

*Heather A. Brown*  
CLERK OF THE COURT

*District 78*  
**NOTICE OF APPEAL TO THE SUPREME COURT FROM A JUDGEMENT AND  
ORDER OF A DISTRICT COURT**

**NO: A-18-770532-C**

DEPT NO: 14C

Electronically Filed  
Sep 17 2018 03:47 p.m.  
*Heather A. Brown*  
Clerk of Supreme Court

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA AND  
FOR THE COUNTY OF CLARK**

TERESA R. BURWELL,  
PLAINTIFF/APPELLANT

VS.

NEVADA ORTHOPEDIC AND  
SPINE CENTER LLP,  
DEFENDANT/RESPONDENT

**NOTICE OF APPEAL**

Notice is hereby given that, Teresa R. Burwell, plaintiff/appellant, the above named, hereby appeals to the Supreme Court of Nevada, from the final judgment, Defendant's Motion to Dismiss, entered on this action, August 7, 2018, and mailed to the plaintiff on the same day, with her being in receipt of it August 8, 2018; leaving the 30 days valid through today, being the 8<sup>th</sup> was on a weekend. The order and judgment was entered on August 7, 2018, and the decision and order as stated was mailed.

The related cases to this appeal are **District Court Case Number: A-18-770532-C (Appellant filed a Complaint against the defendant/respondent for two separate claims: 1. Professional Negligence and 2. Libel/Defamation of character. The other relative case is District Court Case Number: A-16-74034-J**, where the plaintiff/appellant filed a petition for judicial review **AND WON** due to being abruptly wrongfully terminated from her employment because of an orthopedic report in which the defendant/respondent submitted which outlined statements that were both defamatory and slanderous. At the same time the defendant/respondent presented this orthopedic report he committed fraud and perjury by attesting that he released the plaintiff/appellant back to work during a January 6, 2016 office visit where he insulted the plaintiff/appellant and misrepresented the facts. The plaintiff/appellant has video footage to validate her claims and has yet to be given justice or be heard.

**REQUEST FOR PRO BONO COUNSEL IF AVAILABLE? – YES**

**STATEMENT OF FACTS**

The plaintiff/appellant brought forth the above mentioned action, case number: **A-18-770532-C**, within the scope of the statutes, laws, and rules which govern such offenses and violations of libel/slander/ defamation of character for claim 2. While the plaintiff/appellant did not provide the court with a medical affidavit, she did provide the court with a legal defense which as upheld by the statute would prevent the need for one. However, the defendant filed a Motion to Dismiss, and having never denied any

1 allegations that were set forth in the plaintiff's/appellant's complaint, statements,  
2 opposition, and exhibits presented to the Court, the defendant was allowed to wiggle his  
3 way out of liability and responsibility.

## 4 FOUNDATION OF THE CASE

5 The plaintiff/appellant was being provided a very different form of treatment by the  
6 defendant after she sustained a right hand injury, while working at the Cosmopolitan of  
7 Las Vegas, otherwise known as Nevada Property I. While pulling the cart properly from  
8 the room, the rubber door stopper slipped on the tile surface while being lodged under  
9 the door. The plaintiff's/appellant's right hand was crushed between the door, the  
10 collector and threshold of the door; being lacerated between her ring finger and pinky  
11 due to the metal plating being broken and loose.

12 Upon being seen and treated by the Concentra clinic the plaintiff/appellant was  
13 placed on light duty, and her worker compensation claim was accepted. During the  
14 plaintiff's/appellant's course of treatment, she attended a round of physical therapy,  
15 which still offered no relief or resolve to her ongoing complaints, symptoms, and injury.

16 On October 20, 2015 the plaintiff/appellant was placed on full medical workers  
17 compensation leave; being eligible for both medical and financial benefits.

18 As prodigal, the plaintiff's/appellant's care was transferred to a hand specialist,  
19 where she attempted to enlighten them on the seriousness of her injury, while they were  
20 being dismissive to her complaints. The plaintiff/appellant provided Dr. Young a copy of  
21 her records from her doctor whom had treated her for a left hand injury and ultimately  
22 did carpel tunnel surgery. It is with this information the plaintiff/appellant was targeted  
23 and the accusations begin to fly is the reason she requested transfer of care from Dr.  
24 Young.

25 Upon the plaintiff/appellant's initial visit with the defendant/respondent, Dr. Arthur  
26 Taylor, he began to make accusatory statements about her personal injury case, which  
27 had nothing to do with why she was there. Dr. Taylor, thumbing through papers said, "I  
28 see you had carpel tunnel surgery even though the tests came back negative for it." The  
plaintiff/appellant stated, "Yes, the symptoms were there and the doctor felt it best to  
perform because as he stated tests can be off or not accurate sometimes, especially  
when symptoms are present." When asked why, the defendant stated he was just  
quoting what was in the report.

Once the plaintiff/appellant left, she was given a progress report, which stated she  
was still on medical leave and had not been released back to work. Each visit any  
recipient of workers compensation is required to call in to see if there is light duty work  
available. The plaintiff/appellant performed each routine call after each visit as required.

On January 6, 2016, the plaintiff/appellant reported to the defendant's office for a  
second follow-up visit. During triage, her blood pressure was charted at 185/143. Due to  
the level of pain the plaintiff/appellant was experiencing from her previous medical  
condition and now an added injury, where pain was only felt in her third finger of her  
right hand, the plaintiff was very sick on this day.

Once the defendant came in, he asked about the plaintiff's/appellant's holiday, where  
she went on to explain to him that after her toy give away, her middle finger on her  
injured right hand was not only still swollen, but stiff and throbbing with pain. The  
plaintiff/appellant went on to advise the defendant that her symptoms since injury  
weren't any better and requested further diagnostic testing because she felt something  
was not right and knew so.

The defendant then told the plaintiff/appellant she had more complaints than gunshot  
victims he treats. After the plaintiff/appellant questioned the arthritis diagnosis and  
attempted to explain to him why she could only complete one session of the **SECOND**  
order for physical therapy, the defendant became offended, and started cutting the  
plaintiff/appellant off and insisted it would be best for her care to be transferred and he  
walked out of the room slamming the door. (Video exhibit exists and has been provided)

1 Upon receipt of the routine progress report, the plaintiff/appellant was given the same restrictions, the same leave status, and was never told verbally or advised in writing that she would be released to full duty and needed to report to work immediately.

2 Following a personal matter the plaintiff/appellant, she advised at the time counsel of her need to leave town for two weeks while awaiting the transfer of care and would be available via phone, text, or email once they heard back from the workers compensation claims representative. Instead, the plaintiff/appellant received a phone call on February 3 2, 2016 from her then employer, stating she had been released back to full duty and could she come in the upcoming Thursday. Once the plaintiff/appellant made 4 arrangements with her then employer and manager, Karen, the following she received an email from the Cosmopolitan's human resources department, stating that she was 5 unreachable and needed to contact them.

6 It is upon asking the one who called the plaintiff/appellant, Karen, what was going on and why she advised human resources that she (Karen) informed the plaintiff/appellant 7 she was on an unauthorized medical leave, the plaintiff/appellant was upon meeting with her then employer on February 22, 2016 wrongfully terminated for "being rude to 8 her manager" and an unauthorized medical leave.

9 The plaintiff/appellant was too abruptly terminated from her medical and financial benefits she was receiving through workers compensation and denied a PPD rating.

10 Strangely, the plaintiff's/appellant counsel resigned from her case and she was left to pick up the pieces on her own, which she has been doing.

11 After a few months and in the course of her appealing unemployment decisions and workers compensation denial letters, the plaintiff/appellant went to seek treatment and a 12 second opinion from a doctor in California, she obtained from her insurance website.

13 On or around June 6, 2016 (or later) the plaintiff/appellant had an appointment with a Dr. Matthew Enna, where he sent her for nerve study testing, gave her an injection, a 14 brace and follow-up. Upon following up later in June 2016, the plaintiff/appellant was diagnosed with right hand carpal tunnel syndrome, trigger finger, and an ulnar nerve 15 tear from her injury sustained on September 11, 2015.

16 In the course of appealing and filing proper civil complaints, the plaintiff/appellant delayed surgery until finding a doctor she was comfortable with and has since had the 17 needed surgery on September 7, 2018, which is a result of her right hand being crushed on September 11, 2015.

### 18 STATEMENT OF DISTRICT COURT ERROR

19 The District court erred in judgment because the claims which were presented under the provisions of NRS 200.510 1. Libel is a malicious defamation, expressed by 20 printing, writing, signs, pictures or the like, tending to blacken the memory of the dead, or to impeach the honesty, integrity, virtue, or reputation, or to publish the natural 21 defects of a living person or persons, or community of persons, or association of persons, and thereby to expose them to public hatred, contempt or ridicule. 2. Every 22 person, whether the writer or publisher, convicted of the offense is guilty of a gross misdemeanor.

23 It appears that in order to evade the lawful liability and holding the defendant in the light of his actions, the judge was dismissive to the plaintiff's opposition and exhibits 24 presented, which shed a preponderance of evidence onto the weight of the claims set forth in the original complaint. It appears that there has been no fair hearing and 25 consideration of all evidence, both presented in exhibits and as matters of law because the judge has combined both claims set forth separately in the plaintiff's/appellants 26 complaint as one.

27 The error in combining a case of libel, where the defendant defamed the plaintiff/appellant, lied on her, misrepresented the facts, and caused a domino effect 28 with his untimely orthopedic report and full duty release which never occurred in the plaintiff's/appellant's presence is a miscarriage of justice,.

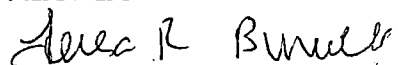
1 While there may be some light of evidence in leaning towards a dismissal without  
2 prejudice in regards to the medical affidavit, the judge was still presented a timely  
3 opposition; one for which she either didn't care to read or consider because it bore  
4 reasonable evidence and argument which supported the law of Res Ipsa Loquitur, (the  
5 thing speaks for itself), is written as an affirmative defense against having to provide a  
6 medical affidavit.

7 The act of professional negligence all in itself is one thing, but upon the defendant  
8 releasing himself from the plaintiff's/appellant's medical case, he construed a fabricated  
9 written orthopedic report which violated the provisions set forth in NRS 200.510, NRS  
10 630.3062, and the provisions set forth in the plaintiff's/appellant's original complaint.

11 The plaintiff/appellant, hereby requests this appeal and requests the Nevada  
12 Supreme Court to screen this case for such appeal in order for the proper claims that  
13 have been set forth against the defendant be heard fairly by review of all evidence, both  
14 exhibits, statements, and video. The plaintiff/appellant requests that sanctions be issued  
15 against the defendant for the violations set forth in all the pleadings the  
16 plaintiff/appellant has presented to the court in the above named case, and that the  
17 defendant not be allowed to evade the damages sought for actual and punitive  
18 damages, because if it had not been for his false reports and defamation the  
19 plaintiff's/appellant's outcome would've been handled differently and had a different  
20 outcome, both with her employment and workers compensation claim.

21 DATED THIS 10<sup>TH</sup> DAY OF SEPTEMBER, 2018

22 RESPECTUFLY SUBMITTED BY:

23 

24 TERESA R. BURWELL, PLAINTIFF/APPELLANT  
25 IN PROPER PERSON  
26  
27  
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on the date indicated below, I served a copy of this Notice of Appeal, Statement of Facts, and pleadings herein, upon all parties to the appeal as follows:

By depositing a true and correct copy of the Notice of Appeal, Statement of Facts, and pleading herein, in a sealed envelope, and mailing it postage pre-paid to the following parties, with their names and addresses listed.

Robert Mc Bride

8329 W Sunset Road #200

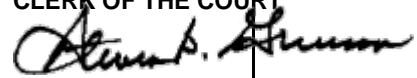
W No 89113

Mailed on 9/10/18

DATED THIS 10<sup>TH</sup> DAY OF SEPTEMBER, 2018

Teresa R Burwell

TERESA R BURWELL, APPELLANT IN PROPER PERSON  
1015 TIMBERLINE COURT, HENDERSON, NEVADA 89015  
(702)628-4927



1 ASTA

2  
3  
4  
5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 TERESA R. BURWELL,

10 Plaintiff(s),

11 vs.

12  
13 NEVADA ORTHOPEDIC AND SPINE CENTER  
14 LLP; ARTHUR TAYLOR, MD; TINA WELLS,  
15 ESQ.,

16 Defendant(s),

Case No: A-18-770532-C

Dept No: XIV

17  
18 **CASE APPEAL STATEMENT**

19 1. Appellant(s): Teresa R. Burwell

20 2. Judge: Adriana Escobar

21 3. Appellant(s): Teresa R. Burwell

22 Counsel:

23 Teresa R. Burwell  
24 1015 Timberline Ct.  
25 Henderson, NV 89015

26 4. Respondent (s): Nevada Orthopedic and Spine Center LLP; Arthur Taylor, MD

27 Counsel:

28 Robert C. McBride, Esq.

8329 W. Sunset Rd., Suite 260  
Las Vegas, NV 89113

Respondent (s): Tina Wells, Esq.

Counsel:

Tina Wells, Esq.  
8861 W. Sahara Ave., Suite 220  
Las Vegas, NV 89117

5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, March 6, 2018

*\*\*Expires 1 year from date filed*

Appellant Filed Application to Proceed in Forma Pauperis: N/A  
Date Application(s) filed: N/A

9. Date Commenced in District Court: March 6, 2018

10. Brief Description of the Nature of the Action: Unknown

Type of Judgment or Order Being Appealed: Dismissal

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 12 day of September 2018.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601

(702) 671-0512

cc: Teresa R. Burwell



DEPARTMENT 14  
**CASE SUMMARY**  
**CASE NO. A-18-770532-C**

**Teresa Burwell, Plaintiff(s)**  
**vs.**  
**Nevada Orthopedic And Spine Center LLP, Defendant**  
**(s)**

§  
§  
§  
§  
§

Location: **Department 14**  
Judicial Officer: **Escobar, Adriana**  
Filed on: **03/06/2018**  
Case Number History:  
Cross-Reference Case Number: **A770532**

CASE INFORMATION

**Statistical Closures**  
09/10/2018 Motion to Dismiss by the Defendant(s)

Case Type: **Other Civil Matters**  
Case Flags: **Appealed to Supreme Court  
In Forma Pauperis Granted**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number A-18-770532-C  
Court Department 14  
Date Assigned 06/14/2018  
Judicial Officer Escobar, Adriana






PARTY INFORMATION

<b>Plaintiff</b>	<b>Burwell, Teresa R</b>	<b>Pro Se</b> 702-628-4927(H)
<b>Defendant</b>	<b>Nevada Orthopedic And Spine Center LLP</b>	<b>McBride, Robert C.</b> <i>Retained</i> 702-792-5855(W)
	<b>Taylor, Arthur, M.D.</b> Removed: 09/10/2018 Dismissed	
	<b>Wells, Tina, ESQ</b> Removed: 09/10/2018 Dismissed	



DATE

EVENTS & ORDERS OF THE COURT

INDEX

02/09/2018	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Burwell, Teresa R <i>Application to Proceed in Forma Pauperis</i>
03/06/2018	 Order to Proceed In Forma Pauperis Granted for: Plaintiff Burwell, Teresa R <i>Order to Proceed In Forma Pauperis</i>
03/06/2018	 Complaint Filed By: Plaintiff Burwell, Teresa R <i>Complaint</i>
04/25/2018	 Affidavit of Service Filed By: Plaintiff Burwell, Teresa R <i>Affidavit of Service</i>
04/30/2018	 Initial Appearance Fee Disclosure

DEPARTMENT 14  
**CASE SUMMARY**  
**CASE NO. A-18-770532-C**

	Filed By: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D. <i>Initial Appearance Fee Disclosure</i>
04/30/2018	 <b>Motion to Dismiss</b> Filed By: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D. <i>Defendants Nevada Orthopedic &amp; Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071</i>
05/25/2018	 <b>Opposition</b> Filed By: Plaintiff Burwell, Teresa R <i>Plaintiff's Opposition to Defendants' Motion to Dismiss Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071</i>
05/29/2018	 <b>Reply</b> Filed by: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D. <i>Defendants Nevada Orthopedic and Spine Center and Arthur Taylor, M.D.'s Reply in Support of Motion to Dismiss Pursuant to NRS 41A.097 and NRS 41A.071</i>
06/05/2018	 <b>Motion to Dismiss</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Defendants Nevada Orthopedic &amp; Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071</i>
06/14/2018	 <b>Notice of Department Reassignment</b> <i>Notice of Department Reassignment</i>
06/25/2018	 <b>Notice of Motion</b> <i>Notice of Motion Hearing and Notice of Department Reassignment</i>
08/06/2018	 <b>Motion for Summary Judgment</b> Filed By: Plaintiff Burwell, Teresa R
08/07/2018	 <b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Escobar, Adriana) <i>Defendants Nevada Orthopedic &amp; Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071</i>
09/06/2018	<b>CANCELED Motion for Summary Judgment</b> (9:30 AM) (Judicial Officer: Escobar, Adriana) <i>Vacated</i>
09/10/2018	 <b>Notice of Appeal</b> <i>Notice of Appeal</i>
09/10/2018	<b>Order of Dismissal</b> (Judicial Officer: Escobar, Adriana) Debtors: Teresa R Burwell (Plaintiff) Creditors: Nevada Orthopedic And Spine Center LLP (Defendant), Arthur Taylor, MD. (Defendant), Tina Wells, ESQ. (Defendant) Judgment: 09/10/2018, Docketed: 09/11/2018
09/10/2018	 <b>Order Granting</b> <i>Order Granting Defendants Nevada Orthopedic &amp; Spine Center, LLP And Arthur Taylor, M.D. S Motion To Dismiss Plaintiff's Complaint For Failure To Comply With NRS 41A.097 And NRS 41A.071</i>

DEPARTMENT 14  
**CASE SUMMARY**  
**CASE NO. A-18-770532-C**

09/11/2018



Notice of Entry

*Notice Of Entry Of Order Granting Defendants Nevada Orthopedic & Spine Center, Llp And Arthur Taylor, M.D. S Motion To Dismiss Plaintiff's Complaint For Failure To Comply With Nrs 41a.097 And Nrs 41a.071*

09/12/2018



Case Appeal Statement

Filed By: Plaintiff Burwell, Teresa R  
*Case Appeal Statement*

---

**DATE**

**FINANCIAL INFORMATION**

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**Defendant** Nevada Orthopedic And Spine Center LLP

Total Charges

253.00

Total Payments and Credits

253.00

**Balance Due as of 9/12/2018**

**0.00**

A-18-770532-C  
VIII

# DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No.

(Assigned by Clerk's Office)

## I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Kresa R Brunell  
1015 Timberline Court  
Henderson, NV 89015

Defendant(s) (name/address/phone):

Nevada Orthopedic and Spine Center  
Dr. Arthur Taylor, MD TIA MUKS  
220 W Sahara Ave  
NV NV 89107

Attorney (name/address/phone):

Attorney (name/address/phone):

8801 W Sahara Suite 220  
Las Vegas NV 89117

## II. Nature of Controversy (please select the one most applicable filing type below)

### Civil Case Filing Types

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort B
<b>Probate</b> <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

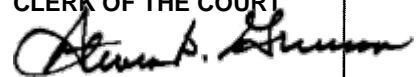
Date

Signature of initiating party or representative

See other side for family-related case filings.

A-18-770532-C  
CCS  
Civil Cover Sheet  
4728783





**ORDR**

ROBERT C. McBRIDE, ESQ.  
Nevada Bar No. 7082  
HEATHER S. HALL, ESQ.  
Nevada Bar No. 10608  
CARROLL, KELLY, TROTTER,  
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E-mail: [hshall@cktfmlaw.com](mailto:hshall@cktfmlaw.com)  
Attorneys for Defendants,  
*Nevada Orthopedic & Spine Center, LLP*  
*and Arthur Taylor, M.D.*

DISTRICT COURT

CLARK COUNTY, NEVADA

TERESA R. BURWELL,

Plaintiff,

v.

NEVADA ORTHOPEDIC AND SPINE  
CENTER LLP, ARTHUR TAYLOR, MD,  
TINA WELLS, ESQ

Defendants.

**CASE NO.: A-18-770532-C**

**DEPT: XIV**

**ORDER GRANTING DEFENDANTS  
NEVADA ORTHOPEDIC & SPINE  
CENTER, LLP AND ARTHUR TAYLOR,  
M.D.'S MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT FOR  
FAILURE TO COMPLY WITH NRS  
41A.097 AND NRS 41A.071**

Defendants, NEVADA ORTHOPEDIC & SPINE CENTER, LLP and ARTHUR  
TAYLOR, M.D., came before the court on August 7, 2018 for hearing on Defendants Nevada  
Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's  
Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071. Having reviewed all  
submitted briefs, no oral argument being necessary, and for good cause showing, the Court finds  
as follows:

///

////

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

1 I.

2 **FINDINGS OF FACT**

3 1. On March 6, 2018, Plaintiff filed her Complaint against Nevada Orthopedic and  
4 Spine Center and Arthur Taylor, M.D. relating to care and treatment provided to Plaintiff from  
5 December 2015 to January 2016.  
6

7 2. Plaintiff admits in her complaint, and reiterated at the hearing, that Defendant's  
8 treatment of her ceased on January 6, 2016, and that Dr. Taylor's last act as her physician  
9 occurred at the time of his January 29, 2016 written evaluation of her condition.

10 3. Plaintiff admits in her complaint, and reiterated at the hearing, that she was aware  
11 of the injury caused by the alleged negligence of Defendants on or about February 2016.  
12

13 II.

14 **CONCLUSIONS OF LAW**

15 1. The entirety of Plaintiff's complaint sounds in professional negligence of a  
16 medical professional, as all alleged acts of the Defendants were alleged to be committed in the  
17 process of rendering medical services and involve medical diagnosis, treatment, and judgment.  
18 NRS 41A.015.

19 2. Because the complaint alleges only professional negligence under NRS Chapter  
20 41A, the requirements of NRS 41A.071 and NRS 41A.097 apply to the entire complaint.  
21

22 3. While not all allegations of unlawful conduct are necessarily professional  
23 negligence merely because they are committed by a healthcare provider, Plaintiff does not allege  
24 any wrongdoing by Defendants that occurred during performance of nonmedical services, and  
25 thus this complaint sounds in professional negligence. *See Szyborski v. Spring Mountain*  
26 *Treatment Ctr.*, 403 P.3d 1280, 1284–85 (Nev. 2017).

27 4. Plaintiff's claim filed in February of 2018 is time-barred under NRS 41A.097(2),  
28

1 making **dismissal mandatory**.

2         5.         Additionally, because NRS 41A.071 applies, the complaint was void ab initio for  
3 lack of a concurrently filed medical expert affidavit, and the complaint **must be automatically**  
4 **dismissed**.

5         6.         Because the complaint alleges only professional negligence under NRS Chapter  
6 41A, the requirements of NRS 41A.071 and NRS 41A.097 apply to the entire complaint. NRS  
7 41A.097(2) states that an action for professional negligence must be filed no more than three  
8 years after the date of injury or one year after the Plaintiff discovers the injury, whichever occurs  
9 first. Plaintiff admits in her complaint, and reiterated at the hearing, that she was aware of the  
10 injury caused by the alleged negligence of Dr. Taylor on or about February 2016. Thus, under  
11 NRS 41A.097(2), the one-year limitations period is applicable because it would expire before the  
12 three-year limitations period, in February 2017. For statute of limitations purposes, the  
13 complaint is considered filed upon receipt by the court, which was on February 9, 2018, with  
14 Plaintiff's application to proceed in forma pauperis. Because February 9, 2018 was more than  
15 one year after Plaintiff discovered the injury, the claim is time-barred under NRS 41A.097(2),  
16 and thus must be dismissed with prejudice.

17         7.         Additionally, because NRS 41A.071 applies, the complaint was void ab initio for  
18 lack of a concurrently filed medical expert affidavit, and the complaint "must be automatically  
19 dismissed." Washoe Med. Ctr. v. Second Judicial Dist. Ct., 122 Nev. 1298, 1304 (2006).

20 ///

21 ///

22 ///

23 ///

24 ///

1 Based on the foregoing and good cause appearing, IT IS HEREBY ORDERED that  
2 Defendants, NEVADA ORTHOPEDIC & SPINE CENTER, LLP and ARTHUR TAYLOR,  
3 M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and  
4 NRS 41A.071 is **GRANTED**.

5  
6 IT IS FURTHER HEREBY ORDERED THAT Plaintiff's Complaint against Defendants  
7 Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D. is **DISMISSED**.

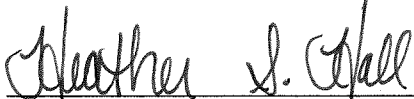
8 **IT IS SO ORDERED.**

9 DATED this 6th day of September 2018.

10  
11   
12 HONORABLE ADRIANA ESCOBAR *AL*

13 Respectfully Submitted By:

14 CARROLL, KELLY, TROTTER,  
15 FRANZEN, McBRIDE & PEABODY

16 

17 ROBERT C. McBRIDE, ESQ.

18 Nevada Bar No.: 7082

19 HEATHER S. HALL, ESQ.

20 Nevada Bar No.: 10608

21 8329 West Sunset Road, Suite 260

22 Las Vegas, Nevada 89113

23 Attorneys For Defendants,

24 Nevada Orthopedic & Spine Center, LLP

25 and Arthur Taylor, M.D.

26 Approved as to form and content by:

27 DATED: \_\_\_\_ day of August, 2018

28 By \_\_\_\_\_

Teresa R. Burwell

1015 Timberline Court

Henderson, Nevada 89015

Plaintiff in Pro Per



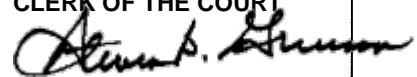
1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 10 day of August 2018, I served a true and correct  
3 copy of the foregoing **ORDER GRANTING DEFENDANTS NEVADA ORTHOPEDIC &**  
4 **SPINE CENTER, LLP AND ARTHUR TAYLOR, M.D.'s MOTION TO DISMISS**  
5 **PLAINTIFF'S COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.097 AND**  
6 **NRS 41A.071** addressed to the following counsel of record at the following address(es):

- 7
- 8 ☒ **VIA ELECTRONIC SERVICE:** By mandatory electronic service (e-service), proof of  
e-service attached to any copy filed with the Court; or
- 9
- 10 ☐ **VIA U.S. MAIL:** By placing a true copy thereof enclosed in a sealed envelope with  
postage thereon fully prepaid, addressed as indicated on the service list below in the  
11 United States mail at Las Vegas, Nevada
- 12 ☐ **VIA FACSIMILE:** By causing a true copy thereof to be telecopied to the number  
indicated on the service list below.
- 13

14 Teresa R. Burwell  
15 1015 Timberline Court  
16 Henderson, Nevada 89015  
*Plaintiff in Pro Per*

17   
18  
19 An Employee of **CARROLL, KELLY, TROTTER,**  
20 **FRANZEN, McBRIDE & PEABODY**



1 **NEO**  
2 ROBERT C. McBRIDE, ESQ.  
3 Nevada Bar No. 7082  
4 HEATHER S. HALL, ESQ.  
5 Nevada Bar No. 10608  
6 CARROLL, KELLY, TROTTER,  
7 FRANZEN, McBRIDE & PEABODY  
8 8329 W. Sunset Road, Suite 260  
9 Las Vegas, Nevada 89113  
10 Telephone No. (702) 792-5855  
11 Facsimile No. (702) 796-5855  
12 E-mail: [rmcbride@cktfmlaw.com](mailto:rmcbride@cktfmlaw.com)  
13 E-mail: [hshall@cktfmlaw.com](mailto:hshall@cktfmlaw.com)  
14 Attorneys for Defendants,  
15 Nevada Orthopedic & Spine Center, LLP  
16 and Arthur Taylor, M.D.

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 TERESA R. BURWELL,

13 Plaintiff,

14 v.

15 NEVADA ORTHOPEDIC AND SPINE  
16 CENTER LLP, ARTHUR TAYLOR, MD,  
17 TINA WELLS, ESQ

18 Defendants.

CASE NO.: A-18-770532-C  
DEPT: XIV

20 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS NEVADA**  
21 **ORTHOPEDIC & SPINE CENTER, LLP AND ARTHUR TAYLOR, M.D.'S MOTION**  
22 **TO DISMISS PLAINTIFF'S COMPLAINT FOR FAILURE TO COMPLY WITH NRS**  
23 **41A.097 AND NRS 41A.071**

24 PLEASE TAKE NOTICE that an Order Granting Defendants Nevada Orthopedic &  
25 Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for

26 ///

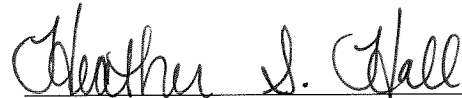
27 ///

28 ///

1 Failure to Comply with NRS 41A.097 And NRS 41A.071 was entered in the above-entitled  
2 action on September 10, 2018, a copy of which is attached hereto.

3  
4 DATED this 11<sup>th</sup> day of September, 2018.

CARROLL, KELLY, TROTTER,  
FRANZEN, McBRIDE & PEABODY

6  
7 

8 ROBERT C. McBRIDE, ESQ.

Nevada Bar No.: 7082

9 HEATHER S. HALL, ESQ.

Nevada Bar No.: 10608

10 8329 W. Sunset Road, Suite 260

11 Las Vegas, Nevada 89113

Attorneys for Defendants,

12 *Nevada Orthopedic & Spine Center, LLP*  
13 *and Arthur Taylor, M.D.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 11<sup>th</sup> day of September, 2018, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS NEVADA ORTHOPEDIC & SPINE CENTER, LLP AND ARTHUR TAYLOR, M.D.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.097 AND NRS 41A.071** addressed to the following counsel of record at the following address(es):

- ☒ **VIA ELECTRONIC SERVICE:** By mandatory electronic service (e-service), proof of e-service attached to any copy filed with the Court; or
- ☐ **VIA U.S. MAIL:** By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as indicated on the service list below in the United States mail at Las Vegas, Nevada
- ☐ **VIA FACSIMILE:** By causing a true copy thereof to be telecopied to the number indicated on the service list below.

Teresa R. Burwell  
1015 Timberline Court  
Henderson, Nevada 89015  
*Plaintiff in Pro Per*

  
An Employee of CARROLL, KELLY, TROTTER,  
FRANZEN, McBRIDE & PEABODY

*Steven D. Grierson*

**ORDR**

ROBERT C. McBRIDE, ESQ.  
Nevada Bar No. 7082  
HEATHER S. HALL, ESQ.  
Nevada Bar No. 10608  
CARROLL, KELLY, TROTTER,  
FRANZEN, McBRIDE & PEABODY  
8329 W. Sunset Road, Suite 260  
Las Vegas, Nevada 89113  
Telephone No. (702) 792-5855  
Facsimile No. (702) 796-5855  
E-mail: [rcmcbride@cktfmlaw.com](mailto:rcmcbride@cktfmlaw.com)  
E-mail: [hshall@cktfmlaw.com](mailto:hshall@cktfmlaw.com)  
Attorneys for Defendants,  
*Nevada Orthopedic & Spine Center, LLP*  
*and Arthur Taylor, M.D.*

DISTRICT COURT

CLARK COUNTY, NEVADA

TERESA R. BURWELL,

Plaintiff,

v.

NEVADA ORTHOPEDIC AND SPINE  
CENTER LLP, ARTHUR TAYLOR, MD,  
TINA WELLS, ESQ

Defendants.

**CASE NO.: A-18-770532-C**  
**DEPT: XIV**

**ORDER GRANTING DEFENDANTS  
NEVADA ORTHOPEDIC & SPINE  
CENTER, LLP AND ARTHUR TAYLOR,  
M.D.'S MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT FOR  
FAILURE TO COMPLY WITH NRS  
41A.097 AND NRS 41A.071**

Defendants, NEVADA ORTHOPEDIC & SPINE CENTER, LLP and ARTHUR  
TAYLOR, M.D., came before the court on August 7, 2018 for hearing on Defendants Nevada  
Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's  
Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071. Having reviewed all  
submitted briefs, no oral argument being necessary, and for good cause showing, the Court finds  
as follows:

///

////

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

1 I.

2 FINDINGS OF FACT

3 1. On March 6, 2018, Plaintiff filed her Complaint against Nevada Orthopedic and  
4 Spine Center and Arthur Taylor, M.D. relating to care and treatment provided to Plaintiff from  
5 December 2015 to January 2016.

6  
7 2. Plaintiff admits in her complaint, and reiterated at the hearing, that Defendant's  
8 treatment of her ceased on January 6, 2016, and that Dr. Taylor's last act as her physician  
9 occurred at the time of his January 29, 2016 written evaluation of her condition.

10 3. Plaintiff admits in her complaint, and reiterated at the hearing, that she was aware  
11 of the injury caused by the alleged negligence of Defendants on or about February 2016.

12 II.

13 CONCLUSIONS OF LAW

14  
15 1. The entirety of Plaintiff's complaint sounds in professional negligence of a  
16 medical professional, as all alleged acts of the Defendants were alleged to be committed in the  
17 process of rendering medical services and involve medical diagnosis, treatment, and judgment.  
18 NRS 41A.015.

19 2. Because the complaint alleges only professional negligence under NRS Chapter  
20 41A, the requirements of NRS 41A.071 and NRS 41A.097 apply to the entire complaint.

21  
22 3. While not all allegations of unlawful conduct are necessarily professional  
23 negligence merely because they are committed by a healthcare provider, Plaintiff does not allege  
24 any wrongdoing by Defendants that occurred during performance of nonmedical services, and  
25 thus this complaint sounds in professional negligence. *See Szymborski v. Spring Mountain*  
26 *Treatment Ctr.*, 403 P.3d 1280, 1284–85 (Nev. 2017).

27 4. Plaintiff's claim filed in February of 2018 is time-barred under NRS 41A.097(2),  
28

1 making **dismissal mandatory**.

2 5. Additionally, because NRS 41A.071 applies, the complaint was void ab initio for  
3 lack of a concurrently filed medical expert affidavit, and the complaint **must be automatically**  
4 **dismissed**.

5 6. Because the complaint alleges only professional negligence under NRS Chapter  
6 41A, the requirements of NRS 41A.071 and NRS 41A.097 apply to the entire complaint. NRS  
7 41A.097(2) states that an action for professional negligence must be filed no more than three  
8 years after the date of injury or one year after the Plaintiff discovers the injury, whichever occurs  
9 first. Plaintiff admits in her complaint, and reiterated at the hearing, that she was aware of the  
10 injury caused by the alleged negligence of Dr. Taylor on or about February 2016. Thus, under  
11 NRS 41A.097(2), the one-year limitations period is applicable because it would expire before the  
12 three-year limitations period, in February 2017. For statute of limitations purposes, the  
13 complaint is considered filed upon receipt by the court, which was on February 9, 2018, with  
14 Plaintiff's application to proceed in forma pauperis. Because February 9, 2018 was more than  
15 one year after Plaintiff discovered the injury, the claim is time-barred under NRS 41A.097(2),  
16 and thus must be dismissed with prejudice.

17 7. Additionally, because NRS 41A.071 applies, the complaint was void ab initio for  
18 lack of a concurrently filed medical expert affidavit, and the complaint "must be automatically  
19 dismissed." Washoe Med. Ctr. v. Second Judicial Dist. Ct., 122 Nev. 1298, 1304 (2006).

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22 ///

23 ///

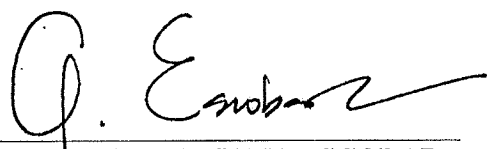
24 ///

1 Based on the foregoing and good cause appearing, IT IS HEREBY ORDERED that  
2 Defendants, NEVADA ORTHOPEDIC & SPINE CENTER, LLP and ARTHUR TAYLOR,  
3 M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and  
4 NRS 41A.071 is **GRANTED**.

5  
6 IT IS FURTHER HEREBY ORDERED THAT Plaintiff's Complaint against Defendants  
7 Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D. is **DISMISSED**.

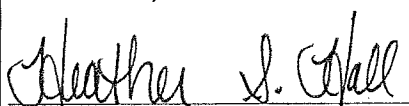
8 **IT IS SO ORDERED.**

9 DATED this 6th day of September 2018.

10  
11   
12 HONORABLE ADRIANA ESCOBAR *xt*

13 Respectfully Submitted By:

14 CARROLL, KELLY, TROTTER,  
15 FRANZEN, McBRIDE & PEABODY

16   
17 ROBERT C. McBRIDE, ESQ.  
18 Nevada Bar No.: 7082  
19 HEATHER S. HALL, ESQ.  
20 Nevada Bar No.: 10608  
21 8329 West Sunset Road, Suite 260  
22 Las Vegas, Nevada 89113  
23 Attorneys For Defendants,  
24 Nevada Orthopedic & Spine Center, LLP  
25 and Arthur Taylor, M.D.

26 Approved as to form and content by:

27 DATED: \_\_\_\_ day of August, 2018

28 By \_\_\_\_\_  
Teresa R. Burwell  
1015 Timberline Court  
Henderson, Nevada 89015  
*Plaintiff in Pro Per*



1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that on the 10 day of August 2018, I served a true and correct  
3 copy of the foregoing **ORDER GRANTING DEFENDANTS NEVADA ORTHOPEDIC &**  
4 **SPINE CENTER, LLP AND ARTHUR TAYLOR, M.D.'s MOTION TO DISMISS**  
5 **PLAINTIFF'S COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.097 AND**  
6 **NRS 41A.071** addressed to the following counsel of record at the following address(es):

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- 13

14 Teresa R. Burwell  
15 1015 Timberline Court  
16 Henderson, Nevada 89015  
*Plaintiff in Pro Per*

17   
18  
19 An Employee of CARROLL, KELLY, TROTTER,  
20 FRANZEN, McBRIDE & PEABODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

June 05, 2018

A-18-770532-C	Teresa Burwell, Plaintiff(s) vs. Nevada Orthopedic And Spine Center LLP, Defendant(s)
---------------	---

<b>June 05, 2018</b>	<b>8:00 AM</b>	<b>Motion to Dismiss</b>	<b>Defendants Nevada Orthopedic &amp; Spine Center, LLP and Arthur Taylor, M.D's Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071</b>
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**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES**

<b>PRESENT:</b>	Burwell, Teresa R	Plaintiff
	Plumadore, Dustin J.	Attorney

**JOURNAL ENTRIES**

- Plaintiff, Teresa Burwell, appearing telephonically.

This is the time set for hearing on Defendants Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071. Court called case and inquired as to why Ms. Burwell could not be personally present. Ms. Burwell stated that she has health issues and has a doctor's appointment; she is going to have surgery. Ms. Burwell represented that she contacted this Court's staff yesterday and requested a continuance but the Court denied her request. Court noted that Ms. Burwell was supposed to retain an attorney; she stated that she was still in the process of trying to find one.

Court then informed the parties that Dr Taylor performed his hand surgery three (3) years ago. Although this Court is comfortable fairly adjudicating the merits of this case if either side wants the Court to recuse itself it will. Ms. Burwell stated she would like this matter to be reassigned. Therefore, in order to avoid the appearance of impropriety and implied bias and pursuant to Rule 2.11 of the Nevada Code of Judicial Conduct, this Court RECUSES itself and ORDERS, this case referred to Master Calendar and REASSIGNED at random.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**August 07, 2018**

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A-18-770532-C	Teresa Burwell, Plaintiff(s)
	vs.
	Nevada Orthopedic And Spine Center LLP, Defendant(s)

---

**August 07, 2018      9:30 AM      Motion to Dismiss**

**HEARD BY:** Escobar, Adriana      **COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Denise Husted

**RECORDER:** Sandra Anderson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Burwell, Teresa R	Plaintiff
	Plumadore, Dustin J.	Attorney

**JOURNAL ENTRIES**

- Defendants motion to dismiss came on for a hearing before Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on August 7, 2018.

After considering the pleadings and argument of the parties, the Court GRANTS Defendants motion. The Court finds that the entirety of Plaintiff s complaint sounds in professional negligence of a medical professional, as all acts of the Defendants were alleged to be committed in the process of rendering medical services and involve medical diagnosis, treatment, and judgment. NRS 41A.015. While not all allegations of unlawful conduct are necessarily professional negligence merely because they are committed by a healthcare provider, Plaintiff does not allege any wrongdoing by Defendants that occurred during performance of nonmedical services, and thus this complaint sounds in professional negligence. See Szymborski v. Spring Mountain Treatment Ctr., 403 P.3d 1280, 1284 85 (Nev. 2017).

Because the complaint alleges only professional negligence under NRS Chapter 41A, the requirements of NRS 41A.071 and NRS 41A.097 apply to the entire complaint. NRS 41A.097(2) states that an action for professional negligence must be filed no more than three years after the date of injury or one year after the Plaintiff discovers the injury, whichever occurs first. Plaintiff admits in

her complaint, and reiterated at the hearing, that she was aware of the injury caused by the alleged negligence of Dr. Taylor on or about February 2016. Thus, under NRS 41A.097(2), the one-year limitations period is applicable because it would expire before the three-year limitations period, in February 2017. For statute of limitations purposes, the complaint is considered filed upon receipt by the court, which was on February 9, 2018, with Plaintiff s application to proceed in forma pauperis. Because February 9, 2018 was more than one year after Plaintiff discovered the injury, the claim is time-barred under NRS 41A.097(2), and thus must be dismissed with prejudice.

Additionally, because NRS 41A.071 applies, the complaint was void ab initio for lack of a concurrently filed medical expert affidavit, and the complaint must be automatically dismissed. *Washoe Med. Ctr. v. Second Judicial Dist. Ct.*, 122 Nev. 1298, 1304 (2006).

Counsel for Defendant is directed to prepare a proposed order including detailed findings of fact and conclusions of law, which is to be submitted to chambers in Microsoft word format, by email to dept14lc@clarkcountycourts.us.

CLERK'S NOTE: Parties notified as follows:

Teresa R. Burwell, via USPS to: 1015 Timberline Court, Henderson, Nevada 89015  
Robert C. McBride, Esq. @ rcmcbride@cktfmlaw.com  
Heather S. Hall, Esq. @ hshall@cktfmlaw.com

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANTS NEVADA ORTHOPEDIC & SPINE CENTER, LLP AND ARTHUR TAYLOR, M.D.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.097 AND NRS 41A.071; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS NEVADA ORTHOPEDIC & SPINE CENTER, LLP AND ARTHUR TAYLOR, M.D.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.097 AND NRS 41A.071; DISTRICT COURT MINUTES

TERESA R. BURWELL,

Plaintiff(s),

vs.

NEVADA ORTHOPEDIC AND SPINE  
CENTER LLP; ARTHUR TAYLOR, MD;  
TINA WELLS, ESQ.,

Defendant(s),

Case No: A-18-770532-C

Dept No: XIV

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 12 day of September 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk