

IN THE SUPREME COURT OF THE STATE OF NEVADA
Case No. 72737

LAURA DEMARANVILLE
SURVIVING SPOUSE OF DANIEL DEMARANVILLE (DECEASED)
Appellant/Cross-Respondent,

v.

EMPLOYERS INSURANCE COMPANY OF NEVADA and
CANNON COCHRAN MANAGEMENT SERVICES, INC.
Respondents,

and

CITY OF RENO
Respondent/Cross-Appellant

Appeal from a District Court Order
Granting in Part and Denying in Part
Petition for Judicial Review
First Judicial District Court
Department II
Case No. 15 OC 00092 1B

JOINT APPENDIX

VOLUME 4 OF 8

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NEVADA DEPARTMENT OF ADMINISTRATION

BEFORE THE APPEALS OFFICER

SEP-3 11 2000

FILED

In the matter of the Industrial Insurance Claim
of
Daniel Demaranville, Deceased,
Claimant.

Claim No.: 1990204572
12853C301824

Hearing No.: 45822-KD
45538-SA
44686-SA

Appeal No.: 44957-LLW
46479-LLW
46812-LLW

INSURER SECOND SUPPLEMENTAL EVIDENCE PACKET

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ENTERED INTO
EVIDENCE AS EXHIBIT #5


COVENTRY
Workers' Comp Services
General Referral Form

Service Type

FCE
 ME
 Mini Peer Review
 Peer Review
 Radiology Review
 LTD/STD
 Record Rev

Referral Type

Workers Comp
 Auto
 General Liability

REFERRAL DATE 7/7/14		WCB# (New York W/C ONLY)		ASM (NAME & CONTACT #)			
CLAIMANT DANIEL DEMARANVILLE (deceased)				PAYOR/ADJUSTER NAME and E-MAIL AMY CALDERA			
ADDRESS PO BOX 261				COMPANY EMPLOYERS			
CITY & STATE VERDI, NV 89439				ADDRESS P.O. BOX 539003			
PHONE (775)345-6530		FAX		CITY & STATE HENDERSON, NV 89053			
D.O.B. 10/04/1934		S.S. #		PHONE 702-671-7340		Fax 702-671-7691	
CLAIMANT OCCUPATION n/a (deceased)				CLAIM # 1990204572		INSURED CITY OF RENO	
TYPE OF INJURY Heart attack		DATE OF INJURY 8/5/12		JURISDICTION Nevada			
				LIABILITY		AUTO	
				NO FAULT		LTD/STD	
				OTHER			
CLAIMANT ATTORNEY NAIW - EVAN BEAVERS				RUSH EXAM? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		NEEDED BY? 8/7/14	
ADDRESS 1000 E. WILLIAM STREET, #208		PHONE		RE-EXAM? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		Date	
City State CARSON CITY, NV 89701		FAX		HCP Re-exam Name:			
Treating Physician N/A				TRANSPORTATION NEEDED? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		INTERPRETER NEEDED? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
				X-RAY AUTHORIZATION? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			

SPECIALTY

<input type="checkbox"/> Orthopedist <input type="checkbox"/> Neurologist <input type="checkbox"/> Neurosurgeon <input type="checkbox"/> Chiropractor <input type="checkbox"/> Psychiatrist <input type="checkbox"/> Other	Physical Medicine & Rehab(PMR). <input checked="" type="checkbox"/> Cardiologist <input type="checkbox"/> Surgeon <input type="checkbox"/> Internist <input type="checkbox"/> Psychologist <input type="checkbox"/> Dentist
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SPECIFIC INSTRUCTIONS

<input checked="" type="checkbox"/> 1. Diagnosis <input checked="" type="checkbox"/> 2. History of injury and subsequent medical treatment <input checked="" type="checkbox"/> 3. Prior injuries and/or pre-existing conditions <input checked="" type="checkbox"/> 4. Causal relationship to conditions <input type="checkbox"/> 5. Present disability and degree of disability <input type="checkbox"/> 6. Further treatment needed? If so, frequency and duration? <input type="checkbox"/> 7. Need for surgery	<input type="checkbox"/> 8. Can claimant return to work at this time? If not, when ? <input type="checkbox"/> 9. Permanency rating <input type="checkbox"/> 10. Has claimant returned to pre-accident status? <input type="checkbox"/> 11. Has claimant reached maximum medical improvement? <input type="checkbox"/> 12. Schedule Loss of Use (NY only) <input type="checkbox"/> 13. M&S 15/B:
--	--

17/07/2014

SPECIAL INSTRUCTIONS

This request is for an IME by record review only as the claimant is deceased.

Please have the reviewing physician address the following questions:

- 1) Was there any evidence of heart disease prior to 8/5/12? If so, when and what?**
- 2) Is there any evidence to support the diagnosis of atherosclerotic heart disease as noted on the death certificate? Please explain.**
- 3) Is there any evidence to support the diagnosis of coronary artery disease as noted in the report by Dr. Ruggeroli? Please explain.**
- 4) Was Mr. Demaranville's myocardial infarction caused by atherosclerotic heart disease, coronary artery disease or was it a post-operative complication?**

Cc: Defense Counsel (please include specific atty name, firm and complete address, tel/fax#)		cc: Nurse Case Manager (please include name, address, tel/fax#)	
I.M.E. PHYSICIAN	LOCATION	EXAM DATE	EXAM TIME

- Please email, fax or send referral form/ all medical records, per instructions below, based on Jurisdiction; And/or contact your local Coventry ASM to arrange record pick-up.

Jurisdiction: CT, MA, ME, NH, RI, VT Phone: 800-392-6462 Fax: 781-906-6038 Burlington_cme@CVTY.com	Coventry Workers Comp Services 77 South Bedford Street Suite 300 Burlington, MA 01803
Jurisdiction: AL, DE, FL, GA, IA, IL, IN, KS, KY, MD, MI, MN, MO, NC, ND, NE, NJ, OH, PA, SC, SD, TN, VA, Washington DC, WI, WV Phone: 800-662-2393 / Fax: 800-997-2209 Freehold_meds@cviv.com - for medicals	Coventry Workers Comp Services 100 Willowbrook Road Suite 300 Building One Freehold, NJ 07728 Freehold_CME@cviv.com - for referrals
Jurisdiction: AK, AR, AZ, CA, CO, HI, ID, LA, MS, MT, NM, NV, OK, OR, TX, UT, WA, WY Phone: 800-676-3480 / Fax: 800-797-8760 Dallas_cme@cviv.com	Coventry Workers Comp Services 2800 N Dallas Parkway Suite 300 Plano, TX 75093
Jurisdiction: - NY only Phone: 800-257-1463 Fax: 877-675-4465 NYWCmeds@cviv.com	Coventry Workers Comp Services 100 Willowbrook Road Building One Freehold, NJ 07728

Trude B. Johnson
Account Sales Manager.Nevada
Coventry Workers' Comp Services
Solutions to Restore Health and Productivity
Cell: (702)726-0260
Fax: (702)750-1346
Email: TBJohnson1@cvty.com

ZEV LAGSTEIN, M.D.**F.A.C.C. F.A.S.N.C., LTD.***Diplomate American Board of Cardiovascular Disease
Diplomate American Board of Internal Medicine***August 31, 2014****Coventry SR #6585410****Claim #1990204572****Injured Person: Daniel Demaranville****Requester: Amy Caldera****Requested Company: Employers Insurance Company of Nevada****Date of incident: 08/05/2012, insured****City of Reno****Dear Mrs. Caldera:**

I reviewed at length all the records submitted. This includes all correspondence between all parties involved, certificate of death dated 08/05/2012.

I reviewed all records submitted including the following:

- 1. Referral form.**
- 2. All correspondence between involved parties.**
- 3. Surgical anesthesia report dated 08/05/2012.**
- 4. Office visits and notes by providers at Acadia Medical Group dated 09/08/2006, 01/25/2007, 08/14/2007, 01/09/2008, 04/15/2008, 07/16/2008, 08/07/2008, 11/20/2008, 01/27/2009, 02/20/2009, 05/13/2009, 06/10/2009, 10/13/2009, 01/26/2010, 05/26/2010, 08/30/2010, 01/31/2011, 04/25/2011, 06/15/2011, 06/21/2011, 08/02/2011, 10/26/2011, 11/23/2011, 12/20/2011, 02/04/2012, 04/19/2012, and 05/29/2012.**
- 5. Notes from Dr. Richard Ganchan, Reno Heart Physicians.**
- 6. Stress echocardiogram report of 03/26/2011.**
- 7. 01/14/2011 consultation by Dr. Karen Clark, Reno Heart Physicians.**
- 8. Consultation by Dr. David Hald, urologist.**
- 9. Consultation by Dr. David Mathis, Nevada ENT and Hearing Associates.**
- 10. Flexible cystoscopy report by Dr. David Hald of 11/19/2006.**
- 11. Progress notes and laboratory testings from Dr. Fred Fricke of Nevada Gastroenterology.**
- 12. Multiple EKG reports.**
- 13. Upper GI series, 06/01/2012.**
- 14. Renal ultrasound, 11/11/2008.**
- 15. Hand x-rays of 01/15/2007.**
- 16. Abdominal MRI.**

RE:
PAGE 2

In reviewing the records, it appears that Mr. Daniel Demaranville, date of birth 10/04/1934, underwent laparoscopic cholecystectomy on 08/05/2012 by Dr. Gomez. He was diagnosed with gallbladder disease, underwent surgery, the intraoperative anesthesia report indicates uneventful surgery with normal vital signs, heart rate of 106, normal temperature at 97.5, blood pressure of 105/71, and oxygen saturation of 95%. Anesthesia note of 08/05/2012 at 18:30, signature unclear, indicates that shortly after returning to the PACU postoperatively, it was reported the patient became hypotensive and tachycardic. His blood pressure dropped to the 80s and eventually to the 60s. He was given intravenous fluid challenge with some temporary improvement, but at 18:10, the patient became more hypotensive and bradycardic, leading to full rest. Full CPR was initiated at no avail. It appears that the patient had an echocardiogram, EKG, and a chest x-ray during that period of time; however, the actual reports were not available for my review. Notes in the records indicate that once CPR was initiated, the EKG revealed wide complex bradycardia, chest x-ray revealed pulmonary edema, and an echocardiogram done just before the patient was pronounced dead, revealed no left ventricular activity. The death certificate indicates that the patient was diagnosed with massive heart attack after surgery and the nature of the injury was a cardiac arrest with underlying arteriosclerotic heart disease.

Dr. Frank Carrea, cardiologist examined the patient in the recovery room, but I could not identify any notes by Dr. Carrea. As already discussed above, there was an only anesthesia note, timed 18:30 dated 08/05/2012.

In reviewing the records, a questionnaire filled up by the patient on 01/31/2011 given to him at the Acadia Medical Group indicates that he complained of some difficulty breathing with exertion and had no calf pain. His cardiovascular examination was normal.

On 03/28/2011, Reno/Carson Heart Physicians indicate that an EKG revealed a right bundle branch block (RBBB). Blood pressure was 140/84. The patient underwent a Bruce stress test, achieving a max heart rate of 143 and seven METS of energy expenditure. This was a stress echocardiogram interpreted by Dr. Jerry Zebrack. The ejection fraction was normal and the test was felt to be within the normal limits. On 03/30/2011, namely two days later, Dr. Richard Gunchan, cardiologist of the same group reports to the referring physician that this stress test was within normal limits.

Multiple phone calls from Laura, widow to the group are noted. The information in the notes indicates that she had multiple questions regarding medical regimen, but no specific symptoms were reported.

Dr. David Mathis, ENT specialist saw the patient on 06/20/2011. The information in the notes is irrelevant to this review.

On 02/14/2012, the patient was seen by Kathleen Lydon, APN. He did not report any symptoms on the questionnaire and her cardiovascular and pulmonary examinations were normal.

**RE:
PAGE 3**

The patient was seen by Dr. Hastings of same group on 04/19/2012 and the total evaluation was unremarkable.

On 05/16/2012, the laboratory panel performed at LabCorp is noted. The CBC was normal. Cholesterol was 182. HDL was 61, triglycerides 86, and LDL was minimally elevated at 104.

On 05/29/2012, the patient was seen again by Kathleen Lydon. He complained of abdominal, epigastric, and back pains with some episodes of vomiting. A complete GI workup was ordered.

On 06/01/2012, an upper GI and barium swallow were performed at Kathleen Lydon's request. This showed marked spontaneous reflux disease.

On 06/05/2012, laboratory testing was performed and this revealed normal liver function tests and amylase and lipase were normal. This was ordered in order to rule out pancreatitis.

On 06/07/2012, the patient underwent EGD (upper endoscopy) by Dr. John Gray and this revealed mild gastritis. A CEA (carcinoembryonic antigen) level was normal.

On 07/23/2012, an MRI of the abdomen with and without contrast was noted, revealing hepatic cysts.

On 07/26/2012, namely three days later, a HIDA scan was performed. This test was abnormal, revealing diminished gallbladder ejection fraction at 22% with poor contraction. The patient was diagnosed with biliary dyskinesia.

On 08/02/2012, an EKG was performed, most likely a preoperative EKG. This EKG as all other EKGs was personally reviewed by me, revealing sinus bradycardia at 53 per minute with a right bundle branch block and right axis deviation.

The medication the patient was on for the most part included the following:

1. Aspirin 81 mg a day.
2. Citalopram 20 mg a day.
3. Doxazosin 4 mg a day.
4. Ranitidine 300 mg a day.
5. Tamsulosin 0.4 mg a day.

Of note is the fact that the only medication which may reduce blood pressure was doxazosin, which is an alpha-blocker, usually prescribed for benign prostatic hypertrophy, but may also lower blood pressure.

RE:

PAGE 4

The operative anesthesia report indicates that the patient at the time of surgery was on Zantac, Celexa, Cardura (generic doxazosin), metoprolol (this most likely was prescribed for hypertension and accounts for the sinus bradycardia at 53 as noted on the preoperative EKG), Levsin most likely prescribed by the gastroenterologist, and Prilosec (the patient was also on Zantac; one is an H2 blocker and the other one is proton pump inhibitor, but for the same symptom control).

Consultation by Dr. Karen Clark, cardiologist is noted on 01/14/2011. She mentions a prior stress echocardiogram of 2004, which was unremarkable except for mild left ventricular hypertrophy and an abnormal EKG of 2004 also revealing a right bundle branch block.

Past surgical history is somewhat sketchy, but seems to include herniorrhaphy, back surgery, and orchiectomy.

The patient was seen by Dr. David Hald, urologist and underwent cystoscopy on 11/12/2008. He was found to have microscopic hematuria.

A note by Dr. Jay Betz of 05/13/2013 is noted.

It appears that a stress echocardiogram dated 03/29/199 ordered by the Acadia Medical Group was normal.

Lab work performed at LabCorp of 10/09/2006 reveals fasting blood glucose of 92 with normal lipids.

Pulmonary function test of 10/12/2006 revealed moderate obstruction with mild restrictive lung disease.

An EKG of 10/13/2006 revealed normal sinus rhythm, right bundle branch block, and right axis deviation.

X-ray of the hands of 01/15/2007 was unremarkable.

Right upper extremity ultrasound on 08/14/2007 was negative without evidence of deep vein thrombophlebitis of the right arm.

Lab work of 10/10/2007 revealed normal fasting blood glucose and normal lipids.

EKGs of 10/15/2007 and 10/15/2009 reviewed, revealing normal sinus rhythm and an RBBB.

Lab work of 10/21/2009 reveals glucose of 118, which is slightly elevated (no documentation whether this was fasting or random specimen).

**RE:
PAGE 5**

On 01/26/2010, the patient reports on a questionnaire that he had some difficulty breathing with exertion and calf pain while walking (such symptoms were not reported on subsequent questionnaires).

On 05/24/2010, chest skin biopsy revealed seborrheic keratitis.

On 09/03/2010, glucose was 96 and lipids were within normal limits.

From the aforementioned record review, it appears that the patient had a chronic right bundle branch block with right axis deviation. This by itself does not necessarily indicate underlying organic heart disease and does not support the underlying diagnosis of arteriosclerotic cardiovascular disease. As far as the patient's hypertension, it appears that his blood pressure was well controlled and he was prescribed doxazosin for benign prostatic hypertrophy (BPH), which may also lower blood pressure. It is only on the operative anesthesia note that metoprolol is mentioned. It would appear that the patient suffered perhaps from very mild hypertension, which was well controlled. The stress test report of 03/28/2011 indicates normal blood pressure response to exertion. There is also mention of moderate EtOH consumption, whereby the patient used to drink some martinis more so on the weekends, but there is no indication of EtOH abuse. The patient quit smoking in 2009. Therefore, an extensive review of the records does not indicate that the patient was diagnosed with underlying coronary artery disease. He had mild hypertension and one stress echo indicated mild or borderline left ventricular hypertrophy. This was not reported on the subsequent test. There was no evidence of dyslipidemia, there was no family history of coronary artery disease, and most recently, the patient denied any cardiovascular or pulmonary symptomatology.

Letters by Dr. Charles Ruggeroli and Dr. Yasminc, both cardiologists were reviewed. Letter by Sankar Pemmaraju, D.O. of 09/03/2013 was also reviewed.

In response to the questions posed to me, all the services provided seemed to be necessary and appropriate.

- 1. As far as the special instructions, my response to question #1 is as follows: There was no clear evidence of heart disease prior to 08/05/2012. The EKG revealed a right bundle branch block and right axis deviation, but this by itself is insufficient to document underlying coronary artery disease. There was borderline left ventricular hypertrophy on the echocardiogram reported on one stress test, but not on the other and this also is insufficient to diagnose this patient with underlying coronary artery disease and may merely reflect the fact that he suffered from hypertension, which as indicated above was mild and well controlled with normal blood pressure response to exertion.**
- 2. In response to question #2, there is not enough evidence to support diagnosis of arteriosclerotic heart disease as noted on death certificate. There is no postoperative EKG to indicate ischemia and/or myocardial infarction. The patient did not have an autopsy and cardiac enzymes were apparently not drawn.**

**RE:
PAGE 6**

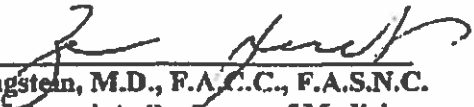
Therefore, I feel that there is not enough information and evidence to support diagnosis of arteriosclerotic heart disease. Therefore, I feel there is no evidence to support the diagnosis as noted on the death certificate.

3. In response to question #3, I do not feel that there is enough evidence to support Dr. Ruggeroli's assertion that the patient had occult occlusive arteriosclerotic heart disease leading to pulse/electrical activity.
4. In response to question #4, there is no evidence to support diagnosis of myocardial infarction in the absence of abnormal postoperative EKG and postoperative cardiac enzymes, especially troponin-I level. There was no evidence of underlying arteriosclerotic heart disease. Therefore, the death is due to a postoperative complication of unclear etiology. Clearly, the aforementioned diagnostic test with or without autopsy would have clarified this issue beyond any doubts.

If additional records are noted such as postoperative EKG and notes by Dr. Frank Carrea, who participated in the resuscitation, please forward them to my review and I will dictate an addendum.

Thank you for the opportunity to review the records.

Sincerely,


Zev Lagstein, M.D., F.A.C.C., F.A.S.N.C.
Clinical Associate Professor of Medicine
Diplomate, American Board of Internal Medicine
Diplomate, American Board of Cardiovascular Disease
Diplomate, American Board of Nuclear Cardiology
Diplomate and Senior Disability Analyst



NEVADA STATE BOARD OF MEDICAL EXAMINERS

Search

Licensee Details

Person Information	
Name:	Zev LAGSTEIN
Address:	3017 W Charleston Blvd Ste 80 Las Vegas NV 89102
Phone:	7028701026

License Information			
License Type:	Medical Doctor		
License Number:	3656	Status:	Active
Issue Date:	9/9/1978	Expiration Date:	6/30/2015

Scope of Practice

Scope of Practice: Cardiovascular Diseases
Scope of Practice: Internal Medicine
Scope of Practice: Cardiology, Nuclear

Education & Training

School:	Hebrew University / Jerusalem, Israel
Degree\Certificate:	Medical Doctor Degree
Date Enrolled:	
Date Graduated:	9/24/1972
Scope of Practice:	
School:	Internal Medicine
Degree\Certificate:	American Board
Date Enrolled:	
Date Graduated:	1/1/1980
Scope of Practice:	Internal Medicine
School:	University of Arizona / Tucson, AZ
Degree\Certificate:	Fellowship
Date Enrolled:	7/1/1977

Date Graduated:	6/30/1980
Scope of Practice:	Cardiovasc Diseases

School:	Cardiovascular Diseases
Degree\Certificate:	Am Bd Subboard
Date Enrolled:	
Date Graduated:	1/1/1981
Scope of Practice:	Internal Medicine

**CURRENT EMPLOYMENT STATUS / CONDITIONS/RESTRICTIONS ON
LICENSE AND MALPRACTICE INFORMATION**

NONE

Board Actions

NONE

Please note that the settlement of a medical malpractice action may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the provider. Therefore, there may be no disciplinary action appearing for a licensee even though there is a closed malpractice claim on file. A payment in the settlement of medical malpractice does not create a presumption that medical malpractice occurred. Sometimes insurance companies settle a case without the knowledge and/or agreement of the physician. This database represents information from insurers to date. Please note: All insurers may not have submitted claim information to the Board.

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the
3 law firm of Sertic Law Ltd., Attorneys at Law, over the age of
4 eighteen years, not a party to the within matter, and that on the
5 5th day of September, 2014, I served by fax, a true copy of the
6 foregoing or attached document, addressed to:

7 FAX: 775-684-7575
8 NAIW
9 Evan Beavers
10 1000 E William Street #208
11 Carson City, Nevada 89701

12 FAX: 775-788-2020
13 Timothy Rowe, Esq.
14 P.O. Box 2670
15 Reno, NV 89505

16 
17 Gina L. Walsh

18 **AFFIRMATION (Pursuant to NRS 239B.030)**

19 The undersigned does hereby affirm to the best of his
20 knowledge that the attached document does not contain the social
21 security number of any person.

22 Dated on this 5th day of September, 2014.

23 
24 Mark S. Sertic

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ORIGINAL

NEVADA DEPARTMENT OF ADMINISTRATION

BEFORE THE APPEALS OFFICER 7011 SEP -8 PM 4:20

RECEIVED
AND
FILED

In the Matter of the
Industrial Insurance Claim

Claim No.: 12853C301824

of

Hearing No.: 46538-SA
45822-KD
44686-SA

DANIEL DEMARANVILLE

Appeal No.: 46812-LLW
46479-LLW
44957-LLW

MOTION FOR CONTINUANCE AND RESETTING

Comes now, Laura Demaranville, surviving spouse of Daniel Demaranville, deceased, by and through her attorney, Evan Beavers, Esq., Nevada Attorney for Injured Workers, hereby moves the Appeals Officer for a continuance of this matter currently scheduled for September 8, 2014 to be rescheduled to October 29, 2014, at 1:30-3:30 p.m. (2 hours).

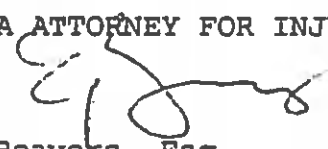
This motion is made and based on NAC 616C.318 and the Affidavit of Counsel attached hereto.

AFFIRMATION

The undersigned affirms, pursuant to NAC 616C.303, that no personal identifying information appears in this document.

DATED this 7th day of September, 2014.

NEVADA ATTORNEY FOR INJURED WORKERS


Evan Beavers, Esq.
Attorney for the Claimant

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

AFFIDAVIT OF COUNSEL

1
2 STATE OF NEVADA)
3 CARSON CITY) : ss

4 I, Evan Beavers, do hereby swear or affirm under
5 penalty of perjury that the following facts are true and correct:

6 1. I have been appointed to represent Claimant Laura
7 Demaranville in her worker's compensation hearing on
8 September 8, 2014, at 10:00 a.m.

9 2. A continuance is needed to evaluate recently
10 received evidence.

11 3. I contacted the claimant to discuss a continuance
12 in this matter, and she has no objection.


13 4. Counsel for all parties, via conference call, have
14 contacted the Appeals Officer to discuss the continuance
15 requested, and it was approved.

16 5. This motion is made for the above-stated reasons
17 and for no other purpose.

18 6. Therefore, it is respectfully requested that the
19 current hearing date of September 8, 2014, be vacated and the new
20 hearing reset for Wednesday, October 29, 2014, at 1:30-3:30 p.m.
21 2 hours).

22
23 
Evan Beavers

24 SIGNED and SWORN to (or affirmed) before me
25 this 0th day of September, 2014
26 by Evan Beavers.

27 
28 Notary Public

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCF 5(b), I certify that I am an employee
3 of the State of Nevada, Nevada Attorney for Injured Workers, and
4 that on this date I deposited for mailing at Carson City, Nevada,
5 a true and correct copy of the within and foregoing MOTION FOR
6 CONTINUANCE AND RESETTING addressed to:

7 LAURA DEMARANVILLE
8 PO BOX 261
9 VERDI NV 89439

10 CITY OF RENO
11 ATTN CARA BOWLING
12 PO BOX 1900
13 RENO NV 89505

14 TIMOTHY E ROWE ESQ
15 MCDONALD CARANO WILSON
16 100 W LIBERTY ST 10TH FL
17 PO BOX 2670
18 RENO NV 89505-2670

19 CCMSI
20 PO BOX 20068
21 RENO NV 89515-0068

22 EMPLOYERS
23 PO BOX 539004
24 HENDERSON NV 89053-9004

25 MARK S SERTIC ESQ
26 SERTIC LAW LTD
27 5975 HOME GARDENS DR
28 RENO NV 89502

DATED: September 8, 2014

SIGNED: Taney G. Sherwood

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

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NEVADA DEPARTMENT OF ADMINISTRATION
BEFORE THE APPEALS OFFICER

1050 E. WILLIAM, SUITE 450
CARSON CITY, NV 89701

FILED

SEP 10 2014

DEPT. OF ADMINISTRATION
APPEALS OFFICER

In the Matter of the Contested
Industrial Insurance Claim of:

Claim No: 12853C301824
1990204572

Hearing No: 46538-SA
45822-KD
44686-SA

Appeal No: 46812-LLW
46479-LLW
44957-LLW

DANIEL DEMARANVILLE,
DECEASED,

Claimant.

ORDER

For good cause, the Claimant's Motion for Continuance is granted.

This matter is reset for hearing on:

DATE: Wednesday, October 29, 2014

TIME: 1:30PM

IT IS SO ORDERED.



LORNA L WARD
APPEALS OFFICER

1 **CERTIFICATE OF MAILING**

2 The undersigned, an employee of the State of Nevada, Department of
3 Administration, Hearings Division, does hereby certify that on the date shown
4 below, a true and correct copy of the foregoing **ORDER** was duly mailed, postage
5 prepaid **OR** placed in the appropriate addressee runner file at the Department of
6 Administration, Hearings Division, 1050 E. Williams Street, Carson City, Nevada,
to the following:

7 DANIEL DEMARANVILLE, DECEASED
8 C/O LAURA DEMARANVILLE
9 PO BOX 261
VERDI, NV 89439

10 EVAN BEAVERS, ESQ
11 1000 E WILLIAM #208
CARSON CITY NV 89701


12 CITY OF RENO
13 ATTN CARA BOWLING
14 PO BOX 1900
RENO, NV 89505

15 TIMOTHY ROWE, ESQ
16 PO BOX 2670
RENO NV 89505

17 EMPLOYERS INSURANCE COMP OF NV
18 PO BOX 539004
19 HENDERSON, NV 89053

20 MARK SERTIC, ESQ
21 5975 HOME GARDENS DRIVE
RENO NV 89502

22 Dated this 10th day of September, 2014.

23 
24 _____
25 Kristi Fraser, Legal Secretary II
26 Employee of the State of Nevada
27
28

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 ORIGINAL

NEVADA DEPARTMENT OF ADMINISTRATION

BEFORE THE APPEALS OFFICER

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In the Matter of the
Industrial Insurance Claim

of

DANIEL DEMARANVILLE

Claim No.: 12853C301824

Hearing No.: 46538-SA
45822-KD
44686-SA

Appeal No.: 46812-LLW
46479-LLW
44957-LLW

CLAIMANT'S THIRD EXHIBIT

Page #

001	Employer's Wage Verification Form	Undated
002-003	NAIW letter to Charles E. Ruggeroli, MD	10/03/2014
004	Response from Charles E. Ruggeroli, MD to NAIW letter of October 3, 2014	10/13/2014

AFFIRMATION

Pursuant to NAC 616C.303, I affirm that no personal
information appears in this exhibit.

DATED this 23rd day of October, 2014

NEVADA ATTORNEY FOR INJURED WORKERS


Evan Beavers, Esq.
Attorney for Claimant

ENTERED INTO

INDEX AS EXHIBIT # 8

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102
(775) 684-7555
(702) 486-2830

EMPLOYER'S WAGE VERIFICATION FORM

(Pursuant to NRS 616C.045(2)(d))

Please provide the following information for the employee named below by completing this form. The information is needed so that the amount of disability compensation to which your employee is entitled may be calculated. Prompt completion and return of this form will ensure the timely payment of any compensation due this injured worker. Please answer all questions and sign the form where indicated.

EMPLOYER: PLEASE PROVIDE THE FOLLOWING INFORMATION ANSWERING ALL QUESTIONS

Date: _____ Injured Employee's Name (Last/First/MI): Demetrius D. Davis Social Security: _____
 Claim No: 128536301824 Date of Injury: 8/5/12 Date of Hire: 8-2-96
 Was employee hired to work 40 hours per week? Yes No If no, # of hours per week: N/A # of days per week: N/A
 On the date of injury, the employer's wage was: \$ 22.97 per Hour Day Week Month Date the wage became effective: Oct 2005
 Was vacation paid during the applicable twelve week period? NO If so, during what pay period? NO
 Was sick leave paid during the applicable twelve week period? NO Was the injured employee paid for any holidays during the applicable twelve week period? NO Did employee receive payment for overtime during the applicable twelve week period? NO Did employee receive termination pay during the applicable twelve week period? NO
 Provide prior wage if current wage was in effect less than 12 weeks prior to date of injury: \$ N/A per Hour Day Week Month
 During this 12-week period did employee change to a job with different (1) dates, (2) hours of employment, (3) rate of pay? Yes No
 If so, date: N/A Explain: N/A
 Does the employee receive commissions? Yes No Period of commission earned: N/A to N/A
 Indicate the amount of commission received over the last 6 months, or since date of hire: \$ NONE
 Does the employee receive bonus/incentive pay? Yes No Period of bonus/incentive pay earned: N/A to N/A
 Indicate the amount of bonus received over last 12 months, or since date of hire: \$ NONE
 Are the commissions and bonus amounts included in GROSS EARNINGS below? Yes No
 Does the employee deduct tips for the purpose of worker's compensation? Yes No See payroll deduction below. Attach deduction forms.
 Does the employee receive meals or lodging (excluding reimbursement for travel per diem)? Yes No (Do not include in gross earnings)
 How many meals per day? N/A Monetary value of meals \$ N/A per Day Week Month
 Lodging \$ N/A per Day Week Month

TWELVE WEEK VERIFICATION FROM PAYROLL RECORDS. Report GROSS EARNINGS, include overtime payment and any other remuneration (except reimbursement for expenses). (See NAC 616C.423)
 Give payroll information from _____ through _____. If employed less than twelve weeks, give gross earnings from date of hire to date of injury.

If absent from work for the following reasons, please specify the date(s) absent and the number code for the reason of absence:
 1. Certified Illness or disability; 2. Institutionalized in a hospital, or other institution; 3. Enrolled as full-time student, not employed on days of attendance; 4. In military service other than training duty conducted on weekends; 5. Absent because of officially sanctioned strike; 6. Absence because of leave approved pursuant to Family and Medical Leave Act.

Payroll Period Beginning	Payroll Period Ending	Gross Salary (Excluding Tips)	Deducted Tips	Payroll Period Beginning	Payroll Period Ending	Gross Salary (Excluding Tips)	Deducted Tips
7/22/12	8/4/12	2,259.04		7/22/12 - 8/4/12	vacation pay	7,314.15	
7/8/12	7/31/12	2,285.84					
6/24/12	7/7/12	2,254.84					
6/10/12	6/23/12	2,291.20					
5/27/12	6/9/12	2,272.44					
5/13/12	5/26/12	2,295.84					

Dates of Absence		Reason	Dates of Absence		Reason	Dates of Absence		Reason
Begin	End		Begin	End		Begin	End	

Pay period each on (check one) Sunday Monday Tuesday Wednesday Thursday Friday Saturday
 Employee is paid: Weekly Bi-Weekly Semi-Monthly Monthly Other
 Employee scheduled day(s) off: Sunday Monday Tuesday Wednesday Thursday Friday Saturday Other
 Explain "other": _____
 Date the employee last worked AFTER injury occurred: December Date returned to work: Deceased

This information is true and correct as taken from the employee's payroll records.
 Print Name: Mark Clark Signature: [Signature] Dist Supervisor



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA ATTORNEY FOR INJURED WORKERS

1000 E. William Street, Suite 208
Carson City, Nevada 89701
(775) 684-7555 • Fax (775) 684-7575

October 3, 2014

VIA FACSIMILE 702-870-1995

CHARLES E RUGGEROLI MD
CARDIOLOGY & CARDIOVASCULAR CONSULTANTS
700 SHADOW LN STE 166
LAS VEGAS NV 89106

Re: DANIEL DEMARANVILLE

Dear Dr. Ruggeroli:

As you are aware, the office of the Nevada Attorney for Injured Workers (NAIW) has been appointed to represent Laura DeMaranville in her efforts to secure benefits arising from the death of her husband, Daniel DeMaranville. You reviewed Mr. DeMaranville's medical records in May of this year and provided an opinion as to the cause of death at that time. The purpose of this letter is to seek your review of an opposing opinion being offered by the insurer seeking to deny benefits to Mrs. DeMaranville.

Included with this letter is a copy of a medical opinion by Dr. Zev Lagstein dated August 31, 2014. Dr. Lagstein, after reviewing Mr. DeMaranville's medical records, refutes your finding that heart disease was the cause of death. On behalf of Mrs. DeMaranville, I ask that you carefully review Dr. Lagstein's complete opinion and respond to each of his four responses to the questions posed to him.

When I sought your assistance in May I delivered to you a copy of Mr. DeMaranville's records. If you need for me to resend those documents, please advise. If there is a charge for your written response to Dr. Lagstein's opinion, please let me know in advance to arrange payment.

Website: <http://www.naiw.nv.gov>
E-mail: naiw@naiw.nv.gov

CHARLES E RUGGEROLI MD
October 3, 2014
Page 2

The hearing on Mrs. DeMaranville's appeal of the insurer's denial of benefits has been continued for this follow-up opinion. If at all possible, please respond by Monday, October 13, 2014.

Sincerely,

NEVADA ATTORNEY FOR INJURED WORKERS

A handwritten signature in black ink, appearing to read 'E. Beavers', written over the typed name below.

Evan Beavers, Esq.

EBB/nls
Encl. As stated

cc: Laura Demaranville

ARDIOLOGY & ARDIOVASCULAR CONSULTANTS
The standard is what we do every day for over 30 years

Donald M. Roth, MD, FACC
 Charles E. Ruggieri, MD, FACC, FSCAI, FASNC

October 13, 2014

RE: Daniel Demaranville

The patient's was a 77-year-old gentleman with no documented history of coronary artery disease. Patient did have multiple cardiovascular risk factors which were remarkable for gender with advancing age, treated hyperlipidemia, mild prediabetes. At the time of his death, patient was not a smoker. Family history was noncontributory. Patient did have a history of an abnormal resting electrocardiogram which demonstrated a complete right bundle branch block. Patient had a stress echocardiogram performed in 2011 which demonstrated no evidence of significant segmental regional wall motion abnormalities.

After a long history of complaints of abdominal pain or discomfort, the patient was admitted for elective laparoscopic cholecystectomy on August 5, 2012 secondary to biliary dyskinesia.

Patient arrived in the recovery room with normal vital signs. However, afterwards became hypotensive and tachycardic. Laboratory evaluation was performed. This was remarkable for an elevated troponin of 0.32 mg/ml. This is consistent with myocardial necrosis or heart damage. Laboratory evaluation was obtained at 3:35 PM. The patient's condition worsened with worsening hypotension and increased tachycardia. Ultimately patient was diagnosed with pulseless electric activity. Echocardiogram during the resuscitation demonstrated no evidence of ventricular activity. Resuscitation was terminated and the patient pronounced at around 7:30 PM.

In my opinion, patient had underlying occult occlusive coronary artery disease. Cardiac troponins drawn approximately 4 hours prior to his death were elevated and consistent with a cardiovascular cause of the patient's death.

Physician: *Charles E. Ruggieri*
 Charles E. Ruggieri, MD, FACC, FSCAI, FASNC

- Coronary catheterization & angiography
- Intravascular ultrasound with plaque analysis
- CT angiography
- Peripheral vascular testing, including ABI
- Holter & event monitoring
- Long-term management of heart health
- Cholesterol & blood pressure management
- Balloon angioplasty & stenting
- Complex & multivessel coronary interventions
- Distal embolization protection
- Clot removal
- Pacemakers
- Enhanced external counter pulsation therapy (EECP)
- Medication programs
- Preoperative risk assessment
- Lifestyle, nutrition & exercise counseling
- Evaluation for sleep apnea
- Healthy-heart screening

Patient-first commitment & convenience...

- Collaborative care for optimal outcomes
- "Above & beyond" patient service
- Personalized attention & dedication
- Thorough, unrushed & appropriate care
- Visa, MasterCard, American Express & Discover Cards welcome
- On-call 24/7 for emergencies
- Handicapped accessible

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102
(775) 684-7555
(702) 486-2830

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCF 5(b), I certify that I am an employee
3 of the State of Nevada, Nevada Attorney for Injured Workers, and
4 that on this date I deposited for mailing at Carson City, Nevada,
5 a true and correct copy of the within and foregoing CLAIMANT'S
6 THIRD EXHIBIT addressed to:

7 LAURA DEMARANVILLE
8 PO BOX 261
9 VERDI NV 89439

10 CITY OF RENO
11 ATTN CARA BOWLING
12 PO BOX 1900
13 RENO NV 89505

14 CCMSI
15 PO BOX 20068
16 RENO NV 89515-0068

17 EMPLOYERS
18 PO BOX 539004
19 HENDERSON NV 89053-9004

20 and that on this date I served a true and correct copy of the
21 above-referenced document by facsimile and by hand delivery to
22 the following parties via Reno Carson Messenger Service to the
23 addresses below:

24 TIMOTHY E ROWE ESQ
25 MCDONALD CARANO WILSON
26 100 W LIBERTY ST 10TH FL
27 PO BOX 2670
28 RENO NV 89505-2670

MARK S SERTIC ESQ
SERTIC LAW LTD
5975 HOME GARDENS DR
RENO NV 89502

29 DATED: October 23, 2014

30 SIGNED: Taney L. Sherwood

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ORIGINAL

NEVADA DEPARTMENT OF ADMINISTRATION

BEFORE THE APPEALS OFFICER

OCT 20 2014

FILED

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In the Matter of the Industrial Insurance Claim

Claim No.: 12853C301824

of

Hearing No.: 46538-SA
45822-KD
44686-SA

DANIEL DEMARANVILLE

Appeal No.: 46812-LLW
46479-LLW
44957-LLW

MOTION FOR CONTINUANCE AND RESETTING

Comes now, Laura Demaranville, surviving spouse of Daniel Demaranville, deceased, by and through her attorney, Evan Beavers, Esq., Nevada Attorney for Injured Workers, hereby moves the Appeals Officer for a continuance of this matter currently scheduled for October 29, 2014 to be rescheduled to January 7, 2015, at 2:30-4:30 p.m. (2 hours).


This motion is made and based on NAC 616C.318 and the Affidavit of Counsel attached hereto.

AFFIRMATION

The undersigned affirms, pursuant to NAC 616C.303, that no personal identifying information appears in this document.

DATED this 28th day of October, 2014.

NEVADA ATTORNEY FOR INJURED WORKERS


Evan Beavers, Esq.
Attorney for the Claimant

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 210
Las Vegas, NV 89102 (702) 486-2830

1 AFFIDAVIT OF COUNSEL

2 STATE OF NEVADA)
3 CARSON CITY) : ss

4 I, Evan Beavers, do hereby swear or affirm under
5 penalty of perjury that the following facts are true and correct:

6 1. I have been appointed to represent Claimant Laura
7 Demaranville in her worker's compensation hearing on October 29,
8 2014, at 1:30 p.m.

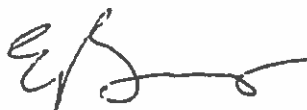
9 2. A continuance is needed to explore settlement.

10 3. I contacted the claimant to discuss a continuance
11 in this matter, and she has no objection.

12 4. Counsel for all parties, via conference call, have
13 contacted the Appeals Officer to discuss the continuance
14 requested, and it was approved.

15 5. This motion is made for the above-stated reasons
16 and for no other purpose.

17 6. Therefore, it is respectfully requested that the
18 current hearing date of October 29, 2014, be vacated and the new
19 hearing reset for Wednesday, January 7, 2015, at 2:30-4:30 p.m.
20 (2 hours).

21 

22 Evan Beavers

23
24 SIGNED and SWORN to (or affirmed) before me
25 this 28th day of October, 2014
26 by Evan Beavers.

27 
28 Nancy L. Sherwood
Notary Public



NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

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Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCF 5(b), I certify that I am an employee
3 of the State of Nevada, Nevada Attorney for Injured Workers, and
4 that on this date I deposited for mailing at Carson City, Nevada,
5 a true and correct copy of the within and foregoing MOTION FOR
6 CONTINUANCE AND RESETTING addressed to:

7 LAURA DEMARANVILLE
8 PO BOX 261
9 VERDI NV 89439

10 CITY OF RENO
11 ATTN CARA BOWLING
12 PO BOX 1900
13 RENO NV 89505

14 CCMSI
15 PO BOX 20068
16 RENO NV 89515-0068

17 EMPLOYERS
18 PO BOX 539004
19 HENDERSON NV 89053-9004

20 and that on this date, I prepared for hand delivery a true and
21 correct copy of the afore-mentioned document, by hand delivery to
22 the following party via Reno Carson Messenger Service, to the
23 address below:

24 TIMOTHY E ROWE ESQ
25 MCDONALD CARANO WILSON
26 100 W LIBERTY ST 10TH FL
27 PO BOX 2670
28 RENO NV 89505-2670

MARK S SERTIC ESQ
SERTIC LAW LTD
5975 HOME GARDENS DR
RENO NV 89502

DATED: October 29, 2014

SIGNED: Taney L. Sherwood

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1 NEVADA DEPARTMENT OF ADMINISTRATION
2 BEFORE THE APPEALS OFFICER

3 1050 E. WILLIAM, SUITE 450
4 CARSON CITY, NV 89701

5 **FILED**
6 NOV 03 2014
7 DEPT. OF ADMINISTRATION
8 APPEALS OFFICER

9 In the Matter of the Contested
10 Industrial Insurance Claim of:

11 DANIEL DEMARANVILLE,
12 DECEASED,

13 Claimant.

14 Claim No: 12853C301824
15 1990204572

16 Hearing No: 46538-SA
17 45822-KD
18 44686-SA

19 Appeal No: 46812-LLW
20 46479-LLW
21 44957-LLW


22 **ORDER**

23 For good cause, the Motion for Continuance is granted. This matter is
24 reset for hearing on:

25 DATE: Wednesday, January 7, 2015

26 TIME: 2:30PM – 4:30 PM

27 **IT IS SO ORDERED.**

28 

LORNA L WARD
APPEALS OFFICER

1 CERTIFICATE OF MAILING

2 The undersigned, an employee of the State of Nevada, Department of
3 Administration, Hearings Division, does hereby certify that on the date shown
4 below, a true and correct copy of the foregoing ORDER was duly mailed, postage
5 prepaid OR placed in the appropriate addressee runner file at the Department of
6 Administration, Hearings Division, 1050 E. Williams Street, Carson City, Nevada,
7 to the following:

7 DANIEL DEMARANVILLE, DECEASED
8 C/O LAURA DEMARANVILLE
9 PO BOX 261
10 VERDI, NV 89439

10 EVAN BEAVERS, ESQ
11 1000 E WILLIAM #208
12 CARSON CITY NV 89701

12 CITY OF RENO
13 ATTN CARA BOWLING
14 PO BOX 1900
15 RENO, NV 89505

15 TIMOTHY ROWE, ESQ
16 PO BOX 2670
17 RENO NV 89505

17 EMPLOYERS INSURANCE COMP OF NV
18 PO BOX 539004
19 HENDERSON, NV 89053

19 MARK SERTIC, ESQ
20 5975 HOME GARDENS DRIVE
21 RENO NV 89502

22 Dated this 3 day of November, 2014.

23 Kristi Fraser
24 Kristi Fraser, Legal Secretary II
25 Employee of the State of Nevada
26
27
28

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ORIGINAL

NEVADA DEPARTMENT OF ADMINISTRATION
BEFORE THE APPEALS OFFICER

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In the Matter of the
Industrial Insurance Claim
of

Claim No.: 12853C301824
Hearing No.: 46538-SA
45822-KD
44686-SA
Appeal No.: 46812-LLW
46479-LLW
44957-LLW

DANIEL DEMARANVILLE /

CLAIMANT'S FOURTH EXHIBIT


Page #

001-012	Fax to Charles E. Ruggelori, MD enclosing August 5, 2012 Renown medical reporting	10/03/2014
013-014	NAIW letter to Frank Carrea, MD	10/03/2014
015	Response to NAIW's October 3, 2013 letter from Frank Carrea, MD	10/29/2014

AFFIRMATION

Pursuant to NAC 616C.303, I affirm that no personal information appears in this exhibit.

DATED this 17th day of November, 2014

NEVADA ATTORNEY FOR INJURED WORKERS

Evan Beavers, Esq.
Attorney for Claimant

ENTERED INTO
EVIDENCE AS EXHIBIT #9

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102
(775) 684-7555
(702) 416-2830



STATE OF NEVADA

NEVADA ATTORNEY FOR INJURED WORKERS

1000 E. WILLIAM STREET, #208
CARSON CITY, NEVADA 89701
PHONE: (775) 684-7555
FAX: (775) 684-7575

FAX COVER SHEET

Date: October 3, 2014
Fax Number: 702-870-1995
To: Heather for Dr. Ruggeroli
From: Evan Beavers, Esq.
Re: DANIEL DEMARANVILLE
46812-LLW/46479-LLW/44957-LLW
Total Number of Pages (including cover sheet): 12
Telephone Confirmation Requested? Yes No

Comments : Attached are medical reports that do not appear to have been included with the original letter sent to Dr. Ruggeroli in April. He may want to see these before providing an additional opinion.

The information contained in this facsimile is confidential, attorney-client information. It is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the agent responsible to deliver it to the intended recipient, YOU ARE HEREBY NOTIFIED that any use, dissemination, distribution or copying of this communication is strictly prohibited.

If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address above via the appropriate means of post. Thank you.

Sep. 27. 2012 2:44PM
HIM

Western Surg Group 775-739-4135
8/22/2012 11:15:43 PM PAGE

No. 3337
1/002 FAX Server

RENOVN REGIONAL MEDICAL CENTER
1155 MILL STREET
RENO, NV 89302-1578

DEVARANVILLE, DANIEL EUGENE
MRN: 0339622
DOB: 10/4/1934, Sex: M
Adm: 8/5/2012, D.C: 8/5/2012

Encounter Information

Encounter Information

CCMR#	Facility	Adm Date	Discharge Date
8501392300	RENOVN REGIONAL MEDICAL CENTER	Aug 5, 2012	Aug 5, 2012

Transcription

Type	ID#	Date and Time	Author
OP Report	MDC52494	8/5/2012 1:32 PM 4278	Myron J Gomez, M.D.

Authenticated by Myron J Gomez, MD on 08/22/12 at 2513

Document Text

DATE OF OPERATION: 08/05/2012

PREOPERATIVE DIAGNOSIS: Biliary dyskinesia/colic.

POSTOPERATIVE DIAGNOSIS: Biliary dyskinesia/colic.

OPERATION PERFORMED: Laparoscopic cholecystectomy.

SURGEON: Myron J. Gomez, MD.

ASSISTANT:

ANESTHESIOLOGIST: Terry A. Ellis, M.D.

ANESTHESIA: General.

INDICATIONS: Chronic abdominal pain consistent with biliary colic. Abnormally low ejection fraction. Procedure, alternatives, risks, and disability were discussed with the patient in the office. Questions were answered and he wished to proceed.

OPERATION: The abdomen was prepped and draped in sterile fashion. A Veress needle was introduced in the abdomen inflated to 15 mmHg. Mitline live port was inserted without incident. Triangulating ports were then inserted under video assist. Gallbladder was retracted displaying triangle of Calot. Triangle was cleared of soft tissue exposing the cystic duct and cystic artery. Cystic artery was divided using multiple hemoclips. Cystic duct was then divided using multiple hemoclips. The gallbladder was then retracted from the gallbladder fossa using argon beam. There was no active hemorrhage at the conclusion of the procedure. The gallbladder was removed using an



Pt Name Devaranville, Daniel Eugene (MRN: 0339622) Page 1

SEP 27 2012

CCMSI-Reno

Sep. 27. 2012 2:44PM
HIM

Western Surg Group 775-799-4135
8/22/2012 11:15:43 PM PAGE 2/002

No. 3337
Fax Server

RENOVN REGIONAL MEDICAL CENTER
1155 MILL STREET
RENO, NV 89502-1678

DEMARANVILLE, DANIEL EUGENE
MRN: 0339882
DOB: 10/4/1934, Sex: M
Adm: 8/5/2012, D.C: 8/5/2012

Encounter Information (continued)

EndoCatch bag and then the abdomen reinflated. The area of dissection was irrigated. There was no active hemorrhage or bile leak. Ports were removed with video assist. All wounds were irrigated. No active hemorrhage. Skin was closed with staples. Patient tolerated the procedure well and was taken to recovery room in stable condition.

ESTIMATED BLOOD LOSS: Minimal.

SPECIMENS TO PATHOLOGY: Gallbladder.

Myron J. Gomez, M.D.

MJG/MEDO
DD: 08/05/2012 1:32 PM
DT: 08/05/2012 5:35 PM
D#: 1874869 Job#: 524944278
cc: MYRON J. GOMEZ, M.D.

Display only: Transcription (MDQ524944278) on 8/5/2012 1:32 PM by Myron J Gomez, M.D.



Pt. Name: Demaranville, Daniel Eugene (MRN: 0339882) Page
Rec'd: 2d

SEP 27 2012

CCMSI-Reno

Sep 27, 2012 2:44PM
HIM

Western Surg Group 775-789-4195
8/17/2012 1:28:13 AM PAGE 1/002

No. 3937
Fax Server

RENOWN REGIONAL MEDICAL CENTER
1155 MILL STREET
RENO, NV 89502-1576

DEMARANVILLE, DANIEL EUGENE
MRN: 0339822
DOB: 10/4/1934, Sex: M
Adm: 8/5/2012, Dis: 8/5/2012

Encounter Information

Encounter Information

CSN#	Facility	Admit Date	Discharge Date
25013929C0	RENOWN REGIONAL MEDICAL CENTER	Aug 5, 2012	Aug 8, 2012

Transcription

Type	ID	Date and Time	Author
Discharge Summary	MDC52438	8/5/2012 8:04 PM	Myron J Gomez, M.D.

Authenticated by Myron J Gomez, MD on 08/17/12 at 0127
This document replaces document MDC524383899

Document Text

DATE OF ADMISSION: 08/05/2012

DATE OF DISCHARGE: 08/05/2012

ADMITTING DIAGNOSIS: Biliary colic with biliary dyskinesia.

DISCHARGE DIAGNOSES:

1. Biliary colic and biliary dyskinesia.
2. Cardiac arrest with unsuccessful resuscitation.

OPERATIONS AND PROCEDURES: Laparoscopic cholecystectomy.

CONSULTATIONS: Frank Carrea, M.D. - Cardiology.

HISTORY: The patient presented to the office with a long history of abdominal pain. GI workup was consistent with biliary dyskinesia. He was evaluated by Dr. Gray, who referred the patient for cholecystectomy. Following evaluation in the office, the patient was admitted to Renown Regional for laparoscopic cholecystectomy. He underwent the procedure without incident. There was no active hemorrhage at the conclusion of the procedure. In the recovery room, the patient was hypotensive. Several liters of crystalloid were administered. Repeat hematocrit was in the normal range. He remained hypoxemic requiring oxygen. Dr. Frank Carrea, Cardiology, was consulted, and an ICU bed was arranged. Cardiac echo was ordered. Just prior to the cardiac echo, the patient experienced progressive bradycardic episode and then pulseless electrical activity. CPR was initiated. In attendance for the resuscitation was Dr. Frank Carrea and Dr. Terry Ellis, Anesthesia. Resuscitation was not successful.



PLName Demaranville, Daniel Eugene (MRN:0339822) Page
Received

SEP 27 2012

CC:ISI-Reno

Sep. 27. 2012 2:44PM
R17

Renown Surg Group 775-789-4196
09/27/2012 1:20:13 AM PAGE 2/002

Vo. 3697
FAX Server

RENOWN REGIONAL MEDICAL CENTER
1135 MILL STREET
RENO, NV 89502-1678

DEMARAMILLA, DANIEL EUGENE
MRN: 0339682
DOB: 10/4/1934, Sex: M
Adm: 8/5/2012, DC: 8/5/2012

Encounter Information (continued)

The patient's wife was counseled postoperatively. An autopsy was declined by the patient's wife. The order was written in the medical record.

Myron J. Gomez, M.D.

MJG:MEDQ
DD: 08/05/2012 8:04 PM
DT: 08/05/2012 9:03 PM
DN: 1874953 Job#: 524963899
cc: MYRON J. GOMEZ, M.D.

Display only: Transcription (MDC524963899-1) on 8/5/2012 8:04 PM by Myron J Gomez, M.D.

Document history: Transcription (MDC524963899-1) on 8/5/2012 8:04 PM by Myron J Gomez, M.D.



Pt Name: Demaramilla, Daniel Eugene (MRN: 0339682) Page 2

Received

SEP 27 2012

CCMSI-Reno

Demarville, Daniel Eugene #0339682
 Admission Info: Inpatient (Adm: 08/03/12)
 Billing Number: 2448917

Description: Deceased Id
 Primary SURGICAL
 Service:
 Unit/Inb: RST3

Patient Information

Patient Name: Demarville, Daniel Eugene
 Sex: Male

Admission Information

Attending Provider	Admitting Provider Myron J Gomez, M.D.	Admission Type Elective	Admission Date/Time 08/05/12 0918
Discharge Date 08/05/12	Hospital Service SURGICAL	Auth/Cert Status Incomplete	Service Area RENOWN HEALTH
Unit SRG PACU TAHOE	Room/Bed IPACUPOOLNONE	Admission Status Discharged (Confirmed)	

Allergies as of 8/5/2012

Date Reviewed: 8/8/2012

Codeine	Noted	Reactions
Percocet 5	8/5/2012	Hives (2)
	8/2/2012	Swelling (1)

Discharge Summary

D/C Summaries authenticated by Myron J Gomez, M.D. at 08/17/12 0127

Author: Myron J Gomez, M.D.	Service: (none)	Author Type: Physician
Filed: 08/17/12 0127	Note: 08/05/12 2004	Trans ID: M00524963898
Time:		

Trans Available
 Status:

DATE OF ADMISSION: 08/05/2012

DATE OF DISCHARGE: 08/05/2012

ADMITTING DIAGNOSIS: Biliary colic with biliary dyskinesia.

DISCHARGE DIAGNOSES:

1. Biliary colic and biliary dyskinesia.
2. Cardiac arrest with unsuccessful resuscitation.

OPERATIONS AND PROCEDURES: Laparoscopic cholecystectomy.

CONSULTATIONS: Frank Carrea, M.D. - Cardiology

HISTORY: The patient presented to the office with a long history of abdominal pain. GI workup was consistent with biliary dyskinesia. He was evaluated by Dr. Gray, who referred the patient for cholecystectomy. Following evaluation in the office, the patient was admitted to Renown Regional for laparoscopic cholecystectomy. He underwent the procedure without incident. There was no active hemorrhage at the conclusion of the procedure. In the recovery room, the patient was hypotensive. Several liters of crystalloid were administered. Repeat hematocrit was in the normal range. He remained hypoxemic requiring oxygen. Dr. Frank Carrea, Cardiology, was consulted, and an ICU bed was arranged. Cardiac echo was ordered. Just prior to the cardiac echo, the patient experienced progressive bradycardic episode and then pulseless electrical activity. CPR was initiated. In attendance for the resuscitation was Dr. Frank Carrea and Dr. Terry Ellis, Anesthesia. Resuscitation was not successful. The patient's wife was counseled postoperatively. An autopsy was

Received

MAR 04 2013

CCMSIReno

declined by the patient's wife. The order was written in the medical record.

Myron J. Gomez, M.D.

MYGMECO
DD: 08/05/2012 8 04 PM
DT: 08/05/2012 9 03 PM
C#: 1874953 Job#: 524983399
cc: MYRON J. GOMEZ, M.D.

Consult Notes

Consults authenticated by Frank P Carrea, M.D. at 03/06/12 2121

Author:	Frank P Carrea, M.D.	Service:	(none)	Autho Type:	Physician
Filed:	03/06/12 2121	Note:	03/06/12 1933	TransID:	4DC024962976
Trans Status:	Available	Time:			

REFERRING PHYSICIAN: MYRON J. GOMEZ, M.D.

REASON FOR CONSULTATION: Postoperative hypotension.

HISTORY OF THE PRESENT ILLNESS: History is very fleeting since I came upon the patient when he was being intubated. In short, the patient is a 77-year-old gentleman without a known previous history of heart disease who underwent cholecystectomy earlier today. He was known to have a baseline right bundle branch block and at least secondhand was not reported to have had any symptoms prior to presenting to the hospital.

MEDICATIONS: Prior to admission were Zantac, Celexa, Cardura, Toprol XL 25 mg a day, Viagra 100 mg as needed, Levsin, Prilosec 20 mg a day, aspirin 81 mg a day.

ALLERGIES: Penicillin and codeine.

SOCIAL HISTORY: Unobtainable.

FAMILY HISTORY: Unobtainable.

PAST SURGICAL HISTORY: Unobtainable.

REVIEW OF SYSTEMS: Unobtainable.

PHYSICAL EXAMINATION:

VITAL SIGNS: At the time of my arrival the patient was being intubated with CPR being performed. Blood pressure was zero, heart rate was 50 with a wide complex escape rhythm.

GENERAL: Patient is cyanotic. He is in the process of being intubated.

LUNGS: Diffuse rhonchi

CARDIAC: Exam is unobtainable.

ABDOMEN: Exam demonstrates a distended abdomen.

EXTREMITIES: Trace edema.

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MAR 04 2013

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IMPRESSION: Again, upon my arrival patient had CPR being performed and had just been defibrillated. I recommended aggressive doses of epinephrine, atropine, and after the code was performed for a period of time, sodium bicarbonate. The echo machine had been called during the resuscitation event after several rounds of vasoactive medications. A brief echo was done which demonstrated no left ventricular wall motion and only minimal movement of the tricuspid valve. At that point I felt that continued resuscitation efforts were probably not in the patient's best interest and would be accompanied by poor outcome so myself along with the anesthesiologist decided that we should terminate the code.

DIAGNOSES:

1. Postoperative hypotension and shock, possible cardiac etiology.
2. History of cholecystectomy.

Frank P. Carrea, M.D.

FPC/MEDQ
DD: 08/05/2012 7:33 PM
DT: 08/05/2012 8:11 PM
D#: 1874949 Job#: 524982878
cc: FRANK P. CARREA, M.D.
GOMEZ
SIERRA NEVADA CARDIOLOGY ASSOCIATES

Operative Report

OR Surgeon authorized by Myron J Gomez, M.D. at 08/22/12 2313

Author:	Myron J Gomez, M.D.	Service:	(none)	Author Type:	Physician
Filed:	08/22/12 2313	Note	08/05/12 1332	TransID:	MDC924944278
		Time:			

Trans Available
Status

DATE OF OPERATION: 08/05/2012

PREOPERATIVE DIAGNOSIS: Biliary dyskinesia/colic

POSTOPERATIVE DIAGNOSIS: Biliary dyskinesia/colic.

OPERATION PERFORMED: Laparoscopic cholecystectomy.

SURGEON: Myron J. Gomez, MD.

ASSISTANT:

ANESTHESIOLOGIST: Terry A. Ellis, M.D.

ANESTHESIA: General

INDICATIONS: Chronic abdominal pain consistent with biliary colic. Abnormal y low ejection fraction. Procedure, alternatives, risks, and disability were discussed with the patient in the office. Questions were answered and he wished to proceed.

OPERATION: The abdomen was prepped and draped in sterile fashion. A Veress needle was introduced in the abdomen inflated to 15 mmHg. Midline five port was inserted without incident. Triangulating ports were then inserted under video assist. Gall bladder was retracted displaying triangle of Calot. Triangle was cleared of soft tissue exposing the cystic duct and cystic artery. Cystic artery was divided

Received

MAR 03 2013

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using multiple hemoclips. Cystic duct was then divided using multiple hemoclips. The gallbladder was then retracted from the gallbladder fossa using argon beam. There was no active hemorrhage at the conclusion of the procedure. The gallbladder was removed using an EndoCatch bag and then the abdomen re inflated. The area of dissection was irrigated. There was no active hemorrhage or bile leak. Ports were removed with video assist. All wounds were irrigated. No active hemorrhage. Skin was closed with staples. Patient tolerated the procedure well and was taken to recovery room in stable condition.

ESTIMATED BLOOD LOSS: Minimal.

SPECIMENS TO PATHOLOGY: Gallbladder.

Myron J. Gomez, M.D.

MJG/MEDQ
 DD: 08/05/2012 1:32 PM
 DT: 08/05/2012 5:35 PM
 DX: 1874869 Job#: 524944778
 CC: MYRON J GOMEZ, M D

All Lab Results

CBC WITH DIFFERENTIAL (56237059)

Resulted 08/02/12 1829, Result Status: Final result

Ordering Provider	Myron J Gomez, M D.	08/02/12 1509	Order Status:	Completed		
Specimen:	Blood	08/02/12 1525				
Narrative:	Indicate which anticoagulants the patient is on: >NONE					
Component	Value	Ref Range	Flag	Comment		Lab
WBC	9.2	4.8 - 10.8 K/uL	-	-		M
RBC	4.58	4.70 - 6.10 M/uL	L	-		M
Hemoglobin	14.2	14.0 - 18.0 g/dL	-	-		M
Hematocrit	44.2	42.0 - 52.0 %	-	-		M
MCV	98.8	79.0 - 98.0 fL	H	-		M
MCH	33.2	27.0 - 33.0 pg	H	-		M
MCHC	33.7	30.0 - 35.0 g/dL	-	-		M
RDW	11.5	12.0 - 16.2 %	-	-		M
Platelet Count	195	164 - 448 K/uL	-	-		M
MPV	7.8	8.7 - 10.4 fL	-	-		M
Neutrophils-Polys	73.5	44.0 - 72.0 %	H	-		M
Lymphocytes	17.3	22.0 - 41.0 %	L	-		M
Monocytes	7.5	1.0 - 9.0 %	-	-		M
Eosinophils	1.6	1.0 - 6.0 %	-	-		M
Basophils	0.2	0.0 - 2.0 %	-	-		M
Neutrophils (Absolute)	8.7	1.3 - 7.7 K/uL	-	-	includes immature neutrophils if present	M
Lymphs (Absolute)	1.6	1.0 - 4.3 K/uL	-	-		M

RBC MORPHOLOGY (84210850)

Resulted 08/02/12 1829, Result Status: Final result

Ordering Provider	Myron J Gomez, M D.	08/02/12 1509	Order Status:	Completed		
Specimen:	Blood	08/02/12 1525				
Narrative:	Indicate which anticoagulants the patient is on: >NONE					
Component	Value	Ref Range	Flag	Comment		Lab
RBC Morphology	Normal		-	-		M

CCMP METABOLIC PANEL (56237061)

Resulted 08/02/12 1847, Result Status: Final result

Ordering Provider	Myron J Gomez, M D.	08/02/12 1509	Order Status:	Completed	Referred
Specimen:	Blood	08/02/12 1525			

MAR 04 2013

CCiSiRenc

Narrative: Indicate which anticoagulants the patient is on-->NCNE

Component	Value	Ref Range	Flag	Comment	Lab
Sodium	138	135 - 145	-	-	M
Potassium	3.7	3.6 - 6.5 mmol/L	-	-	M
Chloride	100	98 - 112 mmol/L	-	-	M
CO2	24	23 - 33 mmol/L	-	-	M
Anion Gap	12.1	0.0 - 11.9	H	-	M
Glucose	120	65 - 99 mg/dL	H	-	M
Bun	15	8 - 22 mg/dL	-	-	M
Creatinine	1.64	0.50 - 1.40	H	-	M
Calcium	9.4	8.4 - 10.2 mg/dL	-	-	M
AST(SGOT)	32	12 - 46 U/L	-	-	M
ALT(SGPT)	21	2 - 50 U/L	-	-	M
Alkaline	38	30 - 99 U/L	-	-	M
Phosphatase					
Total Bilirubin	0.8	0.1 - 1.5 mg/dL	-	-	M
Albumin	3.8	3.2 - 4.9 g/dL	-	-	M
Total Protein	8.5	6.0 - 8.2 g/dL	-	-	M
Globulin	2.7	1.9 - 3.5 g/dL	-	-	M
A-G Ratio	1.4	g/dL	-	-	M

ESTIMATED GFR (60241476)

Result: 08/02/12 16:47, Result Status: Final result

Ordering Provider: Myron J Gomez, M.D. 08/02/12 15:09
 Order Status: Completed
 Specimen: 08/02/12 15:25
 Narrative: Indicate which anticoagulants the patient is on-->NCNE

Component	Value	Ref Range	Flag	Comment	Lab
GFR if African American	53	mL/min/1.73 m ²	A	-	M
GFR if Non African American	44	mL/min/1.73 m ²	A	The estimated glomerular filtration rate is derived from the IDMS-traceable MDRD Study. This equation has been validated on Caucasian and African Americans 18 years and older. -- eGFR < 60 mL/min/1.73 m ² for >=3 months defines CKD -- Stages of Chronic Kidney Disease: Stage Description GFR(mL/min/1.73 m ²) 1 Kidney damage with normal GFR >=90 2 Kidney damage with mild decrease GFR 60-89 3 Moderate decreased GFR 30-59 4 Severe decrease GFR 15-29 5 Kidney failure <15 For additional info go to www.ntdopa.h.gov or www.kdoqi.org	M

APTT (38237059)

Result: 08/02/12 17:12, Result Status: Final result

Ordering Provider: Myron J Gomez, M.D. 08/02/12 15:09
 Order Status: Completed
 Specimen: Blood 08/02/12 15:25
 Narrative: Indicate which anticoagulants the patient is on-->NCNE

Component	Value	Ref Range	Flag	Comment	Lab
APTT	32.9	24.7 - 38.0 sec	-	Please note new reference range 01/04/2012 Therapeutic Heparin Range: 63-36 seconds	M

PROTHROMBIN TIME (59237080)

Result: 08/02/12 17:12, Result Status: Final result

Ordering Provider: Myron J Gomez, M.D. 08/02/12 15:09
 Order Status: Completed
 Specimen: Blood 08/02/12 15:25

Received

MAR 04 2013

CCMS-Renc

D:\info\lab\ENVI\BIT\IE\11100017611... 7/24/2013 1:24:52 PM

Narrative: Indicates which anticoagulants the patient is on: ->NONE

Component	Value	Ref Range	Flag	Comment	Lab
PT	15.0	12.0 - 14.8 sec	H	-	M
INR	1.17	0.87 - 1.13	H	INR - Non-therapeutic Reference Range: 0.87-1.13 INR - Therapeutic Reference Range: 2.0-4.0	M

CDC WITHOUT DIFFERENTIAL (86344907)

Resulted: 08/05/12 1343, Result Status: Final result

Ordering: Myron J Gomez, M.D. 08/05/12 1545
 Provider:
 Specimen: 08/05/12 1535
 Order Status: Completed

Component	Value	Ref Range	Flag	Comment	Lab
WBC	12.0	4.8 - 10.8 K/uL	H	-	M
RBC	4.53	4.70 - 6.10 M/uL	L	-	M
Hemoglobin	15.0	14.0 - 18.0 g/dL	-	-	M
Hematocrit	45.1	42.0 - 52.0 %	-	-	M
MCV	99.8	79.0 - 98.0 fL	H	-	M
MCH	33.1	27.0 - 33.0 pg	H	-	M
MCHC	33.2	30.0 - 35.0 g/dL	-	-	M
RDW	13.8	12.0 - 18.2 %	-	-	M
Platelet Count	172	154 - 418 K/uL	-	-	M
MPV	7.4	8.7 - 10.4 fL	-	-	M

TROPONIN (86344909)

Resulted: 08/05/12 1811, Result Status: Final result

Ordering: Myron J Gomez, M.D. 08/05/12 1546
 Provider:
 Specimen: 08/05/12 1535
 Order Status: Completed

Component	Value	Ref Range	Flag	Comment	Lab
Troponin I	0.32	0.00 - 0.04 ng/mL	H	The Ultra Troponin I is a highly sensitive assay. Effective 4-1-2011, the reference range for positive Troponin has been changed. This change follows the recommendation of the American College of Cardiology (ACC) committee in conjunction with the 99th percentile reference population. Normal ultra TNI: 0.00-0.04 ng/mL. Clinical Correlation Indicated: 0.05 - 0.73 ng/mL. Suggestive of MI: >0.78 ng/mL.	M

PATHOLOGY SPECIMEN (86346014)

Resulted: 08/07/12 1753, Result Status: Final result

Ordering: Myron J Gomez, M.D. 08/06/12 0921
 Provider:
 Specimen: 08/05/12 0000
 Narrative: Copies to:
 Order Status: Completed

FINAL DIAGNOSIS:

A. Gallbladder
 Benign gallbladder showing no significant histologic abnormality.

Diagnosis performed by:
 JOHN MCCNELL, MD

CODES:
 3502x1

PREOPERATIVE DIAGNOSIS:
 Cholecystitis

POSTOPERATIVE DIAGNOSIS:

Received

MAR 04 2013

CCMIS-Reno

Cholecystitis.

SPECIMEN(S)
A Gallbladder

GROSS DESCRIPTION:
A Received in formalin labeled with the patient's name and medical record number and designated "DD, gallbladder" is a gallbladder sac measuring approximately 9.5 x 3 cm. The wall of the gallbladder is about 0.1 cm in thickness. The serosal surface is relatively smooth. Sectioning reveals the presence of thick green mucoid fluid. The mucosal surface is finely granular and locally greenish-tan. There is no gross suggestion of tumor. No stones are identified in the lumen or specimen container. Representative sections are submitted in a single cassette labeled 6471.
SEV/lrw

MICROSCOPIC DESCRIPTION:
Microscopic examination was performed. Please see diagnosis.

B

Testing Performed By

Lab- Abbreviation	Name	Director	Address	Valid Date Range
40 -M	RENOVN REGIONAL MEDICAL CENTER	Dr. Polosaari	1155 Mill Street Reno NV 89502	11/30/07 0756 - Present

Received
MAR 04 2013
CCMIS-Reno

Printed by: EN71 BILLIE (110001761) on 3/26/2013 2:21:53 PM



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA ATTORNEY FOR INJURED WORKERS
1000 E. William Street, Suite 208
Carson City, Nevada 89701
(775) 684-7555 • Fax (775) 684-7575

October 3, 2014

FRANK CARREA MD
SIERRA NEVADA CARDIOLOGY ASSOC
75 PRINGLE WAY STE 401
RENO NV 89502

Re: DANIEL DEMARANVILLE

Dear Dr. Carrea:

I have been appointed to represent Laura DeMaranville in her efforts to obtain workers' compensation benefits arising from the death of her husband, Daniel DeMaranville. Mr. DeMaranville died August 5, 2012, in the recovery room at Renown Regional Medical Center shortly after laparoscopic cholecystectomy by Dr. Gomez. Dr. Gomez determined his patient died of cardiac arrest as a result of atherosclerotic heart disease. The records I have received from Renown show you were in attendance at the time of Mr. DeMaranville's death. The purpose of this letter is to obtain your records, if you have any, regarding Mr. DeMaranville. Also, I am inquiring whether you would, if provided with a complete medical record for Mr. DeMaranville, give an opinion on the cause of death.

Mr. DeMaranville was, for many years, a Reno Police Department Detective. As a law enforcement officer, heart disease is a compensable workers' compensation injury and his widow would be entitled to benefits if reliable evidence can show Mr. DeMaranville died of heart disease. The insurer for Reno Police Department is denying Mrs. DeMaranville's claim by refuting the contention that death was caused by heart disease.

If you would, please review the Renown records I am providing with this letter and determine whether you have any records on Mr. DeMaranville besides these records. I am also enclosing a medical release signed by Laura DeMaranville authorizing the disclosure. We will promptly reimburse you for copying any records you provide.

Website: <http://www.naiw.nv.gov>
E-mail: naiw@naiw.nv.gov

FRANK CARREA MD
October 3, 2014
Page 2

Also, please advise whether, if presented with a complete medical record on Mr. DeMaranville, you could provide a written opinion for Mrs. DeMaranville to present at hearing on the issue of her husband's heart disease. Upon your instructions I will promptly provide you with what I believe is the complete medical record for your review and opinion.

Thank you in advance for your assistance and prompt response.

Sincerely,

NEVADA ATTORNEY FOR INJURED WORKERS



Evan Beavers, Esq.

EBB/nls
Encl. Medical authorization
cc: Laura Demaranville

 Saint Mary's
Medical Group

Frank Carrea, MD
St Mary's Cardiology
Suite 465
645 North Arlington St
Reno, NV 89503

Re: Daniel Demaranville
DOB: 10/4/34
Appeal #: 44957-LLW

Sirs:

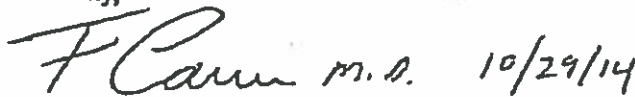
I am writing to you in regards to the above named patient about the events of August 5, 2012.

On that date, Mr Demaranville arrested and expired in the recovery area at Renown Regional Medical Center following laparoscopic cholecystectomy. I was briefly in attendance after resuscitation attempts had been started on Mr Demaranville. I have no knowledge of other medical records or information regarding the patient.

As mentioned in my consultation from that date, full resuscitation attempts were ongoing when I was requested to evaluate the patient. I had not met or consulted with Mr Demanville prior to the attempted resuscitation. There was no report from the anesthesiologist (or surgeon) in attendance at the time of the operation of prior cardiac issues. There were no mentions of intraoperative problems that would have suggested active cardiac issues (ie. acute EKG abnormalities during anesthesia, arrhythmias or intraoperative major issues with BP).

The echo findings at the time of his attempted resuscitation of an akinetic left ventricle are consistent with a cardiac etiology for his death. This could possibly arise from a perioperative cardiac event. But, an akinetic left ventricle is the end result of many perioperative complications and unsuccessful resuscitations that result in death. Although I think it is likely that he had occult cardiac issues that became relevent and ultimately lethal during his cholecystectomy, with the current information at hand, I don't think it is possible to state with conviction or certainty that his death resulted from a cardiac event.

Sincerely,

 10/29/14

Frank Carrea, MD FACC

Saint Mary's Cardiology
645 N. Arlington Ave., Ste. 440 | Reno, Nevada 89503

www.saintmarysreno.com

P. 003/003

FAX No. 7757703200

OCT/30/2014/THU 01:05 PM CARDIOLOGY

JA 0610

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102

(775) 684-7555

(702) 486-2830

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCF 5(b), I certify that I am an employee
3 of the State of Nevada, Nevada Attorney for Injured Workers, and
4 that on this date I deposited for mailing at Carson City, Nevada,
5 a true and correct copy of the within and foregoing CLAIMANT'S
6 EXHIBIT addressed to:

7 LAURA DEMARANVILLE
8 PO BOX 261
9 VERDI NV 89439

10 TIMOTHY E ROWE ESQ
11 MCDONALD CARANO WILSON
12 100 W LIBERTY ST 10TH FL
13 PO BOX 2670
14 RENO NV 89505-2670

15 CCMSI
16 PO BOX 20068
17 RENO NV 89515-0068

18 MARK S SERTIC ESQ
19 SERTIC LAW LTD
20 5975 HOME GARDENS DR
21 RENO NV 89502

22 DATED: November 18, 2014

23 SIGNED: Tancy L. Sherwood

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NEVADA DEPARTMENT OF ADMINISTRATION
BEFORE THE APPEALS OFFICER

1050 E. WILLIAM, SUITE 450
CARSON CITY, NV 89701

FILED

JAN 22 2015

DEPT. OF ADMINISTRATION
APPEALS OFFICER

In the Matter of the Contested
Industrial Insurance Claim of:

DANIEL DEMARANVILLE,
DECEASED,

Claimant.

} Claim No: 12853C301824
1990204572

} Hearing No: 46538-SA
45822-KD
44686-SA

} Appeal No: 46812-LLW
46479-LLW
44957-LLW


ORDER

This matter was submitted for decision following the hearing on
January 7, 2015.

After careful consideration, the Appeals Officer has determined that
she needs further Points and Authorities and Argument regarding which insurer is
liable for the claim.

The parties shall provide simultaneous briefs regarding the above issue
on February 16, 2015, at which time this matter will be resubmitted for decision.

IT IS SO ORDERED.



LORNA L WARD
APPEALS OFFICER

1 CERTIFICATE OF MAILING

2 The undersigned, an employee of the State of Nevada, Department of
3 Administration, Hearings Division, does hereby certify that on the date shown
4 below, a true and correct copy of the foregoing ORDER was duly mailed, postage
5 prepaid OR placed in the appropriate addressee runner file at the Department of
6 Administration, Hearings Division, 1050 E. Williams Street, Carson City, Nevada,
to the following:

7 DANIEL DEMARANVILLE, DECEASED
8 C/O LAURA DEMARANVILLE
9 PO BOX 261
VERDI, NV 89439

10 EVAN BEAVERS, ESQ
11 1000 E WILLIAM #208
CARSON CITY NV 89701

12 CITY OF RENO
13 ATTN CARA BOWLING
14 PO BOX 1900
RENO, NV 89505

15 TIMOTHY ROWE, ESQ
16 PO BOX 2670
RENO NV 89505

17 EMPLOYERS INSURANCE COMP OF NV
18 PO BOX 539004
19 HENDERSON, NV 89053

20 MARK SERTIC, ESQ
21 5975 HOME GARDENS DRIVE
RENO NV 89502

22 Dated this 22nd day of January, 2015.

23 
24 _____
25 Kristi Fraser, Legal Secretary II
26 Employee of the State of Nevada
27
28

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NEVADA DEPARTMENT OF ADMINISTRATION

FILED

FEB 17 2015

BEFORE THE APPEALS OFFICER

DEPT. OF ADMINISTRATION
APPEALS OFFICER

* * * * *

In the Matter of the Contested
Industrial Insurance Claim

Claim No: 12853C301824
1990204572

of

Hearing No: 46538-SA
45822-KD
44686-SA

DANIEL DEMARANVILLE (Deceased)
c/o Laura DeMaranville

Appeal No: 46812-LLW
46479-LLW
44957-LLW

Claimant.

**CITY OF RENO'S POINTS AND AUTHORITIES/ARGUMENT
ON INSURER LIABILITY**

Pursuant to the Appeals Officer's January 22, 2015 Order directing the parties to file simultaneous Points and Authorities/Argument on which Insurer would be liable for a compensable claim, the City of Reno respectfully submits the following Points and Authorities/Argument:

I. THE CITY OF RENO'S POSITION:

The City contends it cannot be the responsible Insurer on this claim because the Claimant was never employed with the City at a time during which it was self-insured. Thus, the presumption criteria set forth in NRS 617.457 have not been satisfied with respect to the City during the period of time it has been self-insured such that the NRS 617.457 presumption would apply to the City.

The Applicable Timeline:

<u>DATE</u>	<u>EVENT</u>	<u>INSURER</u>
08/06/1969	Date of Hire	City of Reno (CR) (EICON)
01/15/1990	Date of Retirement	CR (EICON)
01/16/1990 to ?	Post retirement employment with the US Marshall	?
07/01/2002	City of Reno becomes self-insured	City of Reno (Self)
08/05/2012	Laparoscopic Cholecystectomy (nonindustrial)	City of Reno (Self)
08/05/2012	Date of Death	City of Reno (Self)

MCDONALD-CARANO-WILSON
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
PO BOX 2670 • RENO, NEVADA 89403-2670
PHONE 775-786-3000 • FAX 775-786-3000

1 **II. ARGUMENT:**

2 EICON v. Daniels, 122 Nev 1009, 145 P.3d 1024 (2006) sets forth the applicable law in
3 cases involving successive employer's where the conclusive presumption of NRS 617.457 might
4 apply:

5 "Similarly, in cases like this one, involving a conclusive presumption that can apply to
6 any one of successive employer's, the Last Injurious Exposure rule is the most efficient
7 and reasonable way to establish employer liability. Since a causal relationship between
8 firefighting and heart disease is conclusively presumed if the firefighter's presumption
9 criteria are met, the employer closest in temporal proximity to the disabling event, and to
10 whom the presumption applies, bears the burden of paying disability compensation."
11 (122 Nev 1009 at 1017.)

12 The Last Injurious Exposure rule (LIER) would also apply to situations involving
13 successive carriers where there has been a change of carriers during a single employment. See
14 Larson's, Workers Compensation Law, Chapter 153, Section 153.01, Section 153.02.

15 **1. Daniels and the LIER do not apply to this case.**

16 This is not a successive employer/carrier case. The Claimant was employed by the City
17 from 1969 to 1990. At the time of his retirement on June 15, 1990, the city was insured by
18 EICON. The City did not become self-insured until 2002. The Claimant was not employed at
19 any time during which the City has been self-insured. The only employment under which the
20 Claimant would have qualified for the NRS 617.457 presumption was his employment with the
21 City prior to January 15, 1990 during which time the City was last insured by EICON.

22 Daniels makes it clear the LIER would only apply in successive employer/insurer's cases
23 where the criteria necessary to invoke the NRS 617.457 presumption have been met. That is not
24 the case as between the EICON insured City and the self-insured City because the Claimant was
25 never employed by the self-insured City. The only qualifying employment in this case ended
26 long before the City ever became self-insured when the City was insured by EICON. Thus, the
27 last qualifying employment in closest proximity to any disabling event was the EICON insured
28 employment.

///

///

 **MCDONALD-CARANO-WILSON**
100 WEST LIBERTY STREET, 10TH FLOOR - RENO, NEVADA 89501
P.O. BOX 2670 - RENO, NEVADA 89505-2670
PHONE 775-786-3100 • FAX 775-786-3020

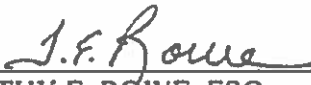
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III. CONCLUSION:

1. The City of Reno's determination denying the claim for death benefits should be upheld because the Claimant was never employed with the City while it was self-insured.
2. Assuming the Appeals Officer has concluded this claim is compensable, responsibility for the claim should fall on EICON, the entity ensuring the City at the time of the Claimant's last employment qualifying for the NRS 617.457 presumption.

DATED this 17th day of February, 2015.

MCDONALD CARANO WILSON LLP

By 
TIMOTHY E. ROWE, ESQ.
P. O. Box 2670
Reno, Nevada 89505-2670
Attorneys for the Employer

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD CARANO WILSON LLP, and that on the 17th day of February, 2015, I served the within *CITY OF RENO'S POINTS AND AUTHORITIES/ARGUMENT ON INSURER LIABILITY* by sending a true and correct copy in a sealed envelope via Reno Carson Messenger Service to the following parties:

Evan Beavers, Esq.
Nevada Attorney for Injured Workers
1000 E. William St., #208
Carson City, NV 89701

Mark S. Sertic, Esq.
Sertic Law Ltd.
5975 Home Gardens Dr.
Reno, NV 89502

The following parties were served copies via the United States Postal Service:

CCMSI
Attn: Lisa Jones
P.O. Box 20068
Reno, NV 89515-0068


Elizabeth Helms

413454

McDONALD-CARANO-WILSON:
100 WEST LIBERTY STREET, 10th FLOOR - RENO, NEVADA 89501
P.O. BOX 2670 - RENO, NEVADA 89505-2670
PHONE 775-786-2100 • FAX 775-786-2110

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NEVADA DEPARTMENT OF ADMINISTRATION
BEFORE THE APPEALS OFFICER

FILED

FEB 17 2015

DEPT. OF ADMINISTRATION
APPEALS OFFICER

In the matter of the Industrial
Insurance Claim

of

Daniel Demaranville, Deceased,

Claimant.

Claim No.: 1990204572
12853C301824

Hearing No.: 45822-KD
45538-SA
44686-SA

Appeal No.: 44957-LLW
46479-LLW
46812-LLW

POINTS AND AUTHORITIES OF EMPLOYERS INSURANCE COMPANY OF NEVADA

Employers Insurance Company of Nevada, ("EICON"), hereby files its Points and Authorities pursuant to the Order of the Appeals Officer dated January 22, 2015.

The Appeals Officer has requested supplemental argument regarding which insurer would be liable assuming there is a valid claim. While the credible substantial evidence establishes that the deceased Claimant¹ did not suffer from heart disease and did not die as a result of heart disease, for purposes of this exercise it is necessary to assume that the Claimant's position is correct: i.e. that the Claimant suffered from hidden heart disease that first manifested itself and resulted in the Claimant's death on August 5, 2012 shortly after having gall-bladder surgery. EICON therefore accepts this assumption for purposes of this discussion without waiving any of its rights.

It is undisputed that EICON did insure the City of Reno,

1. Although the claim was filed and maintained by the Claimant's widow, for convenience all references herein will be to "the Claimant".

1 ("City"), at the time of the Claimant's retirement in 1990. It is
2 also undisputed that the City became self-insured as of 1992. The
3 parties also do not dispute the fact that if the requirements of a
4 valid claim are met, the fact that the Claimant was retired does
5 not affect his entitlement to benefits. See, Gallagher v. City of
Las Vegas, 114 Nev. 595, 959 P.2d 519 (1998).

6 The answer to the question of which insurer would be liable
7 for the claim is actually quite simple: there was but one disabling
8 incident which resulted in one claim that occurred in 2012. The
9 City was the responsible insurer at that time and is liable for the
claim. This result is mandated by both statutory and case law.

10 While there is no specific definition of "claim" in NRS
11 Chapter 617, a review of the statutes and case law show that a
12 claim for an occupational disease does not arise until the claimant
13 both acquires the occupational disease and is disabled as a result
14 of it. In this case that occurred in 2012 when the City was self-
insured.

15 NRS 617.344(1) provides in part: "an employee who has incurred
16 an occupational disease, or a person acting on behalf of the
17 employee, shall file a claim for compensation with the insurer
18 within 90 days after the employee has knowledge of the disability
19 and its relationship to his or her employment" (Emphasis added).²

20 NRS 617.060 defines "disablement" as: "the event of becoming
21 physically incapacitated by reason of an occupational disease"

22 NRS 617.430 provides: "Every employee who is disabled or dies
23 because of an occupational disease. . ." is entitled to
compensation.

24 In the present case the Claimant was not disabled, and
25 therefore no claim for compensation arose, until August 2012 when
26 the City was self-insured. That the conclusive presumption set
27 forth in NRS 617.457, (that the Claimant's heart disease arose out

28 2. Subsection 2 of that statute expands the time for filing a claim for
compensation to one year from the date of the death of an employee.

1 of and in the course of his employment), attached at the end of his
2 first five years of employment which would have been when the City
3 was insured by EICON, is not determinative since a valid claim does
4 not exist until there is an occupational disease and a disablement.
Case law makes this clear.

5 In Mirage Casino-Hotel v. Nevada Dept. of Administration, 110
6 Nev. 257, 871 P.2d 317 (1994) the Nevada Supreme Court held that
7 the provisions of NRS Chapter 617 provide "sufficient guidance for
8 determining the date of eligibility for such benefits," which it
9 went on to show is the date the claimant becomes disabled and not
10 when the claimant first contracts the occupational disease. 871
P.2d at 319.

11 The case of Manwill v. Clark County, 123 Nev. 28, 162 P.3d 876
12 (2007) is quite instructive. In that case a firefighter suffered
13 from a congenital heart condition which was first diagnosed before
14 he completed five years of employment. Subsequently, after the five
15 year period had run, he filed a claim. The claim was denied. In
16 remanding the matter, the Nevada Supreme Court held that a claimant
17 seeking benefits under NRS 617.457 must show two things: (1) heart
18 disease; and, (2) five years' qualifying employment before
19 disablement.³ 162 P.3d at 879. Again, in the present case both of
those conditions were not satisfied until 2012.

20 The Court also held, quoting the Daniels case discussed more
fully below, that:

21 [T]o receive occupational disease compensation, a
22 firefighter must be disabled by the heart disease: "[a]n
23 employee is not entitled to compensation 'from the mere
24 contraction of an occupational disease. Instead,
25 compensation . . . flows from a disablement resulting
from such a disease.'" [Citations omitted]. 162 P.3d at
880.

26 Thus, the Claimant in the present case was not entitled to
27 compensation merely from his five years of employment which

28 3. The Court remanded the matter for a determination as to whether, and if so
when, the claimant was disabled.

1 triggered the presumption of NRS 617.457; rather, his entitlement
2 to benefits, and the corresponding liability of the insurer, did
3 not arise until 2012 when he was disabled. There could be no claim
4 until that date. The responsible insurer at that time was the City
under its self-insurance program.

5 Howard v. City of Las Vegas, 121 Nev. 691, 120 P.3d 410 (2005)
6 is in accord. In that case a firefighter suffered a heart attack
7 eight years after he retired. The Court held:

8 Here, Howard's heart disease first manifested itself
9 in the form of a heart attack eight years after he
retired from his employment as a firefighter. While
10 under NRS 617.457(1)'s presumption, Howard's heart
attack was an occupational disease arising out of
11 and in the course of his employment entitling him to
occupational disease benefits, the date of
12 disability under *Mirage* is the date of the heart
attack. 120 P.3d at 412.

13
14 The case of Employers Insurance Company of Nevada v. Daniels,
122 Nev. 1009, 145 P.3d 1024 (2006) is not directly on point since
15 it involves the application of the last injurious exposure rule
16 between two different employers involving two different
17 manifestations of heart disease. In the present case there is but
18 one employer and, more importantly, only one manifestation of heart
19 disease. Nevertheless, that case is helpful in resolving the
question posed by the Appeals Officer.

20
21 In Daniels, the Appeals Officer assigned liability to the
claimant's first employer based upon his first manifestation of
22 heart disease. However, Daniels did not suffer a disablement at
23 that time but only became disabled while working for the second
24 employer at the time of his second manifestation of heart disease.
25 In reversing, the Supreme Court described the issue as:


26 Which of Daniels' two firefighting employers bears
27 responsibility for his disability necessarily turns on
the date that he became disabled. 145 P.3d at 1027.

28 The Court found that while Daniels may have manifested a heart

1 condition while the first employer was still responsible for his
2 condition, he suffered no disablement at that time and was not
3 disabled until during his employment with the second employer when
4 he suffered a heart attack. The Court therefore held that liability
5 could not attach to the first employer. As set forth above, the
6 Court held "An employee is not entitled to compensation from the
7 mere contraction of an occupational disease. Instead, compensation
8 ... flows from a disablement resulting from such a disease." 4
9 [Citations and internal quotations omitted]. Similarly, in the
10 present case any liability for this claim cannot attach to EICON
11 merely because it was the insurer when the presumption under NRS
12 617.457 first attached. The Claimant's right to compensation and
13 the right to file a claim and the liability for that claim did not
14 arise until 2012 and is the responsibility of the City under its
15 self-insurance.

16 Dated this 16th day of February, 2015.

17 SERTIC LAW LTD.

18 By: 
19 Mark S. Sertic, Esq.
20 Nevada Bar No. 403
21 5975 Home Gardens Drive
22 Reno, Nevada 89502
23 (775) 327-6300
24 Attorneys for the Insurer

25 _____
26 4. The Court then undertook an analysis under the Last Injurious Exposure Rule
27 that is not applicable here since in the present case the Claimant only worked
28 for one employer and became eligible for the presumption of NRS 617.457 while
employed by that single employer, the City. Nevertheless, if this rule were
somehow applicable, it is clear that liability would attach to the City's self-
insurance since the Court in Daniels, in determining which employer was liable,
held that liability attaches to that employer which is in closest temporal
proximity to the disabling event. The same logic would apply to which insurer is
liable and that is obviously the City's self-insurance.

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCF 5(b), I certify that I am an employee of the
3 law firm of Sertic Law Ltd., Attorneys at Law, over the age of
4 eighteen years, not a party to the within matter, and that on the
5 17th day of February, 2015, I served by Reno-Carson Messenger
6 Service, a true copy of the foregoing or attached document,
7 addressed to:

8 NAIW
9 Evan Beavers
10 1000 E William Street #208
11 Carson City, Nevada 89701

12 Timothy Rowe, Esq.
13 P.O. Box 2670
14 Reno, NV 89505

15 
16 _____
17 Gina L. Walsh

18 **AFFIRMATION (Pursuant to NRS 239B.030)**

19 The undersigned does hereby affirm to the best of his
20 knowledge that the attached document does not contain the social
21 security number of any person.

22 Dated on this 16th day of February, 2015.

23 
24 _____
25 Mark S. Sertic
26
27
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ORIGINAL

NEVADA DEPARTMENT OF ADMINISTRATION
BEFORE THE APPEALS OFFICER

FILED
FEB 17 2015
DEPT. OF ADMINISTRATION
APPEALS OFFICER

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In the Matter of the
Industrial Insurance Claim

of

DANIEL DEMARANVILLE,
DECEASED,
Claimant.

Claim No.: 12853C301824

Hearing No.: 46538-SA
45822-KD
44686-SA

Appeal No.: 46812-LLW
46479-LLW
44957-LLW

POINTS AND AUTHORITIES AND ARGUMENTS

Comes now, Laura Demaranville, surviving spouse of Daniel Demaranville, deceased, by and through her attorney, Evan Beavers, Esq., Nevada Attorney for Injured Workers, and hereby submits her Points and Authorities and Argument as ordered by Appeals Officer Lorna L. Ward on January 22, 2015.

I.

POINTS AND AUTHORITIES

The order of January 22, 2015, seeks authority and argument on the issue of which insurer is liable for the claim of Laura DeMaranville for survivor benefits arising from the death of her husband, Daniel DeMaranville. The relationship between the City of Reno, self-insured employer at the date of Dan DeMaranville's death, and Employer's Insurance Company of Nevada, successor in interest to State Industrial Insurance System, insurer of the City of Reno at the time of Mr. DeMaranville's

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1 retirement, is unknown to the claimant. There is nothing in the
2 documentary evidence admitted at hearing which might address how
3 the city assigned the risk of future claims when it accepted
4 responsibility for such claims at the point of becoming self-
5 insured. However, the surviving spouse does take this
6 opportunity to address the key issue of when the decedent's
7 average monthly wage must be determined for calculating the
8 benefits to which she is entitled.

9 At hearing Laura testified Dan DeMaranville was hired
10 by the City of Reno as a policeman in 1969. He retired from the
11 City in 1990. After his retirement from the City he was employed
12 by AKAL Security on contract to the Federal Marshall's office.
13 He was employed by AKAL Security at the time of his death August
14 5, 2012. She also presented sufficient evidence to prove by a
15 preponderance that Dan died of heart disease and that prior to
16 his death he had served for five years or more in a full-time
17 continuous, uninterrupted and salaried occupation as a police
18 officer and was, therefore, entitled to the conclusive
19 presumption in NRS 617.457. Having met the presumption that
20 Dan's death arose out of and in the course of his employment
21 Laura has presented a prima facie case that she is entitled to
22 benefits through an employee who died of occupational disease.

23 Survivor benefits pursuant to NRS 616C.505 allow
24 compensation of \$10,000 for burial expenses plus the cost of
25 transporting the remains of her husband to South Dakota. In
26 addition, she is entitled to 66 2/3 percent of the average
27 monthly wage of the decedent payable until the time of her death.
28 Key to calculating the benefit due the surviving spouse is the

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1 determination of when to calculate the decedent's average monthly
2 wage. Was that the wage Dan DeMaranville earned at the time of
3 retirement while covered by SIIS (and now its successor EICN) or
4 was that the wage earned on the date of death at which point in
5 time the City was self-insured?

6 The answer to the question requires coordinating the
7 definition of the date of disability in Chapter 617 with the
8 calculation of benefits in Chapter 616. In Mirage v. Nevada
9 Dep't of Admin., 110 Nev. 257, 871 P.2d 317 (1994), the Nevada
10 Supreme Court addressed the issue of defining disablement in
11 Chapter 617 while calculating benefits in Chapter 616. In Mirage
12 the Court considered the case of a card dealer who reported her
13 injury in 1991 but it was not until 1992 that the occupational
14 disease she suffered prevented her from continuing to work. The
15 employer sought to use NRS 616.027 defining average monthly wage
16 as the wage received on the date of the injury to limit
17 compensation due the employee. Id. at 259. Id. The Court noted
18 NRS 617.060 defines disablement of occupational disease as "the
19 event of becoming physically incapacitated." Id. at 260.
20 Furthermore, the Court noted NRS 617.420 prohibits the
21 calculation of benefits until after the date of disability. The
22 Court then declared that only after the employee becomes disabled
23 does it become necessary to look to Chapter 616 for the method of
24 calculating the benefits owing to the claimant. Id.

25 Critical to the appeals officer's determination of the
26 DeMaranville appeals is the State Supreme Court's conclusion in
27 Mirage that the claimant's benefits could only be calculated
28 after the date of disability, i.e., the date the claimant was no

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1 longer able to work. Id.¹ The injury date for calculating
2 Laura's disability benefits is when Dan was no longer able to
3 work because heart disease in the form of a massive heart attack
4 disabled him. His date of death is the date of disability. NRS
5 616C.505 must then be used to calculate the benefits owed to
6 Laura. At the date of his death on August 5, 2012, Dan
7 DeMaranville was earning \$7,314.15 gross monthly salary with
8 vacation pay. See page 001 of Exhibit #8 admitted at hearing.
9 NRS 616A.065 would cap that wage at \$5,222.63. Sixty-six and 2/3
10 of that amount is \$3,481.75. Pursuant to NRS 616C.505 Laura
11 DeMaranville is entitled to that amount monthly until her death.

12 At the hearing on the DeMaranville appeals, counsel for
13 the City of Reno in closing argument cited the case of Employers
14 Ins. Co. of Nevada v. Daniels, 122 Nev. 1009, 145 P.3d 1024
15 (2006), for the proposition that the last injurious exposure rule
16 would place the burden of paying compensation for Laura's claims
17 with EICN, arguing EICN was closest in temporal proximity to the
18 disabling event. Respectfully, this is an inappropriate use of
19 the last injurious exposure rule. The rule was adopted in Nevada
20 as a tool for assigning liability in successive-employer cases.
21 See State Indus. Ins. Sys. v. Jesch, 101 Nev. 690, 709 P.2d 172
22 (1985). The Nevada Supreme Court in Daniels did not to expand
23 the rule for assigning liability where there is only one
24 employer. Here, the only employer in the case is the City of


25 _____
26 ¹In Howard v. City of Las Vegas, 121 Nev. 691, 694, 120 P.3d
27 410 (2005), the Court used the Mirage rule for a different
28 result. The Court determined the firefighter claimant was
disabled by heart disease on the date of his heart attack, but
because he was retired at the time and not earning wages he was
not entitled to TTD as a substitution for wages.

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Reno. Whatever use the last injurious exposure rule might have in the DeMaranville appeals, it cannot be used as legal support for declaring the date of disability as the date of retirement in order to shift the liability for payment to EICN and thereby reduce the amount the surviving spouse is entitled to under the Nevada Industrial Insurance Act.

Based upon the authorities cited above and the argument presented, the claimant Laura DeMaranville, as surviving spouse of Daniel DeMaranville, respectfully resubmits her appeal for decision this 17th day of February, 2015.

NEVADA ATTORNEY FOR INJURED WORKERS

Evan Beavers, Esq.
Attorney for the Claimant

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of
3 the State of Nevada, Nevada Attorney for Injured Workers, and that
4 on this date I deposited for mailing at Carson City, Nevada, a true
5 and correct copy of the within and foregoing POINTS AND AUTHORITIES
6 AND ARGUMENTS addressed to:

7 LAURA DEMARANVILLE
8 PO BOX 261
9 VERDI NV 89439

10 CCMSI
11 PO BOX 20068
12 RENO NV 89515-0068

13 and that on this date, I prepared for hand delivery a true and
14 correct copy of the afore-mentioned document, by hand delivery to
15 the following party via Reno Carson Messenger Service, to the
16 address below:

17 TIMOTHY E ROWE ESQ
18 MCDONALD CARANO WILSON
19 100 W LIBERTY ST 10TH FL
20 PO BOX 2670
21 RENO NV 89505-2670

22 MARK S SERTIC ESQ
23 SERTIC LAW LTD
24 5975 HOME GARDENS DR
25 RENO NV 89502

26 DATED: February 17, 2015

27 SIGNED: Tancy L. Shewood

28
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1 NEVADA DEPARTMENT OF ADMINISTRATION
2 BEFORE THE APPEALS OFFICER

3 1050 E. WILLIAM, SUITE 450
4 CARSON CITY, NV 89701

FILED

MAR 18 2015

DEPT. OF ADMINISTRATION
APPEALS OFFICER

5
6 In the Matter of the Contested
7 Industrial Insurance Claim of:

) Claim No: 12853C301824
1990204572

) Hearing No: 46538-SA
45822-KD
44686-SA

) Appeal No: 46812-LLW
46479-LLW
44957-LLW

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10
11 DANIEL DEMARANVILLE, DECEASED,
12 Claimant.
13

14 Appeal by the Claimant (Daniel DeMaranville's widow, Laura
15 Demaranville) from the CCMSI determination letter dated May 23, 2013; Appeal
16 by Insurer, Employers Insurance Company of Nevada from the decision of the
17 Hearing Officer dated October 28, 2013; and Appeal by the Employer, City of
18 Reno, from the Employers Insurance Company of Nevada determination letter
19 dated September 19, 2013.

20 DECISION OF THE APPEALS OFFICER

21 The above entitled matter was heard on January 7, 2015. After the
22 hearing the Appeals Officer requested briefing on the issue of which insurer has
23 liability for the claim if the Claimant initially establishes that the claim qualifies
24 under the heart/lung statute. This matter was re-submitted for decision on
25 February 17, 2015. The Claimant was represented by Evan Beavers, Esq.,
26 Nevada Attorney for Injured Workers. The Employer, City of Reno, and its
27 current third party administrator, CCMSI, were represented by Timothy E. Rowe,
28 Esq. of McDonald-Carano-Wilson, LLP. Employers Insurance Company of

1 Nevada, the Insurer at the time of the Claimant's retirement was represented by
2 Mark S. Sertic, Esq., of Sertic Law Ltd. The hearing was conducted pursuant to
3 Chapters 233B and 616A to D of the Nevada Revised Statutes.

4 Having heard the testimony and considered the documents the
5 Appeals Officer finds as follows:

6 **FINDINGS OF FACT**

7 Daniel DeMaranville was a sworn police officer for the City of Reno
8 from August 6, 1969 until his retirement in January 1990. Exhibit 1, page 3.
9 Officer DeMaranville was employed in a full-time continuous, uninterrupted and
10 salaried occupation as a police officer during his employment with the Reno
11 Police Department. At the time of his death he was employed by AKAL as a
12 court security officer for the Federal District Court. Exhibit 1, page 57.

13 On August 5, 2012, he entered the hospital for a laparoscopic
14 cholecystectomy (removal of the gallbladder). Exhibit 1, page 6. The surgery
15 commenced at approximately 12:00 pm and concluded at approximately 1:45 pm.
16 Exhibit 2, page 23. He was taken to the recovery room in good condition.
17 Exhibit 1, page 7. He became hypotensive and tachycardia while in the recovery
18 room. (Low blood pressure and rapid heart rate). Laboratory work was sent and
19 transfer to ICU was discussed. At 3:35 pm troponin I enzymes (cardiac enzymes)
20 were drawn which revealed a level of 0.32ng/ml. See Exhibit 1, page 10. In
21 addition a cardiac consult was ordered. Exhibit 2, page 27. Daniel DeMaranville
22 suffered a cardiac arrest with unsuccessful resuscitation and died at 7:18 pm.
23 Exhibit 1, page 14, 16. The surgeon, Myron Gomez, M.D., certified the cause of
24 death to be "cardiac arrest, due to, or as a consequence of atherosclerotic heart
25 disease." Exhibit 1, page 16.

26 Daniel DeMaranville's widow, Laura DeMaranville, filed an
27 incomplete C-4 Form, Claim for Compensation on September 5, 2012. Exhibit 1,
28 page 2. The third party administrator for the City of Reno received the C-4 Form

1 on September 6, 2012. Id. The employer sent the insurer a completed C-3 Form,
2 Employer's Report of Industrial Injury or Occupational Disease on September 11,
3 2012. Exhibit 1, page 3. The employer stated on the form that "retired police
4 officer experienced massive heart attack after surgery." Id. The CCMSI claims
5 adjuster began gathering medical records and writing letters to Mrs. DeMaranville
6 in order to make a claims decision. See Exhibit 1, pages 17-49. CCMSI finally
7 received all the medical records in late March 2013 and requested that Mrs.
8 DeMaranville make a written request for widow benefits. Exhibit 1, page 49.

9 On May 23, 2013, after a chart review by Jay Betz, M.D., CCMSI
10 issued a determination letter denying the claim because there was a lack of
11 information establishing a cause of death as no autopsy was performed and the
12 insurer did not have medical records establishing that Daniel DeMaranville had
13 heart disease. Exhibit 1, pages 52-56. Mrs. DeMaranville appealed claim denial.
14 Exhibit 1, page 1.

15 In the meantime, Mrs. DeMaranville filed a separate claim with the
16 Employers Insurance Group because she received information that the proper
17 insurer was the insurer for the City of Reno at the time Officer DeMaranville
18 retired in January 1990. Exhibit 1, pages 57-61. Employers Insurance requested a
19 Cardiologist Records Review IME from Coventry Workers' Comp Services on
20 July 7, 2013. Exhibit 5. On August 20, 2013, a completed C-4 Form was signed
21 by Dr. Gomez noting the diagnosis of cholecystitis and myocardial infarction.
22 Exhibit 3, page 2. On August 31, 2013, Zev Lagstein, M.D., the cardiologist
23 from Coventry provided his opinion regarding the causation of Daniel
24 DeMaranville's death. Exhibit 5, pages 3-8. On September 3, and September 16,
25 2013 Employers Insurance obtained two additional informal reviews of the
26 medical records. Exhibit 2, pages 28-36. On September 19, 2013, Employers
27 Insurance Company of Nevada denied the claim based in part on an informal
28 review by Yasmine Ali, MD. Exhibit 3, pages 5-12.

1 Daniel DeMaranville's prior medical records reveal stable right
2 bundle branch block in his heart with no evidence of organic heart disease.
3 Exhibit 3, page 19-19-26. The right bundle branch block was noted as early as
4 January 2004. Exhibit 6, page 2. In April 2011 he was cleared for security work
5 without restriction. Exhibit 3, page 19.

6 In the Spring and Fall of 2014, Mrs. DeMaranville obtained opinions
7 from Charles Ruggeroli, M.D., of Cardiology & Cardiovascular Consultants in
8 Las Vegas, Nevada. Exhibits 7 and 8.

9 The first issue litigated in this case was whether or not Daniel
10 DeMaranville died of heart disease. Therefore, a careful review of the above
11 mentioned medical opinions is essential.

12 Review of Expert Medical Opinions

13 Jay E. Betz, M.D.

14 Dr. Betz is an occupational medicine specialist. He reviewed the
15 partial medical records provided by the employer. He opined that he was unable
16 to determine the actual cause of death. He further stated that the probability was
17 high that Mr. DeMaranville died of heart disease due to his age. He further
18 opined that it was much less likely that he died of pulmonary embolus or
19 anesthesia related complications. He also opined that:

20 "[n]early everyone develops atherosclerotic heart disease to one
21 degree or another as we age. Often the first sign of significant
22 atherosclerotic heart disease is a myocardial infarction. Sometimes
23 this infarction is massive and fatal. In the case of Mr. DeMaranville,
24 considering his age and the sudden onset of cardiac insufficiency it is
25 most likely he suffered a significant myocardial infarction making a
26 large portion of the his myocardium nonfunctional."

26 He stated that he was unable to determine with "certainty" the
27 cause of death without an autopsy. Exhibit 1, page 52-54.

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Sankar Pemmaraju, D.O.

Dr. Pemmaraju is a physical medicine and rehabilitation specialist. Dr. Pemmaraju opined that there was no evidence of cardiac disease prior to his death except for an irregular EKG. He also opined that Mr. DeMaranville had some risk factors, i.e, smoking and alcohol abuse, prior to his death that could have led to atherosclerotic heart disease and could have predisposed him to a higher risk for any surgical intervention. He stated that as Mr. DeMaranville had some risk factors that would have led to the atherosclerotic heart disease, most likely the myocardial infarction was not due to a postoperative complication of a gallbladder surgery resulting in cardiac arrest. Exhibit 2, pages 28-32.

Yasmine Ali, M.D.

Dr. Ali is an internal medicine and cardiovascular disease specialist. She noted that there was evidence of cardiovascular disease prior to August 5, 2012 in the form of hypertension, right bundle branch block, and mild left ventricular hypertrophy. However, she stated that there was no evidence of coronary artery disease, coronary heart disease, or ischemic heart disease. She found no documentation in the records she reviewed that supported a diagnosis of atherosclerotic heart disease as noted on the death certificate. In addition, she opined that from the records provided, "there is no evidence of a myocardial infarction particularly since *cardiac enzymes were not drawn*, a 12-lead ECG showing evidence of myocardial infarction is absent, and an autopsy was not performed." (emphasis added). She therefore concluded that the cardiac arrest was a post-operative complication. Exhibit 2, pages 33-36.

Zev Lagstein, M.D.

Dr. Lagstein is an internal medicine and cardiovascular disease specialist. After his review of the provided medical records he concluded that there was not enough information to support a diagnosis of atherosclerotic heart disease. In particular he noted that there was no postoperative EKG to indicate

1 ischemia and/or myocardial infarction, and no autopsy was done and "cardiac
2 enzymes were apparently not drawn." Therefore, he stated that there was no
3 evidence to support the diagnosis noted on the death certificate. He also
4 disagreed with Dr. Ruggeroli's assertion that Mr. DeMaranville had occult
5 occlusive arteriosclerotic heart disease. He opined that there is "no evidence to
6 support diagnosis of myocardial infarction in the absence of abnormal
7 postoperative EKG and *postoperative cardiac enzymes, especially troponin-I*
8 *level.*" (emphasis added). He concluded that the death was due to a postoperative
9 complication of unclear etiology. He further stated that "*clearly, the*
10 *aforementioned diagnostic test with or without autopsy would have clarified this*
11 *issue beyond any doubts.*" (emphasis added). Exhibit 5, pages 3-8.

12 Charles Ruggeroli, M.D.

13 Dr. Ruggeroli is a cardiology specialist. He noted that Mr.
14 DeMaranville no history of antecedent symptomatic coronary artery disease,
15 however he had multiple cardiovascular risk factors with a baseline abnormal
16 resting electrocardiogram. He opined that Mr. DeMaranville had a catastrophic
17 cardiovascular event secondary to underlying occult occlusive atherosclerosis of
18 the coronary arteries leading to his death. Exhibit 7, page 1-2. After Dr. Lagstein
19 commented on his opinion, Dr. Ruggeroli reiterated his opinion. He noted that
20 Mr. DeMaranville arrived in the recovery room with normal vital signs, and
21 afterwards became hypotensive and tachycardic. Laboratory tests were done at
22 3:35 pm which revealed an elevated troponin I level of 0.32 ng/ml. Dr. Ruggeroli
23 opined that the troponin level was consistent with myocardial necrosis or heart
24 damage. His condition worsened and ultimately he was diagnosed with pulseless
25 electric activity and no evidence of ventricular activity and was pronounced dead
26 at approximately 7:30 pm. He opined that the "cardiac troponins drawn
27 approximately 4 hours prior to his death were elevated and consistent with a
28 cardiovascular cause of ... death." Exhibit 8, page 4.

1 Dr. Ruggeroli is the only physician who saw and evaluated the
2 cardiac enzymes (troponin). Dr. Betz and Dr. Pemmaraju do not mention cardiac
3 enzymes in their reporting. However, Dr. Betz notes that the most likely cause of
4 death is a significant myocardial infarction. Dr. Ali and Dr. Lagstein note that, in
5 part, because cardiac enzymes were not drawn it could not be determined whether
6 or not Mr. DeMaranville died of a myocardial infarction. Therefore they ascribe
7 the cause of death to postoperative complications. However, Dr. Lagstein notes
8 that the troponin I "test with or without autopsy would have clarified this issue
9 beyond any doubts." ¹

10 Dr. Ruggeroli's opinion is persuasive and credible. The cardiac
11 enzymes were elevated and consistent with heart damage leading to a catastrophic
12 cardiovascular event. Dr. Ali and Dr. Lagstein were apparently unaware of the
13 troponin I level prior to Mr. DeMaranville's death and therefore those opinions
14 are of little weight except to affirm the importance of the levels to determine
15 cause of death. Daniel DeMaranville died of heart disease.

16 The second issue in this case is which insurer is liable for the claim.
17 The City of Reno (City) was insured by Employers Insurance Company of
18 Nevada (EICON) at the time of Daniel DeMaranville's retirement in 1990.
19 Thereafter, in 1992 the City became self-insured. Officer DeMaranville's
20 retirement does not affect his entitlement to benefits. Gallagher v. City of Las
21 Vegas, 114 Nev. 595, 959 P.2d 519 (1998).

22 Daniel DeMaranville's heart disease is an occupational disease. His
23 disability did not arise until his date of death, August 5, 2012. Therefore, the
24 claim for compensation arose on that date. The City was self-insured on August 5,
25 2012.

26
27
28 ¹ The Employers Insurance Company, who offered Dr. Lagstein's IME, did not
provide further comment by Dr. Lagstein after review of the Troponin I
levels.

1 CONCLUSIONS OF LAW

2 NRS 617.457 Heart diseases as occupational diseases of
3 firefighters, arson investigators and police officers.
4 Notwithstanding any other provision of this chapter, diseases of the
5 heart of a person who, for 5 years or more, has been employed in a
6 full-time continuous, uninterrupted and salaried occupation as a
7 firefighter, arson investigator or police officer in this State before the
8 date of disablement are conclusively presumed to have arisen out of
9 and in the course of the employment.

10 NRS 617.344 provides that in the event of a death of an employee, the
11 time for filing a claim for compensation is expanded to one year after there is
12 knowledge of the disability and its relationship to his or her employment.

13 NRS 617.060 defines "disablement" as: "the event of becoming
14 physically incapacitated by reason of an occupational disease....".

15 NRS 617.430 provides: "Every employee who is disabled or dies
16 because of an occupational disease. . ." is entitled to compensation.

17 Daniel DeMaranville was employed by the City of Reno as a police
18 officer for more than 20 years in a full-time continuous, uninterrupted and salaried
19 position. He had documented heart damage which led to a catastrophic
20 cardiovascular event and his death on August 5, 2012. The cause of his death
21 qualifies as a disease of the heart pursuant to NRS 617.457(1). His wife timely filed
22 a claim for compensation with the City of Reno and its current third party
23 administrator on September 5, 2012.² Later, the Claimant's wife filed another C-4
24 Claim with the City of Reno's insurer at the time the Claimant retired from the
25 police force.

26 The issue then becomes which insurer is liable for the claim. Mr.
27 DeMaranville's date of disability is also the date of his death, August 5, 2012.

28 The Nevada Supreme Court in Manwill v. Clark County, 123 Nev.238,

² Although the C-4 form was incomplete it gave the City of Reno and CCMSI notice of the claim and the City and CCMSI began an investigation of the claim at that time. The City of Reno cannot assert that the claim was late filed.

1 162 P.3d 876 (2007) opined that a claimant seeking benefits under NRS 617.457
2 must “show only two things: heart disease and five years’ qualifying employment
3 before disablement.” 123 Nev. at 242. The Court also held, quoting from Daniels³:

4 [T]o receive occupational disease compensation, a firefighter
5 must be disabled by the heart disease: “[a]n employee is not
6 entitled to compensation ‘from the mere contraction of an
7 occupational disease. Instead, compensation . . . flows from a
8 disablement resulting from such a disease.’” (citations omitted).

9 123 Nev. at 244, 162 P.3d at 880.

10 In Howard v. City of Las Vegas, 121 Nev. 691, 120 P.3d 410 (2005)

11 the Court held:

12 Here, Howard’s heart disease first manifested itself in the form
13 of a heart attack eight years after he retired from his employment
14 as a firefighter. While under NRS 617.457(1)’s presumption,
15 Howard’s heart attack was an occupational disease arising out of
16 and in the course of his employment entitling him to occupational
17 disease benefits, the date of disability under Mirage⁴ is the date of
18 the heart attack. 121 Nev. at 693, 120 P.3d at 412.

19 The Claimant became entitled to compensation on the date of his
20 disablement, August 5, 2012, and the responsible insurer on that date was the self-
21 insured City of Reno.

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28 ³ Employers Ins. Co. of Nev. v. Daniels, 122 Nev. 1009, 145 P.3d 1024
(2006).

⁴ Mirage v. State, Dep’t. of Administration, 110 Nev. 257, 871 P.2d 317
(1994)

1 **DECISION**

2 The May 23, 2013 CCMSI determination letter denying the claim is
3 REVERSED (Appeal No. 44957). The October 28, 2013 decision of the Hearing
4 Officer, which found the Employers Insurance Company of Nevada liable for the
5 claim, is REVERSED (Appeal No. 46479). The September 19, 2013 Employers
6 Insurance Company of Nevada determination letter denying the claim is
7 AFFIRMED (Appeal No. 46812).

8
9 **IT IS SO ORDERED.**

10
11 

12 _____
13 Lorna L Ward
14 APPEALS OFFICER

15 Notice: Pursuant to NRS 233B.130, should any party desire to appeal this final
16 decision of the Appeals Officer, a Petition for Judicial Review must be filed with
17 the district court within thirty (30) days after service by mail of this decision.
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1 **CERTIFICATE OF MAILING**

2 The undersigned, an employee of the State of Nevada, Department of
3 Administration, Hearings Division, does hereby certify that on the date shown
4 below, a true and correct copy of the foregoing **DECISION AND ORDER** was
5 duly mailed, postage prepaid OR placed in the appropriate addressee runner file at
6 the Department of Administration, Hearings Division, 1050 E. William Street,
7 Carson City, Nevada, to the following:

8 DANIEL DEMARANVILLE, DECEASED
9 C/O LAURA DEMARANVILLE
10 PO BOX 261
11 VERDI, NV 89439

12 EVAN BEAVERS, ESQ
13 1000 E WILLIAM #208
14 CARSON CITY NV 89701

15 CITY OF RENO
16 ATTN CARA BOWLING
17 PO BOX 1900
18 RENO, NV 89505

19 TIMOTHY ROWE, ESQ
20 PO BOX 2670
21 RENO NV 89505

22 EMPLOYERS INSURANCE COMP OF NV
23 PO BOX 539004
24 HENDERSON, NV 89053

25 MARK SERTIC, ESQ
26 5975 HOME GARDENS DRIVE
27 RENO NV 89502


28 Dated this 18th day of March, 2015.



Kristi Fraser, Legal Secretary II
Employee of the State of Nevada

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1 CODE: 3550
2 TIMOTHY E. ROWE, ESQ.
3 Nevada Bar No. 1000
4 McDonald Carano Wilson LLP.
5 P. O. Box 2670
6 Reno, Nevada 89505-2670
7 775-788-2000
8 Attorneys for Petitioner

REC'D & FILED
2015 APR 14 PM 2:03
SUSAN MERRIWETHER
CLERK
BY  DEPUTY

6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF CARSON CITY

8 * * * * *

9 CITY OF RENO,

10 Petitioner,

Case No: 15020092.1B

11 vs.

Department No: II

12 DANIEL DEMARANVILLE [Deceased],
13 EMPLOYER'S INSURANCE COMPANY
14 OF NEVADA, and NEVADA DEPARTMENT
15 OF ADMINISTRATION APPEALS OFFICER,

16 Respondents.
17 _____/

18 **PETITION FOR JUDICIAL REVIEW**

19 The Petitioner, the CITY OF RENO, by and through its attorney, Timothy E.
20 Rowe, Esq., of McDonald Carano Wilson LLP, hereby petitions this court for judicial
21 review of the Decision rendered and filed by the Department of Administration Appeals
22 Officer on March 18, 2015 on Claim Nos. 12853C301824 and 1990204572, Appeal
23 Nos. 44957-LLW, 46479-LLW and 46812-LLW. A copy of the Decision is attached
24 hereto as Exhibit 1.

25 The grounds upon which this review is sought are:

26 1. The Decision rendered by the Appeals Officer prejudices substantial rights of
27 the Petitioner because it is:

28 a. affected by error of law;

1 b. clearly erroneous in view of the reliable, probative and substantial
2 evidence on the whole record; and

3 c. arbitrary and capricious and based upon an abuse of discretion by the
4 Appeals Officer.

5 WHEREFORE, Petitioner prays as follows:

6 1. The court grants judicial review of the Decision filed on March 18, 2015 by the
7 Department of Administration Appeals Officer;

8 2. The court vacate and set aside the Decision issued by the Appeals Officer;
9 and

10 3. For such other and further relief as the court deems just and proper.

11 Dated this 13th day of April, 2015.

12 McDONALD CARANO WILSON LLP

13
14 By: J. E. Rowe

15 TIMOTHY E. ROWE, ESQ.

16 P. O. Box 2670

17 Reno, NV 895005-2670

18 Attorneys for the Petitioner
19 CITY OF RENO

20 **AFFIRMATION**

21 Pursuant to NRS 239B.030

22 The undersigned does hereby affirm that the preceding **PETITION FOR**
23 **JUDICIAL REVIEW** filed in the First Judicial District Court of the State of Nevada, does
24 not contain the social security number of any person.

25 J. E. Rowe
26 Timothy E. Rowe, Esq.
27 Attorney for Petitioner
28 CITY OF RENO

Date 4-13-15

McDONALD-CARANO-WILSON
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
P.O. BOX 2670 • RENO, NEVADA 89505-2670
PHONE 775-788-2000 • FAX 775-788-2020

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD CARANO WILSON LLP, and that on the on the 14th day of April 2015, I served the preceding **PETITION FOR JUDICIAL REVIEW** by placing a true and correct copy thereof in a sealed envelope and requesting Reno-Carson Messenger Service hand-deliver said document to the following party at the address listed below:

Appeals Officer
Department of Administration
1050 E. William Street, Suite 450
Carson City, Nevada 89701


Evan Beavers, Esq.
Nevada Attorney for Injured Workers
1000 E. William Street, Suite 208
Carson City, NV 89701

A true and correct copy of the within document was also served via U.S. Mail at Reno, Nevada, on the parties/address referenced below:

Mark Sertic, Esq.
5975 Home Gardens Drive
Reno, NV 89502

City of Reno
Risk Management
P.O. Box 1900
Reno, Nevada 89505

Lisa Jones
CCMSI
P.O. Box 20068
Reno, NV 89515-0068



Carole Davis

#416656 [cw4/2/15]

INDEX OF EXHIBITS

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EXHIBIT 1

EXHIBIT 1

MAR 20 2015

McDonald Carano Wilson LLP

NEVADA DEPARTMENT OF ADMINISTRATION
BEFORE THE APPEALS OFFICER

1050 E. WILLIAM, SUITE 450
CARSON CITY, NV 89701

FILED

MAR 18 2015

DEPT. OF ADMINISTRATION
APPEALS OFFICER

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In the Matter of the Contested
Industrial Insurance Claim of:

Claim No: 12853C301824
1990204572

Hearing No: 46538-SA
45822-KD
44686-SA

Appeal No: 46812-LLW
46479-LLW
44957-LLW

DANIEL DEMARANVILLE, DECEASED,
Claimant.

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Appeal by the Claimant (Daniel DeMaranville's widow, Laura Demaranville) from the CCMSI determination letter dated May 23, 2013; Appeal by Insurer, Employers Insurance Company of Nevada from the decision of the Hearing Officer dated October 28, 2013; and Appeal by the Employer, City of Reno, from the Employers Insurance Company of Nevada determination letter dated September 19, 2013.

DECISION OF THE APPEALS OFFICER

The above entitled matter was heard on January 7, 2015. After the hearing the Appeals Officer requested briefing on the issue of which insurer has liability for the claim if the Claimant initially establishes that the claim qualifies under the heart/lung statute. This matter was re-submitted for decision on February 17, 2015. The Claimant was represented by Evan Beavers, Esq., Nevada Attorney for Injured Workers. The Employer, City of Reno, and its current third party administrator, CCMSI, were represented by Timothy E. Rowe, Esq. of McDonald-Carano-Wilson, LLP. Employers Insurance Company of

1 Nevada, the Insurer at the time of the Claimant's retirement was represented by
2 Mark S. Sertic, Esq., of Sertic Law Ltd. The hearing was conducted pursuant to
3 Chapters 233B and 616A to D of the Nevada Revised Statutes.

4 Having heard the testimony and considered the documents the
5 Appeals Officer finds as follows:

6 **FINDINGS OF FACT**

7 Daniel DeMaranville was a sworn police officer for the City of Reno
8 from August 6, 1969 until his retirement in January 1990. Exhibit 1, page 3.
9 Officer DeMaranville was employed in a full-time continuous, uninterrupted and
10 salaried occupation as a police officer during his employment with the Reno
11 Police Department. At the time of his death he was employed by AKAL as a
12 court security officer for the Federal District Court. Exhibit 1, page 57.

13 On August 5, 2012, he entered the hospital for a laparoscopic
14 cholecystectomy (removal of the gallbladder). Exhibit 1, page 6. The surgery
15 commenced at approximately 12:00 pm and concluded at approximately 1:45 pm.
16 Exhibit 2, page 23. He was taken to the recovery room in good condition.
17 Exhibit 1, page 7. He became hypotensive and tachycardia while in the recovery
18 room. (Low blood pressure and rapid heart rate). Laboratory work was sent and
19 transfer to ICU was discussed. At 3:35 pm troponin I enzymes (cardiac enzymes)
20 were drawn which revealed a level of 0.32ng/ml. See Exhibit 1, page 10. In
21 addition a cardiac consult was ordered. Exhibit 2, page 27. Daniel DeMaranville
22 suffered a cardiac arrest with unsuccessful resuscitation and died at 7:18 pm.
23 Exhibit 1, page 14, 16. The surgeon, Myron Gomez, M.D., certified the cause of
24 death to be "cardiac arrest, due to, or as a consequence of atherosclerotic heart
25 disease." Exhibit 1, page 16.

26 Daniel DeMaranville's widow, Laura DeMaranville, filed an
27 incomplete C-4 Form, Claim for Compensation on September 5, 2012. Exhibit 1,
28 page 2. The third party administrator for the City of Reno received the C-4 Form

1 on September 6, 2012. *Id.* The employer sent the insurer a completed C-3 Form,
2 Employer's Report of Industrial Injury or Occupational Disease on September 11,
3 2012. Exhibit 1, page 3. The employer stated on the form that "retired police
4 officer experienced massive heart attack after surgery." *Id.* The CCMSI claims
5 adjuster began gathering medical records and writing letters to Mrs. DeMaranville
6 in order to make a claims decision. See Exhibit 1, pages 17-49. CCMSI finally
7 received all the medical records in late March 2013 and requested that Mrs.
8 DeMaranville make a written request for widow benefits. Exhibit 1, page 49.

9 On May 23, 2013, after a chart review by Jay Betz, M.D., CCMSI
10 issued a determination letter denying the claim because there was a lack of
11 information establishing a cause of death as no autopsy was performed and the
12 insurer did not have medical records establishing that Daniel DeMaranville had
13 heart disease. Exhibit 1, pages 52-56. Mrs. DeMaranville appealed claim denial.
14 Exhibit 1, page 1.

15 In the meantime, Mrs. DeMaranville filed a separate claim with the
16 Employers Insurance Group because she received information that the proper
17 insurer was the insurer for the City of Reno at the time Officer DeMaranville
18 retired in January 1990. Exhibit 1, pages 57-61. Employers Insurance requested a
19 Cardiologist Records Review IME from Coventry Workers' Comp Services on
20 July 7, 2013. Exhibit 5. On August 20, 2013, a completed C-4 Form was signed
21 by Dr. Gomez noting the diagnosis of cholecystitis and myocardial infarction.
22 Exhibit 3, page 2. On August 31, 2013, Zev Lagstein, M.D., the cardiologist
23 from Coventry provided his opinion regarding the causation of Daniel
24 DeMaranville's death. Exhibit 5, pages 3-8. On September 3, and September 16,
25 2013 Employers Insurance obtained two additional informal reviews of the
26 medical records. Exhibit 2, pages 28-36. On September 19, 2013, Employers
27 Insurance Company of Nevada denied the claim based in part on an informal
28 review by Yasmine Ali, MD. Exhibit 3, pages 5-12.

1 Daniel DeMaranville's prior medical records reveal stable right
2 bundle branch block in his heart with no evidence of organic heart disease.
3 Exhibit 3, page 19-19-26. The right bundle branch block was noted as early as
4 January 2004. Exhibit 6, page 2. In April 2011 he was cleared for security work
5 without restriction. Exhibit 3, page 19.

6 In the Spring and Fall of 2014, Mrs. DeMaranville obtained opinions
7 from Charles Ruggeroli, M.D., of Cardiology & Cardiovascular Consultants in
8 Las Vegas, Nevada. Exhibits 7 and 8.

9 The first issue litigated in this case was whether or not Daniel
10 DeMaranville died of heart disease. Therefore, a careful review of the above
11 mentioned medical opinions is essential.

12 Review of Expert Medical Opinions

13 Jay E. Betz, M.D.

14 Dr. Betz is an occupational medicine specialist. He reviewed the
15 partial medical records provided by the employer. He opined that he was unable
16 to determine the actual cause of death. He further stated that the probability was
17 high that Mr. DeMaranville died of heart disease due to his age. He further
18 opined that it was much less likely that he died of pulmonary embolus or
19 anesthesia related complications. He also opined that:

20 "[n]early everyone develops atherosclerotic heart disease to one
21 degree or another as we age. Often the first sign of significant
22 atherosclerotic heart disease is a myocardial infarction. Sometimes
23 this infarction is massive and fatal. In the case of Mr. DeMaranville,
24 considering his age and the sudden onset of cardiac insufficiency it is
25 most likely he suffered a significant myocardial infarction making a
26 large portion of the his myocardium nonfunctional."

26 He stated that he was unable to determine with "certainty" the
27 cause of death without an autopsy. Exhibit 1, page 52-54.
28

1 Sankar Pemmaraju, D.O.

2 Dr. Pemmaraju is a physical medicine and rehabilitation specialist.
3 Dr. Pemmaraju opined that there was no evidence of cardiac disease prior to his
4 death except for an irregular EKG. He also opined that Mr. DeMaranville had
5 some risk factors, i.e, smoking and alcohol abuse, prior to his death that could
6 have led to atherosclerotic heart disease and could have predisposed him to a
7 higher risk for any surgical intervention. He stated that as Mr. DeMaranville had
8 some risk factors that would have led to the atherosclerotic heart disease, most
9 likely the myocardial infarction was not due to a postoperative complication of a
10 gallbladder surgery resulting in cardiac arrest. Exhibit 2, pages 28-32.

11 Yasmine Ali, M.D.

12 Dr. Ali is an internal medicine and cardiovascular disease specialist.
13 She noted that there was evidence of cardiovascular disease prior to August 5,
14 2012 in the form of hypertension, right bundle branch block, and mild left
15 ventricular hypertrophy. However, she stated that there was no evidence of
16 coronary artery disease, coronary heart disease, or ischemic heart disease. She
17 found no documentation in the records she reviewed that supported a diagnosis of
18 atherosclerotic heart disease as noted on the death certificate. In addition, she
19 opined that from the records provided, "there is no evidence of a myocardial
20 infarction particularly since *cardiac enzymes were not drawn*, a 12-lead ECG
21 showing evidence of myocardial infarction is absent, and an autopsy was not
22 performed." (emphasis added). She therefore concluded that the cardiac arrest
23 was a post-operative complication. Exhibit 2, pages 33-36.

24 Zev Lagstein, M.D.

25 Dr. Lagstein is an internal medicine and cardiovascular disease
26 specialist. After his review of the provided medical records he concluded that
27 there was not enough information to support a diagnosis of atherosclerotic heart
28 disease. In particular he noted that there was no postoperative EKG to indicate

1 ischemia and/or myocardial infarction, and no autopsy was done and “cardiac
2 enzymes were apparently not drawn.” Therefore, he stated that there was no
3 evidence to support the diagnosis noted on the death certificate. He also
4 disagreed with Dr. Ruggeroli’s assertion that Mr. DeMaranville had occult
5 occlusive arteriosclerotic heart disease. He opined that there is “no evidence to
6 support diagnosis of myocardial infarction in the absence of abnormal
7 postoperative EKG and *postoperative cardiac enzymes, especially troponin-I*
8 *level.*” (emphasis added). He concluded that the death was due to a postoperative
9 complication of unclear etiology. He further stated that “*clearly, the*
10 *aforementioned diagnostic test with or without autopsy would have clarified this*
11 *issue beyond any doubts.*” (emphasis added). Exhibit 5, pages 3-8.

12 Charles Ruggeroli, M.D.

13 Dr. Ruggeroli is a cardiology specialist. He noted that Mr.
14 DeMaranville no history of antecedent symptomatic coronary artery disease,
15 however he had multiple cardiovascular risk factors with a baseline abnormal
16 resting electrocardiogram. He opined that Mr. DeMaranville had a catastrophic
17 cardiovascular event secondary to underlying occult occlusive atherosclerosis of
18 the coronary arteries leading to his death. Exhibit 7, page 1-2. After Dr. Lagstein
19 commented on his opinion, Dr. Ruggeroli reiterated his opinion. He noted that
20 Mr. DeMaranville arrived in the recovery room with normal vital signs, and
21 afterwards became hypotensive and tachycardic. Laboratory tests were done at
22 3:35 pm which revealed an elevated troponin I level of 0.32 ng/ml. Dr. Ruggeroli
23 opined that the troponin level was consistent with myocardial necrosis or heart
24 damage. His condition worsened and ultimately he was diagnosed with pulseless
25 electric activity and no evidence of ventricular activity and was pronounced dead
26 at approximately 7:30 pm. He opined that the “cardiac troponins drawn
27 approximately 4 hours prior to his death were elevated and consistent with a
28 cardiovascular cause of ... death.” Exhibit 8, page 4.

1 Dr. Ruggeroli is the only physician who saw and evaluated the
2 cardiac enzymes (troponin). Dr. Betz and Dr. Pemmaraju do not mention cardiac
3 enzymes in their reporting. However, Dr. Betz notes that the most likely cause of
4 death is a significant myocardial infarction. Dr. Ali and Dr. Lagstein note that, in
5 part, because cardiac enzymes were not drawn it could not be determined whether
6 or not Mr. DeMaranville died of a myocardial infarction. Therefore they ascribe
7 the cause of death to postoperative complications. However, Dr. Lagstein notes
8 that the troponin I "test with or without autopsy would have clarified this issue
9 beyond any doubts."¹

10 Dr. Ruggeroli's opinion is persuasive and credible. The cardiac
11 enzymes were elevated and consistent with heart damage leading to a catastrophic
12 cardiovascular event. Dr. Ali and Dr. Lagstein were apparently unaware of the
13 troponin I level prior to Mr. DeMaranville's death and therefore those opinions
14 are of little weight except to affirm the importance of the levels to determine
15 cause of death. Daniel DeMaranville died of heart disease.

16 The second issue in this case is which insurer is liable for the claim.
17 The City of Reno (City) was insured by Employers Insurance Company of
18 Nevada (EICON) at the time of Daniel DeMaranville's retirement in 1990.
19 Thereafter, in 1992 the City became self-insured. Officer DeMaranville's
20 retirement does not affect his entitlement to benefits. Gallagher v. City of Las
21 Vegas, 114 Nev. 595, 959 P.2d 519 (1998).

22 Daniel DeMaranville's heart disease is an occupational disease. His
23 disability did not arise until his date of death, August 5, 2012. Therefore, the
24 claim for compensation arose on that date. The City was self-insured on August 5,
25 2012.

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28 ¹ The Employers Insurance Company, who offered Dr. Lagstein's IME, did not
provide further comment by Dr. Lagstein after review of the Troponin I
levels.

1 CONCLUSIONS OF LAW

2 NRS 617.457 Heart diseases as occupational diseases of
3 firefighters, arson investigators and police officers.

4 Notwithstanding any other provision of this chapter, diseases of the
5 heart of a person who, for 5 years or more, has been employed in a
6 full-time continuous, uninterrupted and salaried occupation as a
7 firefighter, arson investigator or police officer in this State before the
8 date of disablement are conclusively presumed to have arisen out of
9 and in the course of the employment.

10 NRS 617.344 provides that in the event of a death of an employee, the
11 time for filing a claim for compensation is expanded to one year after there is
12 knowledge of the disability and its relationship to his or her employment.

13 NRS 617.060 defines "disablement" as: "the event of becoming
14 physically incapacitated by reason of an occupational disease....".

15 NRS 617.430 provides: "Every employee who is disabled or dies
16 because of an occupational disease. . ." is entitled to compensation.

17 Daniel DeMaranville was employed by the City of Reno as a police
18 officer for more than 20 years in a full-time continuous, uninterrupted and salaried
19 position. He had documented heart damage which led to a catastrophic
20 cardiovascular event and his death on August 5, 2012. The cause of his death
21 qualifies as a disease of the heart pursuant to NRS 617.457(1). His wife timely filed
22 a claim for compensation with the City of Reno and its current third party
23 administrator on September 5, 2012.² Later, the Claimant's wife filed another C-4
24 Claim with the City of Reno's insurer at the time the Claimant retired from the
25 police force.

26 The issue then becomes which insurer is liable for the claim. Mr.
27 DeMaranville's date of disability is also the date of his death, August 5, 2012.

28 The Nevada Supreme Court in Manwill v. Clark County, 123 Nev.238,

² Although the C-4 form was incomplete it gave the City of Reno and CCMSI notice of the claim and the City and CCMSI began an investigation of the claim at that time. The City of Reno cannot assert that the claim was late filed.

1 162 P.3d 876 (2007) opined that a claimant seeking benefits under NRS 617.457
2 must “show only two things: heart disease and five years’ qualifying employment
3 before disablement.” 123 Nev. at 242. The Court also held, quoting from Daniels³:

4 [T]o receive occupational disease compensation, a firefighter
5 must be disabled by the heart disease: “[a]n employee is not
6 entitled to compensation ‘from the mere contraction of an
7 occupational disease. Instead, compensation . . . flows from a
8 disablement resulting from such a disease.’” (citations omitted).

123 Nev. at 244, 162 P.3d at 880.

9 In Howard v. City of Las Vegas, 121 Nev. 691, 120 P.3d 410 (2005)
10 the Court held:

11 Here, Howard’s heart disease first manifested itself in the form
12 of a heart attack eight years after he retired from his employment
13 as a firefighter. While under NRS 617.457(1)’s presumption,
14 Howard’s heart attack was an occupational disease arising out of
15 and in the course of his employment entitling him to occupational
16 disease benefits, the date of disability under Mirage⁴ is the date of
17 the heart attack. 121 Nev. at 693, 120 P.3d at 412.

18 The Claimant became entitled to compensation on the date of his
19 disablement, August 5, 2012, and the responsible insurer on that date was the self-
20 insured City of Reno.

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28 ³ Employers Ins. Co. of Nev. v. Daniels, 122 Nev. 1009, 145 P.3d 1024
(2006).

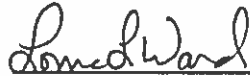
⁴ Mirage v. State, Dep’t. of Administration, 110 Nev. 257, 871 P.2d 317
(1994)

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DECISION

The May 23, 2013 CCMSI determination letter denying the claim is REVERSED (Appeal No. 44957). The October 28, 2013 decision of the Hearing Officer, which found the Employers Insurance Company of Nevada liable for the claim, is REVERSED (Appeal No. 46479). The September 19, 2013 Employers Insurance Company of Nevada determination letter denying the claim is AFFIRMED (Appeal No. 46812).

IT IS SO ORDERED.



Lorna L Ward
APPEALS OFFICER

Notice: Pursuant to NRS 233B.130, should any party desire to appeal this final decision of the Appeals Officer, a Petition for Judicial Review must be filed with the district court within thirty (30) days after service by mail of this decision.

1 CERTIFICATE OF MAILING

2 The undersigned, an employee of the State of Nevada, Department of
3 Administration, Hearings Division, does hereby certify that on the date shown
4 below, a true and correct copy of the foregoing DECISION AND ORDER was
5 duly mailed, postage prepaid OR placed in the appropriate addressee runner file at
6 the Department of Administration, Hearings Division, 1050 E. William Street,
Carson City, Nevada, to the following:

7 DANIEL DEMARANVILLE, DECEASED
8 C/O LAURA DEMARANVILLE
9 PO BOX 261
VERDI, NV 89439

10 EVAN BEAVERS, ESQ
11 1000 E WILLIAM #208
12 CARSON CITY NV 89701

13 CITY OF RENO
14 ATTN CARA BOWLING
15 PO BOX 1900
16 RENO, NV 89505

17 TIMOTHY ROWE, ESQ
18 PO BOX 2670
19 RENO NV 89505

20 EMPLOYERS INSURANCE COMP OF NV
21 PO BOX 539004
22 HENDERSON, NV 89053

23 MARK SERTIC, ESQ
24 5975 HOME GARDENS DRIVE
25 RENO NV 89502

26 Dated this 18th day of March, 2015.

27 
28 _____
Kristi Fraser, Legal Secretary II
Employee of the State of Nevada

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NEVADA DEPARTMENT OF ADMINISTRATION

BEFORE THE APPEALS OFFICER

2015 APR 14 PM 2:20

RECEIVED
AND
FILED

In the Matter of the Contested
Industrial Insurance Claim

Claim No: 12853C301824
1990204572

of

Hearing No: 46538-SA
45822-KD
44686-SA

DANIEL DEMARANVILLE (Deceased)
c/o Laura DeMaranville

Appeal No: 46812-LLW
46479-LLW
44957-LLW

Claimant.

MOTION FOR PARTIAL STAY ORDER

The CITY OF RENO respectfully moves the Appeals Officer for a partial stay order, temporarily staying the effect of the Appeals Officer's Decision entered on March 18, 2015 pending resolution of the Petition for Judicial Review filed in the Second Judicial District Court. The grounds for said motion are that the CITY OF RENO desires to invoke the provisions of NRS 616C.380(1)(b) which provides for payment of the disputed portion of an award for past benefits in installments.

This motion is made and based upon the points and authorities attached hereto, the Documentary Evidence (IDE) filed herein, and the pleadings and papers on file.

DATED this 14th day of April 2015.

McDONALD CARANO WILSON LLP

By *T. E. Rowe*
TIMOTHY E. ROWE, ESQ.
100 West Liberty Street, 10th Floor
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1 POINTS AND AUTHORITIES

2 The CITY OF RENO (hereinafter the "CITY") submits the following points and
3 authorities in support of its Motion for Partial Stay Order:

4 I.

5 STATEMENT OF THE ISSUES

6 The issues in this case concern the compensability of Mr. DeMaranville's death
7 and, if compensable, which insurer was responsible. Mr. DeMaranville worked as a
8 police officer for the CITY. He retired from the CITY in 1990 when Employers Insurance
9 Company of Nevada (EICN) was the insurer. Thereafter, in 2002, the CITY became self-
10 insured.

11 On August 5, 2012, Mr. DeMaranville died following laparoscopic cholecystectomy
12 surgery. Laura DeMaranville filed an occupational disease claim with the CITY. The
13 CITY denied the claim based on a lack of medical evidence establishing the cause of
14 Mr. DeMaranville's death was work-related. Ms. DeMaranville appealed the denial of the
15 claim.

16 Various medical opinions concerning the cause of Mr. DeMaranville's death were
17 submitted into evidence. The Appeals Officer relied on the medical opinion of Charles
18 Ruggeroli, M.D. who opined that Mr. DeMaranville had a catastrophic cardiovascular
19 event secondary to underlying occult occlusive atherosclerosis of the coronary arteries
20 leading to his death. The Appeals Officer found Mr. DeMaranville's heart disease was
21 compensable as an occupational disease under NRS 617.457. She also found the
22 applicable date of disability was August 5, 2012, concluding the City as a self-insured
23 employer was liable for the claim.

24 The CITY OF RENO has requested judicial review of the Appeals Officer's
25 March 18, 2015 decision, and hereby requests a partial stay of the decision pending
26 judicial review.

27 ///

28 ///

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1 II.

2 ARGUMENT

3 1. Standard for Granting a Stay Order.

4 Pursuant to NRS 616C.345, an aggrieved party may obtain a review of any
5 decision of the Hearing Officer by appealing to the Appeals Officer. Further, NRS
6 616C.345(4) also provides that the Appeals Officer may stay the Hearing Officer decision
7 after application "when appropriate."

8 Although the Nevada Rules of Civil Procedure ("NRCP") are applicable to district
9 courts, their application and interpretation can assist in deciding procedural issues in
10 administrative hearings. (See NRCP Rule 1). In *Nyberg v. Nevada Industrial*
11 *Commission*, 100 Nev. 322, 683 P.2d, 3,4 (1984), the Nevada Supreme Court indicated
12 that the language of NRCP 1 does not limit the application of the Rules of Civil Procedure
13 to solely district court proceedings. NRCP 62 is substantially identical to Rule 62 of the
14 Federal Rules of Civil Procedure. According to the interpretation of the federal rule, an
15 aggrieved party or agency is entitled to a stay of proceedings as matter of right upon
16 doing all acts necessary to perfect its appeal. Wright & Miller, Federal Practice and
17 Procedure, Vol. II, p.325, et. seq.; Moore's Federal Practice, Sec. 62.02. See also,
18 *American Mfrs. Mutual Insurance Co. v. American Broadcasting-Paramount Theaters,*
19 *Inc.*, 87 S.Ct. 1, 3,17 L.Ed.2d 37 (1966); *Dewey v. Reynolds Metals Co.*, 304 F.Supp.
20 1116 (W.D. Mich. 1969); *Ivor B. Manchester Co. v. Hogan*, 296 F.Supp. 47 4009 (S.D.
21 NY 1969).

22 In *DIR v. Circus Circus*, 101 Nev. 405, 411-412, 705 P.2d 645, 649 (1985), the
23 Nevada Supreme Court stated that the insurer's proper procedure when aggrieved by a
24 decision is to seek a stay (p.7, footnote no. 3). The determination that aggrieved parties
25 are entitled to seek a stay has been upheld throughout the most recent Nevada
26 decisions. *Ransier v. SIIIS*, 104 Nev. 742, 747, 766 P.2d 274 (1988).

27 Generally, the Nevada Supreme Court has recognized that a stay should be
28 granted where it can be shown that the appellant would suffer irreparable injury during

1 the pendency of this appeal if the stay is not granted. *White Pine Power v. Public Service*
2 *Commission*, 76 Nev. 263, 252 P.2d 256 (1960). The Supreme Court discussed this
3 requirement in *Kress v. Corey*, 65 Nev. 1, 189 P.2d 352 (1948):

4 As a rule a supersedes or stay should be granted...whenever
5 it appears that without it the object of the appeal or writ of
6 error may be defeated, or that it is reasonably necessary to
7 protect appellant or plaintiff in error from irreparable or serious
8 injury in the case of a reversal, and it does not appear that
9 appellee or defendant in error will sustain irreparable or
10 disproportionate injury in case of affirmance.... *Id.*, 65 Nev. at
11 17.

12 As noted, a stay is proper when an appellant demonstrates it will incur irreparable
13 harm. This is established when the appellant demonstrates that it is likely to prevail on
14 the merits of the appeal and, if so, the appellant cannot be returned to its original position.
15 In this case, the underlying compensability of the claim is at issue. If the compensability
16 issue is ultimately resolved in the CITY'S favor, no benefits will be payable. However, in
17 absence of a partial stay, the CITY will be required to pay past death benefits at
18 substantial expense. Conversely, if a partial stay is granted, prospective benefits will be
19 paid, but payment of the substantial amount of past benefits will be held in abeyance
20 pending final resolution of the compensability issue. Accordingly, the CITY requests a
21 partial stay of the Appeals Officer's decision pending resolution of the Petition for Judicial
22 review.

23 **2. Payment of Actual Death Benefits Will Irreparably Harm the CITY.**

24 NRS 616C.380(1)(b) provides that payment of an award must be made in
25 installment payments of 66 2/3 percent of the average wage of the claimant until the
26 claim reaches final resolution if the claim is for more than 3 months of past benefits for a
27 temporary total disability or rehabilitation. The statute does not specifically mention past
28 death benefits. However, the rationale for holding past benefits in abeyance pending final
resolution of the disputed claim would also apply to payment of past death benefits.

///

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In this case, more than two and one-half (2-1/2) years of past benefits are at issue. Both the compensability of the claim and the responsible insurer are at issue. If the compensability issue is ultimately decided in favor of the CITY, the CITY will have paid a substantial amount of death benefits it cannot recover. Ransier v. S.I.S., 104 Nev. 742, 766 P.2d 274 (1988).

The CITY has no objection to payment of death benefits prospectively while the Petition is pending. However, payment of a substantial sum that cannot be recovered if the Petition is ultimately decided in favor of the CITY constitutes irreparable harm. This is precisely the circumstance NRS 616C.380(1)(b) is designed to prevent. Accordingly, the CITY requests a stay order staying payment of past benefits pending resolution of the Petition for Judicial Review.

The CITY respectfully requests the Appeals Officer issue a partial stay order pending judicial review staying the Appeals Officer's March 18, 2015 decision to the extent it requires payment of past death benefits.

DATED this 14th day of April 2015.

McDONALD CARANO WILSON LLP

By: J. E. Rowe
TIMOTHY E. ROWE, ESQ.
P.O. Box 2670
Reno, Nevada 89505-2670
Attorneys for the Employer
CITY OF RENO

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD
3 CARANO WILSON LLP, and that on the on the 14th day of April 2015, I served the
4 preceding *MOTION FOR PARTIAL STAY ORDER* by placing a true and correct copy
5 thereof in a sealed envelope and serving said document via hand-delivery by Reno
6 Carson Messenger Service the following party at the address referenced below:
7

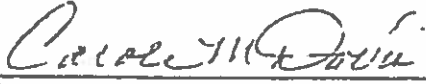
8 Evan Beavers, Esq.
9 Nevada Attorney for Injured Workers
10 1000 E. William Street, Suite 208
11 Carson City, NV 89701

12 A true and correct copy for the foregoing document was also served via U.S. Mail at
13 Reno, Nevada, on the following parties at the addresses referenced below:

14 Mark Sertic, Esq.
15 5975 Home Gardens Drive
16 Reno, NV 89502

17 Lisa Jones
18 CCMSI
19 P. O. Box 20068
20 Reno, NV 89515-0068

21 The City of Reno
22 Attn: Human Resources
23 P.O. Box 1900
24 Reno, NV 89505

25
26 
27 Carole M. Davis
28

#416658v1[cw4/3/15]

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2015 APR 15 PM 1:15

SUSAN HERRIWEATHER
CLERK

BY  DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

CITY OF RENO,

CASE NO: 15 OC 00092 1B

Petitioner,

Dept. No.: 2

v.

BRIEFING SCHEDULE

DANIEL DEMARANVILLE [Deceased],
EMPLOYER'S INSURANCE COMPANY
OF NEVADA, and NEVADA
DEPARTMENT OF ADMINISTRATION
APPEALS OFFICER,

Respondents.

On April 14, 2015 Petitioner filed a Petition for Judicial Review.

IT IS ORDERED:

Petitioner will serve the petition for judicial review upon the agency and every party within 45 days after filing the petition for judicial review. NRS 233B.130(5).

The agency and any party desiring to participate in the judicial review will file and serve a statement of intent to participate within 20 days after service of the petition for judicial review. NRS 233B.130(3).

The agency that rendered the decision will:

- 1) Transmit to this court the entire record, including a transcript, within 30 days after service of the petition for judicial review. The record may be shortened by stipulation of the parties to the proceeding. NRS 233B.131(1); and
- 2) File and serve upon all parties a written notice of transmittal. The written notice of transmittal will include a statement to the effect: "The record of the proceeding

1 was filed with the court on (insert date the record was filed)." NRS 233B.133(1).

2 Petitioner will file and serve an opening brief (memorandum of points and
3 authorities) within 40 days after the agency has given written notice that the record has
4 been filed with the court. NRS 233B.133(1).

5 Petitioner's failure to file an opening brief within the time limitation shall be
6 deemed an admission the appeal was not well founded and shall constitute adequate
7 cause for dismissal of this action.

8 Respondent will file and serve an answering brief (memorandum of points and
9 authorities) within 30 days after service of Petitioner's opening brief. NRS 233B.133(2).

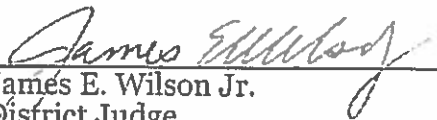
10 Petitioner may file and serve and reply brief (memorandum of points and
11 authorities) within 30 days after service of Respondent's answering brief. NRS
12 233B.133(3).

13 A request to submit must be filed to bring the matter to this Court's attention.
14 FJDCR 15(6). Either party may file the request.

15 Any party may request a hearing within 7 days after expiration of the time within
16 which Petitioner is required to file a reply brief. NRS 233B.133(4). The grant or denial
17 of a hearing shall lie within the court's discretion. FJDCR 15(9).

18 The parties will file a proposed order with their briefs. FJDCR 15(7).

19 April 15, 2015.

20
21 
22 _____
23 James E. Wilson Jr.
24 District Judge
25
26
27
28

1 CERTIFICATE OF MAILING

2 I hereby further certify that on the 15 day of April 2015 I placed a copy
3 of the foregoing order in the United States Mail postage prepaid, addressed as follows:

4 Timothy E. Rowe, Esq.
5 P.O. Box 2670
6 Reno, NV 89505-2670

Evan Beavers, Esq.
Nevada Attorney for Injured Workers
1000 E. William St., #208
Carson City, NV 89701

7 Mark Sertic, Esq.
8 5975 Home Gardens Dr.
9 Reno, NV 89502

10
11 
12 _____
13 Susan Greenburg
14 Judicial Assistant
15
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1 NEVADA DEPARTMENT OF ADMINISTRATION
2 BEFORE THE APPEALS OFFICER

3 1050 E. WILLIAM, SUITE 450
4 CARSON CITY, NV 89701

FILED

APR 16 2015

DEPT OF ADMINISTRATION
APPEALS OFFICER

6 In the Matter of the Contested
7 Industrial Insurance Claim of:

10 DANIEL DEMARANVILLE,
11 DECEASED,

12 Claimant.

Claim No: 12853C301824
1990204572


Hearing No: 46538-SA
45822-KD
44686-SA

Appeal No: 46812-LLW
46479-LLW
44957-LLW

13 ORDER

14
15 The Employer filed its Motion for Partial Stay Order on April 14,
16 2015. After careful consideration, the Motion for Partial Stay Order is DENIED.
17 However, see NRS 616C.380(1)(b) and the provisions regarding disputed
18 payments.

19 **IT IS SO ORDERED.**

20
21 
22 _____
23 LORNA L WARD
24 APPEALS OFFICER
25
26
27
28

1 CERTIFICATE OF MAILING

2 The undersigned, an employee of the State of Nevada, Department of
3 Administration, Hearings Division, does hereby certify that on the date shown
4 below, a true and correct copy of the foregoing ORDER was duly mailed, postage
5 prepaid OR placed in the appropriate addressee runner file at the Department of
6 Administration, Hearings Division, 1050 E. Williams Street, Carson City, Nevada,
7 to the following:

8 DANIEL DEMARANVILLE, DECEASED
9 C/O LAURA DEMARANVILLE
10 PO BOX 261
11 VERDI, NV 89439

12 EVAN BEAVERS, ESQ
13 1000 E WILLIAM #208
14 CARSON CITY NV 89701

15 CITY OF RENO
16 ATTN CARA BOWLING
17 PO BOX 1900
18 RENO, NV 89505

19 TIMOTHY ROWE, ESQ
20 PO BOX 2670
21 RENO NV 89505

22 EMPLOYERS INSURANCE COMP OF NV
23 PO BOX 539004
24 HENDERSON, NV 89053

25 MARK SERTIC, ESQ
26 5975 HOME GARDENS DRIVE
27 RENO NV 89502

28 Dated this 16th day of April, 2015.



Kristi Fraser, Legal Secretary II
Employee of the State of Nevada

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2015 APR 20 AM 11:25

SUSAN HERRIWETHER
CLERK
BY: [Signature] DEPUTY

1 MARK S. SERTIC, ESQ.
2 SERTIC LAW LTD.
3 Nevada Bar No.: 403
4 5975 Home Gardens Drive
5 Reno, Nevada 89502
6 Telephone: (775) 327-6300
7 Facsimile: (775) 327-6301
8 *Attorneys for Respondent*
9 *Employers Insurance Company of Nevada*

10
11 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
12 **IN AND FOR CARSON CITY**

13 *****

14 CITY OF RENO,

15 Petitioner,

Case No. 150C000921B

16 vs.

Department No: II

17 DANIEL DEMARANVILLE [Deceased],
18 EMPLOYER'S INSURANCE COMPANY
19 OF NEVADA, and NEVADA DEPARTMENT
20 OF ADMINISTRATION APPEALS OFFICER

21 Respondents.
22 _____ /

23 **AFFIRMATION**
24 Pursuant to NRS 239B.030/603A.040
25 (Initial Appearance)

26 The undersigned does hereby affirm that upon the filing of additional documents in the above
27 matter, an Affirmation will be provided **ONLY** if the document contains a social security number
28 (NRS 239B.030) or "personal information" (NRS 603A.040), which means a natural person's first
name or first initial and last name in combination with any one or more of the following data
elements:

- 1. Social Security number.
- 2. Driver's license number or identification card number.
- 3. Account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person's financial account.

///
///

1 The term does not include publicly available information that is lawfully made available to the
2 general public.

3 DATED this 17 day of April, 2015.

4 SERTIC LAW LTD.

5
6 By: Mark S. Sertic
7 MARK S. SERTIC, ESQ.
8 5975 Home Gardens Drive
9 Reno, Nevada 89502
10 *Attorneys for Respondent*
11 *Employers Insurance Company of Nevada*

12 The purpose of this initial affirmation is to ensure that each person who initiates a case, or upon first
13 appearing in a case, acknowledges their understanding that no further affirmations are
14 necessary unless a pleading which is filed contains personal information.

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Sertic Law Ltd.,
3 Attorneys at Law, over the age of eighteen years, not a party to the within matter, and that on the
4 7th day of April, 2015, I deposited for mailing at Reno, Nevada, with postage fully prepaid, a true
5 copy of the foregoing or attached document, addressed to:

6 Tim E. Rowe, Esq.
7 McDonald Carano Wilson LLP
8 P.O. Box 2670
9 Reno, Nevada 89505

10 NAIW
11 Evan Beavers, Esq.
12 1000 E William Street #208
13 Carson City, Nevada 89701

14 Appeals Officer
15 Department of Administration
16 1050 E. William Street, Suite 450
17 Carson City, Nevada 89710

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Gina L. Walsh

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ORIGINAL

1 MARK S. SERTIC, ESQ.
2 SERTIC LAW LTD.
3 Nevada Bar No.: 403
4 5975 Home Gardens Drive
5 Reno, Nevada 89502
6 Telephone: (775) 327-6300
7 Facsimile: (775) 327-6301
8 Attorneys for Respondent
9 Employers Insurance Company of Nevada

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2015 APR 20 PM 12: 28

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

7 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR CARSON CITY**

9 *****

10 CITY OF RENO,

11 Petitioner,

Case No. 150C000921B

12 vs.

Department No: II

13 DANIEL DEMARANVILLE [Deceased],
14 EMPLOYER'S INSURANCE COMPANY
15 OF NEVADA, and NEVADA DEPARTMENT
16 OF ADMINISTRATION APPEALS OFFICER

16 Respondents.

17 **NOTICE OF INTENT TO PARTICIPATE**

18
19 Respondent, Employers Insurance Company of Nevada, hereby submits this Statement of
20 Intent to Participate in the review process regarding the Petition for Judicial Review filed by
21 Petitioner, the City of Reno. This Statement of Intent to Participate is made pursuant to and based
22 upon NRS 233B.130(3).

24 Respondent, Employers Insurance Company of Nevada, does not, by filing this statement of

25 ///

26 ///

27 ///

28

1 intent, waive any argument regarding Jurisdiction or any other defense available.

2 DATED this 17th day of April, 2015.

3 SERTIC LAW LTD.


4
5 By: 
6 MARK S. SERTIC, ESQ.
7 5975 Home Gardens Drive
8 Reno, Nevada 89502
9 *Attorneys for Respondent*
10 *Employers Insurance Company of Nevada*

11 **AFFIRMATION**

12 Pursuant to NRS 239B.030

13
14 The undersigned does hereby affirm that the preceding ***NOTICE OF INTENT TO***
15 ***PARTICIPATE*** does not contain the social security number of any person.

16
17 Dated on this 17th day of April, 2015.

18
19 
20 Mark S. Sertic

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of Sertic Law Ltd.,
3 Attorneys at Law, over the age of eighteen years, not a party to the within matter, and that on the
4 17th day of April, 2015, I deposited for mailing at Reno, Nevada, with postage fully prepaid, a true
5 copy of the foregoing or attached document, addressed to:

6 Tim E. Rowe, Esq.
7 McDonald Carano Wilson LLP
8 P.O. Box 2670
9 Reno, Nevada 89505

10 NAIW
11 Evan Beavers, Esq.
12 1000 E William Street #208
13 Carson City, Nevada 89701

14 Appeals Officer
15 Department of Administration
16 1050 E. William Street, Suite 450
17 Carson City, Nevada 89710

18 
19 _____
20 Gina L. Walsh

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1 this Court for judicial review of the Decision rendered and filed by the Department of
2 Administration Appeals Officer on March 18, 2015 on Claim Nos. 12853C301824 and 1990204572,
3 Appeal Nos. 44957-LLW, 46479-LLW and 46812-LLW. A copy of the Decision is attached hereto
4 as Exhibit 1.

5 The grounds upon which this is review is sought is that the Decision of the Appeals Officer
6 prejudices substantial rights of the Cross-Petitioner in that it is:
7

- 8 1. In violation of constitutional or statutory provisions;
- 9 2. In excess of the statutory authority of the agency;
- 10 3. Made upon unlawful procedure;
- 11 4. Affected by error of law;
- 12 5. Clearly erroneous in view of the reliable, probative and substantial evidence on the
13 whole record; and
- 14 6. Arbitrary and capricious and characterized by an abuse of discretion by the Appeals
15 Officer.
16

17 WHEREFORE, Cross-Petitioner prays as follows:


- 18 1. The Court grant judicial review of the Decision filed on March 18, 2015 by the
19 Department of Administration Appeals Officer;
- 20 2. The Court vacate and set aside the Decision issued by the Appeals Officer; and
- 21 3. For such other and further relief as the Court deems just and proper.
22

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DATED this 17th day of April, 2015.

SERTIC LAW LTD.

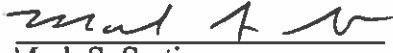
By: 
MARK S. SERTIC, ESQ.
5975 Home Gardens Drive
Reno, Nevada 89502
*Attorneys for Respondent/Cross-Petitioner
Employers Insurance Company of Nevada*

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding ***CROSS-PETITION FOR JUDICIAL REVIEW*** does not contain the social security number of any person.

Dated on this 17th day of April, 2015.


Mark S. Sertic

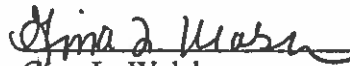
1 CERTIFICATE OF SERVICE

2 Pursuant to NRC 5(b), I certify that I am an employee of the law firm of Sertic Law Ltd.,
3 Attorneys at Law, over the age of eighteen years, not a party to the within matter, and that on the
4 17th day of April, 2015, I deposited for mailing at Reno, Nevada, with postage fully prepaid, a true
5 copy of the foregoing or attached document, addressed to:

6 Tim E. Rowe, Esq.
7 McDonald Carano Wilson LLP
8 P.O. Box 2670
9 Reno, Nevada 89505

10 NAIW
11 Evan Beavers, Esq.
12 1000 E William Street #208
13 Carson City, Nevada 89701

14 Appeals Officer
15 Department of Administration
16 1050 E. William Street, Suite 450
17 Carson City, Nevada 89710

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Gina L. Walsh

INDEX OF EXHIBITS

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Exhibit #	Description	# of Pages
Exhibit 1	Decision of Appeals Officer	11

1 Nevada, the Insurer at the time of the Claimant's retirement was represented by
2 Mark S. Sertic, Esq., of Sertic Law Ltd. The hearing was conducted pursuant to
3 Chapters 233B and 616A to D of the Nevada Revised Statutes.

4 Having heard the testimony and considered the documents the
5 Appeals Officer finds as follows:

6 **FINDINGS OF FACT**

7 Daniel DeMaranville was a sworn police officer for the City of Reno
8 from August 6, 1969 until his retirement in January 1990. Exhibit 1, page 3.
9 Officer DeMaranville was employed in a full-time continuous, uninterrupted and
10 salaried occupation as a police officer during his employment with the Reno
11 Police Department. At the time of his death he was employed by AKAL as a
12 court security officer for the Federal District Court. Exhibit 1, page 57.

13 On August 5, 2012, he entered the hospital for a laparoscopic
14 cholecystectomy (removal of the gallbladder). Exhibit 1, page 6. The surgery
15 commenced at approximately 12:00 pm and concluded at approximately 1:45 pm.
16 Exhibit 2, page 23. He was taken to the recovery room in good condition.
17 Exhibit 1, page 7. He became hypotensive and tachycardia while in the recovery
18 room. (Low blood pressure and rapid heart rate). Laboratory work was sent and
19 transfer to ICU was discussed. At 3:35 pm troponin I enzymes (cardiac enzymes)
20 were drawn which revealed a level of 0.32ng/ml. See Exhibit 1, page 10. In
21 addition a cardiac consult was ordered. Exhibit 2, page 27. Daniel DeMaranville
22 suffered a cardiac arrest with unsuccessful resuscitation and died at 7:18 pm.
23 Exhibit 1, page 14, 16. The surgeon, Myron Gomez, M.D., certified the cause of
24 death to be "cardiac arrest, due to, or as a consequence of atherosclerotic heart
25 disease." Exhibit 1, page 16.

26 Daniel DeMaranville's widow, Laura DeMaranville, filed an
27 incomplete C-4 Form, Claim for Compensation on September 5, 2012. Exhibit 1,
28 page 2. The third party administrator for the City of Reno received the C-4 Form

1 on September 6, 2012. *Id.* The employer sent the insurer a completed C-3 Form,
2 Employer's Report of Industrial Injury or Occupational Disease on September 11,
3 2012. Exhibit 1, page 3. The employer stated on the form that "retired police
4 officer experienced massive heart attack after surgery." *Id.* The CCMSI claims
5 adjuster began gathering medical records and writing letters to Mrs. DeMaranville
6 in order to make a claims decision. See Exhibit 1, pages 17-49. CCMSI finally
7 received all the medical records in late March 2013 and requested that Mrs.
8 DeMaranville make a written request for widow benefits. Exhibit 1, page 49.

9 On May 23, 2013, after a chart review by Jay Betz, M.D., CCMSI
10 issued a determination letter denying the claim because there was a lack of
11 information establishing a cause of death as no autopsy was performed and the
12 insurer did not have medical records establishing that Daniel DeMaranville had
13 heart disease. Exhibit 1, pages 52-56. Mrs. DeMaranville appealed claim denial.
14 Exhibit 1, page 1.

15 In the meantime, Mrs. DeMaranville filed a separate claim with the
16 Employers Insurance Group because she received information that the proper
17 insurer was the insurer for the City of Reno at the time Officer DeMaranville
18 retired in January 1990. Exhibit 1, pages 57-61. Employers Insurance requested a
19 Cardiologist Records Review IME from Coventry Workers' Comp Services on
20 July 7, 2013. Exhibit 5. On August 20, 2013, a completed C-4 Form was signed
21 by Dr. Gomez noting the diagnosis of cholecystitis and myocardial infarction.
22 Exhibit 3, page 2. On August 31, 2013, Zev Lagstein, M.D., the cardiologist
23 from Coventry provided his opinion regarding the causation of Daniel
24 DeMaranville's death. Exhibit 5, pages 3-8. On September 3, and September 16,
25 2013 Employers Insurance obtained two additional informal reviews of the
26 medical records. Exhibit 2, pages 28-36. On September 19, 2013, Employers
27 Insurance Company of Nevada denied the claim based in part on an informal
28 review by Yasmine Ali, MD. Exhibit 3, pages 5-12.

1 Daniel DeMaranville's prior medical records reveal stable right
2 bundle branch block in his heart with no evidence of organic heart disease.
3 Exhibit 3, page 19-19-26. The right bundle branch block was noted as early as
4 January 2004. Exhibit 6, page 2. In April 2011 he was cleared for security work
5 without restriction. Exhibit 3, page 19.

6 In the Spring and Fall of 2014, Mrs. DeMaranville obtained opinions
7 from Charles Ruggeroli, M.D., of Cardiology & Cardiovascular Consultants in
8 Las Vegas, Nevada. Exhibits 7 and 8.

9 The first issue litigated in this case was whether or not Daniel
10 DeMaranville died of heart disease. Therefore, a careful review of the above
11 mentioned medical opinions is essential.

12 Review of Expert Medical Opinions

13 Jay E. Betz, M.D.

14 Dr. Betz is an occupational medicine specialist. He reviewed the
15 partial medical records provided by the employer. He opined that he was unable
16 to determine the actual cause of death. He further stated that the probability was
17 high that Mr. DeMaranville died of heart disease due to his age. He further
18 opined that it was much less likely that he died of pulmonary embolus or
19 anesthesia related complications. He also opined that:

20 "[n]early everyone develops atherosclerotic heart disease to one
21 degree or another as we age. Often the first sign of significant
22 atherosclerotic heart disease is a myocardial infarction. Sometimes
23 this infarction is massive and fatal. In the case of Mr. DeMaranville,
24 considering his age and the sudden onset of cardiac insufficiency it is
25 most likely he suffered a significant myocardial infarction making a
26 large portion of the his myocardium nonfunctional."

26 He stated that he was unable to determine with "certainty" the
27 cause of death without an autopsy. Exhibit 1, page 52-54.
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Sankar Pemmaraju, D.O.

Dr. Pemmaraju is a physical medicine and rehabilitation specialist. Dr. Pemmaraju opined that there was no evidence of cardiac disease prior to his death except for an irregular EKG. He also opined that Mr. DeMaranville had some risk factors, i.e, smoking and alcohol abuse, prior to his death that could have led to atherosclerotic heart disease and could have predisposed him to a higher risk for any surgical intervention. He stated that as Mr. DeMaranville had some risk factors that would have led to the atherosclerotic heart disease, most likely the myocardial infarction was not due to a postoperative complication of a gallbladder surgery resulting in cardiac arrest. Exhibit 2, pages 28-32.

Yasmine Ali, M.D.

Dr. Ali is an internal medicine and cardiovascular disease specialist. She noted that there was evidence of cardiovascular disease prior to August 5, 2012 in the form of hypertension, right bundle branch block, and mild left ventricular hypertrophy. However, she stated that there was no evidence of coronary artery disease, coronary heart disease, or ischemic heart disease. She found no documentation in the records she reviewed that supported a diagnosis of atherosclerotic heart disease as noted on the death certificate. In addition, she opined that from the records provided, “there is no evidence of a myocardial infarction particularly since *cardiac enzymes were not drawn*, a 12-lead ECG showing evidence of myocardial infarction is absent, and an autopsy was not performed.” (emphasis added). She therefore concluded that the cardiac arrest was a post-operative complication. Exhibit 2, pages 33-36.

Zev Lagstein, M.D.

Dr. Lagstein is an internal medicine and cardiovascular disease specialist. After his review of the provided medical records he concluded that there was not enough information to support a diagnosis of atherosclerotic heart disease. In particular he noted that there was no postoperative EKG to indicate

1 ischemia and/or myocardial infarction, and no autopsy was done and “cardiac
2 enzymes were apparently not drawn.” Therefore, he stated that there was no
3 evidence to support the diagnosis noted on the death certificate. He also
4 disagreed with Dr. Ruggeroli’s assertion that Mr. DeMaranville had occult
5 occlusive arteriosclerotic heart disease. He opined that there is “no evidence to
6 support diagnosis of myocardial infarction in the absence of abnormal
7 postoperative EKG and *postoperative cardiac enzymes, especially troponin-I*
8 *level.*” (emphasis added). He concluded that the death was due to a postoperative
9 complication of unclear etiology. He further stated that “*clearly, the*
10 *aforementioned diagnostic test with or without autopsy would have clarified this*
11 *issue beyond any doubts.*” (emphasis added). Exhibit 5, pages 3-8.

12 Charles Ruggeroli, M.D.

13 Dr. Ruggeroli is a cardiology specialist. He noted that Mr.
14 DeMaranville no history of antecedent symptomatic coronary artery disease,
15 however he had multiple cardiovascular risk factors with a baseline abnormal
16 resting electrocardiogram. He opined that Mr. DeMaranville had a catastrophic
17 cardiovascular event secondary to underlying occult occlusive atherosclerosis of
18 the coronary arteries leading to his death. Exhibit 7, page 1-2. After Dr. Lagstein
19 commented on his opinion, Dr. Ruggeroli reiterated his opinion. He noted that
20 Mr. DeMaranville arrived in the recovery room with normal vital signs, and
21 afterwards became hypotensive and tachycardic. Laboratory tests were done at
22 3:35 pm which revealed an elevated troponin I level of 0.32 ng/ml. Dr. Ruggeroli
23 opined that the troponin level was consistent with myocardial necrosis or heart
24 damage. His condition worsened and ultimately he was diagnosed with pulseless
25 electric activity and no evidence of ventricular activity and was pronounced dead
26 at approximately 7:30 pm. He opined that the “cardiac troponins drawn
27 approximately 4 hours prior to his death were elevated and consistent with a
28 cardiovascular cause of ... death.” Exhibit 8, page 4.

1 Dr. Ruggeroli is the only physician who saw and evaluated the
2 cardiac enzymes (troponin). Dr. Betz and Dr. Pemmaraju do not mention cardiac
3 enzymes in their reporting. However, Dr. Betz notes that the most likely cause of
4 death is a significant myocardial infarction. Dr. Ali and Dr. Lagstein note that, in
5 part, because cardiac enzymes were not drawn it could not be determined whether
6 or not Mr. DeMaranville died of a myocardial infarction. Therefore they ascribe
7 the cause of death to postoperative complications. However, Dr. Lagstein notes
8 that the troponin I "test with or without autopsy would have clarified this issue
9 beyond any doubts."¹

10 Dr. Ruggeroli's opinion is persuasive and credible. The cardiac
11 enzymes were elevated and consistent with heart damage leading to a catastrophic
12 cardiovascular event. Dr. Ali and Dr. Lagstein were apparently unaware of the
13 troponin I level prior to Mr. DeMaranville's death and therefore those opinions
14 are of little weight except to affirm the importance of the levels to determine
15 cause of death. Daniel DeMaranville died of heart disease.

16 The second issue in this case is which insurer is liable for the claim.
17 The City of Reno (City) was insured by Employers Insurance Company of
18 Nevada (EICON) at the time of Daniel DeMaranville's retirement in 1990.
19 Thereafter, in 1992 the City became self-insured. Officer DeMaranville's
20 retirement does not affect his entitlement to benefits. Gallagher v. City of Las
21 Vegas, 114 Nev. 595, 959 P.2d 519 (1998).

22 Daniel DeMaranville's heart disease is an occupational disease. His
23 disability did not arise until his date of death, August 5, 2012. Therefore, the
24 claim for compensation arose on that date. The City was self-insured on August 5,
25 2012.

26
27
28 ¹ The Employers Insurance Company, who offered Dr. Lagstein's IME, did not
provide further comment by Dr. Lagstein after review of the Troponin I
levels.

1 CONCLUSIONS OF LAW

2 NRS 617.457 Heart diseases as occupational diseases of
3 firefighters, arson investigators and police officers.
4 Notwithstanding any other provision of this chapter, diseases of the
5 heart of a person who, for 5 years or more, has been employed in a
6 full-time continuous, uninterrupted and salaried occupation as a
7 firefighter, arson investigator or police officer in this State before the
8 date of disablement are conclusively presumed to have arisen out of
9 and in the course of the employment.

10 NRS 617.344 provides that in the event of a death of an employee, the
11 time for filing a claim for compensation is expanded to one year after there is
12 knowledge of the disability and its relationship to his or her employment.

13 NRS 617.060 defines "disablement" as: "the event of becoming
14 physically incapacitated by reason of an occupational disease....".

15 NRS 617.430 provides: "Every employee who is disabled or dies
16 because of an occupational disease. . ." is entitled to compensation.

17 Daniel DeMaranville was employed by the City of Reno as a police
18 officer for more than 20 years in a full-time continuous, uninterrupted and salaried
19 position. He had documented heart damage which led to a catastrophic
20 cardiovascular event and his death on August 5, 2012. The cause of his death
21 qualifies as a disease of the heart pursuant to NRS 617.457(1). His wife timely filed
22 a claim for compensation with the City of Reno and its current third party
23 administrator on September 5, 2012.² Later, the Claimant's wife filed another C-4
24 Claim with the City of Reno's insurer at the time the Claimant retired from the
25 police force.

26 The issue then becomes which insurer is liable for the claim. Mr.
27 DeMaranville's date of disability is also the date of his death, August 5, 2012.

28 The Nevada Supreme Court in Manwill v. Clark County, 123 Nev.238,

² Although the C-4 form was incomplete it gave the City of Reno and CCMSI notice of the claim and the City and CCMSI began an investigation of the claim at that time. The City of Reno cannot assert that the claim was late filed.

1 162 P.3d 876 (2007) opined that a claimant seeking benefits under NRS 617.457
2 must “show only two things: heart disease and five years’ qualifying employment
3 before disablement.” 123 Nev. at 242. The Court also held, quoting from Daniels³:

4 [T]o receive occupational disease compensation, a firefighter
5 must be disabled by the heart disease: “[a]n employee is not
6 entitled to compensation ‘from the mere contraction of an
7 occupational disease. Instead, compensation . . . flows from a
8 disablement resulting from such a disease.’” (citations omitted).

8 123 Nev. at 244, 162 P.3d at 880.

9 In Howard v. City of Las Vegas, 121 Nev. 691, 120 P.3d 410 (2005)
10 the Court held:

11 Here, Howard’s heart disease first manifested itself in the form
12 of a heart attack eight years after he retired from his employment
13 as a firefighter. While under NRS 617.457(1)’s presumption,
14 Howard’s heart attack was an occupational disease arising out of
15 and in the course of his employment entitling him to occupational
16 disease benefits, the date of disability under Mirage⁴ is the date of
17 the heart attack. 121 Nev. at 693, 120 P.3d at 412.

18 The Claimant became entitled to compensation on the date of his
19 disablement, August 5, 2012, and the responsible insurer on that date was the self-
20 insured City of Reno.

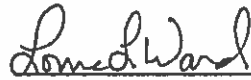
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28 ³ Employers Ins. Co. of Nev. v. Daniels, 122 Nev. 1009, 145 P.3d 1024
(2006).

⁴ Mirage v. State, Dep’t. of Administration, 110 Nev. 257, 871 P.2d 317
(1994)

1 **DECISION**

2 The May 23, 2013 CCMSI determination letter denying the claim is
3 REVERSED (Appeal No. 44957). The October 28, 2013 decision of the Hearing
4 Officer, which found the Employers Insurance Company of Nevada liable for the
5 claim, is REVERSED (Appeal No. 46479). The September 19, 2013 Employers
6 Insurance Company of Nevada determination letter denying the claim is
7 AFFIRMED (Appeal No. 46812).

8
9 **IT IS SO ORDERED.**

10
11 

12 _____
13 Lorna L Ward
14 APPEALS OFFICER

15 **Notice:** Pursuant to NRS 233B.130, should any party desire to appeal this final
16 decision of the Appeals Officer, a Petition for Judicial Review must be filed with
17 the district court within thirty (30) days after service by mail of this decision.
18
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1 CERTIFICATE OF MAILING

2 The undersigned, an employee of the State of Nevada, Department of
3 Administration, Hearings Division, does hereby certify that on the date shown
4 below, a true and correct copy of the foregoing DECISION AND ORDER was
5 duly mailed, postage prepaid OR placed in the appropriate addressee runner file at
6 the Department of Administration, Hearings Division, 1050 E. William Street,
Carson City, Nevada, to the following:

7 DANIEL DEMARANVILLE, DECEASED
8 C/O LAURA DEMARANVILLE
9 PO BOX 261
VERDI, NV 89439

10 EVAN BEAVERS, ESQ
11 1000 E WILLIAM #208
12 CARSON CITY NV 89701

13 CITY OF RENO
14 ATTN CARA BOWLING
15 PO BOX 1900
16 RENO, NV 89505

17 TIMOTHY ROWE, ESQ
18 PO BOX 2670
19 RENO NV 89505

20 EMPLOYERS INSURANCE COMP OF NV
21 PO BOX 539004
22 HENDERSON, NV 89053

23 MARK SERTIC, ESQ
24 5975 HOME GARDENS DRIVE
25 RENO NV 89502

26 Dated this 18th day of March, 2015.

27 
28 _____
Kristi Fraser, Legal Secretary II
Employee of the State of Nevada

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1 NEVADA DEPARTMENT OF ADMINISTRATION
2 BEFORE THE APPEALS OFFICER

3 * * * * *

4 In the Matter of the Contested
5 Industrial Insurance Claim of:

Claim No: 12853C301824
1990204572

6 DANIEL DEMARANVILLE,
7 DECEASED,

Hearing No. 46538-SA
45822-KD
44686-SA

8 Claimant.

Appeal No: 46812-LLW
46479-LLW
44957-LLW

9 _____ /
10 REQUEST FOR CLARIFICATION OF STAY ORDER

11 The Employer, CITY OF RENO (hereinafter "CITY"), respectfully moves the
12 Appeals Officer for clarification of the Order entered on April 16, 2015 (attached as Exhibit
13 A). The basis for this motion is that the insurer requests clarification in order to avoid any
14 inadvertent violation of the Appeals Officer's Stay Order.

15 This motion is made and based upon the points and authorities attached hereto,
16 and the Insurer's Documentary Evidence (IDE) submitted.

17 DATED this 22nd day of April 2015.

18 McDONALD CARANO WILSON LLP

19
20 By J. E. Rowe
21 TIMOTHY E. ROWE, ESQ.
22 P. O. Box 2670
23 Reno, Nevada 89505-2670
24 Attorneys for the Employer
25 CITY OF RENO

26 FILED
27 RECEIVED
28 2015 APR 23 PM 4:17
STATE OF NEVADA
DEPT OF ADMINISTRATION
HEARINGS DIVISION
APPEALS OFFICE

McDONALD·CARANO·WILSON
100 WEST LIBERTY STREET, 10TH FLOOR • RENO, NEVADA 89501
PO BOX 2670 • RENO, NEVADA 89501-1670
PHONE 775-786-2000 • FAX 775-786-2020

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD
3 CARANO WILSON LLP, and that on the 27th day of April 2015, I caused a true and
4 corrected copy of the **MOTION FOR CLARIFICATION OF STAY ORDER** to be mailed via
5 United States Mail at Reno, Nevada, or served by hand delivery via Reno-Carson
6 Messenger Service, as indicated, upon the following parties:

7 Lorna L. Ward
8 Appeals Officer
9 Department of Administration
10 1050 E. William Street, Suite 450
11 Carson City, NV 89710

12 Evan Beavers, Esq.
13 1000 E. William St., #208
14 Carson City, NV 89701

15 Mark Sertic, Esq.
16 5975 Home Gardens Drive
17 Reno, NV 89502

18 and a copy of the within document has been mailed via U.S. mail at Reno Nevada to:

19 Lisa Jones
20 CCMSI
21 P.O. Box 20068
22 Reno, NV 89515-0068

23 City of Reno
24 Attn: Cara Bowling
25 P. O. Box 1900
26 Reno, NV 89505

27 Employers Insurance Company of Nevada
28 P. O. Box 539004
Henderson, NV 89053


Carole Davis

418041

MCDONALD-CARANO-WILSON
100 WEST LIBERTY STREET, 10TH FLOOR - RENO, NEVADA 89501
PO BOX 4170 - RENO, NEVADA 89503
PHONE 775-786-3000 - FAX 775-786-3000

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ORIGINAL

1 MARK S. SERTIC, ESQ.
2 SERTIC LAW LTD.
3 Nevada Bar No.: 403
4 5975 Home Gardens Drive
5 Reno, Nevada 89502
6 Telephone: (775) 327-6300
7 Facsimile: (775) 327-6301
8 *Attorneys for Respondent*
9 *Employers Insurance Company of Nevada*

REC'D & FILED

2015 APR 27 PM 2:59

SUSAN HERRIWETHER
CLERK

BY  DEPUTY

7 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR CARSON CITY**

9 *****

10 CITY OF RENO,

11 Petitioner,

Case No. 150C000921B

12 vs.

Department No: II

13 DANIEL DEMARANVILLE [Deceased],
14 EMPLOYER'S INSURANCE COMPANY
15 OF NEVADA, and NEVADA DEPARTMENT
16 OF ADMINISTRATION APPEALS OFFICER

16 Respondents.

17 **STATEMENT OF INTENT TO PARTICIPATE**

18
19 Respondent, Employers Insurance Company of Nevada, hereby submits this Statement of
20 Intent to Participate in the review process regarding the Petition for Judicial Review filed by
21 Petitioner, the City of Reno. This Statement of Intent to Participate is made pursuant to and based
22 upon NRS 233B.130(3).
23

24 Respondent, Employers Insurance Company of Nevada, does not, by filing this Statement of

25 ///

26 ///

27 ///

28

1 Intent, waive any argument regarding Jurisdiction or any other defense available.

2 DATED this 27th day of April, 2015.

3 SERTIC LAW LTD.

4
5 By: 
6 MARK S. SERTIC, ESQ.
7 5975 Home Gardens Drive
8 Reno, Nevada 89502
9 *Attorneys for Respondent*
10 *Employers Insurance Company of Nevada*

11 **AFFIRMATION**

12 **Pursuant to NRS 239B.030**

13
14 The undersigned does hereby affirm that the preceding *STATEMENT OF INTENT TO*
15 *PARTICIPATE* does not contain the social security number of any person.

16
17 Dated on this 27th day of April, 2015.

18
19 
20 Mark S. Sertic

1 CERTIFICATE OF SERVICE

2 Pursuant to NRC 5(b), I certify that I am an employee of the law firm of Sertic Law Ltd.,
3 Attorneys at Law, over the age of eighteen years, not a party to the within matter, and that on the
4 4th day of April, 2015, I deposited for mailing at Reno, Nevada, with postage fully prepaid, a true
5 copy of the foregoing or attached document, addressed to:

6 Tim E. Rowe, Esq.
7 McDonald Carano Wilson LLP
8 P.O. Box 2670
9 Reno, Nevada 89505

10 NAIW
11 Evan Beavers, Esq.
12 1000 E William Street #208
13 Carson City, Nevada 89701

14 Appeals Officer
15 Department of Administration
16 1050 E. William Street, Suite 450
17 Carson City, Nevada 89710

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Gina L. Walsh

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1 NEVADA DEPARTMENT OF ADMINISTRATION
2 BEFORE THE APPEALS OFFICER

FILED

3 1050 E. WILLIAM, SUITE 450
4 CARSON CITY, NV 89701

APR 28 2015

DEPT. OF ADMINISTRATION
APPEALS OFFICER

5
6 In the Matter of the Contested
7 Industrial Insurance Claim of:

8
9
10 DANIEL DEMARANVILLE,
11 DECEASED,

12 Claimant.

Claim No: 12853C301824
1990204572

Hearing No: 46538-SA
45822-KD
44686-SA


Appeal No: 46812-LLW
46479-LLW
44957-LLW

13 CLARIFICATION OF DENIAL OF PARTIAL STAY

14
15 The Appeals Officer finds that NRS 616C.380 (1)(b) applies to death
16 benefits.¹

17 Therefore the City of Reno should proceed with payment of past-due
18 death benefits in monthly installments in addition to payment of the prospective
19 death benefits.

20 **IT IS SO ORDERED.**

21
22 
23 _____
24 LORNA L WARD
25 APPEALS OFFICER

26 ENTERED INTO
27 EVIDENCE AS EXHIBIT # 1

28
¹ The Appeals Officer apologizes for any confusion caused by the April 16, 2015 order.

1 CERTIFICATE OF MAILING

2 The undersigned, an employee of the State of Nevada, Department of
3 Administration, Hearings Division, does hereby certify that on the date shown
4 below, a true and correct copy of the foregoing ORDER was duly mailed, postage
5 prepaid OR placed in the appropriate addressee runner file at the Department of
6 Administration, Hearings Division, 1050 E. Williams Street, Carson City, Nevada,
7 to the following:

8 DANIEL DEMARANVILLE, DECEASED
9 C/O LAURA DEMARANVILLE
10 PO BOX 261
11 VERDI, NV 89439

12 EVAN BEAVERS, ESQ
13 1000 E WILLIAM #208
14 CARSON CITY NV 89701

15 CITY OF RENO
16 ATTN CARA BOWLING
17 PO BOX 1900
18 RENO, NV 89505

19 TIMOTHY ROWE, ESQ
20 PO BOX 2670
21 RENO NV 89505

22 EMPLOYERS INSURANCE COMP OF NV
23 PO BOX 539004
24 HENDERSON, NV 89053

25 MARK SERTIC, ESQ
26 5975 HOME GARDENS DRIVE
27 RENO NV 89502

28 Dated this 28th day of April, 2015.

Kristi Fraser
Kristi Fraser, Legal Secretary II
Employee of the State of Nevada

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NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

1 Evan Beavers, Esq.
Nevada Bar No. 3399
2 1000 East William Street, Suite 208
Carson City, Nevada 89701
3 Attorney for Respondent Daniel DeMaranville

REC'D & FILED

2015 APR 29 PM 1:29

SUSAN MERRIWETHER
CLERK

BY C. COOPER
DEPUTY

4
5
6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 CITY OF RENO,

10 Petitioner,

11 vs.

CASE NO. 15 OC 00092 1B

12 DANIEL DEMARANVILLE [DECEASED];
EMPLOYERS INSURANCE COMPANY OF
13 NEVADA; and APPEALS OFFICE of the
DEPARTMENT OF ADMINISTRATION,

DEPT. NO. II

14 Respondents.
15 _____/

16
17 STATEMENT OF INTENT TO PARTICIPATE

18 Comes now, Laura Demaranville, surviving spouse of
19 Respondent Daniel Demaranville, deceased, by and through her
20 attorney, Evan Beavers, Esq., Nevada Attorney for Injured
21 Workers, and hereby submits this Statement of Intent to
22 Participate in the review process regarding the Petition for
23 Judicial Review filed by Petitioner on April 14, 2015, and Cross-
24 Petition for Judicial Review filed by Respondent/Cross-Petitioner
25 filed on or about April 17, 2015. This Statement of Intent to
26 Participate is made pursuant to and based upon NRS 233B.130(3).

27 //

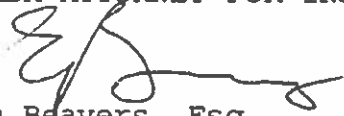
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Respondent Mrs. Demaranville, does not, by filing this statement of intent, waive any argument regarding jurisdiction or any other defense available.

DATED this 28th day of April, 2015.

NEVADA ATTORNEY FOR INJURED WORKERS



Evan Beavers, Esq.
Nevada Bar No. 3399
1000 East William Street, Suite 208
Carson City, Nevada 89701

Attorneys for Respondent

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

CERTIFICATE OF SERVICE

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Pursuant to NRCP 5(b), I certify that I am an employee of the State of Nevada, Nevada Attorney for Injured Workers, and that on this date I deposited for mailing at Carson City, Nevada, a true and correct copy of the within and foregoing STATEMENT OF INTENT TO PARTICIPATE addressed to:

LAURA DEMARANVILLE
PO BOX 261
VERDI NV 89439

and that on this date, I prepared for hand delivery, via Reno Carson Messenger Service, a true and correct copy of the aforementioned document to the following party at the address below:

TIMOTHY E ROWE ESQ
MCDONALD CARANO WILSON
100 W LIBERTY ST 10TH FL
PO BOX 2670
RENO NV 89505-2670

MARK S SERTIC ESQ
SERTIC LAW LTD
5975 HOME GARDENS DR
RENO NV 89502

and via hand delivery to :

DEPT OF ADMINISTRATION
APPEALS OFFICE
450 E WILLIAM ST STE 450
CARSON CITY NV 89701

DATED: April 29, 2015

SIGNED: 

NEVADA ATTORNEY FOR INJURED WORKERS
1000 East William Street, Suite 208
Carson City, NV 89701 (775) 684-7555
2200 South Rancho Drive, Suite 230
Las Vegas, NV 89102 (702) 486-2830

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