FILED
Electronically
CV17-00221
2018-11-08 02:31:07 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6969279 : yviloria

$2515
William C. Jeanney, Esq.
Nevada State Bar No. 01235
BRADLEY, DRENDEL & JEANNEY
P.O. Box 1987
Reno, NV 89505
Telephone No. (775) 335-9999
Facsimile No. (775) 335-9993
Attorney for Plaintiff

Electronically Filed
Nov 13 2018 02:11 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

ROSAISET JARAMILLO, as Special Administrator of the Estate of Maria Jaramillo,

Plaintiff,

v.

SUSAN R. RAMOS, M.D., F.A.C.S.; PRIME HEALTHCARE SERVICES-RENO, LLC., a Delaware Limited Liability Company, d/b/a/ SAINT MARYS REGIONAL MEDICAL CENTER; ABC Corporations I-X, inclusive, Black and White Companies; and DOES I-XX, inclusive,

Defendants.
_____/

Case No. CV17-00221

Dept. No. 1

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiff, ROSAISET JARAMILLO, as Special Administrator of the Estate of Maria Jaramillo, hereby appeals to the Nevada Supreme Court from the Order granting Defendant SUSAN R. RAMOS, M.D.'s Motion for Summary Judgment filed herein on October 9, 2018.

AFFIRMATION

The undersigned affirms that the foregoing document does not contain the Social Security Number

/////

/////

LAW OFFICE OF
BRADLEY, DRENDEL
& JEANNEY
P.O. BOX 1987
RENO, NV 89505
(775) 335-9999

Our File No. 203066

Docket 77385 Document 2018-903906

of any person.

DATED this 8th day of November 2018.

BRADLEY, DRENDEL & JEANNEY, LTD.

By_____
William C. Jeanney, Esq.

LAW OFFICE OF
BRADLEY, DRENDEL
& JEANNEY
P.O. BOX 1987
RENO, NV 89505
(775) 335-9999

Our File No. 203066

CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I certify that I am an employee of BRADLEY, DRENDEL & JEANNEY, and that on this date, I served a true and correct copy of the foregoing on the party(s) set forth below by:

_____ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices

_____ Personal Delivery

_____ Facsimile

_____ Federal Express/Airborne Express/Other Overnight Delivery

_____ Reno-Carson Messenger Service

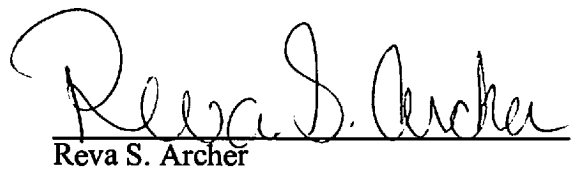
_x_ All parties signed up for electronic filing have been served electronically, all others have been served by placing a true copy thereof in a sealed envelope placed for collecting and mailing in the United States mail, at Reno, Nevada, postage prepaid, following ordinary business practices

addressed as follows:

Janine C. Prupas, Esq.
Carrie L. Parker, Esq.
Snell & Wilmer
50 West Liberty Street, Suite 510
Reno, NV 89501
Attorneys for: Prime Healthcare Management, Inc.,
Saint Mary's Medical Group, Inc.,
Saint Mary's Regional Medical Center

Edward J. Lemons, Esq.
Alice Campos Mercado, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, Suite 300
Reno, NV 89519
Attorneys for: Susan R. Ramos, M.D.

DATED this 8th day of November 2018.



Reva S. Archer

LAW OFFICE OF
BRADLEY, DRENDEL
& JEANNEY
P.O. BOX 1987
RENO, NV 89505
(775) 335-9999

Our File No. 203066

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1310
William C. Jeanney, Esq.
Nevada State Bar No. 01235
BRADLEY, DRENDEL & JEANNEY
P.O. Box 1987
Reno, NV 89505
Telephone No. (775) 335-9999
Facsimile No. (775) 335-9993
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

ROSAISET JARAMILLO, as Special Administrator of the Estate of Maria Jaramillo,

Plaintiff,

v.

SUSAN R. RAMOS, M.D., F.A.C.S.; PRIME HEALTHCARE SERVICES-RENO, LLC., a Delaware Limited Liability Company, d/b/a/ SAINT MARYS REGIONAL MEDICAL CENTER; ABC Corporations I-X, inclusive, Black and White Companies; and DOES I-XX, inclusive,

Defendants.
_____/

Case No. CV17-00221

Dept. No. 1

CASE APPEAL STATEMENT

COMES NOW Plaintiff, ROSAISET JARAMILLO, as Special Administrator of the Estate of Maria Jaramillo, and submits the following as and for her case appeal statement:

1 Name of Appellant filing this case appeal statement: Rosaiset Jaramillo, as Special Administrator of the Estate of Maria Jaramillo.

2. Identify the judge issuing the decision, judgment, or order appealed from: The Honorable Kathleen Drakulich.

3. Identity of each appellant and the name and address of counsel for each appellant: Rosaiset Jaramillo, as Special Administrator of the Estate of Maria Jaramillo, represented by William C. Jeanney, Esq. of Bradley, Drendel & Jeanney, 6900 South McCarran Blvd., Suite 2000,

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(775) 335-9999

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Reno, Nevada 89509.

4. Identity of each respondent and name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much as provide the name and address of that respondent's trial counsel): Susan R. Ramos, M.D., Edward J. Lemons, Esq. of Lemons, Grundy & Eisenberg, 6005 Plumas Street, Suite 300, Reno, Nevada 89519.

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): All counsel listed above are licensed to practice law in the State of Nevada.

6. Indicate whether appellant was represented by appointed or retained counsel on appeal: Appellant was represented in the District court by retained counsel.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal. Appellant is represented on the appeal by retained counsel.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: Appellant is not granted leave to proceed in forma pauperis.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): The proceedings commenced February 2, 2017.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court: This is a civil action in which Plaintiff set forth three claims for relief: 1) Medical Negligence, 2) Failure to Provide a Safe Environment; and 3) NRS 41A.100 (*res ipsa loquitur*). Defendant Susan R. Ramos, M.D. filed a Motion for Summary Judgment on the NRS 41A.100 (*res ipsa loquitur*) action and an Order Granting said Defendant's Motion for Summary Judgment was granted on October 9, 2018.

11. Indicate whether the case has previously been the subject of an appeal to or original

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(775) 335-9999

writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior pleading: This case has not been the subject of a prior appeal or writ proceeding.

12. Indicate whether this appeal involves child custody or visitation: This appeal does not involve any issue of child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement. Plaintiff is available for settlement discussion.

AFFIRMATION

The undersigned affirms that the foregoing document does not contain the Social Security Number
of any person.

DATED this 8th day of November 2018.

BRADLEY, DRENDEL & JEANNEY, LTD.

By_____
William C. Jeanney, Esq.

LAW OFFICE OF
BRADLEY, DRENDEL
& JEANNEY
P.O. BOX 1987
RENO, NV 89505
(775) 335-9999

CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I certify that I am an employee of BRADLEY, DRENDEL & JEANNEY, and that on this date, I served a true and correct copy of the foregoing on the party(s) set forth below by:

_____ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices

_____ Personal Delivery

_____ Facsimile

_____ Federal Express/Airborne Express/Other Overnight Delivery

_____ Reno-Carson Messenger Service

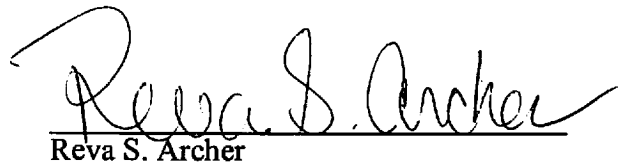
_x_ All parties signed up for electronic filing have been served electronically, all others have been served by placing a true copy thereof in a sealed envelope placed for collecting and mailing in the United States mail, at Reno, Nevada, postage prepaid, following ordinary business practices

addressed as follows:

Janine C. Prupas, Esq.
Carrie L. Parker, Esq.
Snell & Wilmer
50 West Liberty Street, Suite 510
Reno, NV 89501
Attorneys for: Prime Healthcare Management, Inc.,
Saint Mary's Medical Group, Inc.,
Saint Mary's Regional Medical Center

Edward J. Lemons, Esq.
Alice Campos Mercado, Esq.
Lemons, Grundy & Eisenberg
6005 Plumas Street, Suite 300
Reno, NV 89519
Attorneys for: Susan R. Ramos, M.D.

DATED this 8th day of November 2018.



Reva S. Archer

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BRADLEY, DRENDEL
& JEANNEY
P.O. BOX 1987
RENO, NV 89505
(775) 335-9999

Our File No. 203066

SECOND JUDICIAL DISTRICT COURT
STATE OF NEVADA
COUNTY OF WASHOE

Case History - CV17-00221

Case Description: MARIA JARAMILLO VS SUSAN R. RAMOS, M.D. ETAL (D1)

Case Number: CV17-00221 Case Type: OTHER NEGLIGENCE - Initially Filed On: 2/2/2017

Parties

Party Type & Name	Party Status
JUDG - KATHLEEN DRAKULICH - D1	Active
PLTF - MARIA JARAMILLO - @1304602	Active
DEFT - SAINT MARY'S MEDICAL GROUP - @1304601	Active
DEFT - PRIME HEALTHCARE MANAGEMENT, INC. - @1304600	Active
DEFT - PRIME HEALTHCARE SERVICES-RENO, LLC - @1304599	Active
DEFT - SUSAN R. RAMOS - @1304598	Active
ATTY - Alice G. Campos Mercado, Esq. - 4555	Active
ATTY - Carrie L. Parker, Esq. - 10952	Active
ATTY - Janine C. Prupas, Esq. - 9156	Active
ATTY - Edward J. Lemons, Esq. - 699	Active
ATTY - William C. Jeanney, Esq. - 1235	Active
INST - ROSAISET JARAMILLO - @1317683	Active

Disposed Hearings

1 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 4/10/2017 at 15:30:00
Extra Event Text: MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION FOR A MORE DEFINITE STATEMENT FILED 3/16/17
Event Disposition: S200 - 5/16/2017

2 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 12/21/2017 at 16:02:00
Extra Event Text: PETITION FOR LETTERS OF SPECIAL ADMINISTRATION FILED 12-15-17
Event Disposition: S200 - 12/22/2017

3 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 3/21/2018 at 17:00:00
Extra Event Text: MOTION TO DISMISS FILED 3/06/18
Event Disposition: S200 - 5/22/2018

4 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 3/28/2018 at 13:33:00
Extra Event Text: MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE MOTION FOR SUBSTITUTION OF PARTIES FILED 3/13/18
Event Disposition: S200 - 5/22/2018

5 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/24/2018 at 15:41:00
Extra Event Text: MOTION FOR SUBSTITUTION OF PARTIES FILED 5/22/18
Event Disposition: S200 - 5/25/2018

6 Department: D1 -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 8/1/2018 at 13:30:00
Extra Event Text: TRIAL -11/5/18
Event Disposition: D435 - 8/1/2018

7 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 8/29/2018 at 11:41:00
Extra Event Text: DEFT SUSAN RAMOS, M.D.'S MOTION FOR SUMMARY JUDGMENT FILED 8-3-18
Event Disposition: S200 - 10/9/2018

8 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 9/11/2018 at 17:00:00
Extra Event Text: MOTION FOR SUMMARY JUDGMENT FILED 8/07/18
Event Disposition: S200 - 10/9/2018

9 Department: D1 -- Event: HEARING... -- Scheduled Date & Time: 9/24/2018 at 15:00:00
Extra Event Text: HEARING ON DEFENDANTS RESPECTIVE MOTIONS FOR SUMMARY JUDGMENT
Event Disposition: D840 - 9/24/2018

10 Department: D1 -- Event: PRE-TRIAL CONFERENCE -- Scheduled Date & Time: 10/10/2018 at 13:00:00
Extra Event Text: FINAL PRE-TRIAL CONFERENCE - TRIAL SET FOR 11/5/18
Event Disposition: D845 - 10/9/2018

11 Department: D1 -- Event: TRIAL - JURY -- Scheduled Date & Time: 11/5/2018 at 09:30:00
Extra Event Text: 1st-5-DAY P.I. (PTC-8/1/18)
Event Disposition: D845 - 10/9/2018

Actions

Filing Date - Docket Code & Description

1 2/2/2017 - $1425 - $Complaint - Civil
Additional Text: COMPLAINT - Transaction 5931668 - Approved By: TBRITTON : 02-02-2017:15:49:31

2 2/2/2017 - PAYRC - **Payment Receipted
Additional Text: A Payment of $260.00 was made on receipt DCDC565173.

3 2/9/2017 - 4090 - ** Summons Issued
No additional text exists for this entry.

4 3/3/2017 - 4085 - Summons Filed
Additional Text: Prime Healthcare Services - Reno 2/24/17 - Transaction 5978686 - Approved By: CSULEZIC : 03-03-2017:11:19:52

5 3/3/2017 - 4085 - Summons Filed
Additional Text: Prime Healthcare Management 2/24/17 - Transaction 5978686 - Approved By: CSULEZIC : 03-03-2017:11:19:52

6 3/3/2017 - 4085 - Summons Filed
Additional Text: Susan Ramos, M.D. 2/24/17 - Transaction 5978686 - Approved By: CSULEZIC : 03-03-2017:11:19:52

7 3/3/2017 - NEF - Proof of Electronic Service
Additional Text: Transaction 5978768 - Approved By: NOREVIEW : 03-03-2017:11:20:36

8 3/14/2017 - 1130 - Answer ...
Additional Text: DEFENDANT SUSAN R. RAMOS, M.D., F.A.C.S.'s ANSWER TO COMPLAINT - Transaction 5997206 - Approved By: TBRITTON : 03-15-2017:08:48:18

9 3/14/2017 - $1560 - $Def 1st Appearance - CV
Additional Text: DEFT SUSAN R. RAMOS M.D., F.A.C.S - Transaction 5997206 - Approved By: TBRITTON : 03-15-2017:08:48:18

10 3/14/2017 - 1580 - Demand for Jury
Additional Text: DFX: OUTSTANDING FILING FEE OF $320.00 - DEFENDANT SUSAN R. RAMOS, M.D., F.A.C.S.'s DEMAND FOR JURY - FEE PAID 3-17-17 YVILORIA
Transaction 5997211 - Approved By: TBRITTON : 03-15-2017:08:51:13

11 3/15/2017 - PAYRC - **Payment Receipted
Additional Text: A Payment of $213.00 was made on receipt DCDC569545.

12 3/15/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 5997455 - Approved By: NOREVIEW : 03-15-2017:08:51:31

13 3/15/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 5997464 - Approved By: NOREVIEW : 03-15-2017:08:52:25

14 3/16/2017 - 2290 - Mtn to Dismiss Case

Additional Text: or in the Alternative Motion for a More Definite Statement - Transaction 6002174 - Approved By: PMSEWELL : 03-16-20 17:16:13:13

15 3/16/2017 - $1560 - $Def 1st Appearance - CV

Additional Text: PRIME HEALTHCARE SERVICES - RENO - Transaction 6002174 - Approved By: PMSEWELL : 03-16-2017:16:13:13

16 3/16/2017 - $DEFT - $Addl Def/Answer - Prty/Appear

Additional Text: SAINT MARY'S MEDICAL GROUP - Transaction 6002174 - Approved By: PMSEWELL : 03-16-2017:16:13:13

17 3/16/2017 - $DEFT - $Addl Def/Answer - Prty/Appear

Additional Text: PRIME HEALTHCARE MANAGEMENT - Transaction 6002174 - Approved By: PMSEWELL : 03-16-2017:16:13:13

18 3/16/2017 - PAYRC - **Payment Receipted

Additional Text: A Payment of $273.00 was made on receipt DCDC569787.

19 3/16/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6002243 - Approved By: NOREVIEW : 03-16-2017:16:14:14

20 3/17/2017 - JF - **First Day Jury Fees Deposit

Additional Text: DEFT SUSAN R. RAMOS, M.D., F.A.C.S. - Transaction 6003089 - Approved By: YVILORIA : 03-17-2017:09:39:24

21 3/17/2017 - PAYRC - **Payment Receipted

Additional Text: A Payment of $320.00 was made on receipt DCDC569827.

22 3/17/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6003116 - Approved By: NOREVIEW : 03-17-2017:09:40:33

23 3/24/2017 - 4085 - Summons Filed

Additional Text: MICHELLE ELLIS - ADMIN ASST. - MARCH 5, 2017; 2:54 PM - Transaction 6017307 - Approved By: YVILORIA : 03-24-2 017:16:50:33

24 3/24/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6017347 - Approved By: NOREVIEW : 03-24-2017:16:53:13

25 3/28/2017 - 3840 - Request Exemption Arbitration

Additional Text: REQUEST FOR EXEMPTION FROM ARBITRATION - Transaction 6020942 - Approved By: TBRITTON : 03-28-2017:13:46: 52

26 3/28/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6020993 - Approved By: NOREVIEW : 03-28-2017:13:49:55

27 3/31/2017 - 2645 - Opposition to Mtn ...

Additional Text: Plaintiff's Opposition to "Saint Mary's Motion to Dismiss or in the Alternative Motion for a More Definite Statement " - Transaction 6028419 - Approved By: TBRITTON : 04-03-2017:08:23:33

28 4/3/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6030321 - Approved By: NOREVIEW : 04-03-2017:08:24:19

29 4/3/2017 - 1650 - Errata...

Additional Text: ERRATA TO PLAINTIFF'S OPPOSITION TO "SAINT MARY'S MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION FOR A MORE DEFINITE STATEMENT" - Transaction 6030857 - Approved By: TBRITTON : 04-03-2017:11:10:30

30 4/3/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6030887 - Approved By: NOREVIEW : 04-03-2017:11:11:24

31 4/10/2017 - 3795 - Reply...

Additional Text: REPLY IN SUPPORT OF MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION F'OR A MORE DEFINITE STATEMENT - Transaction 6043407 - Approved By: TBRITTON : 04-10-2017:15:18:11

32 4/10/2017 - 3860 - Request for Submission

Additional Text: MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION FOR A MORE DEFINITE STATEMENT FILED 3/16/17 - Transaction 6043415 - Approved By: CSULEZIC : 04-10-2017:15:21:05
PARTY SUBMITTING: JANINE PRUPAS ESQ
DATE SUBMITTED: 4/10/17
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:

33 4/10/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6043434 - Approved By: NOREVIEW : 04-10-2017:15:19:06

34 4/10/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6043450 - Approved By: NOREVIEW : 04-10-2017:15:22:17

35 4/11/2017 - A120 - Exemption from Arbitration

Additional Text: Transaction 6044717 - Approved By: NOREVIEW : 04-11-2017:10:49:34

36 4/11/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6044722 - Approved By: NOREVIEW : 04-11-2017:10:50:34

37 5/16/2017 - 2842 - Ord Denying Motion

Additional Text: Deft's Mtn to Dismiss or in the Alternative, Mtn for More Definite Statement - Transaction 6102495 - Approved By: NOREVIEW : 05-16-2017:12:25:15

38 5/16/2017 - S200 - Request for Submission Complet

No additional text exists for this entry.

39 5/16/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6102499 - Approved By: NOREVIEW : 05-16-2017:12:26:17

40 5/17/2017 - 3696 - Pre-Trial Order

Additional Text: Transaction 6104705 - Approved By: NOREVIEW : 05-17-2017:12:28:59

41 5/17/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6104707 - Approved By: NOREVIEW : 05-17-2017:12:29:59

42 5/23/2017 - 2540 - Notice of Entry of Ord

Additional Text: Notice of Entry of Order (Denying Defendants' Motion to Dismiss) - Transaction 6112850 - Approved By: NOREVIEW : 05-23-2017:08:08:55

43 5/23/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6112851 - Approved By: NOREVIEW : 05-23-2017:08:09:45

44 5/26/2017 - 2529 - Notice of Early Case Conferenc

Additional Text: Transaction 6121692 - Approved By: NOREVIEW : 05-26-2017:16:57:23

45 5/26/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6121705 - Approved By: NOREVIEW : 05-26-2017:16:58:18

46 5/31/2017 - 1130 - Answer ...

Additional Text: DEFENDANTS PRIME HEALTHCARE SERVICES RENO, LLC D/B/A SAINT MARY'S REGIONAL MEDICAL CENTER, PRIME HEALTHCARE MANAGEMENT, INC., AND SAINT MARY'S MEDICAL GROUP, INC.'S ANSWER TO COMPLAINT - Transaction 6124585 - Approved By: YVILORIA : 05-31-2017:11:46:12

47 5/31/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6124900 - Approved By: NOREVIEW : 05-31-2017:11:47:23

48 6/15/2017 - 1250 - Application for Setting

Additional Text: TRIAL- 11/5/18; PTC-8/1/18 - Transaction 6150877 - Approved By: TBRITTON : 06-15-2017:13:01:02

49 6/15/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6150924 - Approved By: NOREVIEW : 06-15-2017:13:01:53

50 8/9/2017 - 1835 - Joint Case Conference Report

Additional Text: Transaction 6240382 - Approved By: CSULEZIC : 08-09-2017:15:30:29

51 8/9/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6240739 - Approved By: NOREVIEW : 08-09-2017:15:31:31

52 11/21/2017 - 4080 - Suggestion of Death on Record

Additional Text: SUGGESTION OF DEATH UPON THE RECORD PURSUANT TO NRCP 25(A)(1) - Transaction 6405241 - Approved By: YVILORIA : 11-21-2017:12:40:01

53 11/21/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6405458 - Approved By: NOREVIEW : 11-21-2017:12:42:50

54 12/15/2017 - $1560 - $Def 1st Appearance - CV

Additional Text: INST ROSAISET JARAMILLO - Transaction 6441105 - Approved By: YVILORIA : 12-15-2017:10:41:59

55 12/15/2017 - 3645 - Petition ...

Additional Text: PETITION FOR LETTERS OF SPECIAL ADMINISTRATION - Transaction 6441105 - Approved By: YVILORIA : 12-15-2017: 10:41:59

56 12/15/2017 - PAYRC - **Payment Receipted

Additional Text: A Payment of $213.00 was made on receipt DCDC595088.

57 12/15/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6441124 - Approved By: NOREVIEW : 12-15-2017:10:43:09

58 12/21/2017 - 3860 - Request for Submission

Additional Text: Transaction 6450874 - Approved By: YVILORIA : 12-21-2017:15:56:45
DOCUMENT TITLE: PETITION FOR LETTERS OF SPECIAL ADMINISTRATION FILED 12-15-17
PARTY SUBMITTING: WILLIAM JEANNEY ESQ
DATE SUBMITTED: DEC 21, 2017
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

59 12/21/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6450952 - Approved By: NOREVIEW : 12-21-2017:15:57:58

60 12/22/2017 - 2610 - Notice ...

Additional Text: Notice of Withdrawal of Petition for Letters of Special Administration - Transaction 6451599 - Approved By: YVILORIA : 12-22-2017:09:52:41

61 12/22/2017 - NEF - Proof of Electronic Service

Additional Text: Transaction 6451680 - Approved By: NOREVIEW : 12-22-2017:09:53:42

62 12/22/2017 - S200 - Request for Submission Complet

Additional Text: PETITION FOR LETTERS OF SPECIAL ADMINISTRATION - WITHDRAWN BY COUNSEL ON 12/22

63 1/9/2018 - 2540 - Notice of Entry of Ord

Additional Text: Notice of Entry of Order (Appointing Special Administrator) - Transaction 6471770 - Approved By: NOREVIEW : 01-09-2018:09:26:35

64 1/9/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6471772 - Approved By: NOREVIEW : 01-09-2018:09:27:23

65 3/6/2018 - 2315 - Mtn to Dismiss ...

Additional Text: Transaction 6562397 - Approved By: PMSEWELL : 03-06-2018:10:35:59

66 3/6/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6562639 - Approved By: NOREVIEW : 03-06-2018:10:36:58

67 3/13/2018 - 2645 - Opposition to Mtn ...

Additional Text: PLAINTIFF'S OPPOSITION TO SAINT MARY'S DEFENDANTS' MOTION TO DISMISS UNDER NRCP 25 AND COUNTER-MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE MOTION FOR SUBSTITUTION OF PARTIES - Transaction 6573817 - Approved By: CSULEZIC : 03-13-2018:11:01:57

68 3/13/2018 - 2645 - Opposition to Mtn ...

Additional Text: PLAINTIFF'S OPPOSITION TO SAINT MARY'S DEFENDANTS' MOTION TO DISMISS UNDER NRCP 25 AND COUNTER-MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE MOTION FOR SUBSTITUTION OF PARTIES - Transaction 6573835 - Approved By: CSULEZIC : 03-13-2018:11:10:11

69 3/13/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6574063 - Approved By: NOREVIEW : 03-13-2018:11:02:59

70 3/13/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6574096 - Approved By: NOREVIEW : 03-13-2018:11:11:18

71 3/14/2018 - 1830 - Joinder...

Additional Text: JOINDER IN SAINT MARY'S DEFENDANTS' MOTION TO DISMISS - Transaction 6575891 - Approved By: PMSEWELL : 03-14-2018:09:26:25

72 3/14/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6575999 - Approved By: NOREVIEW : 03-14-2018:09:27:19

73 3/21/2018 - 3795 - Reply...

Additional Text: Reply in Support of Saint Mary's Defendants' Motion to Dismiss Under NRCP 25 and Counter-Motion for Enlargement of Time Within Which to File Motion for Substitution of Parties - Transaction 6589296 - Approved By: CSULEZIC : 03-21-2018:16:45:58

74 3/21/2018 - 3860 - Request for Submission

Additional Text: MOTION TO DISMISS FILED 3/06/18 - Transaction 6589303 - Approved By: CSULEZIC : 03-21-2018:16:47:22
PARTY SUBMITTING: CARRIE PARKER ESQ
DATE SUBMITTED: 3/21/18
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:

75 3/21/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6589585 - Approved By: NOREVIEW : 03-21-2018:16:47:23

76 3/21/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6589609 - Approved By: NOREVIEW : 03-21-2018:16:50:43

77 3/21/2018 - 2650 - Opposition to ...

Additional Text: OPPOSITION TO PLAINTIFF'S COUNTER-MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE MOTION FOR SUBSTITUTION OF PARTIES - Transaction 6589659 - Approved By: CSULEZIC : 03-22-2018:09:17:50

78 3/22/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6590050 - Approved By: NOREVIEW : 03-22-2018:09:18:47

79 3/28/2018 - 3795 - Reply...

Additional Text: PLAINTIFF'S REPLY IN SUPPORT OF COUNTER-MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE MOTION FOR SUBSTITUTION OF PARTIES - Transaction 6600156 - Approved By: CSULEZIC : 03-28-2018:13:00:08

80 3/28/2018 - 3860 - Request for Submission

Additional Text: MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE MOTION FOR SUBSTITUTION OF PARTIES FILED 3/13/18 - Transaction 6600163 - Approved By: CSULEZIC : 03-28-2018:13:01:23
PARTY SUBMITTING: WILLIAM JEANNEY ESQ
DATE SUBMITTED: 3/28/18
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:

81 3/28/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6600298 - Approved By: NOREVIEW : 03-28-2018:13:01:09

82 3/28/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6600301 - Approved By: NOREVIEW : 03-28-2018:13:03:25

83 5/22/2018 - 2842 - Ord Denying Motion

Additional Text: DEFENDANTS' MOTION TO DISMISS UNDER NRCP 25 - Transaction 6691399 - Approved By: NOREVIEW : 05-22-2018:11:32:53

84 5/22/2018 - S200 - Request for Submission Complet

Additional Text: MOTION TO DISMISS (VACATED - ORDER FILED 5/22)

85 5/22/2018 - S200 - Request for Submission Complet

Additional Text: MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO FILE MOTION FOR SUBSTITUTION OF PARTIES FILED 3/13/18 (VACATED - ORDER FILED 5/22)

86 5/22/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6691404 - Approved By: NOREVIEW : 05-22-2018:11:33:53

87 5/22/2018 - 2540 - Notice of Entry of Ord

Additional Text: Notice of Entry of Order Denying Defendants' Motion to Dismiss Under NRCP 25 - Transaction 6691966 - Approved By: NOREVIEW : 05-22-2018:13:33:26

88 5/22/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6691972 - Approved By: NOREVIEW : 05-22-2018:13:34:25

89 5/22/2018 - 2490 - Motion ...

Additional Text: Motion for Substitution of Parties - Transaction 6692129 - Approved By: PMSEWELL : 05-22-2018:14:19:32

90 5/22/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6692168 - Approved By: NOREVIEW : 05-22-2018:14:22:31

91 5/23/2018 - 2501 - Non-Opposition ...

Additional Text: DEFENDANT SUSAN R. RAMOS, M.D.'S NON-OPPOSITION TO MOTION FOR SUBSTITUTION OF PARTIES - Transaction 6694308 - Approved By: YVILORIA : 05-23-2018:14:25:23

92 5/23/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6694455 - Approved By: NOREVIEW : 05-23-2018:14:26:46

93 5/24/2018 - 2501 - Non-Opposition ...

Additional Text: NON OPPOSITION TO MOTION FOR SUBSTITUTION OF PARTIES - Transaction 6696029 - Approved By: PMSEWELL : 05-24-2018:11:14:44

94 5/24/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6696124 - Approved By: NOREVIEW : 05-24-2018:11:15:51

95 5/24/2018 - 3860 - Request for Submission

Additional Text: MOTION FOR SUBSTITUTION OF PARTIES FILED 5/22/18 - Transaction 6696987 - Approved By: CSULEZIC : 05-24-201 8:14:50:43
PARTY SUBMITTING: WILLIAM JEANNEY ESQ
DATE SUBMITTED: 5/24/18
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:

96 5/24/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6697026 - Approved By: NOREVIEW : 05-24-2018:14:51:43

97 5/25/2018 - 3060 - Ord Granting Mtn ...

Additional Text: FOR SUBSTITUTION OF PARTIES - Transaction 6698227 - Approved By: NOREVIEW : 05-25-2018:09:48:09

98 5/25/2018 - S200 - Request for Submission Complet

No additional text exists for this entry.

99 5/25/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6698232 - Approved By: NOREVIEW : 05-25-2018:09:49:09

100 5/25/2018 - 2540 - Notice of Entry of Ord

Additional Text: Notice of Entry of Order Granting Plaintiff's Motion for Sub. of Parties - Transaction 6698278 - Approved By: NOREVIEW : 05-25-2018:10:03:35

101 5/25/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6698282 - Approved By: NOREVIEW : 05-25-2018:10:04:31

102 6/22/2018 - 1610 - Disclosure of Expert Witness

Additional Text: Transaction 6743358 - Approved By: JAPARICI : 06-22-2018:16:34:20

103 6/22/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6743646 - Approved By: NOREVIEW : 06-22-2018:16:35:20

104 7/17/2018 - 3985 - Stip & Ord for Dismissal

Additional Text: OF PRIME HEALTHCARE MANAGEMENT, INC. AND SAINT MARY'S MEDICAL GROUP, INC. ONLY - Transaction 6781007 - Approved By: NOREVIEW : 07-17-2018:14:52:08

105 7/17/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6781012 - Approved By: NOREVIEW : 07-17-2018:14:53:12

106 7/17/2018 - 2540 - Notice of Entry of Ord

Additional Text: Transaction 6781408 - Approved By: NOREVIEW : 07-17-2018:16:11:46

107 7/17/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6781420 - Approved By: NOREVIEW : 07-17-2018:16:13:33

108 7/26/2018 - 1290 - Association of Counsel

Additional Text: ALICE CAMPOS MERCADO ESQ ASSOIATES WITH EDWARD J. LEMONS ESQ / DEFT SUSAN R RAMOS M.D. - Transaction 6798280 - Approved By: YVILORIA : 07-26-2018:16:46:38

109 7/26/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6798675 - Approved By: NOREVIEW : 07-26-2018:16:47:45

110 8/3/2018 - $2200 - $Mtn for Summary Judgment

Additional Text: DEFENDANT SUSAN R. RAMOS, M.D.'S MOTION FOR SUMMARY JUDGMENT - Transaction 6812059 - Approved By: YVILORIA : 08-03-2018:14:18:42

111 8/3/2018 - PAYRC - **Payment Receipted

Additional Text: A Payment of $200.00 was made on receipt DCDC616446.

112 8/3/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6812243 - Approved By: NOREVIEW : 08-03-2018:14:19:58

113 8/7/2018 - $2200 - $Mtn for Summary Judgment

Additional Text: DEFENDANT SAINT MARY'S MOTION FOR SUMMARY JUDGMENT - Transaction 6816921 - Approved By: CVERA : 08-07-2018:15:32:59

114 8/7/2018 - $1833 - $Joinder to Mtn for Sum Judg

Additional Text: DEFENDANT SAINT MARY'S JOINDER IN DEFENDANT SUSAN R. RAMOS, M.D.'S MOTION FOR SUMMARY JUDGMENT - Transaction 6817201 - Approved By: YVILORIA : 08-07-2018:16:04:18

115 8/7/2018 - PAYRC - **Payment Receipted

Additional Text: A Payment of $200.00 was made on receipt DCDC616725.

116 8/7/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6817213 - Approved By: NOREVIEW : 08-07-2018:15:35:43

117 8/7/2018 - PAYRC - **Payment Receipted

Additional Text: A Payment of $200.00 was made on receipt DCDC616733.

118 8/7/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6817396 - Approved By: NOREVIEW : 08-07-2018:16:05:27

119 8/14/2018 - MIN - ***Minutes

Additional Text: 8/1/18 Pre-Trial Conference - Transaction 6829165 - Approved By: NOREVIEW : 08-14-2018:15:48:31

120 8/14/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6829169 - Approved By: NOREVIEW : 08-14-2018:15:49:28

121 8/27/2018 - 2645 - Opposition to Mtn ...

Additional Text: PLAINTIFF'S OPPOSITION TO "DEFENDANT SUSAN R RAMOS, M.D.'S MOTION FOR SUMMARY JUDGMENT - Transaction 6850688 - Approved By: YVILORIA : 08-27-2018:16:56:37

122 8/27/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6851099 - Approved By: NOREVIEW : 08-27-2018:17:00:23

123 8/29/2018 - 3790 - Reply to/in Opposition

Additional Text: DEFENDANT SUS R RAMOS, M.D.'S REPLY TO PLAINTIFF'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT - Transaction 6854498 - Approved By: YVILORIA : 08-29-2018:11:37:29

124 8/29/2018 - 3860 - Request for Submission

Additional Text: Transaction 6854500 - Approved By: YVILORIA : 08-29-2018:11:38:03
DOCUMENT TITLE: DEFT SUSAN RAMOS, M.D.'S MOTION FOR SUMMARY JUDGMENT FILED 8-3-18
PARTY SUBMITTING: EDWARD LEMONS ESQ
DATE SUBMITTED: AUG 29, 2018
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

125 8/29/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6854567 - Approved By: NOREVIEW : 08-29-2018:11:39:41

126 8/29/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6854571 - Approved By: NOREVIEW : 08-29-2018:11:40:03

127 9/4/2018 - 2645 - Opposition to Mtn ...

Additional Text: PLAINTIFF'S OPPOSITION TO "DEFENDANT SAINT MARY'S MOTION FOR SUMMARY JUDGMENT" - Transaction 6861409 - Approved By: CVERA : 09-04-2018:12:45:51

128 9/4/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6861651 - Approved By: NOREVIEW : 09-04-2018:12:46:53

129 9/11/2018 - 3795 - Reply...

Additional Text: DEFENDANT SAINT MARY'S REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT - Transaction 6874327 - Approved By: YVILORIA : 09-11-2018:16:52:06

130 9/11/2018 - 3860 - Request for Submission

Additional Text: MOTION FOR SUMMARY JUDGMENT FILED 8/07/18 - Transaction 6874337 - Approved By: CSULEZIC : 09-11-2018:16:54:09
PARTY SUBMITTING: CARRIE PARKER, ESQ
DATE SUBMITTED: 9/11/18
SUBMITTED BY: CS
DATE RECEIVED JUDGE OFFICE:

131 9/11/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6874413 - Approved By: NOREVIEW : 09-11-2018:16:53:40

132 9/11/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6874418 - Approved By: NOREVIEW : 09-11-2018:16:55:13

133 9/14/2018 - 4050 - Stipulation ...

Additional Text: STIPULATION TO VACATE SEPTEMBER 17, 2018 SETTLEMENT CONFERENCE - Transaction 6880156 - Approved By: YVILORIA : 09-14-2018:10:55:20

134 9/14/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6880183 - Approved By: NOREVIEW : 09-14-2018:10:56:23

135 9/14/2018 - 3366 - Ord Vacating

Additional Text: SEPTEMBER 17, 2018 SETTLEMENT CONFERENCE - Transaction 6880826 - Approved By: NOREVIEW : 09-14-2018:13:50:39

136 9/14/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6880828 - Approved By: NOREVIEW : 09-14-2018:13:51:37

137 9/14/2018 - 1250E - Application for Setting eFile

Additional Text: HEARING ON MSJs: 9/24/18 - Transaction 6881060 - Approved By: NOREVIEW : 09-14-2018:14:54:04

138 9/14/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6881063 - Approved By: NOREVIEW : 09-14-2018:14:55:04

139 9/24/2018 - 2245 - Mtn in Limine

Additional Text: DEFENDANT SAINT MARY'S MOTION IN LIMINE #1: EXIDERTS - Transaction 6895233 - Approved By: CVERA : 09-24-2018:16:49:44

140 9/24/2018 - 2245 - Mtn in Limine

Additional Text: #2: LAY TESTIMONY ON CAUSATION - Transaction 6895257 - Approved By: JAPARICI : 09-24-2018:16:37:28

141 9/24/2018 - 2245 - Mtn in Limine

Additional Text: #3: Res Ispa Loquitur - Transaction 6895273 - Approved By: JAPARICI : 09-25-2018:08:15:43

142 9/24/2018 - 2245 - Mtn in Limine

Additional Text: #4: VICARIOUS LIABILITY - Transaction 6895282 - Approved By: JAPARICI : 09-25-2018:08:38:50

143 9/24/2018 - 2245 - Mtn in Limine

Additional Text: DEFENDANT SAINT MARY'S MOTIONS IN LIMINE #5 - #10 - Transaction 6895293 - Approved By: CSULEZIC : 09-24-20 18:16:37:45

144 9/24/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6895652 - Approved By: NOREVIEW : 09-24-2018:16:39:42

145 9/24/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6895653 - Approved By: NOREVIEW : 09-24-2018:16:39:44

146 9/24/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6895701 - Approved By: NOREVIEW : 09-24-2018:16:51:07

147 9/25/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6895900 - Approved By: NOREVIEW : 09-25-2018:08:17:07

148 9/25/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6895999 - Approved By: NOREVIEW : 09-25-2018:08:39:57

149 9/25/2018 - 2245 - Mtn in Limine

Additional Text: Transaction 6897343 - Approved By: BBLOUGH : 09-25-2018:16:11:14

150 9/25/2018 - 2245 - Mtn in Limine

Additional Text: Transaction 6897354 - Approved By: BBLOUGH : 09-25-2018:16:11:45

151 9/25/2018 - 2245 - Mtn in Limine

Additional Text: Transaction 6897363 - Approved By: BBLOUGH : 09-25-2018:16:12:08

152 9/25/2018 - 1830 - Joinder...

Additional Text: DEFENDANT SUSAN R. RAMOS' M.D.'s JOINDER TO DEFENDANT SAINT MARY'S REGIONAL MEDICAL CENTER'S MOTION IN LIMINE #1 : EXPERTS - Transaction 6897368 - Approved By: CSULEZIC : 09-25-2018:16:48:00

153 9/25/2018 - 1830 - Joinder...

Additional Text: DEFENDANT SUSAN R. RAMOS' M.D.'S JOINDER TO DEFENDANT SAINT MARY'S REGIONAL MEDICAL CENTER'S MOTION IN LIMINE #2: LAY TESTIMONY ON CAUSATION - Transaction 6897370 - Approved By: CSULEZIC : 09-25-2018:16:49:21

154 9/25/2018 - 1830 - Joinder...

Additional Text: DEFENDANT SUSAN R. RAMOS' M.0.'S JOINDER TO DEFENDANT SAINT MARY'S REGIONAL MEDICAL CENTER'S MOTIONS IN LIMINE #5 -#10 - Transaction 6897373 - Approved By: CSULEZIC : 09-25-2018:16:50:12

155 9/25/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6897748 - Approved By: NOREVIEW : 09-25-2018:16:12:28

156 9/25/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6897751 - Approved By: NOREVIEW : 09-25-2018:16:12:55

157 9/25/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6897754 - Approved By: NOREVIEW : 09-25-2018:16:13:20

158 9/25/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6897907 - Approved By: NOREVIEW : 09-25-2018:16:50:57

159 9/25/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6897910 - Approved By: NOREVIEW : 09-25-2018:16:50:50

160 9/25/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6897914 - Approved By: NOREVIEW : 09-25-2018:16:51:57

161 9/26/2018 - 1830 - Joinder...

Additional Text: to Defendant Susan R. Ramos, M.D.'s Motions in Limine Regarding Expert Testimony and Evidence - Transaction 6899576 - Approved By: PMSEWELL : 09-26-2018:16:46:07

162 9/26/2018 - 1830 - Joinder...

Additional Text: to Defendant Susan R. Ramos, M.D.'s Motions in Limine No. 5 Regarding Exclusion of Undisclosed, Unrelated and Unincurred Medical Expenses - Transaction 6899618 - Approved By: PMSEWELL : 09-26-2018:16:50:04

163 9/26/2018 - 1830 - Joinder...

Additional Text: to Defendant Susan R. Ramos, M.D.'s Omnibus Motions in Limine (Nos. 6 through 13) - Transaction 6899647 - Approved By: PMSEWELL : 09-26-2018:16:50:21

164 9/26/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6900012 - Approved By: NOREVIEW : 09-26-2018:16:49:13

165 9/26/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6900048 - Approved By: NOREVIEW : 09-26-2018:16:53:45

166 9/26/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6900049 - Approved By: NOREVIEW : 09-26-2018:16:54:12

167 9/26/2018 - 4185 - Transcript

Additional Text: 9-24-18 Hearing - Transaction 6900135 - Approved By: NOREVIEW : 09-26-2018:20:56:06

168 9/26/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6900136 - Approved By: NOREVIEW : 09-26-2018:20:56:56

169 10/2/2018 - MIN - ***Minutes

Additional Text: EXHIBIT LIST - 9/24/18 - Transaction 6906740 - Approved By: NOREVIEW : 10-02-2018:09:29:01

170 10/2/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6906749 - Approved By: NOREVIEW : 10-02-2018:09:30:02

171 10/2/2018 - MIN - ***Minutes

Additional Text: ORAL ARGUMENTS ON MSJ - 9/24/18 - Transaction 6906858 - Approved By: NOREVIEW : 10-02-2018:10:11:25

172 10/2/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6906864 - Approved By: NOREVIEW : 10-02-2018:10:12:25

173 10/2/2018 - COC - Evidence Chain of Custody Form

No additional text exists for this entry.

174 10/4/2018 - 3695 - Pre-Trial Memorandum

Additional Text: Transaction 6912623 - Approved By: PMSEWELL : 10-04-2018:16:33:25

175 10/4/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6912900 - Approved By: NOREVIEW : 10-04-2018:16:34:30

176 10/9/2018 - 3095 - Ord Grant Summary Judgment

Additional Text: PRIME HEALTHCARE SERVICES RENO, LLC DBA SAINT MARY'S REGIONAL MEDICAL CENTER - Transaction 6919331 - Approved By: NOREVIEW : 10-09-2018:16:06:23

177 10/9/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6919336 - Approved By: NOREVIEW : 10-09-2018:16:07:23

178 10/9/2018 - 3095 - Ord Grant Summary Judgment

Additional Text: SUSAN R. RAMOS, M.D. - Transaction 6919349 - Approved By: NOREVIEW : 10-09-2018:16:11:21

179 10/9/2018 - S200 - Request for Submission Complet

Additional Text: DEFT SUSAN RAMOS, M.D.'S MOTION FOR SUMMARY JUDGMENT FILED 8-3-18 (SEE ORDER FILED 10/9/18)

180 10/9/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6919353 - Approved By: NOREVIEW : 10-09-2018:16:12:33

181 10/9/2018 - S200 - Request for Submission Complet

Additional Text: SAINT MARY'S MOTION FOR SUMMARY JUDGMENT (SEE ORDER FILED 10/9/18)

182 10/9/2018 - F140 - Adj Summary Judgment

No additional text exists for this entry.

183 10/10/2018 - 2540 - Notice of Entry of Ord

Additional Text: Transaction 6920004 - Approved By: NOREVIEW : 10-10-2018:09:10:34

184 10/10/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6920009 - Approved By: NOREVIEW : 10-10-2018:09:11:52

185 10/10/2018 - 2540 - Notice of Entry of Ord

Additional Text: Transaction 6920172 - Approved By: NOREVIEW : 10-10-2018:10:08:35

186 10/10/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6920178 - Approved By: NOREVIEW : 10-10-2018:10:09:34

187 11/8/2018 - 1310 - Case Appeal Statement

Additional Text: Transaction 6969279 - Approved By: YVILORIA : 11-08-2018:14:35:24

188 11/8/2018 - $2515 - $Notice/Appeal Supreme Court

Additional Text: Transaction 6969279 - Approved By: YVILORIA : 11-08-2018:14:35:24

189 11/8/2018 - PAYRC - **Payment Receipted

Additional Text: A Payment of $34.00 was made on receipt DCDC624412.

190 11/8/2018 - NEF - Proof of Electronic Service

Additional Text: Transaction 6969317 - Approved By: NOREVIEW : 11-08-2018:14:36:32

191 11/8/2018 - SAB - **Supreme Court Appeal Bond

Additional Text: Bond ID: SAB-18-00082; Total Bond Amount: $500.00.

Bond Code, SAB, Receipted for: SITE DEFINED TRUST DEPOSIT, on 08-NOV-2018 in the amount of $500.00 on case ID CV17-00221.

192 11/8/2018 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6969597 - Approved By: NOREVIEW : 11-08-2018:15:27:46

FILED
Electronically
CV17-00221
2018-10-09 04:09:06 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6919349

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

MARIA JARAMILLO,

Plaintiff,

CASE NO.: CV17-00221

v.

DEPT. NO.: 1

SUSAN R. RAMOS, M.D., F.A.C.S.; PRIME HEALTHCARE SERVICES RENO, LLC, a Delaware Limited Liability Company, d/b/a SAINT MARY'S REGIONAL MEDICAL CENTER; PRIME HEALTHCARE MANAGEMENT, INC., a California Corporation; SAINT MARY'S MEDICAL GROUP, INC.; ABC Corporations I-X, inclusive, Black and White Companies; and DOES I-XX, inclusive,

Defendants.

_____/

ORDER GRANTING DEFENDANT SUSAN R. RAMOS, M.D.'S MOTION FOR SUMMARY JUDGMENT

This Court heard oral argument on September 24, 2018 regarding Defendant Susan R. Ramos, M.D.'s (hereafter "Dr. Ramos") *Motion for Summary Judgment* filed on August 3, 2018. Plaintiff Rosaiset Jaramillo, as Special Administrator of the Estate of Maria Jaramillo (hereafter "Plaintiff") filed an *Opposition* on August 27, 2018. Thereafter, Dr. Ramos filed a *Reply* on August 29, 2018, and simultaneously submitted the motion to the Court for decision.

Upon review of the record and the arguments presented, this Court finds good cause appears to GRANT Dr. Ramos's *Motion for Summary Judgment*.

I. Applicable Legal Standard

NRCP 56(c) provides, "[summary judgment] shall be rendered if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." A genuine issue of material fact exists when the evidence is such that a rational trier of fact could return a verdict for the nonmoving party. *Woods v. Safeway*, 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005). When deciding whether summary judgment is appropriate, the court must view all evidence in light most favorable to the non-moving party and accept all properly supported evidence, factual allegations, and reasonable inferences favorable to the non-moving party as true. *C. Nicholas Pereos, Ltd. v. Bank of Am.*, 131 Nev. Adv. Op. 44, 352 P.3d 1133, 1136 (2015); *NGA No. 2 Ltd. Liab. Co. v. Rains*, 113 Nev. 1151, 1157, 946 P.2d 163, 167 (1997).

The Nevada Supreme Court has adopted the federal approach outlined in *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986), with respect to burdens of proof and persuasion in summary judgment proceedings. See *Cuzze v. Univ. & Cmty. College Sys. of Nev.*, 123 Nev. 598, 602, 172 P.3d 131, 134 (2007). The party moving for summary judgment must meet his or her initial burden of production and show there is no genuine issue of material fact. *Id.* "The manner in which each party may satisfy its burden of production depends on which party will bear the burden of persuasion on the challenged claim at trial." *Id.* When the moving party bears the burden at trial, that party must present evidence that would entitle it to judgment as a matter of law absent contrary evidence. *Id.* If the burden of persuasion at trial will rest on the nonmoving party, "the party moving for summary judgment may satisfy the burden of production by either (1) submitting evidence that negates an essential element of the nonmoving party's claim, or (2) pointing out that there is an absence of evidence to support the nonmoving party's case." *Id.* After the moving party meets his or her initial burden of production, the opposing party "must transcend the pleadings and by affidavit or other admissible evidence, introduce specific facts that show a genuine issue of material fact." *Id.*

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II. Undisputed Facts

On March 26, 2015, Plaintiff Maria Jaramillo had a mammogram of her left breast, which showed that a lesion had increased in size from the time of her previous exam six months earlier. *Compl.* at ¶8. Thereafter, the radiologist recommended a direct surgical incision to confirm the findings and referred Plaintiff to Dr. Ramos. *Id.* at ¶¶9-10.

On April 29, 2015, Dr. Ramos performed a wire localization of the patient's left breast. *Id.* at ¶11. Plaintiff returned to Dr. Ramos for a follow-up appointment on January 28, 2016, wherein Plaintiff complained of pain in her left breast. *Id.* Dr. Ramos ordered a mammogram and ultrasound, the results of which showed a 3 cm length localization wire fragment in the upper left breast. *Id.* at ¶¶12-14. On March 28, 2016, Sharon Wright, M.D. performed a surgical excision of the wire fragment. *Plaintiff's Answer to Interrogatory No. 8.*

On October 23, 2017, Plaintiff passed away from gastrointestinal cancer, the cause of which is unrelated to the allegations in this matter.

III. Relevant Procedural History

Plaintiff filed a *Complaint* on February 2, 2017, alleging professional negligence asserting that Defendants negligently left a foreign object in Plaintiff Maria Jaramillo's body at the conclusion of a surgical procedure. The primary claim of professional negligence implicates the doctrine of *res ipsa loquitur*, alleging that both the doctor and the hospital are responsible in negligence for leaving the foreign object in Plaintiff's body and that, under NRS 41A.100, there is a rebuttable presumption of negligence as to both the doctor and the hospital.

The *Complaint* was unaccompanied by a medical expert affidavit. *Compl.* at ¶20. Within the *Complaint*, Plaintiff asserts that an expert affidavit is not required in this circumstance, as the claim arises from an incident where a foreign substance has been unintentionally left in the patient's body, and thus a statutory, rebuttable presumption of negligence arises pursuant to NRS 41A.100(1)(a). *Id.* at ¶¶29-30.

Dr. Ramos filed an *Answer* on March 14, 2017. In June and July of 2017, parties exchanged initial disclosures of documents and filed the Joint Case Conference Report. Pursuant to the Joint Case Conference Report, the deadline for initial expert disclosures was June 22, 2018, with rebuttal

disclosures due by July 23, 2018. Dr. Ramos served her Expert Witness Disclosure on June 22, 2018, wherein she disclosed Andrew B. Cramer, M.D., a Board Certified general vascular surgeon. The Declaration of Andrew B. Cramer, M.D. was attached to the Expert Witness Disclosure. No rebuttal experts were disclosed by any of the parties. Pursuant to the Joint Case Conference Report, discovery closed on September 21, 2018.

IV. Discussion

Dr. Ramos comes now requesting summary judgment on the basis that the uncontroverted evidence demonstrates that Dr. Ramos did not breach the standard of care owed to Plaintiff, and thus, the undisputed facts cannot establish negligence on the part of Dr. Ramos. Dr. Ramos asserts that the expert affidavit of Dr. Cramer provides expert evidence that Dr. Ramos conformed to the standard of care owed. The Declaration of Dr. Cramer provides:

> 5. It is my opinion, to a reasonable degree of medical probability, that the wire fragment left in the patient's breast in this case does not denominate negligence on the part of the surgeon. It is something that a surgeon should be unhappy to have happen but it isn't due to negligence. ***This is something that can happen without negligence on the part of the surgeon.***
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> 7. ***In conclusion, based on the information currently available to me, Dr. Ramos' care and treatment of Maria Jaramillo was appropriate and within the applicable standards of care of a Board Certified Surgeon. There is nothing about the care by Dr. Ramos which was negligent in this case.***

Decl. of Andrew B. Cramer, M.D., at ¶¶5-7 (emphasis added). Dr. Ramos contends this affidavit rebuts the presumption of negligence put forth by Plaintiff. As Plaintiff has not disclosed any experts, and the deadline to do so has passed, Dr. Ramos asserts that the rebuttal of negligence is uncontroverted and thus, she is entitled to summary judgment.

Plaintiff opposes this motion, arguing that pursuant to NRS 41A.100(1)(a), the Plaintiff need only establish a prime facie case that a foreign substance was left inside the Plaintiff in order to trigger the statutory *res ipsa loquitur* presumption of negligence. Plaintiff further contends that pursuant to

Nevada case law, the statutory *res ipsa loquitur* under NRS Chapter 41A has replaced the traditional common law doctrine of *res ipsa loquitur*, and thus the traditional burden shifting does not occur. Plaintiff cites *Johnson v. Egtedar*, wherein the Nevada Supreme Court states:

> Under NRS 41A.100, however, the presumption automatically applies where any of the enumerated factual circumstances are present. In regard to these factual predicates, the legislature has, in effect, already determined that they ordinarily do not occur in the absence of negligence. Thus, we conclude, all a plaintiff need do to warrant an instruction under the statutory medical malpractice res ipsa loquitur rule is present some evidence of the existence of one or more of the factual predicates enumerated in the statute. If the trier of fact then finds that one or more of the factual predicates exist, then the presumption must be applied. This is the approach taken in Nev. J.I.6.17 and Plaintiff's A. Accordingly, the district court should have given the proposed instruction if it was supported by evidence adduced at trial.

112 Nev. 428, 433-34, 915 P.2d 271, 274-75 (1996). Plaintiff argues that since the presumption of negligence "automatically applies" here, there is no other evidence that the Plaintiff is obligated to present, and it is for the jury to weigh the testimony of Dr. Cramer. Plaintiff contends that the question of whether the statutory presumption has been rebutted is a question of fact for the jury.

This Court rejects Plaintiff's arguments. Accepting Plaintiff's argument means that the presumption of negligence arising from a prima facie case of any scenario enumerated in NRS 41A.100(1) cannot be rebutted, and thus, must go to trial for the jury decide. However, in scenarios such as this, where the Defendant has put forth uncontroverted evidence that negligence did not occur and thus rebutting the presumption of negligence, only three results could occur: (1) defendants move for directed verdict at the conclusion of their case, wherein the Court would have to grant it; (2) the jury finds no negligence; or (3) the jury finds a verdict in favor of negligence and Defendant appeals on the basis that the verdict is unsupported by the evidence. The Court finds the interpretation of NRS 41A.100(1) in this manner goes against the prevailing law in Nevada.

The parties, and the Court, agree that a presumption of negligence arises under NRS 41A.100(1). The statute provides, in relevant part:

> 1. Liability for personal injury or death is not imposed upon any provider of health care based on alleged negligence in the performance of that care unless evidence consisting of expert medical testimony, material from recognized medical texts or treatises or the regulations of the licensed medical facility

> wherein the alleged negligence occurred is presented to demonstrate the alleged deviation from the accepted standard of care in the specific circumstances of the case and to prove causation of the alleged personal injury or death, ***except that such evidence is not required and a rebuttable presumption that the personal injury or death was caused by negligence arises where evidence is presented that the provider of health care caused the personal injury or death occurred in any one or more of the following circumstances:***
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> (a) ***A foreign substance*** other than medication or a prosthetic device ***was unintentionally left within the body of a patient*** following surgery;

NRS 41A.100(1)(a) (emphasis added). Pursuant to this statute, a rebuttable presumption of negligence, in favor of the plaintiff, is triggered by a showing of some evidence of a foreign substance being unintentionally left in the body of a patient. NRS 41A.100(1)(a) provides a statutory short cut to the *res ipsa loquitur* presumption of negligence. See *Szydel v. Markman*, 121 Nev. 453, 117 P.3d 200 (2005). In contrast, a plaintiff pursuing a claim under the traditional doctrine of *res ipsa loquitur* must establish that the event in question is one that ordinarily does not occur in the absence of negligence.

In interpreting the language of NRS 41A.100(1) and the case law pertaining thereto (which includes acknowledging that the Nevada Supreme Court has held that "the legislature intended NRS 41A.100 to replace rather than supplement, the classic res ipsa loquitur formulation in medical malpractices cases where it is factually applicable" *Johnson v. Egtedar*, 112 Nev. at 428), the Court disagrees with Plaintiff in that NRS 41A.100(1)(a)-(e) completely replaces the traditional doctrine of *res ipsa*, such that no evidence presented could rebut the presumption of negligence prior to trial. In fact, this Court finds that *Johnson* and *Born* speak only to those jury instructions that must be given in a case of this nature. See *Johnson v. Egtedar*, 112 Nev. 428, 915 P.2d 271 (1996) (holding "we conclude, all a plaintiff need do to warrant an instruction under the statutory medical malpractice res ipsa loquitur rule is present some evidence of the existence of one or more of the factual predicates enumerated in the statute"); *Born v. Eisenman*, 114 Nev. 854, 859, 962 P.2d 974, 978 (1998) (finding "all a plaintiff need do to warrant an instruction under the statutory medical malpractice res ipsa loquitur rule is present some evidence of the existence of one or more of the factual predicates enumerated in the statute"). Further, the court in *Szydel,* characterizes the presumption of negligence established by NRS 41A.100 as one that applies as a threshold matter and not as an evidentiary rule

for trial. 121 Nev. at 458, 117 P.3d at 203 (2005) (stating "the plain language of NRS 41A.071 provides a threshold requirement for medical malpractice pleadings and does not pertain to evidentiary matters at trial, as does NRS 41A.100(1)") (citing *Borger v. District Court*, 120 Nev. 1021, 102 P.3d 600, 605 (2004)). As a result, this Court finds that the issue at hand is whether Defendant Ramos has rebutted the presumption of negligence, triggered by NRS 41A.100(1)(a), to support a grant of summary judgment.

Chapter 47 *et seq.* of the Nevada Revised Statutes provides for the definition and existence of presumptions. Pursuant to NRS 47.180, a presumption "imposes on the party against whom it is directed the burden of proving that the nonexistence of the presumed fact is more probable than its existence." NRS 47.180(1). Further, "direct evidence" is evidence "which tends to establish the existence or nonexistence of the presumed fact independently of the basic facts." Here, the basic fact is that a 3 cm piece of wire was unintentionally left in Plaintiff's left breast. The presumption, as triggered by NRS 41A.100(1), that the unintentional leaving of the piece of wire was a result of negligence on the part of Defendant Ramos. However, Defendant Ramos has presented direct evidence, through the affidavit of expert witness Dr. Cramer, that "the wire fragment left in the patient's breast . . . does not denominate negligence," rather "[t]his is something that can happen without negligence on the part of the surgeon." *Decl. of Andrew B. Cramer, M.D.*, at ¶5. Further, Dr. Cramer states that "Dr. Ramos' care and treatment of Maria Jaramillo was appropriate and within the applicable standards of care of a Board Certified Surgeon." *Id.* at ¶7. Through this direct evidence, Defendant has rebutted the presumption that the unintentional leaving of the wire fragment was a result of negligence. Plaintiff, relying upon NRS 41A.100(1)(a), did not file an expert affidavit upon the filing of the *Complaint* in this case. As discussed, Plaintiff is not required to submit an affidavit, where the claim is pursued under NRS 41A.100(1)(a). However, Plaintiff did not file any expert affidavits or disclose expert witnesses prior to discovery deadlines in response to Defendant's disclosure of Dr. Cramer, which Plaintiff's counsel acknowledged at oral argument on September 24, 2018. As a result, no direct evidence exists to oppose Defendant's evidence supporting the nonexistence of negligence in this case. Therefore, Dr. Cramer's expert affidavit is undisputed.

Pursuant to NRS 47.200, "if reasonable minds would necessarily agree that the direct evidence renders the nonexistence of the presumed fact more probable than not, the judge shall direct the jury to find against the existence of the presumed fact." Here, it is uncontroverted that the unintentional leaving of a wire fragment in Plaintiff's body was not a result of negligence. As such, this Court finds good cause to grant summary judgment in favor of Defendant Ramos. Finding that the discovery deadlines have passed, there are no questions of fact remaining for the jury to decide.

Accordingly, and good cause appearing,

IT IS HEREBY ORDERED that the Defendant Ramos's *Motion for Summary Judgment* is GRANTED.

Dated this 9th day of October, 2018.

KATHLEEN DRAKULICH
DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO. CV17-00221

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 9th day of October, 2018, I electronically filed the **ORDER GRANTING DEFENDANT SUSAN R. RAMOS, M.D.'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ALICE CAMPOS MERCADO, ESQ. for SUSAN R. RAMOS

CARRIE PARKER, ESQ. for PRIME HEALTHCARE SERVICES-RENO, LLC, SAINT MARY'S MEDICAL GROUP, PRIME HEALTHCARE MANAGEMENT, INC.

WILLIAM JEANNEY, ESQ. for ROSAISET JARAMILLO, MARIA JARAMILLO

EDWARD LEMONS, ESQ. for SUSAN R. RAMOS

JANINE PRUPAS, ESQ. for PRIME HEALTHCARE SERVICES-RENO, LLC, SAINT MARY'S MEDICAL GROUP, PRIME HEALTHCARE MANAGEMENT, INC.

Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada:

NONE

Danielle Kent

DANIELLE KENT
Department 1 Judicial Assistant

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2018-10-10 09:09:54 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 6920004

2540
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Reno, Nevada 89519
(775) 786-6868

Attorneys for Defendant
Susan Ramos, M.D., F.A.C.S.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

-o0o-

MARIA JARAMILLO, Plaintiff, vs. **SUSAN R. RAMOS, M.D., F.A.C.S.**; **PRIME HEALTHCARE SERVICES-RENO, LLC**, A DELAWARE LIMITED LIABILITY COMPANY, D/B/A **SAINT MARY'S REGIONAL MEDICAL CENTER**; **PRIME HEALTHCARE MANAGEMENT INC.**, A CALIFORNIA CORPORATION; **SAINT MARY'S MEDICAL GROUP, INC.**; ABC CORPORATIONS I-X, INCLUSIVE, BLACK AND WHITE COMPANIES; AND DOES I-XX INCLUSIVE, Defendants.	Case No.: CV17-00221 Dept. No. 1

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order granting Defendant Susan R. Ramos, M.D.'s Motion for Summary Judgment was entered on the 9th day of October, 2018. A true and correct copy of said Order is attached hereto.

~ * ~

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document DOES NOT contain the Social Security Number of any person.

DATED this 10th day of October, 2018.

LEMONS, GRUNDY & EISENBERG
Attorneys for Defendant
Susan R. Ramos, M.D.

BY: _____
EDWARD J. LEMONS, ESQ.
Nevada Bar No. 699

LEMONS, GRUNDY
& EISENBERG
A PROFESSIONAL CORPORATION
6005 PLUMAS STREET
THIRD FLOOR
RENO, NV 89519-6069
(775) 786-6868

CERTIFICATE OF SERVICE

I am a citizen of the United States. My business address is 6005 Plumas Street, Third Floor, Reno, NV 89519, and I am employed by LEMONS, GRUNDY & EISENBERG in the City of Reno and County of Washoe where this service occurs

On October 10, 2018, I caused to be served to the addressee(s) listed below, a true copy of the foregoing document(s) and described as ***Notice of Entry of Order.***

_____ **BY MAIL**: in an envelope with postage thereon fully prepaid to be placed in the U.S. Mail at Reno, Nevada;

_____ **BY PERSONAL SERVICE**: in an envelope to be hand delivered this date;

_____ **BY OVERNIGHT DELIVERY**: in an envelope to be delivered to an overnight delivery carrier with delivery fees provided for;

_____ **BY FACSIMILE**: by transmitting by facsimile to the respective fax telephone phone number(s).

__✓_ **BY USING THE COURT'S EFS** which electronically served the following individual(s):

William C. Jeanney, Esq.
BRADLEY, DRENDEL & JEANNEY

Janine C. Prupas, Esq.
Carrie L. Parker, Esq.
SNELL & WILMER, LLP

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

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& EISENBERG
A PROFESSIONAL CORPORATION
6005 PLUMAS STREET
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RENO, NV 89519-6069
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FILED
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2018-10-09 04:09:06 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6919349

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

MARIA JARAMILLO,

Plaintiff,

v.

SUSAN R. RAMOS, M.D., F.A.C.S.; PRIME HEALTHCARE SERVICES RENO, LLC, a Delaware Limited Liability Company, d/b/a SAINT MARY'S REGIONAL MEDICAL CENTER; PRIME HEALTHCARE MANAGEMENT, INC., a California Corporation; SAINT MARY'S MEDICAL GROUP, INC.; ABC Corporations I-X, inclusive, Black and White Companies; and DOES I-XX, inclusive,

Defendants.

_____/

CASE NO.: CV17-00221

DEPT. NO.: 1

ORDER GRANTING DEFENDANT SUSAN R. RAMOS, M.D.'S MOTION FOR SUMMARY JUDGMENT

This Court heard oral argument on September 24, 2018 regarding Defendant Susan R. Ramos, M.D.'s (hereafter "Dr. Ramos") *Motion for Summary Judgment* filed on August 3, 2018. Plaintiff Rosaiset Jaramillo, as Special Administrator of the Estate of Maria Jaramillo (hereafter "Plaintiff") filed an *Opposition* on August 27, 2018. Thereafter, Dr. Ramos filed a *Reply* on August 29, 2018, and simultaneously submitted the motion to the Court for decision.

Upon review of the record and the arguments presented, this Court finds good cause appears to GRANT Dr. Ramos's *Motion for Summary Judgment*.

I. Applicable Legal Standard

NRCP 56(c) provides, "[summary judgment] shall be rendered if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." A genuine issue of material fact exists when the evidence is such that a rational trier of fact could return a verdict for the nonmoving party. *Woods v. Safeway*, 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005). When deciding whether summary judgment is appropriate, the court must view all evidence in light most favorable to the non-moving party and accept all properly supported evidence, factual allegations, and reasonable inferences favorable to the non-moving party as true. *C. Nicholas Pereos, Ltd. v. Bank of Am.*, 131 Nev. Adv. Op. 44, 352 P.3d 1133, 1136 (2015); *NGA No. 2 Ltd. Liab. Co. v. Rains*, 113 Nev. 1151, 1157, 946 P.2d 163, 167 (1997).

The Nevada Supreme Court has adopted the federal approach outlined in *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986), with respect to burdens of proof and persuasion in summary judgment proceedings. See *Cuzze v. Univ. & Cmty. College Sys. of Nev.*, 123 Nev. 598, 602, 172 P.3d 131, 134 (2007). The party moving for summary judgment must meet his or her initial burden of production and show there is no genuine issue of material fact. *Id.* "The manner in which each party may satisfy its burden of production depends on which party will bear the burden of persuasion on the challenged claim at trial." *Id.* When the moving party bears the burden at trial, that party must present evidence that would entitle it to judgment as a matter of law absent contrary evidence. *Id.* If the burden of persuasion at trial will rest on the nonmoving party, "the party moving for summary judgment may satisfy the burden of production by either (1) submitting evidence that negates an essential element of the nonmoving party's claim, or (2) pointing out that there is an absence of evidence to support the nonmoving party's case." *Id.* After the moving party meets his or her initial burden of production, the opposing party "must transcend the pleadings and by affidavit or other admissible evidence, introduce specific facts that show a genuine issue of material fact." *Id.*

///

II. Undisputed Facts

On March 26, 2015, Plaintiff Maria Jaramillo had a mammogram of her left breast, which showed that a lesion had increased in size from the time of her previous exam six months earlier. *Compl.* at ¶8. Thereafter, the radiologist recommended a direct surgical incision to confirm the findings and referred Plaintiff to Dr. Ramos. *Id.* at ¶¶9-10.

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

NRS 41A.100(1)(a) (emphasis added). Pursuant to this statute, a rebuttable presumption of negligence, in favor of the plaintiff, is triggered by a showing of some evidence of a foreign substance being unintentionally left in the body of a patient. NRS 41A.100(1)(a) provides a statutory short cut to the *res ipsa loquitur* presumption of negligence. See *Szydel v. Markman*, 121 Nev. 453, 117 P.3d 200 (2005). In contrast, a plaintiff pursuing a claim under the traditional doctrine of *res ipsa loquitur* must establish that the event in question is one that ordinarily does not occur in the absence of negligence.

In interpreting the language of NRS 41A.100(1) and the case law pertaining thereto (which includes acknowledging that the Nevada Supreme Court has held that "the legislature intended NRS 41A.100 to replace rather than supplement, the classic res ipsa loquitur formulation in medical malpractices cases where it is factually applicable" *Johnson v. Egtedar*, 112 Nev. at 428), the Court disagrees with Plaintiff in that NRS 41A.100(1)(a)-(e) completely replaces the traditional doctrine of *res ipsa*, such that no evidence presented could rebut the presumption of negligence prior to trial. In fact, this Court finds that *Johnson* and *Born* speak only to those jury instructions that must be given in a case of this nature. See *Johnson v. Egtedar*, 112 Nev. 428, 915 P.2d 271 (1996) (holding "we conclude, all a plaintiff need do to warrant an instruction under the statutory medical malpractice res ipsa loquitur rule is present some evidence of the existence of one or more of the factual predicates enumerated in the statute"); *Born v. Eisenman*, 114 Nev. 854, 859, 962 P.2d 974, 978 (1998) (finding "all a plaintiff need do to warrant an instruction under the statutory medical malpractice res ipsa loquitur rule is present some evidence of the existence of one or more of the factual predicates enumerated in the statute"). Further, the court in *Szydel,* characterizes the presumption of negligence established by NRS 41A.100 as one that applies as a threshold matter and not as an evidentiary rule

Pursuant to NRS 47.200, "if reasonable minds would necessarily agree that the direct evidence renders the nonexistence of the presumed fact more probable than not, the judge shall direct the jury to find against the existence of the presumed fact." Here, it is uncontroverted that the unintentional leaving of a wire fragment in Plaintiff's body was not a result of negligence. As such, this Court finds good cause to grant summary judgment in favor of Defendant Ramos. Finding that the discovery deadlines have passed, there are no questions of fact remaining for the jury to decide.

Accordingly, and good cause appearing,

IT IS HEREBY ORDERED that the Defendant Ramos's *Motion for Summary Judgment* is GRANTED.

Dated this 9th day of October, 2018.

KATHLEEN DRAKULICH
DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO. CV17-00221

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 9th day of October, 2018, I electronically filed the **ORDER GRANTING DEFENDANT SUSAN R. RAMOS, M.D.'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

ALICE CAMPOS MERCADO, ESQ. for SUSAN R. RAMOS

CARRIE PARKER, ESQ. for PRIME HEALTHCARE SERVICES-RENO, LLC, SAINT MARY'S MEDICAL GROUP, PRIME HEALTHCARE MANAGEMENT, INC.

WILLIAM JEANNEY, ESQ. for ROSAISET JARAMILLO, MARIA JARAMILLO

EDWARD LEMONS, ESQ. for SUSAN R. RAMOS

JANINE PRUPAS, ESQ. for PRIME HEALTHCARE SERVICES-RENO, LLC, SAINT MARY'S MEDICAL GROUP, PRIME HEALTHCARE MANAGEMENT, INC.

Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada:

NONE

DANIELLE KENT
Department 1 Judicial Assistant

F I L E D
Electronically
CV17-00221
2018-08-14 03:47:49 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6829165

CASE NO. CV17-00221 MARIA JARAMILLO vs. SUSAN R. RAMOS, M.D. et al.

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
08/01/2018 **HONORABLE KATHLEEN M. DRAKULICH** **DEPT. NO. 1** M. Conway (Clerk) J. Kernan (Reporter) Deputy Lesher (Bailiff)	PRE-TRIAL CONFERENCE Leah Ronhaar, Esq. was present in Court on behalf of Plaintiff Rosaiset Jaramillo, as Special Administrator of the Estate of Maria Jaramillo. Ms. Rosaiset Jaramillo was not present. Alice Campos Mercado, Esq. was present in Court on behalf of Defendant Susan Ramos, M.D., who was not present. Carrie Parker, Esq. was present in Court on behalf of Defendants Prime Healthcare Services, Reno, LLC dba St. Mary's Regional Medical Center; Prime Healthcare Management, Inc.; and St. Mary's Medical Group, Inc., with no representative present. **1:30 p.m. - Court convened.** Court acknowledge there are no pending motions before the Court at this time and reviewed the deadlines contained in the Joint Early Case Conference Report pursuant to NRCP 16.1. Counsel Mercado advised the Court that they will be filing a Motion for Summary Judgment. Court discussed the possibility of the parties participating in a settlement conference. Counsel Mercado responded and indicated her client would be willing to participate in a settlement conference. Court instructed counsel to speak with their clients and to provide to the Department 1 Judicial Assistant at least one, but preferably two, agreed upon dates and Department 1 will reach out to its judicial colleagues and facilitate setting a settlement conference with another department. Court discussed trial procedures in Department 1, reviewed docket scheduling and confirmed with counsel the trial date of November 5, 2018. **COURT ORDERED:** Final Pre-Trial Conference set for October 10, 2018 at 1:00 p.m. Exhibit marking will be set with the Court Clerk at this hearing. **1:50 p.m. - Court stood in recess.**	

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CV17-00221
2018-10-02 09:26:21 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 6906740

EXHIBIT LIST

PLAINTIFF: MARIA JARAMILLO

Plaintiff's Counsel:
WILLIAM JEANNEY, ESQ.

DEFENDANT: SUSAN RAMOS, M.D. ET AL

Defense Counsel:
ALICE MERCADO, ESQ.
CARRIE PARKER, ESQ.

Case No: CV17-00221 Dept. No: 1 Clerk: M. Schuck Date**: 9/24/18**

Exhibit No.	Party	**Description**	Marked	Offered	Admitted
1	Defendant	Images dated 4/29/15	9/24/18	No Objection	9/24/18
2	Defendant	Image dated 3/18/16	9/24/18	No Objection	9/24/18

CASE NO. CV17-00221 MARIA JARAMILLO VS. SUSAN RAMOS, M.D. ET AL

F I L E D
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CV17-00221
2018-10-02 10:09:02 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 6906858

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
09/24/18 HONORABLE KATHLEEN M. DRAKULICH DEPT. NO. 1 M. Schuck (Clerk) L. Clarkson (Reporter) Deputy Lorman (Bailiff)	**ORAL ARGUMENTS** Plaintiff, Maria Jaramillo, not present and represented by William Jeanney, Esq. Defendant, Susan Ramos, M.D., not present and represented by Alice Mercado, Esq. Defendants, Prime Healthcare Services, Prime Healthcare Management, Inc. and Saint Mary's Medical Group, without a representative present and represented by Carrie Parker, Esq. and William Peterson, Esq. Matter convened at 3:07 p.m. Counsel placed their appearances on the record. Court referenced the two Motions for Summary Judgements (MSJ) filed by the Defendants and also referenced the upcoming trial setting. Counsel Mercado presented argument that there was no breach on the standard of care. She argued in favor of her MSJ. Counsel Parker presented her argument in favor of her MSJ and also addressed exclusive control. She presented Exhibits 1 and 2 for admittance; Counsel Jeanney had no objection; **Court admitted Exhibits 1 and 2**. Counsel Parker also addressed causal connection. Counsel Jeanney addressed the instant matter, addressed NRS 41A.100 and addressed the burden shifting by Counsel Parker. He did not dispute any expert and noted the deadline had passed. He addressed exclusive control. Counsel Mercado responded to the issue of burden shifting and referenced NRS 41A.100 and Williams vs. Renown Regional Medical Center. Counsel Parker responded and addressed res ipsa loquitur, Johnson vs Egtedar, and rebuttable presumption. **COURT took the matter under submission**. Matter concluded at 4:12 p.m.	10/10/18 at 1:00 p.m. for Final PTC 11/05/18 at 9:30 a.m. for Jury Trial (5 days)

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2018-11-08 03:26:52 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6969597

Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

MARIA JARAMILLO,

Plaintiff,

vs.

SUSAN R. RAMOS, M.D., F.A.C.S.; PRIME HEALTHCARE SERVICES RENO, LLC, a Delaware Limited Liability Company, d/b/a SAINT MARY'S REGIONAL MEDICAL CENTER; PRIME HEALTHCARE MANAGEMENT, INC., a California Corporation; SAINT MARY'S MEDICAL GROUP, INC.; ABC Corporations I-X, inclusive, Black and White Companies; and DOES I-XX, inclusive,

Defendants.
_____/

Case No. CV17-00221

Dept. No. 1

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 8th day of November, 2018, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 8th day of November, 2018

Jacqueline Bryant
Clerk of the Court

By /s/ Yvonne Viloria
Yvonne Viloria
Deputy Clerk

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Bradley, Drendel & Jeanney
ATTORNEYS AT LAW
P.O. Box 1987 PH 775-335-9999
Reno, NV 89505
GENERAL ACCOUNT

FIRST INDEPENDENT BANK, A DIV
5335 Kietzke Lane
Reno, NV 89511
94-206/1212

57333

11/8/2018

PAY TO THE ORDER OF Clerk of the Supreme Court $ **250.00

Two Hundred Fifty and 00/100********** DOLLARS

Clerk of the Supreme Court
201 South Carson Street
Carson City, NV 897014702

MEMO 203066/Maria Jaramillo/PRE PMT - CV17-00221 - A

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