibrahim, S Baber, and Hoover J, March 2005.
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113. "The Effects of Norepinephrine on Alpha Subtype Receptors in the Feline Pulmonary Vascular Bed," American-Japanese Anesthesia Research Society," Honolulu, Hawaii, Kaye AD I Ibrahim, S Baber, and Hoover J, March 2005.
114. "The Effects of Cyclooxygenase in the Pulmonary Vascular Bed of the Cat," American-Japanese Anesthesia Research Society," Honolulu, Hawaii, Kaye AD I Ibrahim, S Baber, and Hoover J, March 2005.
115. "The Effects of Ma Huang on Alpha Subtype Receptors in the Feline Pulmonary Vascular Bed," American-Japanese Anesthesia Research Society," Honolulu, Hawaii, Kaye AD I Ibrahim, S Baber, and Hoover J, March 2005.
116. "Immersive High-Fidelity Simulator Based Teaching Results in Steady Performance Patterns in Trainees," Southern Regional Meeting, Atlanta, Georgia, Kozmenko V, Kaye A, Morgan B, Hilton C, March 2006.
117. "Various Techniques to Prevent Complications of Central Venous Catheterization," Association of University Anesthesiologists, Riopelle J, Baluch A, Kaye AD, Tucson, Arizona, May, 2006.
118. "Influence of Hurricane Katrina on Anesthesia Practice in the Gulf Coast," Scher C, Kaye AD, American Society of Anesthesiology, Chicago, Illinois, October, 2006.
119. "Comparison of Opioid-Mediated Responses in the Feline Pulmonary Vascular bed, Kaye AD, Ibrahim I, Bajwa A, International Society for Anesthesia Pharmacology, San Francisco, California, October, 2007.

120. "Morphine, Remifentanyl, Sufentanyl, Fentanyl, Meperidine--Opioid Analysis in the Pulmonary Vascular Bed," Kaye AD, Ibrahim I, Bajwa A, Fields A, International Anesthesia Research Society, San Francisco, California, Kaye AD, April 2008.
121. "Advanced Case Scenarios Based on the Clinical Model Provides More Effective Training, Association of University Anesthesiologists, Chapel Hill, North Carolina, Kozmenko V, Hilton C, Kaye AD, May 2008.
122. "Screen-based simulation prototype for teaching hypovolemic shock to medical students, a supplement to in vivo labs," Hilton A, Kozmenko V, Kaye A, Hilton C, Southern Regional Meeting, New Orleans, LA, February, 2009.
123. "Neurotrophin-3 and Tyrosine Kinase C have modulatory effects on neuropathic pain in the rat dorsal root ganglia," Kaye A, Tender G, Li Y, Cui J, American Society of Interventional Pain Physicians (ASIPP) National Meeting, selected oral presentation, Washington, D.C., June, 2009.
124. "The importance of training for Ultrasound Guidance in Central Vein Catheterization," Kaye AD, Fox CJ, Gayle JA, Hawney HA, Bawcom BA, Cotter TD, American Society of Anesthesiology, New Orleans, Louisiana, October, 2009.
125. "Novel Influenza A (H1N1) Viral Infection in Late Pregnancy," Hymel BJ, Diaz JH, Labrie-Brown CL, Kaye AD, Southern Medical Society, New Orleans, Louisiana, February, 2010.
126. "Intra-operative pulseless electrical activity and acute cardiogenic shock after administration of 2.5% phenylephrine soaked intranasal pledgets: a case report." Sabartinelli AL, Kaye AD, Samm P, Walveker R, International Anesthesia Research Society, Honolulu, Hawaii, March, 2010.
127. "Effects of aging on anesthesiologists, survey", Afonso A, Kaye AD, Scher C American Society of Anesthesia, San Diego, California, October, 2010.
128. "Epinephrine exposure alters mitochondrial gene expression profile in cultured rat cardiomyocytes." Liu H, Hu X, Kalarickal PL, Fox CJ, Primeaux P, Kaye AD, International Anesthesia Research Society, Vancouver, Canada, May, 2011.
129. "Smoking cessation in chronic pain patients, survey", Kaye AD, Fitzmaurice M, Ellender R, Hymel B, Liu H, Fox CJ, American Society of Anesthesia, Chicago, Illinois, October, 2011.
130. "John Adriani", Kaye AD, Ellender R, Hymel B, Liu H, Fox CJ, Thomas M, American Society of Anesthesia, Chicago, Illinois, October, 2011.
131. "Effects of epinephrine and milrinone on the gene expression levels of myocardial hypertrophy related genes in cultured rat cardiomyocytes." Liu H, Liu J, Hu X, Mehl J, Pierre O, Fox CJ, Li MM, Kaye AD, American Society of Anesthesia, Chicago, Illinois, October, 2011.

132. "Sedation, Analgesia and Anesthesia: A primer for general and interventional Radiologists." Moran TC, Kaye AD, Mai AH, Bok LR, Radiology Society of North America, Chicago, Illinois, November, 2011.
132. "Epidural Ropivacaine in an Acute Exacerbation of Complex Regional Pain Syndrome: a Case Report." Landry J, Kaye AD, Johnson J, GAARC Conference, Puerto Rico, April, 2012.
133. "Changes of gene expression related to activation of peritoneal and epithelial macrophages induced by digoxin exposure in cultured rat cardiomyocytes." Liu H, Liu J, Kalarichal PL, Bent S, Fox CJ, Rosinia F, Li MM, Kaye AD, Society of Cardiovascular Anesthesiology, Boston, Massachusetts, May, 2012.
134. "Prevalence of Polypharmacy in Chronic Pain Patients." Kaye AD, Prabhakar A, Fitzmaurice ME, Fox CJ, Liu H. American Society of Pain Physicians, Washington, D.C., June, 2012.
135. "Changes of K-Opioid Receptors and Anti-Proliferative Effects During Hypoxia." De Witt BJ, Kaye AD, Kaye AJ, Pei J. American Society of Anesthesiology, Washington D.C., October, 2012.
136. "Changes of gene expression related to activation of peritoneal and epithelial macrophages induced by epinephrine exposure in cultured rat cardiomyocytes." Liu H, Liu J, Bent S, Fox CJ, Rosinia F, Li MM, Kaye AD, American Society of Anesthesiology, Washington D.C., October, 2012.
137. "Effects of Epinephrine on Williams-Beuren Syndrome-Related gene Expression in Cultured Rat Cardiomyocytes." Tong Y, Liu J, Pierre N, Bent S, Zhou T, Shang Y, Gomez S, Rosinia F, Kaye AD, Liu H, American Society of Anesthesiology, Washington D.C., October, 2012.
138. "Attitudes and Perceptions of Pain Physicians Regarding Patients Terminated from Practice." Jain G, Dzara K, Kaye AD HJ. American Pain Society, New Orleans, May, 2013, submitted.

GUEST LECTURESHIPS/VISITING PROFESSORSHIPS

Indiana University, Indianapolis, Indiana; March 1997

New York Medical College, Valhalla, New York; September 1998

University of Vienna, Vienna, Austria; September 1998

University of Paris, Pitie-Salpetriere Hospital, Paris, France; October 1998

The Lille University Hospital, Lille, France; October 1998

University of Paris, Saint-Vincent-de-Paul Hospital, Paris, France; October 1998

Alton Ochsner Hospital and Clinic, New Orleans, Louisiana, November 1998

The Mississippi State Anesthesiology Society Meeting, Jackson, Mississippi, November 1998

St. Louis Anesthesiology Society, St. Louis, Missouri, December 1998

Saint Vincent's Hospital, Birmingham, Alabama, February 1999

St. Joseph's Hospital, Orange County, California, March 1999

University of Southern California, Los Angeles, California, March 1999

International Anesthesia Research Society, invited lecture on inhalational agents, March 1999

Memphis Anesthesiology Society (Shelby County), Memphis, TN, April 1999

Alabama Society of Nurse Anesthetists, April 1999

Arizona Society of Anesthesia, Phoenix, Arizona, May 1999

South Fulton Medical Center, May 1999

University of Arizona, Tucson, Arizona, August 1999

Parkland Veterans Administration Hospital, Dallas, Texas, October 1999

Texas Tech University Health Sciences Center, El Paso, Texas, October 1999

University of New Mexico, Albuquerque, New Mexico, December 1999

Vanderbilt University Health Sciences Center, Nashville, Tennessee, January, 2000

Dallas Anesthesia Society, Dallas, Texas, July, 2000

Southwestern (Parkland Hospital), Dallas, Texas, July, 2000

Venezuela Anesthesiology Society, Caracas, Venezuela, November 2000

Talbott Recovery Center, Atlanta, Georgia, February 2001

Tulane Medical Center, New Orleans, Louisiana, April 2001

Rush Medical Center, Chicago, Illinois, August, 2001.

Royal Gwent Hospital, South Wales, September, 2001

Memorial University Hospital, Savannah, Georgia, November 2001

University of Oklahoma, Oklahoma City, Oklahoma, November 2001

Medical College of Georgia, Augusta, Georgia, November 2001

University of Arkansas, Little Rock, Arkansas, February 2002

Texas A & M, Research Day Guest Reviewer and Speaker, April 2002

Loma Linda School of Medicine, San Bernardino, California, July 2002

Texas A & M Scott and White Hospital, Temple, Texas, April 2003

Medical College of Georgia, Augusta, Georgia, April 2003.

St. Rose Hospital, Henderson, Nevada, May 2003.

Medical College of Ohio, Toledo, Ohio, June 2003.

University of Illinois, Chicago, Illinois, November 2003.

Phoebe Putney Hospital, Albany, Georgia, November 2003.

University Hospital, Ft. Lauderdale, Florida, March 2003

Moffett Hospital, Tampa, Florida, March 2003

UC South Florida, Tampa, Florida, April 2004

Baylor School of Medicine, Houston, Texas, April 2004

UTMB Galveston, Texas, April 2004

U of Pacific School of Pharmacy, Stockton, California, May 2004

Texas Tech El Paso, Texas, August 2004

U of New Mexico, Albuquerque, New Mexico, September 2004

U of Kentucky, Louisville, Kentucky, May 2005

Curriculum Vitae
Alan David Kaye, M.D.

U of Florida, Jacksonville, Florida, July 2005
Tulane School of Medicine, New Orleans, Louisiana, August 2005
Palmetto Richland Hospital, Columbia, South Carolina, January 2006
Moffett Hospital, Tampa, Florida, March 2006
St. Barnabas Medical Center, Livingston, New Jersey, April 2006
Valley Hospital, Ridgewood, New Jersey, June 2006
Alton Ochsner Clinic, New Orleans, LA, June 2006
LSU Shreveport School of Medicine, Shreveport, LA, August 2006
Wuhan Union Hospital, China, October 2006
Xian, Union Hospital, China, October 2006
Peking Union Hospital, China, October 2006
Valley Baptist Hospital, Harlingen, Texas November, 2006
Ball Hospital, Muncie, Indiana, January, 2007
Valley Baptist Hospital, Harlingen, Texas, November, 2007
Medical Center Hospital, Odessa, Texas, April, 2008
University of Southern California, Los Angeles, California, April, 2008
Methodist Hospital, Brooklyn, New York, July, 2008
Metropolitan Hospital, New York City, New York, July, 2008
St. Joseph's Hospital, Patterson, New Jersey, July, 2008
Mountainside Hospital, Montclair, New Jersey, August, 2008
Yale School of Medicine, New Haven, Connecticut, August, 2008
Baton Rouge General Hospital, Baton Rouge, Louisiana, March, 2009
University Medical Center, Lafayette, Louisiana, May, 2009

Washington Hospital Center, Washington D.C., July, 2009

University of Vienna, Vienna, Austria, July, 2009

Fairfax Hospital, Fairfax, Virginia, September, 2009

Tampa General Hospital, Tampa, Florida, May, 2010

LSU School of Medicine, Department of Surgery, New Orleans, Louisiana, February, 2011

MAPS (Minnesota Pain Center), Minneapolis, Minnesota, November, 2011.

Phoenix Neurology & Sleep Medicine, Phoenix, Arizona, December 2011

The Pain Center of Arizona, Phoenix, Arizona, December 2011

Integrated Pain Care, San Francisco, California, December, 2011.

SOMA Orthopedics Medical Group, San Francisco, California, December, 2011.

Pinnacle Pain Center, Kennewick, Washington, February, 2012.

V5 Medical Center, Richland, Washington, February, 2012.

Southwest Florida Rehab & Pain Management Associates, Ft. Meyers, Florida, February, 2012.

Florida Pain Center, Naples, Florida, February, 2012.

Sunset Neurology Associates, Portland, Oregon, March, 2012

Rehabilitation Medical Associates, Portland, Oregon, March, 2012

Neuromuscular Disorder Clinic, Milwaukie, Oregon, March, 2012

McMinnville Internal Medicine Associates, McMinnville, Oregon, March, 2012

Medical College of Vienna, Austria, July, 2012

Cedar Sinai Hospital, Department of Anesthesiology, September, 2012

Greater Houston Interventional Pain, Houston, Texas, November, 2012

Texas Pain, Tyler, Texas, November, 2012

Stanford University, Department of Anesthesiology, Palo Alto, California, February, 2013

FILMS-LETTERS TO THE EDITOR-INTERVIEWS-SPECIAL ACTIVITIES - EDITORIAL COMMENTS

1. Ginkgo, ginger, garlic, and ginseng--the four Gs of alternative medicine--comments regarding the role of garlic and garlic compounds in lung and cardiac disease states, Kaye, A, *Remedy Magazine*, 3(5):32-29, 1996.
2. "Preoperative fasting time: Is the traditional policy changing?" by Green, Pandit, and Schork, *OR Reports*, September/October, 1996.
3. "The Routine Wearing of Gloves: Impact on the Frequency of Needlestick and Percutaneous Injury and on Surface Contamination in the Operating Room" by Ben-David and Gaitini, *OR Reports*, November/December, 1996.
4. "The Effects of Epidural Anesthesia on the Neuroendocrine Response to Major Surgical Stress: A Randomized Prospective Trial" by Norman and Fink *OR Reports*, January /February, 1997.
5. "The Association of Anesthesia Clinical Directors' Procedural Times Glossary" by Donham, Mazzei, and Jones *OR Reports*, March /April 1997.
6. "Anesthesia-related deaths in OB," by Hawkins, Koonin, Palmer, and Gibbs *OR Reports*, June/ July 1997.
7. "Are you ready for Bloodless Surgery," by Vernon and Pfeifer *OR Reports*, November/ December 1997.
8. Pharmacologic agents in general anesthesia, the movie, a film on drugs utilized in general anesthesia and the induction, maintenance, and emergence from general anesthesia, Kaye, A, November, 1997.
9. The role of reusables in operating room waste management, Kaye, A, *Infection Control and Hospital Epidemiology*, 18(10):656-658, 1997.
10. Clinical and experimental Research in Anesthesiology in Europe at the change of the millennium, R. Hofbauer, A.D. Kaye, B. Gmeiner, Lackner FX, and M. Frass, *Anesthesiology*. 2001 Jan; 94(1):183-184.
11. Gulf Atlantic Residents' Conference (Hosted by Tulane Medical Center Department of Anesthesiology: Steering Committee, Judge, Moderator May 1997
12. Neurosurgical Fast Tracking with Desflurane for Cerebral Aneurysm, Kaye, A, Baxter

Pharmaceuticals Interview/Case Presentation Article

September, 1998

13. "Mild Intraoperative Hypothermia Prolongs Postanesthetic Recovery," by Lenhardt, et al. *OR Reports*, January/ February 1998.
14. "Perioperative Blood Transfusion and Postoperative Mortality," by Carson, et al. *OR Reports*, March/ April 1998.
15. "Increase in US Medication-error deaths between 1983 and 1993," by Phillips, et al. *OR Reports*, May/ June 1998.
16. "Exposure to environmental tobacco smoke and the risk of adverse respiratory events in children receiving general anesthesia," by Skolnick, et al. *OR Reports*, July/ August 1998.
17. "The self-reporting of psychiatric medications for patients scheduled for elective surgery," by Scher, et al. *OR Reports*, Nov/ Dec 1998.
18. "Safe pre-operative fasting time after milk or clear fluids in children," by Sethi, et al. *OR Reports*, Mar/ April 1999.
19. Neuroanesthesia section editor, Desflurane Slide Project, Baxter April, 1999-May, 1999
20. Concepts in Anesthesia and Rapid Detoxification--the Dixon Plat Show, 790 July, 1999
21. Rapid Detoxification/Waissman Method, Lubbock Avalanche March, 2000
22. Pain Center Developments, Lubbock Avalanche January, 2000
23. Safety and New Technology in Anesthesiology, Lubbock Avalanche July, 2000
24. Pre-op Sleep Deprivation Slows Anesthetic Recovery, Physician's Weekly June, 2000
25. Sleep Deprivation and Anesthetic Recovery, Anesthesiology News June, 2000
26. National Baxter Desflurane Guest Teleconference Expert May, 2000-July, 2000
27. Basic Concepts in Neuroanesthetic Agents Including Inhalational Agents," Kaye AD, May, 2000, *Anesthesiology News*.
28. Research contributions in the field of gynecology at the change of the," Hofbauer R, Kaye AD, Gmeiner B, Wagner O, Frass M, Fertility and Sterility 2000 Oct 1;74(4):840-841.
29. Nutraceuticals and Risk of Neuraxial Bleeding, letter to the editor, *Regional Anesthesia and Pain Medicine*, Kaye AD, Heavner JE, and Sabar R., 26(1):92-93;2001.
30. Interview with USA Today (first page, May 31, 2000), Herbal products and anesthetic interactions (from herbal study performed).

31. Interview with Chicago Radio WMAQ on herbal products and anesthetic interactions (from herbal study performed).
32. Interview with CBS News on herbal products and anesthetic interactions (from herbal study performed).
33. Interview with Dixon Platt, AM 950, Lubbock on herbal products and anesthetic interactions (from herbal study performed).
34. Interview with Elizabeth Gill, WWL Radio, New Orleans, on herbal products and anesthetic interactions (from herbal study performed).
35. Editorial, Vicer Silver Seal Award, Dr. Elizabeth Frost, *Curr Opin Clin Exp Res* 2000, 2 (3), 113-115, Hofbauer R, Kaye AD.
36. Interview with Anesthesia News on sleep study and anesthetic complications, July 2000, 26 (7), 1-17.
37. Interview with Anesthesia News on herbal medicine and anesthetic complications, August 2000, 26 (8), 16-17.
38. "Prevention of Perioperative Peripheral Neuropathies," by Blitt, et al. *OR Reports*, April/ May 2000.
39. "Hypnosis Decreases Anesthetic Requirements," by Lang, et al. *OR Reports*, June/ July 2000.
40. "Cardiopulmonary Resuscitation by Chest Compression Alone or with Mouth-to-Mouth Ventilation," by Hallstrom, et al. *OR Reports*, August/ September 2000.
41. "Anesthesiologist Direction and Outcomes, the U of Penn Study," by Silber, et al. *OR Reports*, August/ September 2000.
42. "Substance Abuse in Anesthesiologists," by Berry, et al. *OR Reports*, January/ February 2001.
43. "Nitrous Oxide, Homocysteine Levels, and Myocardial Ischemia," by Badner, et al. *OR Reports*, January/ February 2001.
44. "Lumbar Plexus Block Reduces Pain and Blood Loss Associated with Total Hip Arthroplasty," by R. D. Stevens, et al. *Pain Practice*, January 2001.
45. "Epidural Catheter Tip Cultures: Results of a 4 Year Audit and Implications for Clinical Practice," by R. S. Simpson, et al. *Pain Practice*, January 2001.
46. "Brachial Plexus Anesthesia with Verapamil and/or Morphine," by S. S. Reuben and JP Reuben. *Pain Practice*, January 2001.
47. "Interscalene Block with a Nerve Stimulator: A Deltoid Motor Response is a Satisfactory

- Endpoint for Successful Block," by W. B. Silverstein, et al. Pain Practice, January 2001.
48. "Fentanyl Improves Analgesia but Prolongs the Onset of Axillary Brachial Plexus Block by Peripheral Mechanism," by Nishikawa, et al. Pain Practice, February 2001.
 49. "A Comparison of Superficial versus Combined Cervical Plexus Block for Carotid Endarterectomy," by Pandit, et al. Pain Practice, February 2001.
 50. "Ability of Anaesthetists to Identify a Marked Lumbar Interspace," by Broadbent, et al. Pain Practice, February 2001.
 51. "Percutaneous Neuromodulation Therapy," by White, et al. Pain Practice, February 2001.
 52. "Impaired mitogen-activated protein kinase activation and altered cytokine secretion in endotoxin-tolerant human monocytes," Hansen, et al, Current News in Medicine, May, 2001 Vol 1, (1), 13.
 53. "Herbal Medicines and Perioperative Care," by Ang-Lee, et al. OR Reports, Sept-Oct, 2001. "Cerebral Hemodynamic Response to the Introduction of Desflurane: A comparison with Sevoflurane," Kaye AD, Vig S, Sabar R. Letter to the Editor, Anesth Analg: 2001;92:282-283.
 54. "Current Controversies in Herbal Medicines in the United States," An interview with Tim O'leary: Dallas News, January 2001.
 55. Interview with Dixon Platt, AM 950, Lubbock on ultra rapid detoxification, February 2001.
 56. Television interview on the BIS monitor, President's Message, NBC news, February 2001.
 57. Television interview on Herbal Medicines, President's Message, NBC news, March 2001.
 58. Television interview, lead story on CBS and ABC news on Rapid Detoxification Clinic opening, March 2001.
 59. Television interview on Herbal Medicines in the Elderly (guest speaker for 150 senior citizens), ABC news, April 2001.
 60. Television interview, national story on NBC and ABC news (and ABC.com weblne) on Rapid Detoxification Clinic opening, April 2001.
 61. Book review: Herbal Medicinal Products for the Treatment of Pain, S Chrubasik, B Roufogalis, Pain Practice, Vol. 1 (1), 2001,83, Kaye AD and Sabar R.
 62. Article on Pain Practice at Texas Tech Medical Center, Pulse Magazine, Fall 2000, 12-16.
 63. Letter to the Editor: "Setting the Record Straight", Hofbauer R, Kaye AD, Gmeiner B, Lackner FX, Frass M. Anesthesiology, 2001; 94:183).
 64. Radio interview, Marty Griffin Show, Dallas, on Rapid Detoxification Clinic opening, June

2001.

65. Radio interview, Dixon Platt Show, Lubbock, on Rapid Detoxification Clinic opening, June 2001.
66. COMBITUBE EDUCATION VIDEO - DVD - CD – ROM, by Michael Frass, Alan D. Kaye, and Roland Hofbaur, University of Vienna & Department of Anesthesiology, Texas Tech University, VVV - VICER VIDEO-DVD Vienna Editions; Serial video DVD Editor: Roland Hofbauer - Serial ISSN 1680-1407; published by VICER Publishing, Vienna.
67. Exhibit, Association of American Medical Colleges 2001, The Center for Integrative and Nutritional Medicine, An Educational Opportunity for Texas Tech School of Medicine. Peck, K, Chauncey K, Kupersmith J, Homan R, Kaye AD, Jones BG.
68. Television interview on Herbal Medicines and potential drug interactions, CBS news, September 2001.
69. Commercial on Texas Tech Alternative and Integrative Medicine Department, September, 2001.
70. Interview on Novel Opioid Formulations, Anesthesia News, 2001;27(8):11.
71. Interview on research study on Elderly Patients and Recovery, Desflurane versus Sevoflurane, Anesthesia News 2001; 27 (9): 41.
72. Interview nationally over 350 radio stations on Radio Health Journal regarding herbal medicines, November, 2001.
73. Interview on herbal medicines and college student abuse, Texas Tech Daily News Nov. 2001.
74. Interview on Rapid Detoxification and Safety, Anesthesia News, 2001;27(12):13.
75. Public television address on herbal medicines and safety (medical moment), KLBK, Channel 11, February, 2002.
76. Radio interview on Ecstasy, Fox Radio, Feb, 2002.
77. Interview with Dixon Platt, FOX radio, Lubbock on ultra rapid detoxification, February 2002.
78. Clinical and experimental Research in Anesthesiology in Europe at the change of the millennium (response letter), R. Hofbauer, A.D. Kaye, B. Gmeiner and M. Frass, *Anesthesiology*. 2002 March;96(1):769-771.
79. Television interview on Herbal Medicines and potential drug interactions, CBS news, September 2001.
80. Television interview on Herbal Medicines and potential drug interactions, NBC news, April 2002.

81. Television interview on Kava Kava, liver failure, and potential drug interactions, "Medical Minute," CBS news, June 2002.
82. Television interview on Ephedra and sport performance, Fox news, June 2002.
83. Interview on Herbal Medicines and pregnancy, E pregnancy Magazine, November 2002.
84. Interview on herbal medicines and dangers of Ephedra, Abilene Reporter News, February 2003.
85. Television interview on Herbal Medicines and potential drug interactions, CBS 13 news, March 2003.
86. Television interview on Herbal Medicines and potential drug interactions related to liver toxicity, ABC 28 news, July 2003.
87. Television interview on Herbal Medicines and potential drug interactions related to liver toxicity, ABC 28 news, July 2003.
88. Television interview on Botox, ABC 28 news, October 2003.
89. Interview on Morbidly Obese Patients and Airway Concerns in *Anesthesia News*, page 12, December 2003.
90. "Selective maturational deficiency in TH1 function as a risk for infectious and allergic disease during childhood: Recent developments concerning the underlying mechanisms," Holt, et al, *Current News in Medicine*, June 2002.
91. "Pain management for dying patients," by Abrahm, et al. *Pain Practice*, June 2002.
92. "Subdural air collection: a likely source of radicular pain after lumbar epidural," by Overdick, et al. *Pain Practice*, June 2002.
93. "Axillary brachial plexus block with patient controlled analgesia for complex regional pain syndrome type 1: a case report," by Wang, et al. *Pain Practice*, June 2002.
94. "Iliopsoas abscess and persistent radiculopathy: a rare complication," by Aota, et al. *Pain Practice*, December 2002.
95. "Intravenous regional guanethidine blockade in the treatment of post-traumatic complex regional pain syndrome type 1," by Livingstone, et al. *Pain Practice*, December 2002.
96. "Interaction of a combination of morphine and ketamine on the nociceptive flexion reflex in human volunteers," by Bossard, et al. *Pain Practice*, March 2003.
97. "No pain, no gain: clinical excellence and scientific rigour—lessons from 1A morphine," by Kalso, et al. *Pain Practice*, March 2003.

98. "Ultrasound-guided intraclavicular brachial plexus block," by Sandhu, et al. Pain Practice, March 2003.
99. "Irreversible damage to the spinal cord following spinal anesthesia," by Hamandi, et al. Pain Practice, March 2003.
100. "Catheter-associate masses in patients receiving intrathecal analgesic therapy," by McMillan, et al. Pain Practice, June 2003.
101. "The analgesic effect of interscalene block using clonidine as an analgesic for shoulder arthroscopy," by Iskandar, et al. Pain Practice, June 2003.
102. "Neurologic complications of 405 consecutive continuous axillary catheters," by Bergman, et al. Pain Practice, June 2003.
103. "Analgesic effects of ketamine ointment in patients with complex regional pain syndrome type 1," by Ushida, et al. Pain Practice, June 2003.
104. Television interview on Blood Pressure and Heart Rate Changes in Patients having Deep Tissue Massage, Medical Moment, NBC 11 news, March 2004.
105. University Press Article on Massage Benefits on Blood Pressure, Feb 16th 2004.
106. University Press Article on Alternative Medicines and Therapies, March, 2004.
107. Public television address on Pain Management Practice at Texas Tech, KLBK, Channel 11, February, 2002.
108. Television interview on Ephedra ban in the US by the FDA, FOX news, April 2004.
109. University Press Article on Stress Management and Alternative Medicines, April, 2004.
110. Lubbock Avalanche Journal Article on Rapid Detoxification, May 2004.
111. Television Interview on Herbals and Smoking Cessation, Channel 11, August 2004.
112. Newspaper Interview on Herbals and Vitamins, Lubbock Avalanche, September 2004.
113. University Press Article on Beer with Herbal Preparation, October, 2004.
114. "Evolving concepts in the understanding of cervical facet joint pain," Shah R and Kaye A, Pain Physician, 2004; 7(3),295-99.
115. Letter to the Editor response: "Clopidogrel after Spinal Cord Stimulator Implantation", Shah R and Kaye A, Pain Physician, 2004; 7(4),492-293.

116. Article on Herbal Medication Prevalence in Children, Anesthesia News, March 2005, page 32, volume 3.
117. Article on Herbal Medications reviewing my research and comments on prevalence of use in adults, Anesthesia News, March 2005, page 33, volume 3.
118. Article on Physicians Post Katrina and Hospital Issues, Topics in Pain Management, November, 2005.
119. Article on my family related to Post Katrina and Hospital Issues, Lubbock Avalanche, December, 2005.
120. Article on my experiences Post Katrina and Hospital Issues in New Orleans, University of Arizona Alumni Magazine, February, 2006.
121. Article on my family related to Post Katrina and Hospital Issues, Mass General Hospital Alumni Newsletter, March, 2006.
122. Article on healthcare in New Orleans, Post Katrina, New York Times, August, 2007.
123. History of Pharmacology at Tulane book contribution, page 114, September, 2007.
124. Article comments in Anesthesia News on Evidence for Electrical Coupling in the SubCoeruleus Nucleus and implications on physiology of sleep-wake states, November, 2007.
125. Article comments in H-Reflex: The New Standard for Intra-op Spinal Cord Monitoring, Anesthesiology News, 33(10):1,64-65, 2007.
126. Article comments in Nerve Study Illuminates Anesthesia Mechanism, Anesthesiology News, 33(10):8-9, 2007.
127. Point of Care, "Disseminated Intravascular Coagulation." Web based monograph, Kaye A, editor, August, 2007.
128. Radio interview on recall and brain wave monitoring. 99.5 radio, New Orleans, Louisiana, Kaye A, December, 2007.
129. Television interview on Ultra Rapid Opiate Detoxification, WDSU, channel 6 news, with Corey Hebert, March, 2008.
130. Television interview on Ultra Rapid Opiate Detoxification, WWL, channel 2 news, April, 2008, <http://www.wwltv.com/video/medical-index.html?nvid=231552>
131. Television interview on Interventional Pain Management and Ultra Rapid Opiate Detoxification, Tiger Care 30 minute program with Jerry Romig, WLAE, Channel 32, May, 2008.
132. Acknowledgement for work product of ASA's Committee on Physician Resources, "2008 Anesthesiology Resident Class Sizes and Graduates," Schubert A lead author, 107

- American Society of Anesthesiologists Newsletter, June 2008, volume 72, number 6, pp 25-29.
133. Interview related to paper on the effects of deep tissue massage on blood pressure and heart rate, Men's Health, July, 2008.
 134. Update, Post Katrina Recovery and Academic Anesthesia, Kaye AD, Association of University Anesthesiologists, November, 2008, pages 4-5.
 135. Acknowledgement for work product of ASA's Committee on Physician Resources, "2008 Anesthesiology Resident Class Sizes and Graduates," Schubert A lead author, American Society of Anesthesiologists Newsletter, December 2008, volume 72, number 12, pp 28-29, 36.
 136. Interview and comments on my research on blood pressure, heart rate and benefits with deep tissue massage, Self magazine, March, 2009.
 137. Interview and comments on ASA meeting in New Orleans, "Big Changes in Big Easy," ASA Newsletter, February 2009, volume 73, number 2, pp 22-25.
 138. Interview and comments on article related to Propofol and its activation of Delta FosB, a protein related to addiction, Anesthesiology News, 35(5):34-35, 2009.
 139. Acknowledgement for work product of ASA's Committee on Physician Resources, "2009 Anesthesiology Resident Class Sizes and Graduates," Schubert A lead author, American Society of Anesthesiologists Newsletter, July 2009, volume 73, number 7, pp 32-37.
 140. Interview on being a Finalist for the Innovator of the Year, New Orleans City Business, September, 2009.
 141. Interview and comments on article related to my study on the use of Ultrasound on Central Line Placement and Education, Anesthesiology News, December, 35(12); 28, 2009.
 142. The History and Life of the Members of the New Orleans Hall of Fame (compiled in Adriani Library, New Orleans, Louisiana), pp. 1-44, March, 2010.
 143. Letter to the Editor, Safeguarding pumps for epidural infusions, "Infusion Pump Error Causes Harm," Anesthesia Patient Safety Foundations, Kaye AD, CA Wong, Winter 2009-2010, Volume 24 (4) page 67.
 144. Kaye AD, MD, PhD A. Pilot of spontaneous breathing vs. ventilated model for hemorrhage and resuscitation in the rabbit [Review of the article 'Pilot Of Spontaneous Breathing Vs. Ventilated Model For Hemorrhage And Resuscitation In The Rabbit ' by Holtby R]. WebmedCentral ANAESTHESIA 2011;2(2):WMCRW00460
 145. Interview and comments on article related to association between postoperative knee

replacement failure and psychological dysfunction, *Anesthesiology News*, April 2011, 37 (4), 49-50.

146. Interview and comments on my research on blood pressure, heart rate and benefits with deep tissue massage, *Women's Health* magazine, December, 2011.
147. Invited comments on article involving hemodynamic changes from massage in the critical care setting, *Nursing and Midwifery Journal*, in press.

Societies/Associations

National/International

American Mensa, LTD.	January 1999-Present
Association of University Anesthesiologists	May 1999-Present
American Society of Anesthesiology	July 1990-Present
American Academy of Pain Medicine	July 2000-Present
American Heart Association	August 1995-2002
Massachusetts General Hospital Anesthesia Alumni Association	August 1992-Present
Society of Critical Care Medicine	July 1995-2002
Society of Cardiovascular Anesthesiologists	July 1992-2002

International Anesthesia Research Society	July 1993-Present
New York Academy of Sciences	January 1995-Present
American Physiological Society	April 1997-2002
American Medical Association	May 1996-2002
Federation of Viennese and International Clinical Experimental Research	April 1999-Present
American Academy of Pain Medicine	February 2003-Present
University of Arizona Alumni Association	March 2006-Present

Regional

Fraternal Order of Police, New Orleans chapter	2009-Present
--	--------------

Curriculum Vitae
Alan David Kaye, M.D.

Harvard Club of Louisiana	2009-Present
Louisiana Society of Anesthesiologists	July 1992-Present
Tulane Medical Center Anesthesia Alumni Association	July 1993-Present
Louisiana State Medical Society	July 1994-Present
New Orleans Anesthesia Society	August 1992-Present
Texas Anesthesia Society	March 1999-January 2005
Lubbock Anesthesia Society	March 1999-January 2005
Mardi Gras Krewe of Endymion, member	2008-Present
Sahuaro High School Alumni Association	2009-Present

EXHIBIT 4

1 Robert E. Murdock, Esq.
 2 Nevada Bar No. 4013
 3 MURDOCK & ASSOCIATES, CHTD.
 4 520 South Fourth Street
 Las Vegas, NV 89101
 (702) 384-5563

5 Eckley M. Keach, Esq.
 6 Nevada Bar No. 1154
 7 ECKLEY M. KEACH, CHTD.
 8 520 South Fourth Street
 Las Vegas, NV 89101
 (702) 384-5563
 9 Attorneys for Plaintiff Madden Duda

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

13 MADDEN DUDA, a minor, by and through)
 14 Jovan Duda, his Natural Father and Guardian,)
 15)
 16 Plaintiffs,)

17 vs.)

18 GEORGE MICHAEL ELKANICH, M.D.; FEZA)
 19 GUNALP, M.D.; REBECCA GILLILIAN, CNIM;)
 20 NEUROMONITORING ASSOCIATES, INC.; a)
 Nevada corporation; JOCELYN SEGOVIA,)
 21 PA-C; VALLEY HOSPITAL MEDICAL)
 CENTER, INC., a Nevada corporation; ROE)
 22 CORPORATIONS I through X, inclusive; and)
 DOES I through X, inclusive,)

23 Defendants.)

24 AUTUMN MATESI, et al.,)

25 Plaintiffs,)

26 vs.)

27 VALLEY HOSPITAL MEDICAL CENTER,)
 28 et al.,)

Defendants.)

CASE NO. A-13-677611-C
 DEPT. NO. XXIX

**AFFIDAVIT OF
 STANLEY A. SKINNER, M.D.**

Consolidated With:

CASE NO. A-13-677720-C

1 STATE OF MINNESOTA)
2 COUNTY OF HENNEPIN) ss.

3 COMES NOW STANLEY A. SKINNER, M.D., being first duly sworn, deposes and says:

4 1. I am a physician licensed in Minnesota and have been since 1985.

5 2. I am Board Certified in Neurology and Clinical Neurophysiology. My curriculum
6 vitae is attached hereto and made a part hereof. Briefly, I am currently the Director of
7 Neurophysiology at Abbott Northwestern Hospital in Minneapolis, Minnesota. I, along with
8 several others, including Charles Yingling, Ph.D., drafted Practice Guidelines for the Supervising
9 Professional: Intraoperative Neurophysiological Monitoring.

10 3. I have reviewed Neuromonitoring Associates' NRCP 16.1 disclosures, Rebecca
11 Gillilan, CNIM's NRCP 16.1 disclosures, Valley Hospital's NRCP 16.1 disclosures, the SMD file
12 produced by Rebecca Gillilan, CNIM, and the deposition transcripts of Steven Spillers, M.D.,
13 Justin Faulkner and Gary Oatis.

14 4. Based upon my review of the above, as well as my expertise in the subject area, it
15 is my opinion to a reasonable degree of medical certainty, that Dr. Spillers' care and treatment of
16 Mary Haase fell below the standard of care and contributed to her death.

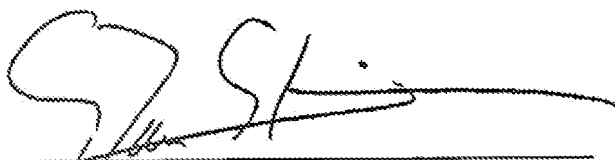
17 5. Specifically, Dr. Spillers failed to recognize inadequate intraoperative monitoring
18 recordings at baseline and throughout surgery.

19 6. One of the functions of SEP monitoring is to look for vascular compromise. The
20 lower limb SEPs that I reviewed were plagued by artifact from the beginning and, therefore, could
21 not contribute to understanding spinal cord perfusion, so vital to the recognition of this patient's
22 state of extremis during her operation. Dr. Spillers should have observed the technical inadequacy
23 of the early SEP recordings. He should have assisted the in room neurodiagnostic technologist
24 (who also bears responsibility to call for help when the recordings were clearly seen to be
25 inadequate). Just as importantly, Dr. Spillers should have reported the inadequacy of the early
26 monitoring effort to the surgeon. This report should have been made in concert with attempts to
27 establish meaningful recordings. It is my opinion, to a reasonable degree of medical certainty, that,
28 had proper monitoring taken place, Dr. Spillers could have been positioned to notify the surgeon

1 that a vascular emergency existed when remedial measures were still possible. The failure to
2 notify the surgeon that, in fact, no reliable lower limb monitoring existed throughout the case is no
3 less a failure as the surgeon was implicitly led to believe that all was well with monitoring when it
4 was not. Hence, I believe that Dr. Spillers' failure to properly supervise intraoperative monitoring
5 in this case contributed as a proximate cause of the death of Mary Haase.

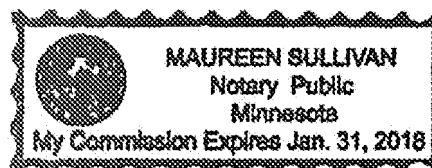
6 7. I specifically reserve the right to add, modify or even change my opinion as more
7 documents and evidence come forth.

8 FURTHER AFFIANT SAYETH NAUGHT.

9
10
11 
12 STANLEY A. SKINNER, M.D.

13 Subscribed and sworn to before me
14 this 23rd day of January, 2014

15
16 
17 Notary Public in and for said
18 County and State



Curriculum Vitae

Name: Stanley A. Skinner, MD

Work Address: Abbott Northwestern Hospital
Minneapolis Neuroscience Institute
Piper #304
Mail Route 39304
800 East 28th Street
Minneapolis, MN 55407
612-863-8693

Home Address: 183 Whitegate Lane
Wayzata, MN 55391
drskinnermd@yahoo.com

Date of Birth: November 19, 1950

Marital Status: Married: wife Sarah
Children: Ryan b 8/14/78, Nicholas b 4/1/80

Education: Washington University
St Louis, MO
Degree: BA, 1973

Washington University School of Medicine
St. Louis, MO
Degree: MD, 1976

Licensure: MD: State of Minnesota, 1985

Internship: Jewish Hospital
St. Louis, MO
1976-1977

General Practice: Boulder, MT
1977-1982

Medical Director: Boulder River School and Hospital
Boulder, MT
1978-1982

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Residency: University of Minnesota
Minneapolis, MN
Neurology
1982-1985

Fellowships: Sidney Shapiro Award – Neurology – 1984
Clinical Neurophysiology Fellowship
University of Minnesota – Jan-July, 1985

Diplomate: American Board of Neurology & Psychiatry 1986
American Board of Clinical Neurophysiology 1988

Clinical Neurology Practice: Minneapolis Clinic of Neurology
4225 Golden Valley Road
Minneapolis, MN 55422
1985-1998

Medical Director: Intraoperative Neuromonitoring
Minneapolis Neuroscience Institute
Abbott Northwestern Hospital
Piper # 304
800 East 28th Street
Minneapolis, MN 55407
1992-2006

Medical Director: Department of Neurophysiology
Minneapolis Neuroscience Institute
Abbott Northwestern Hospital
Piper # 304
800 East 28th Street
Minneapolis, MN 55407
2007-Present

Societies: American Academy of Neurology
American Society of Neurophysiological Monitoring (ASNM)
Board of Directors 2009-2013
Fellow May 2012
American Clinical Neurophysiology Society
Fellow Feb 2014
International Society Intraoperative Neurophysiology

Curriculum Vitae

Name: Stanley A. Skinner, MD

Abstracts, Lectures, and Publications:

Scoliosis Research Society New York, New York Sept, 1998 Abstract
Presentation:

*Comparison of Motor Evoked and Somatosensory Evoked Potentials in
Surgical Correction of Spine Deformities- A Review of 102 Cases*

North American Spine Society Montreal, Quebec Nov, 2001 Abstract
Presentation:

*A Retrospective Review of Epidural Myogenic MEP and SSEP Monitoring in
228 Consecutive Spinal Deformity Corrections*

The Spine Journal 2(5S): 91S-92S, Sept/Oct, 2002

American Society of Neurophysiological Monitoring Las Vegas, Nevada
May, 2003

Abstract Presentation:

*An Analysis of Persistent and Reversible Loss of Transcranial Electrical
Motor Evoked Potentials during Spinal Deformity Correction*

*The Initial Use of Free-Running EMG to Detect Early Motor Tract Injury
during Resection of Intramedullary Spinal Cord Lesions*

Neurosurgery 56(4) Operative Neurosurgery Supplement 2: 299-314, April
2005

American Society of Neurophysiological Monitoring Philadelphia, PA May,
2005

Abstract Presentation:

*Recovery of Lost Intraoperative Transcranial Electrical Motor Evoked
Potentials during Correction of Thoracolumbar Deformity: The Critical Role
of Blood Pressure Management*

Journal Clinical Monitoring and Computing 20(1): 64, 2006

*"The Disappearing Evoked Potentials": A Special Problem of Positioning
Patients with Skeletal Dysplasia*

Spine 31(14): E464-E470, 2006

Evaluation of Needle vs. Surface EMG Recordings Following Controlled Lumbar Nerve Root Electrical and Mechanical Stimulation in a Porcine Model

Journal Clinical Monitoring and Computing 21(1): 68-9, 2007

North American Spine Society Kapalua, Hawaii July, 2006

Abstract Presentation:

Use of Free-run Electromyography (EMG) to Detect Suprasegmental Spinal Motor Tract Injury in a Porcine Model

Scoliosis Research Society Monterey, Ca. Sept, 2006

Invited Lecture:

Neurophysiological Monitoring of Spinal Cord Function during Spine Surgery: State of the Art

Enhancement of the Bulbocavernosus Reflex during Intraoperative Neurophysiological Monitoring through the Use of Double Train Stimulation: A Pilot Study

Journal Clinical Monitoring and Computing 21(1):31-40, 2007

American Society of Neurophysiological Monitoring Chicago, IL
May, 2007

Abstract Presentation:

Free-run EMG Detects Mechanically-induced Suprasegmental Spinal Motor Tract Injury before Myogenic Transcranial Electrical Motor Evoked Potential (MEP) Loss: Experience with a Porcine Model

American Society of Neurophysiological Monitoring Chicago, IL
May, 2007

Abstract Presentation:

The Novel Use of Suprasegmental free-run EMG to Promptly Detect Spinal Motor Tract Injury during Decompression of the Cervical/Thoracic Spine

Surface Electrodes are not Sufficient to Detect Neurotonic Discharges: Observations in a Porcine Model and Clinical Review of Deltoid Electromyographic Monitoring using Multiple Electrodes

Journal Clinical Monitoring and Computing 22(2):131-9, 2008

American Society of Neurophysiological Monitoring Chicago, IL
May, 2008

Abstract Presentation:

Thermal Effects of Electrosurgery on Spinal Motor Systems: Initial Observations in a Porcine Model

John Moe Twin Cities Spine Center Visiting Professor May, 2008

Invited Lecture:

Spectrum of Spine Neuromonitoring

Electromyography Detects Mechanically-induced Suprasegmental Spinal Motor Tract Injury: Review of Decompression at Spinal Cord Level
Clinical Neurophysiology 120, 754-764, 2009

Electromyography in the Detection of Mechanically-induced Spinal Motor Tract Injury: Observations in Diverse Porcine Models
Journal of Neurosurgery: Spine 11, 369-374, 2009

American Society of Neurophysiological Monitoring
Vancouver, BC April, 2009

Abstract Presentations:

1. ***Electromyography of the External Anal Sphincter Can Detect Mechanically-induced Suprasegmental Spinal Motor Tract Injury and Can Anticipate Motor Evoked Potential Loss***
2. ***Analysis of Motor Evoked Potential Waveform Measures and Stimulation Voltage Thresholds in Neuromonitored True Negative Cases of Cervical Spine Decompression***

American Society of Neurophysiological Monitoring: Regional Symposium
Chicago, IL Oct, 2009

Invited Lectures:

1. ***Electromyography Detects Mechanically-Induced Suprasegmental Spinal Motor Tract Injury: Review of Decompression at Spinal Cord Level***
2. ***Surface Electrodes are not Sufficient to Detect Neurotonic Discharges: Observations in a Porcine Model and Clinical Review of Deltoid Electromyographic Monitoring Using Multiple Electrodes***
3. ***Expanded Use of the External Anal Sphincter During Intraoperative Neuromonitoring: Sacral Reflex and Free-Run EMG***

American Clinical Neurophysiology Society
2010 Annual Meeting and Courses
San Diego, CA Feb, 2010

Invited Lecture:

EMG Monitoring of Central Motor Pathways during Spine Surgery

American Society of Neurophysiological Monitoring
Annual Meeting, Nashville, TN April, 2010

Invited Lecture:

EMG: Theory and Implementation in the OR

American Society of Neurophysiological Monitoring
Regional Meeting, Chicago IL Oct, 2010

Invited Lectures:

1. *EMG as an Early Indicator of Spinal Motor Tract Injury*
2. *EMG in the OR*

American Society of Neurophysiological Monitoring/
International Society Neurophysiological Monitoring
Groningen, Netherlands Nov, 2010

Invited Lectures:

1. *Spinal Cord Monitoring*
2. *EMG as Early Indicator of Spinal Cord Injury*

Spine: 15 March 2010 - Volume 35 - Issue 6 - pp 721-722 Letter To the Editor

Use of intraoperative laryngeal electromyography to evaluate stridor in children with arthrogryposis.

Ann Otol Rhinol Laryngol 2011 Mar; 120(3):150-4

American Clinical Neurophysiology Society
2011 Annual Meeting and Courses
New Orleans, Louisiana February, 2011

Invited Lectures:

1. *EMG Monitoring of Central Motor Pathways during Spine Surgery*
2. *Use of Automated Devices for Neuromonitoring*

American Society of Neurophysiological Monitoring
Regional Meeting, Clearwater, FL March, 2011

Invited Lectures:

1. *Electromyography in the OR*
2. *EMG Monitoring of Central Motor Pathways*

Visiting Professor May, 2011

University of Vermont

Department of Orthopaedics and Rehabilitation

Orthopaedics and Rehabilitation Grand Rounds Lectures:

Spinal Cord Multimodality Monitoring

Neuroscience Grand Rounds Lecture:

EMG Monitoring of Central Motor Pathways

American Society of Neurophysiological Monitoring

Annual Meeting, Orlando, FL May, 2011

Panel Moderator: TCE MEP Alarm Criteria

Invited Lectures:

1. *The Bayesian Dilemma: False Positive Monitoring when Alarm Criteria Are Too Sensitive*
2. *Electromyography: Theory and Implementation in the Operating Room*

American Clinical Neurophysiology Society

2011 Regional Meeting and Courses

Atlanta, GA Sept, 2011

Invited Lectures:

1. *Electromyography: Theory and Implementation in the Operating Room*
2. *Case Discussions: Lower Spine IOM Pedicle Screw Monitoring: A Re-Appraisal*

Neurophysiologic Monitoring of the Spinal Accessory Nerve, Hypoglossal Nerve, and the Spinomedullary Region

Journal of Clinical Neurophysiology December 2011; 28(6):587-598

American Society of Neurophysiological Monitoring

Regional Meeting, Scottsdale, AZ Dec, 2011

Invited Lectures:

1. *Lower Spine IOM Potpourri: Case Discussions*
2. *Pedicle Screw Monitoring: A Re-Appraisal*

American Clinical Neurophysiology Society

2012 Annual Meeting and Courses

San Antonio, TX Feb 7, 2012

IOM Basic Course

Invited Lecture

Suprasegmentally Generated EMG Discharges

American Society of Neurophysiological Monitoring

Regional Meeting, Clearwater, FL March, 2012

Invited Lectures:

1. *Electromyography in the OR*
2. *EMG Monitoring of Central Motor Pathways*

American Academy of Neurology
 2012 Annual Meeting and Courses
 Intraoperative Monitoring Skills Workshop
 New Orleans, LA April 2012
 Invited Lecture and Workshop Discussion

1. *Electromyography: Theory and Implementation in the Operating Room*
2. *Peripheral and Central Intraoperative Monitoring of EMG*

American Society of Neurophysiological Monitoring
 Annual Meeting, Salt Lake City, UT May, 2012
 Meeting Program Co-Chairman: Research in the OR
 Invited Lecture:
The Achilles' Heels of Evidence-Based Medicine: Re-appraisal of Pedicle Screw and TcMEP IONM

Guest Editorial: Electrodiagnostic Pedicle Screw Testing
Journal of Clinical Neurophysiology Dec 2012; 29: 481

Threshold Testing of Lumbosacral Pedicle Screws: A Re-appraisal
Journal of Clinical Neurophysiology Dec 2012; 29: 493-501.

American Clinical Neurophysiology Society
 2012 Mid-Year Course
 Minneapolis Mn Sept, 2012
 Invited Lectures:

1. *Electromyography*
2. *Lower Spinal Surgery*

Intraoperative Neurophysiological Monitoring in Neurosurgery Part III
 Spine and Spinal Cord Surgery
 Verona, Italy Oct 18-20, 2012
 Invited Lectures:

1. *EMG in Spinal Cord Monitoring: What it adds to TcMEP*
2. *Neuromonitoring in Complex Spinal Surgery*
3. *Remote Monitoring and Automated Neuromonitoring Systems: Where are we going in the United States*

American Society of Neurophysiological Monitoring
 Regional Meeting, San Antonio, TX; Feb 2, 2013
 Invited Lecture:
The Evidence for Spine Neuromonitoring

American Clinical Neurophysiology Society
 2013 Annual Meeting and Courses
 Miami, FL Feb 6, 2013
 IOM Basic Course
 Invited Lecture
EMG in the OR
 Workshop Chair and Presenter
Models of IONM Supervision

HSS Neurological Directions 2013:
 Update in Neuromuscular Medicine and Intraoperative Monitoring
 New York, NY April 27, 2013
 Invited Lecture
 Electromyography: Monitoring of Nerves, Roots, and Spinal cord

American Society of Neurophysiological Monitoring
 Annual Meeting, Boston, Ma
 May 4, 2013
 Session Moderator:
 G-0453 and the Future of IONM

*Intraoperative motor evoked potential monitoring:
 A position statement by the American Society of
 Neurophysiological Monitoring*
 MacDonald DB, Skinner S, Shils J, Yingling C **Clinical Neurophysiology**
 Dec 2013; 124(12): 2291-2316.

*Spinal Cord Injury from Electrocautery: Observations in a Porcine Model
 Using Electromyography and Motor Evoked Potentials*
 Skinner, S et al. **Journal Clinical Monitoring and** April 2013; 27(2): 195-
 201.

The Patient-Centered Care Model in IONM: A Review and Commentary
 Skinner, S **Journal of Clinical Neurophysiology** April 2013; 30(2): 204-209.

*IONM Professional Practice Guidelines: A position statement by the
 American Society of Neurophysiological Monitoring*
 Skinner S, et al **Journal Clinical Monitoring and Computing** (Sept 11,
 2013, Online and Open Access)

*Intraoperative neuromonitoring alerts which reverse with intervention:
 Treatment paradox and what to do about it*
 Skinner, S MD and Holdefer, R PhD **Journal of Clinical Neurophysiology**
 (Invited review, In production)

Pelvic Autonomic Neuromonitoring: Present Reality, Future Prospects

Skinner, S Journal of Clinical Neurophysiology (Invited review, Apr 2014)

Intraoperative Neuromonitoring: Bulbocavernosus Reflex and External Anal Sphincter Electromyography

Skinner, S Journal of Clinical Neurophysiology (Invited review, Apr 2014)

American Clinical Neurophysiology Society

2013 Mid-Year Course

Philadelphia, Pa Sept, 2013

Invited Lectures:

1. Electromyography

2. Lower Spinal Surgery

American Clinical Neurophysiology Society

2014 Annual Meeting and Courses

Atlanta, Ga Feb 8, 2014

IOM Basic Course

Invited Lecture

Central EMG

Symposium Chair and Presenter

Neuromonitoring Below the Belt

EXHIBIT 5

1 Robert E. Murdock, Esq.
 Nevada Bar No. 4013
 2 MURDOCK & ASSOCIATES, CHTD.
 3 520 South Fourth Street
 Las Vegas, NV 89101
 4 (702) 384-5563

5 Eckley M. Keach, Esq.
 Nevada Bar No. 1154
 6 ECKLEY M. KEACH, CHTD.
 7 520 South Fourth Street
 Las Vegas, NV 89101
 8 (702) 384-5563
 9 Attorneys for Plaintiff Madden Duda

DISTRICT COURT

CLARK COUNTY, NEVADA

13 MADDEN DUDA, a minor, by and through)
 14 Jovan Duda, his Natural Father and Guardian,)

15 Plaintiffs,)

16 vs.)

17 GEORGE MICHAEL ELKANICH, M.D.; FEZA)
 18 GUNALP, M.D.; REBECCA GILLILIAN, CNIM;)
 19 NEUROMONITORING ASSOCIATES, INC.; a)
 Nevada corporation; JOCELYN SEGOVIA,)
 20 PA-C; VALLEY HOSPITAL MEDICAL)
 CENTER, INC., a Nevada corporation; ROE)
 21 CORPORATIONS I through X, inclusive; and)
 DOES I through X, inclusive,)

22 Defendants.)

23)
 24 AUTUMN MATESI, et al.,)

25 Plaintiffs,)

26 vs.)

27 VALLEY HOSPITAL MEDICAL CENTER,)
 et al.,)

28 Defendants.)

CASE NO. A-13-677611-C
 DEPT. NO. XXIX

**AFFIDAVIT OF
 TIMOTHY HAWKINS**

Consolidated With:

CASE NO. A-13-677720-C

1 STATE OF FLORIDA
2 COUNTY OF LEE } ss.

3 COMES NOW TIMOTHY HAWKINS, being first duly sworn, deposes and says:

4 1. I am an expert in healthcare administration.

5 2. I am a Fellow of the American College of Healthcare Executives.

6 3. My Curriculum Vitae is attached hereto and made a part hereof.

7 4. I have reviewed the following documents: Contracts between Valley Hospital and
8 Neuromonitoring Associates, the Deposition of Dr. Spillers, the Affidavit of Dr. Stanley Skinner,
9 the medical records of Mary Haase from March 5, 2012, Answers to Discovery by Valley
10 Hospital, the NAC regarding hospitals in Nevada, and NRCP 16.1 Documents from
11 Neuromonitoring Associates, and Rebecca Gillilan.

12 5. Based upon my review of same, Valley Hospital violated various national
13 standards, JCAHO requirements and NAC provisions.

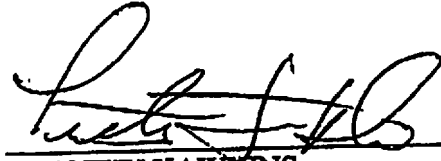
14 6. The hospital did so negligently and/or recklessly with a conscious disregard for the
15 safety of others.

16 7. Valley Hospital was aware that intraoperative monitoring by a trained physician of
17 the neuromonitoring technician was needed for patient safety because it mandated it in its
18 contract. Valley Hospital was also aware that any physician providing treatment or rendering a
19 diagnosis to patient via Telemedicine must be credentialed by the Valley Hospital Medical Staff
20 and ultimately by its Board of Directors as required in the Valley Hospital Medical Staff bylaws.
21 However, the hospital took no steps to find out who was doing the monitoring, nor did it even
22 attempt to privilege Dr. Spillers in violation of the law. Dr. Spillers has admitted in his deposition
23 that he believed Mary Haase was his patient. But, he had no privileges at the hospital nor did he
24 have telemedicine privileges by the hospital. Hence, he should never have been treating the
25 patient. More to the point, Valley Hospital should never have allowed him to treat the patient.

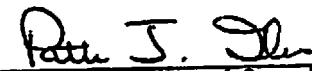
26 8. Credentialing and privileging is an important process in that investigations take
27 place into the background of a staff member and their qualifications. This is especially important
28 in so-called "telemedicine" since there is no "day to day" local contact.

1 9. Dr. Skinner's Affidavit makes clear that Dr. Spillers' conduct with Ms. Haase was
 2 well below the standard of care. In addition, Dr. Spillers admitted that he could monitor up to ten
 3 patients at a time. This would not have been allowed had Dr. Spillers been properly credentialed
 4 and privileged. Hence, as a direct and proximate result of Valley's failure to abide the law, and
 5 abide by appropriate standards, Mary Haase died.

6 FURTHER AFFIANT SAYETH NAUGHT.

7
 8
 9

 10 TIMOTHY HAWKINS

11 Subscribed and sworn to before me
 12 this 19th day of FEB, 2014

13
 14 
 15 Notary Public in and for said
 16 County and State



Curriculum Vitae**Timothy F. Hawkins****EDUCATION:**

2011 ACLS Certification
 2001 FAA Certified IFR Pilot
 1996 Licensed General Contractor (Florida)
 1984 MBA, University of Akron
 1979 BS, Business Administration
 1973 Surgical Technician and Perfusion Program (First Assistant and Perfusionist)

BOARD OF DIRECTORS PARTICIPATION:

- Southern Cooperative Insurance Company (Grand Cayman)
- Kendall Christian School Board – Vice President and Treasurer
- Bayshore Medical Equipment Board Chairman
- Habitat for Humanity Board President (Miami, Leesburg)
- Mercy Credit Union Board Member and Treasurer
- Immanuel Presbyterian Church Board (deacon)
- LeeSar/Cooperative Services

CAREER EXPERIENCE:

2009-present	Hospital Experts, a division of Arthur S. Shorr & Associates
2005-present	Living Hope Haiti Surgical Team coordinator
2009-2012	CEO Villages Regional Hospital, Executive VP and Chief Operating Officer, Central Florida Health Alliance
2008 to 2009	Sr. VP of Clinical Services for Central Florida Health Alliance Administrative responsibilities for surgical, open heart and oncology programs and the radiology and cardiovascular departments at Leesburg and The Villages Hospitals .
2007 to 2008	Sr. VP and Chief Administrative Officer Thompson Cancer Survival Centers Administrative responsibility for 5 free standing cancer centers and a Clinical research and Stem cell transplant program.
1999 to 2007	Vice President of Clinical Services, Baptist Hospital of Miami. <u>Budgetary Responsibilities: Fiscal Year 2003</u> Expense Budget: \$105,000,000 Gross Revenue Budget: \$220,000,000 Employees: 400 +

Administrative responsibilities for the following areas:

In-Patient and Out Patient Surgical Services	Radiation Therapy
Clinical Research Program	EEG
Engineering	Bio-Medical Engineering
Campus Security	

System Responsibilities:

System Wide Cancer Program

System Wide Responsibility for advanced Surgical Techniques and Equipment

1994 to 1999

Vice President of Clinical Services, Mercy Hospital**Budgetary Responsibility: Fiscal 1999**

Expense Budget: \$95,000,000

Gross Revenue Budget: \$177,000,000

Employees: 400+

Administrative responsibility for the following areas:

Tri-County Reference Laboratory
 Clinical and Pathology Laboratories
 Department of Radiology
 Nuclear Cardiology
 Nuclear Medicine
 Cardiac Rehabilitation
 Cardiovascular Laboratory
 Cardiovascular Surgery
 M.R.I.

Non-Invasive Electrodiagnostic Services
 Pharmacy (Inpatient and Retail)
 Hyperbaric Medicine Program
 Radiation Oncology
 Respiratory Therapy
 Sleep Disorder Center
 Pulmonary Function Lab
 Endoscopy
 Patient Escort

Also responsible for the same diagnostic areas in a freestanding outpatient center with 65,000 visits per year.

1991 to 1993

Vice President of Support Services, Mercy Hospital.

Responsibilities included Administrative roles in the following areas:
 Clinical Laboratory and Pathology, Radiology, Nuclear Medicine, Ultrasound, CAT Scan, M.R.I., Central Services, Echo, EKG, EEG, Sleep Disorder Center, Cardiovascular Lab, Dietary, Laundry and Environmental Services, Pharmacy (inpatient and outpatient) Plant Operations/Engineering and Construction.

1988 to 1991

Administrative Director of Support Services, Mercy Hospital.

Areas of responsibility included Dietary, Security, Housekeeping, Linen and Laundry, Snack Shop, Patient Transportation, and Materials Management.

1985 to 1988

Director of Materials Management, Mercy Hospital. Areas of responsibility included Purchasing, MailRoom, Print Shop, Central Service, Inventory Control and Patient Escort.

1983 to 1985

Assistant Director of Materials Management, Akron City Hospital. A 600 bed Acute Care Surgical and Teaching hospital affiliated with Ohio State University and the Northeast Ohio Universities School of Medicine. Member of the Board of Directors and the Akron Area Hospital Purchasing Council. Negotiated contracts for the 28 member hospitals.

1981 to 1983

Director of Purchasing, Akron City Hospital

1980 to 1981

Assistant Director of Purchasing, Akron City Hospital

1979 to 1980

Purchasing Buyer, Akron City Hospital

1972 to 1979

Surgical and Vascular Research Technician, Akron City Hospital. Duties included first assisting surgeons (Surgical PA) during surgery and providing direct patient care during the immediate pre and postoperative periods. Participated in vascular anti-coagulant and blood replacement research in the canine environment. Trained in the field of autotransfusion and perfusion.

ACHIEVEMENTS:

➤ *Clinical Services*

Implemented the Cardiovascular Co-Management Company at Central Florida Health Alliance.

Implemented the Minimally Invasive Aortic Valve Program at Leesburg Regional Medical Center.

Implemented the following services at The Villages Hospital: Neuro Surgery, Total Joint Surgery, Ortho and Neuro Spine Surgery, Endo Vascular Surgery Program, Uro Gynecology.

Obtained Stroke Certification at The Villages Hospital.

Constructed 25 inpatient beds at The Villages Hospital.

Constructed a 20,000 sq ft Cancer Center in The Villages.

Constructed a 15,000 sq ft Cancer Center in Knoxville, TN.

Expanded the Miami cardiac cath lab from single room at 900 procedures per year to a three-room program performing in excess of 3500 procedures per year including EPS and all interventional modalities.

Expanded the Miami Cardiac Surgery Program from 150 open hearts per year to over 400 in 1999.

➤ *Construction project management:*

650 car parking garage 1995

Bio-hazardous waste incinerator and energy co-generation plant 1993-1994

Three story medical procedure building housing a 12 person hyperbaric chamber, and a 3-room cardiac catheterization department 1993- 1994

10,000 sq. ft inpatient Rehabilitation department 1989

Over 300 single family homes with Habitat for Humanity 1989-present

➤ *Information Systems:*

Implemented several clinical systems from SMS/HBO, Baptist Miami 2005 - 2009

Implemented a clinical information system for Laboratory, Radiology, and Pharmacy for results and order entry 1995-1996

Implemented a mainframe Materials Management Accounts Payable computer system including bar coding 1990.

➤ *Assisted in the formation and furnishing of a 24 hour day care center with a 600 child capacity at Akron City hospital 1983.*

➤ *Conducted canine research in blood replacement technology in the field of autotransfusion and anti-coagulants 1975-1977.*

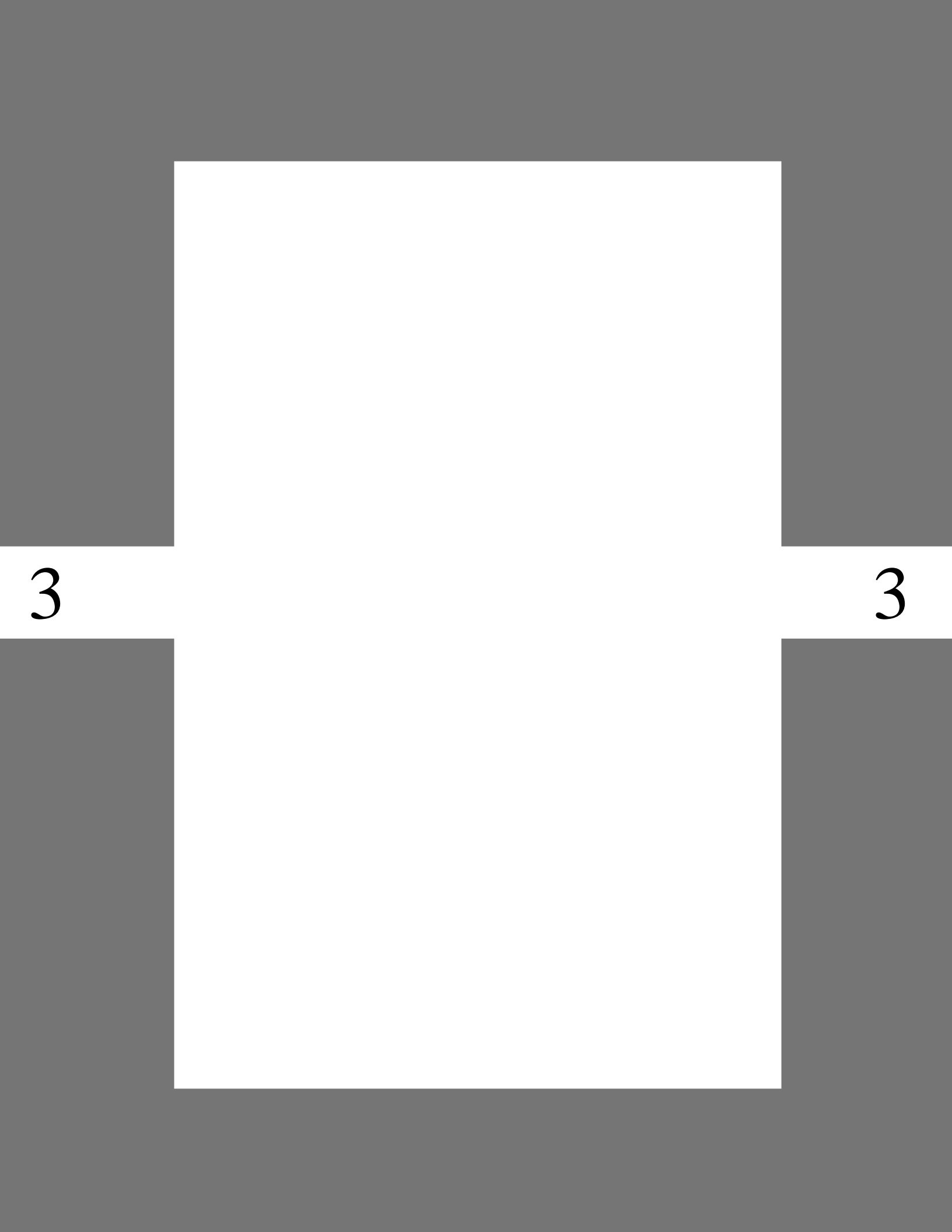
- First kidney recover/perfusion specialist in Northeast Ohio on the Akron City Hospital Kidney Transplant Team 1976-1978
- Member of one of the first level one trauma teams east of the Mississippi at Akron City Hospital 1975 – 1978
- Member of Open Heart Team 1975 to 1978

Personal:

Married 37 years to Becky

2 children

5 grandchildren



3

3


CLERK OF THE COURT

1 **ANAC**
2 JOHN H. COTTON, ESQ.
3 Nevada Bar No. 5268
4 E-mail: JHCotton@JHCottonlaw.com
5 KATHERINE L. TURPEN, ESQ.
6 Nevada Bar No. 8911
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8 **JOHN H. COTTON & ASSOCIATES**
9 7900 West Sahara Avenue, Suite 200
10 Las Vegas, Nevada 89117
11 Telephone: 702/832-5909
12 Facsimile: 702/832-5910

13 Attorneys for Defendants George Michael Elkanich, M.D.
14 and Jocelyn L. Segovia, PA-C

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 MADDEN DUDA, a minor, by and through
18 Jovan Duda, his Natural Father and Guardian,

19 Plaintiff,

20 v.

21 GEORGE MICHAEL ELKANICH, M.D.; FEZA
22 GUNALP, M.D.; REBECCA GILLIGAN,
23 CNIM; NEUROMONITORING ASSOCIATES,
24 INC., a Nevada corporation; JOCELYN
25 SEGOVIA, PA-C; VALLEY HOSPITAL
26 MEDICAL CENTER, INC., a Nevada
27 corporation; STEVEN SPILLERS, M.D.; ROE
28 CORPORATIONS I through X, inclusive; and
DOES I through X, inclusive

Defendants.

Case No.: A-13-677611
Dept. No.: 29

**DEFENDANTS GEORGE MICHAEL
ELKANICH, M.D.'S AND JOCELYN
SEGOVIA, PA-C'S ANSWER TO
SECOND AMENDED COMPLAINT**

AUTUMN MATESI, individually and as an heir
to the Estate of MARY ANN HAASE, and
ROBERT ANSARA as Special Administrator of
the Estate of MARY ANN HAASE

Plaintiffs,

v.

GEORGE MICHAEL ELKANICH, M.D.; FEZA
GUNALP, M.D.; REBECCA GILLILAN,
CNIM; NEUROMONITORING ASSOCIATES,
INC., a Nevada corporation; JOCELYN
SEGOVIA, PA-C; VALLEY HOSPITAL
MEDICAL CENTER, INC., a Nevada

Consolidated with:

Case No.: A-13-677720

1 corporation; ROE CORPORATIONS I through
2 X, inclusive; and DOES I through X, inclusive

3 Defendants.

4 Defendants, GEORGE MICHAEL ELKANICH, M.D. and JOCELYN SEGOVIA, PA-C
5 (Hereinafter "Defendants"), by and through their attorneys of record, John H. Cotton, Esq. and
6 Katherine L. Turpen, Esq., of the law firm of JOHN H. COTTON & ASSOCIATES, in
7 answering Plaintiff's Second Amended Complaint, hereby admit, deny and allege as follows:

8 1. In answering paragraph 1 of Plaintiff's Second Amended Complaint, Defendants
9 respond that the cited Nevada Revised Statute speaks for itself. Defendants specifically deny all
10 allegations of negligence and wrongdoing.

11 2. In answering paragraph 2 of Plaintiff's Second Amended Complaint, Defendants
12 are without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained therein and deny them on that basis.

14 3. In answering paragraph 3 of Plaintiff's Second Amended Complaint, Defendants
15 are without knowledge or information sufficient to form a belief as to the truth of the allegations
16 contained therein and deny them on that basis.

17 4. In answering paragraph 4 of Plaintiff's Second Amended Complaint, Defendants
18 admit that Defendant George Michael Elkanich, M.D. is a physician practicing in the County of
19 Clark, State of Nevada and that he practices surgery and is licensed to practice medicine in the
20 State of Nevada. Defendants further admit that Defendant Jocelyn Segovia, PA-C, is a
21 Physician's Assistant. Defendants deny the remainder of the allegations contained therein.

22 5. In answering paragraph 5 of Plaintiff's Second Amended Complaint, Defendants
23 admit that Jocelyn Segovia, PA-C ("PA Segovia") is a Physicians' Assistant. Defendants deny
24 that PA Segovia is employed by Dr. Elkanich. Defendants deny that PA Segovia is an agent of
25 Valley Hospital/UHS. Defendants admit that PA Segovia is a resident of Clark County.
26 Defendants deny that PA Segovia is not licensed under Chapter 630 or 633 of the NRS as PA
27 Segovia is licensed as a Physicians' Assistant pursuant to NRS 630.015 and NRS 633.107 and is,
28 therefore, entitled to all of the statutory protections arising therefrom. Defendants admit that PA

1 Segovia is not a dentist, licensed nurse, dispensing optician, optometrist, registered physical
2 therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine,
3 medical laboratory director or technician, licensed dietitian or a licensed hospital or its
4 employee.

5 6. In answering paragraph 6 of Plaintiff's Second Amended Complaint, Defendants
6 are without knowledge or information sufficient to form a belief as to the truth of the allegations
7 contained therein and deny them on that basis.

8 7. In answering paragraph 7 of Plaintiff's Second Amended Complaint, Defendants
9 are without knowledge or information sufficient to form a belief as to the truth of the allegations
10 contained therein and deny them on that basis.

11 8. In answering paragraph 8 of Plaintiff's Second Amended Complaint, Defendants
12 are without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained therein and deny them on that basis.

14 9. In answering paragraph 9 of Plaintiff's Second Amended Complaint, Defendants
15 are without knowledge or information sufficient to form a belief as to the truth of the allegations
16 contained therein and deny them on that basis.

17 10. In answering paragraph 10 of Plaintiff's Second Amended Complaint, Defendants
18 are without knowledge or information sufficient to form a belief as to the truth of the allegations
19 contained therein and deny them on that basis.

20 11. In answering paragraph 11 of Plaintiff's Second Amended Complaint, Defendants
21 are without knowledge or information sufficient to form a belief as to the truth of the allegations
22 contained therein and deny them on that basis.

23 12. In answering paragraph 12 of Plaintiff's Second Amended Complaint, Defendants
24 are without knowledge or information sufficient to form a belief as to the truth of the allegations
25 contained therein and deny them on that basis.

26 13. In answering paragraph 13 of Plaintiff's Second Amended Complaint, Defendants
27 deny the truth of allegations contained therein.

28 14. In answering paragraph 14 of Plaintiff's Second Amended Complaint, Defendants

1 deny the truth of the allegations contained therein.

2 15. In answering paragraph 15 of Plaintiff's Second Amended Complaint, Defendants
3 admit that jurisdiction is proper in this venue.

4 **II.**

5 **FACTUAL ALLEGATIONS**

6 16. In answering paragraph 16 of Plaintiff's Second Amended Complaint, Defendants
7 herein repeat and reallege their answers to each and every allegation contained in Paragraphs 1
8 through 15 of Plaintiff's Second Amended Complaint as if set forth at length herein.

9 17. In answering paragraph 17 of Plaintiff's Second Amended Complaint, Defendants
10 are without knowledge or information sufficient to form a belief as to the truth of the allegations
11 contained therein and deny them on that basis.

12 18. In answering paragraph 18 of Plaintiff's Second Amended Complaint, Defendants
13 are without knowledge or information sufficient to form a belief as to the truth of the allegations
14 contained therein and deny them on that basis.

15 19. In answering paragraph 19 of Plaintiff's Second Amended Complaint, Defendants
16 are without knowledge or information sufficient to form a belief as to the truth of the allegations
17 contained therein and deny them on that basis.

18 20. In answering paragraph 20 of Plaintiff's Second Amended Complaint, Defendants
19 are without knowledge or information sufficient to form a belief as to the truth of the allegations
20 contained therein and deny them on that basis.

21 21. In answering paragraph 21 of Plaintiff's Second Amended Complaint, Defendants
22 are without knowledge or information sufficient to form a belief as to the truth of the allegations
23 contained therein and deny them on that basis.

24 22. In answering paragraph 22 of Plaintiff's Second Amended Complaint, Defendants
25 are without knowledge or information sufficient to form a belief as to the truth of the allegations
26 contained therein and deny them on that basis.

27 23. In answering paragraph 23 of Plaintiff's Second Amended Complaint, Defendants
28 are without knowledge or information sufficient to form a belief as to the truth of the allegations

1 contained therein and deny them on that basis.

2 24. In answering paragraph 24 of Plaintiff's Second Amended Complaint, Defendants
3 are without knowledge or information sufficient to form a belief as to the truth of the allegations
4 contained therein and deny them on that basis.

5 25. In answering paragraph 25 of Plaintiff's Second Amended Complaint, Defendants
6 are without knowledge or information sufficient to form a belief as to the truth of the allegations
7 contained therein and deny them on that basis.

8 26. In answering paragraph 26 of Plaintiff's Second Amended Complaint, Defendants
9 are without knowledge or information sufficient to form a belief as to the truth of the allegations
10 contained therein and deny them on that basis.

11 27. In answering paragraph 27 of Plaintiff's Second Amended Complaint, Defendants
12 are without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained therein and deny them on that basis.

14 28. In answering paragraph 28 of Plaintiff's Second Amended Complaint, Defendants
15 are without knowledge or information sufficient to form a belief as to the truth of the allegations
16 contained therein and deny them on that basis.

17 29. In answering paragraph 29 of Plaintiff's Second Amended Complaint, Defendants
18 are without knowledge or information sufficient to form a belief as to the truth of the allegations
19 contained therein and deny them on that basis.

20 30. In answering paragraph 30 of Plaintiff's Second Amended Complaint, Defendants
21 are without knowledge or information sufficient to form a belief as to the truth of the allegations
22 contained therein and deny them on that basis.

23 31. In answering paragraph 31 of Plaintiff's Second Amended Complaint, Defendants
24 are without knowledge or information sufficient to form a belief as to the truth of the allegations
25 contained therein and deny them on that basis.

26 32. In answering paragraph 32 of Plaintiff's Second Amended Complaint, Defendants
27 are without knowledge or information sufficient to form a belief as to the truth of the allegations
28 contained therein and deny them on that basis.

1 33. In answering paragraph 33 of Plaintiff's Second Amended Complaint, Defendants
2 are without knowledge or information sufficient to form a belief as to the truth of the allegations
3 contained therein and deny them on that basis.

4 34. In answering paragraph 34 of Plaintiff's Second Amended Complaint, Defendants
5 are without knowledge or information sufficient to form a belief as to the truth of the allegations
6 contained therein and deny them on that basis.

7 35. In answering paragraph 35 of Plaintiff's Second Amended Complaint, Defendants
8 are without knowledge or information sufficient to form a belief as to the truth of the allegations
9 contained therein and deny them on that basis.

10 36. In answering paragraph 36 of Plaintiff's Second Amended Complaint, Defendants
11 deny the truth of the allegations contained therein.

12 37. In answering paragraph 37 of Plaintiffs' Second Amended Complaint, Defendants
13 deny the truth of the allegations contained therein.

14 38. In answering paragraph 38 of Plaintiffs' Second Amended Complaint, Defendants
15 deny the truth of the allegations contained therein.

16 39. In answering paragraph 39 of Plaintiffs' Second Amended Complaint, Defendants
17 deny the truth of the allegations contained therein.

18 40. In answering paragraph 40 of Plaintiff's Second Amended Complaint, Defendants
19 are without knowledge or information sufficient to form a belief as to the truth of the allegations
20 contained therein and deny them on that basis.

21 41. In answering paragraph 41 of Plaintiff's Second Amended Complaint, Defendants
22 deny the truth of the allegations contained therein.

23 42. In answering paragraph 42 of Plaintiff's Second Amended Complaint, Defendants
24 are without knowledge or information sufficient to form a belief as to the truth of the allegations
25 contained therein and deny them on that basis.

26 43. In answering paragraph 43 of Plaintiffs' Second Amended Complaint, Defendants
27 deny the truth of the allegations contained therein.

28 44. In answering paragraph 44 of Plaintiff's Second Amended Complaint, Defendants

1 deny the truth of the allegations contained therein.

2 45. In answering paragraph 45 of Plaintiff's Second Amended Complaint, Defendants
3 are without knowledge or information sufficient to form a belief as to the truth of the allegations
4 contained therein and deny them on that basis.

5 46. In answering paragraph 46 of Plaintiff's Second Amended Complaint, Defendants
6 deny the truth of the allegations contained therein.

7 47. In answering paragraph 47 of Plaintiff's Second Amended Complaint, Defendants
8 deny the truth of the allegations contained therein.

9 48. In answering paragraph 48 of Plaintiff's Second Amended Complaint, Defendants
10 deny the truth of the allegations contained therein.

11 49. In answering paragraph 49 of Plaintiff's Second Amended Complaint, Defendants
12 are without knowledge or information sufficient to form a belief as to the truth of the allegations
13 contained therein and deny them on that basis.

14 50. In answering paragraph 50 of Plaintiff's Second Amended Complaint, Defendants
15 are without knowledge or information sufficient to form a belief as to the truth of the allegations
16 contained therein and deny them on that basis.

17 51. In answering paragraph 51 of Plaintiff's Second Amended Complaint, Defendants
18 are without knowledge or information sufficient to form a belief as to the truth of the allegations
19 contained therein and deny them on that basis.

20 52. In answering paragraph 52 of Plaintiff's Second Amended Complaint, Defendants
21 are without knowledge or information sufficient to form a belief as to the truth of the allegations
22 contained therein and deny them on that basis.

23 53. In answering paragraph 53 of Plaintiff's Second Amended Complaint, Defendants
24 are without knowledge or information sufficient to form a belief as to the truth of the allegations
25 contained therein and deny them on that basis.

26 54. In answering paragraph 54 of Plaintiff's Second Amended Complaint, Defendants
27 are without knowledge or information sufficient to form a belief as to the truth of the allegations
28 contained therein and deny them on that basis.

1 55. In answering paragraph 55 of Plaintiff's Second Amended Complaint, Defendants
2 are without knowledge or information sufficient to form a belief as to the truth of the allegations
3 contained therein and deny them on that basis.

4 56. In answering paragraph 56 of Plaintiff's Second Amended Complaint, Defendants
5 are without knowledge or information sufficient to form a belief as to the truth of the allegations
6 contained therein and deny them on that basis.

7 57. In answering paragraph 57 of Plaintiff's Second Amended Complaint, Defendants
8 are without knowledge or information sufficient to form a belief as to the truth of the allegations
9 contained therein and deny them on that basis.

10 58. In answering paragraph 58 of Plaintiff's Second Amended Complaint, Defendants
11 are without knowledge or information sufficient to form a belief as to the truth of the allegations
12 contained therein and deny them on that basis.

13 59. In answering paragraph 59 of Plaintiff's Second Amended Complaint, Defendants
14 are without knowledge or information sufficient to form a belief as to the truth of the allegations
15 contained therein and deny them on that basis.

16 60. In answering paragraph 60 of Plaintiff's Second Amended Complaint, Defendants
17 are without knowledge or information sufficient to form a belief as to the truth of the allegations
18 contained therein and deny them on that basis.

19 61. In answering paragraph 61 of Plaintiff's Second Amended Complaint, Defendants
20 are without knowledge or information sufficient to form a belief as to the truth of the allegations
21 contained therein and deny them on that basis.

22 62. In answering paragraph 62 of Plaintiff's Second Amended Complaint, Defendants
23 are without knowledge or information sufficient to form a belief as to the truth of the allegations
24 contained therein and deny them on that basis.

25 63. In answering paragraph 63 of Plaintiff's Second Amended Complaint, Defendants
26 are without knowledge or information sufficient to form a belief as to the truth of the allegations
27 contained therein and deny them on that basis.

28 64. In answering paragraph 64 of Plaintiff's Second Amended Complaint, Defendants

1 are without knowledge or information sufficient to form a belief as to the truth of the allegations
2 contained therein and deny them on that basis.

3 65. In answering paragraph 65 of Plaintiff's Second Amended Complaint, Defendants
4 state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per Order of the
5 Court.

6 66. In answering paragraph 66 of Plaintiff's Second Amended Complaint, Defendants
7 deny the truth of the allegations contained therein.

8 67. In answering paragraph 67 of Plaintiff's Second Amended Complaint, Defendants
9 admit that certain duties may arise at law or contract. As to the remained of the allegations
10 contained in paragraph 67, Defendants are without knowledge or information sufficient to form a
11 belief as to the truth of the allegations contained therein and deny them on that basis.

12 68. In answering paragraph 68 of Plaintiffs' Second Amended Complaint, Defendants
13 deny the truth of the allegations contained therein.

14 69. In answering paragraph 69 of Plaintiffs' Second Amended Complaint, Defendants
15 deny the truth of the allegations contained therein.

16 70. In answering paragraph 70 of Plaintiff's Second Amended Complaint, Defendants
17 are without knowledge or information sufficient to form a belief as to the truth of the allegations
18 contained therein and deny them on that basis.

19 71. In answering paragraph 71 of Plaintiffs' Second Amended Complaint, Defendants
20 deny the truth of the allegations contained therein.

21 72. In answering paragraph 72 of Plaintiff's Second Amended Complaint, Defendants
22 are without knowledge or information sufficient to form a belief as to the truth of the allegations
23 contained therein and deny them on that basis.

24 73. In answering paragraph 73 of Plaintiff's Second Amended Complaint, Defendants
25 are without knowledge or information sufficient to form a belief as to the truth of the allegations
26 contained therein and deny them on that basis.

27 74. In answering paragraph 74 of Plaintiff's Second Amended Complaint, Defendants
28 deny the truth of the allegations contained therein.

000405

length herein.

84. In answering paragraph 84 of Plaintiff's Second Amended Complaint, Defendants respond that the cited Nevada Revised Statute speaks for itself. Defendants specifically deny all allegations of negligence and wrongdoing.

85. In answering paragraph 85 of Plaintiff's Second Amended Complaint, Defendants admit that Dr. Elkanich had a duty to use reasonable care, skill or knowledge ordinarily used under similar circumstances in rendering medical services to Mary Haase.

86. In answering paragraph 86 of Plaintiff's Second Amended Complaint, Defendants deny the truth of the allegations contained therein.

87. In answering paragraph 87 of Plaintiff's Second Amended Complaint, Defendants deny the truth of the allegations contained therein.

88. In answering paragraph 88 of Plaintiff's Second Amended Complaint, Defendants deny the truth of the allegations contained therein.

89. In answering paragraph 89 of Plaintiff's Second Amended Complaint, Defendants deny the truth of the allegations contained therein.

90. In answering paragraph 90 of Plaintiff's Second Amended Complaint, Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per Order of the Court.

91. In answering paragraph 91 of Plaintiff's Second Amended Complaint, Defendants deny the truth of the allegations contained therein.

IV.

WRONGFUL DEATH FROM NEGLIGENCE (ELKANICH)

92. Defendants herein repeat and reallege their answers to each and every allegation contained in Paragraphs 1 through 91 of Plaintiff's Second Amended Complaint as if set forth at length herein.

93. In answering paragraph 93 of Plaintiff's Second Amended Complaint, Defendants respond that the cited Nevada Revised Statute speaks for itself. Defendants specifically deny all allegations of negligence and wrongdoing.

000408

1 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
2 allegations contained therein and deny them on that basis.

3 115. In answering paragraph 115 of Plaintiff's Second Amended Complaint,
4 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
5 allegations contained therein and deny them on that basis.

6 116. In answering paragraph 116 of Plaintiff's Second Amended Complaint,
7 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
8 allegations contained therein and deny them on that basis.

9 117. In answering paragraph 117 of Plaintiff's Second Amended Complaint,
10 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
11 Order of the Court.

12 118. In answering paragraph 118 of Plaintiff's Second Amended Complaint,
13 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
14 allegations contained therein and deny them on that basis.

15 VII.

16 WRONGFUL DEATH FROM NEGLIGENCE (GUNALP)

17 119. Defendants herein repeat and reallege their answers to each and every allegation
18 contained in Paragraphs 1 through 118 of Plaintiff's Second Amended Complaint as if set forth
19 at length herein.

20 120. In answering paragraph 120 of Plaintiff's Second Amended Complaint,
21 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
22 allegations contained therein and deny them on that basis.

23 121. In answering paragraph 121 of Plaintiff's Second Amended Complaint,
24 Defendants deny the truth of the allegations contained therein.

25 122. In answering paragraph 122 of Plaintiff's Second Amended Complaint,
26 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
27 allegations contained therein and deny them on that basis.

28 123. In answering paragraph 123 of Plaintiff's Second Amended Complaint,

1 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
2 allegations contained therein and deny them on that basis.

3 124. In answering paragraph 124 of Plaintiff's Second Amended Complaint,
4 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
5 allegations contained therein and deny them on that basis.

6 125. In answering paragraph 125 of Plaintiff's Second Amended Complaint,
7 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
8 allegations contained therein and deny them on that basis.

9 126. In answering paragraph 126 of Plaintiff's Second Amended Complaint,
10 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
11 Order of the Court.

12 127. In answering paragraph 127 of Plaintiff's Second Amended Complaint,
13 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
14 allegations contained therein and deny them on that basis.

15 **VIII.**

16 **WRONGFUL DEATH INTENTIONAL MISCONDUCT (GUNALP)**

17 128. Defendants herein repeat and reallege their answers to each and every allegation
18 contained in Paragraphs 1 through 127 of Plaintiff's Second Amended Complaint as if set forth
19 at length herein.

20 129. In answering paragraph 129 of Plaintiff's Second Amended Complaint,
21 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
22 allegations contained therein and deny them on that basis.

23 130. In answering paragraph 130 of Plaintiff's Second Amended Complaint,
24 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
25 allegations contained therein and deny them on that basis.

26 131. In answering paragraph 131 of Plaintiff's Second Amended Complaint,
27 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
28 allegations contained therein and deny them on that basis.

1 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
2 allegations contained therein and deny them on that basis.

3 141. In answering paragraph 141 of Plaintiff's Second Amended Complaint,
4 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
5 allegations contained therein and deny them on that basis.

6 142. In answering paragraph 142 of Plaintiff's Second Amended Complaint,
7 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
8 allegations contained therein and deny them on that basis.

9 143. In answering paragraph 143 of Plaintiff's Second Amended Complaint,
10 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
11 allegations contained therein and deny them on that basis.

12 144. In answering paragraph 144 of Plaintiff's Second Amended Complaint,
13 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
14 Order of the Court.

15 145. In answering paragraph 145 of Plaintiff's Second Amended Complaint,
16 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
17 allegations contained therein and deny them on that basis.

18 **X.**

19 **WRONGFUL DEATH FROM NEGLIGENCE (VALLEY HOSPITAL)**

20 146. Defendants herein repeat and reallege their answers to each and every allegation
21 contained in Paragraphs 1 through 145 of Plaintiff's Second Amended Complaint as if set forth
22 at length herein.

23 147. In answering paragraph 147 of Plaintiff's Second Amended Complaint,
24 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
25 allegations contained therein and deny them on that basis.

26 148. In answering paragraph 148 of Plaintiff's Second Amended Complaint,
27 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
28 allegations contained therein and deny them on that basis.

000413

1 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
2 allegations contained therein and deny them on that basis.

3 158. In answering paragraph 158 of Plaintiff's Second Amended Complaint,
4 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
5 allegations contained therein and deny them on that basis.

6 159. In answering paragraph 159 of Plaintiff's Second Amended Complaint,
7 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
8 allegations contained therein and deny them on that basis.

9 160. In answering paragraph 160 of Plaintiff's Second Amended Complaint,
10 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
11 allegations contained therein and deny them on that basis.

12 161. In answering paragraph 161 of Plaintiff's Second Amended Complaint,
13 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
14 allegations contained therein and deny them on that basis.

15 162. In answering paragraph 162 of Plaintiff's Second Amended Complaint,
16 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
17 Order of the Court.

18 163. In answering paragraph 163 of Plaintiff's Second Amended Complaint,
19 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
20 allegations contained therein and deny them on that basis.

21 **XII.**

22 **WRONGFUL DEATH FROM VIOLATION OF NRS 449.0302, NAC 449.358 AND**
23 **NAC 449.3622 (VALLEY HOSPITAL)**

24 164. Defendants herein repeat and reallege their answers to each and every allegation
25 contained in Paragraphs 1 through 163 of Plaintiff's Second Amended Complaint as if set forth
26 at length herein.

27 165. In answering paragraph 165 of Plaintiff's Second Amended Complaint,
28 Defendants are without knowledge or information sufficient to form a belief as to the truth of the

1 allegations contained therein and deny them on that basis.

2 166. In answering paragraph 166 of Plaintiff's Second Amended Complaint,
3 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
4 allegations contained therein and deny them on that basis.

5 167. In answering paragraph 167 of Plaintiff's Second Amended Complaint,
6 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
7 allegations contained therein and deny them on that basis.

8 168. In answering paragraph 168 of Plaintiff's Second Amended Complaint,
9 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
10 allegations contained therein and deny them on that basis.

11 169. In answering paragraph 169 of Plaintiff's Second Amended Complaint,
12 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
13 allegations contained therein and deny them on that basis.

14 170. In answering paragraph 170 of Plaintiff's Second Amended Complaint,
15 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
16 allegations contained therein and deny them on that basis.

17 171. In answering paragraph 171 of Plaintiff's Second Amended Complaint,
18 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
19 allegations contained therein and deny them on that basis.

20 172. In answering paragraph 172 of Plaintiff's Second Amended Complaint,
21 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
22 allegations contained therein and deny them on that basis.

23 173. In answering paragraph 173 of Plaintiff's Second Amended Complaint,
24 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
25 allegations contained therein and deny them on that basis.

26 174. In answering paragraph 174 of Plaintiff's Second Amended Complaint,
27 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
28 allegations contained therein and deny them on that basis.

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WRONGFUL DEATH (VALLEY HOSPITAL)

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1 allegations contained therein and deny them on that basis.

2 184. In answering paragraph 184 of Plaintiff's Second Amended Complaint,
3 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
4 allegations contained therein and deny them on that basis.

5 185. In answering paragraph 185 of Plaintiff's Second Amended Complaint,
6 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
7 allegations contained therein and deny them on that basis.

8 186. In answering paragraph 186 of Plaintiff's Second Amended Complaint,
9 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
10 allegations contained therein and deny them on that basis.

11 187. In answering paragraph 187 of Plaintiff's Second Amended Complaint,
12 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
13 Order of the Court.

14 188. In answering paragraph 188 of Plaintiff's Second Amended Complaint,
15 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
16 allegations contained therein and deny them on that basis.

17 **XIV.**

18 **WRONGFUL DEATH FROM MEDICAL MALPRACTICE (SPILLERS)**

19 189. Defendants herein repeat and reallege their answers to each and every allegation
20 contained in Paragraphs 1 through 189 of Plaintiff's Second Amended Complaint as if set forth
21 at length herein.

22 190. In answering paragraph 190 of Plaintiff's Second Amended Complaint,
23 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
24 allegations contained therein and deny them on that basis.

25 191. In answering paragraph 191 of Plaintiff's Second Amended Complaint,
26 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
27 allegations contained therein and deny them on that basis.

28 192. In answering paragraph 192 of Plaintiff's Second Amended Complaint,

1 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
2 allegations contained therein and deny them on that basis.

3 193. In answering paragraph 193 of Plaintiff's Second Amended Complaint,
4 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
5 allegations contained therein and deny them on that basis.

6 194. In answering paragraph 194 of Plaintiff's Second Amended Complaint,
7 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
8 allegations contained therein and deny them on that basis.

9 195. In answering paragraph 195 of Plaintiff's Second Amended Complaint,
10 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
11 allegations contained therein and deny them on that basis.

12 196. In answering paragraph 196 of Plaintiff's Second Amended Complaint,
13 Defendants state that Plaintiff's claims arising out of NRS 41.1395 have been dismissed per
14 Order of the Court.

15 197. In answering paragraph 197 of Plaintiff's Second Amended Complaint,
16 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
17 allegations contained therein and deny them on that basis.

18 **XV.**

19 **WRONGFUL DEATH FROM NEGLIGENCE (SPILLERS)**

20 198. Defendants herein repeat and reallege their answers to each and every allegation
21 contained in Paragraphs 1 through 197 of Plaintiff's Second Amended Complaint as if set forth
22 at length herein.

23 199. In answering paragraph 199 of Plaintiff's Second Amended Complaint,
24 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
25 allegations contained therein and deny them on that basis.

26 200. In answering paragraph 200 of Plaintiff's Second Amended Complaint,
27 Defendants are without knowledge or information sufficient to form a belief as to the truth of the
28 allegations contained therein and deny them on that basis.

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