

IN THE SUPREME COURT OF THE STATE OF NEVADA

Teresa R Burwell
Appellant,
vs.
Nevada Orthopedic and Spine Center, LLP
Respondent. Arthur Taylor, MD, T. Rabell

Supreme Court No. 76958

District Court No. A-18-770532-C

FILED

FEB 01 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY [Signature]
DEPUTY CLERK

APPELLANT'S INFORMAL BRIEF

INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, see NRAP 28(k), with the Nevada Supreme Court on or before the due date, see NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may submit your brief for filing in person or by mail.

To file your brief in person: Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

Carson City: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

Las Vegas: Place your brief in the Clerk's Office Drop Box at the Las Vegas courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

19-05161

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

hearing-

Filed Date	Name of Judgment or Order
8/7/2018	Motion To Dismiss
6/14/2018	Notice of Motion
9/10/2018	Order Granting Defendant's Motion To Dismiss

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 9/16/2018

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
A-16-740534	J. Petition for Judicial Review	District
2:18cv-00980	Wrongful Termination	
1906145-PL	State of Nevada Appeals Office	

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

☐ Yes

☒ No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

On March 6, 2018, the appellant, Teresa R Burwell, brought before the District Court of Nevada, a summons and complaint, against the respondent, Arthur Taylor Nevada Orthopedic and Spine Center, and Tina Wells. The complaint was filed with an application to proceed in forma pauperis on February 9, 2018, which was filed timely and properly pursuant to the Nevada Rules of Civil

Procedure, Rule 3. and NRS 12.015. While the judge originally presiding over the complaint, pleadings, and application, was in receipt of the application as of February 9, 2018; he didn't approve the fee waiver until March 16, 2018. While the honorable judge was then at that time aware he treated with the defendant, Arthur Taylor, and had a conflict of interest; he chose to not recuse himself until months later. The 1st judicial error - Judge Douglas delayed the appellants due process rights, under Article 1 - Declaration of Rights, by holding his decision and order for more than 2 weeks; and not recusing himself immediately. He caused this delay by sitting on pertinent information, that he was a previous patient and surgery recipient of the defendant's, practice of medicine. In which case, had the appellant been made aware of the conflict, her right to amend her complaint, and/or correct any deficiencies, NRAP, Rule 15-1. would've been exercised, but months passed of inactivity, without any notice being given until the hearing was set via phone for the defendant's motion to dismiss; at which time, the judge reassigned the case and a new hearing was set. On August 7, 2018 the judge erroneously sided with the defendant's, dismissing the appellants case, ~~comp~~^{TB} combining all causes of action as merely "the nature and course of doing business. The medical affidavit, or failure to comply with NRS 41A.015, but the appellant, properly plead and

presented an Opposition and filed a Motion for Summary Judgment, which said Motion was vacated and all exhibits and its existence disappeared. In the appellant's opposition, her affirmative defenses were pleaded directly in her opposition, and she used the rebuttable presumption of negligence and the doctrine of law, *res ipsa loquitur*. In the appellant's complaint, she provided different causes of action, and claims for relief. Her suit against the defendant/respondent was for libel/defamation, professional negligence, wherein the defendant failed to properly release her back to full duty from the commencement of her follow-up visit on January 19, 2016. The defendant/respondent caused the appellant a loss of employment and benefits, which were essential to her survival. The appellant's business reputation and character were blackened due to his false orthopedic report he did.

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

The judge did not recuse himself in an appropriate and timely manner, causing a delay of justice for the appellant. The judge whom was second to get the case, wrongfully categorized, each cause of action listed in the complaint as a collective act, one which under the course of business practices, libel goes along with such acts. The defendant constructed a written article, falsifying events and information. In the course of doing so, the defendant violated NRS 200.510, NRS 616C.095 - by failing to properly release the appellant while in her presence, but doing so maliciously and capriciously.

by writing false information regarding his treatment and the appellant's character. The defendant/respondent committed libel by stating upon releasing the appellant back to full duty, she became belligerent, which all was video recorded.

The court ignored substantial and compelling exhibits that were presented pursuant to the defamation and libel laws that the defendant/respondent blatantly committed. Libel is a serious charge and should not be dismissed as anyone's right to commit such acts just because he "can." The court erred in dismissing the complaint, in its entirety while looking the other way when presented with the full video of the defendant and respondent committing perjury, fraud, and libel. The appellant's complaint, if the need to dismiss for lack of a medical affidavit is met because another person can't "attest" or "affirm" another's ignorance.

The defendant/respondent should have been made to answer the claims set forth against him, individually, and not collectively. A bank robber can't be charged with merely only committing the act of robbing, when in fact one was murdered. The defendant/respondent violated NRS 200.510, NRS 616C.095, provisions 616C, he failed to adhere to the appellant's chief complaints, and provide the treatment she was due.

Please see District Court Case file and Motion for Summary Judgment filed separately, on 8/6/18 at around 2:30pm and sent to the vault. The court failed to comply with the

appellant's right to have evidence presented and considered. Even in oral argument, the appellant was muted because the previous judge had conflict and influence.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

DATED this 29th day of January, 20 19.

Liese R. Burrows
Signature of Appellant

TESS R BURWELL
Print Name of Appellant

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or
☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

Att: Tina Wells - 8861 W Sahara Ave #220
LV, NV 89117
Nevada Orthopedic and Spine Center
Arthur Taylor, LLP

Robert McBride
8329 W Sunset Rd #260
LV, NV 89113

DATED this 29th day of January, 2019.

Teresa R Bunker
Signature of Appellant

Teresa R Bunker
Print Name of Appellant

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