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Electronically Filed
1/4/2019 2:19 PM
Steven D. Grierson
CLERK OF THE COURT



Electronically Filed
Jan 14 2019 11:04 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

9 *****

10 REPUBLIC SILVER STATE DISPOSAL, INC.,
a Nevada Corporation,

11 Plaintiff

Case No.: A-16-738123-C

Dept No.: XXX

12 vs.

NOTICE OF APPEAL

13 ANDREW M. CASH, M.D.; ANDREW M.
14 CASH, M.D., P.C. aka ANDREW MILLER
CASH, M.D., P.C.; DESERT INSTITUTE OF
15 SPINE CARE, LLC, a Nevada Limited Liability
Company; JAMES D. BALODIMAS, M.D.;
16 JAMES D. BALODIMAS, M.D., P.C.; LAS
VEGAS RADIOLOGY, LLC, a Nevada Limited
17 Liability Company; BRUCE A. KATUNA, M.D.;
ROCKY MOUNTAIN NEURODIAGNOSTICS,
18 LLC, a Colorado Limited Liability Company;
DANIELLE MILLER aka DANIELLE
19 SHOPSHIRE; NEUROMONITORING
ASSOCIATES, INC., a Nevada Corporation;
20 DOES 1-10 inclusive; and ROE
CORPORATIONS 1-10 inclusive

21 Defendants.


22 Notice is hereby given that REPUBLIC SILVER STATE DISPOSAL, INC. ("Plaintiff"), by
23 and through its attorney, David Barron, Esq. of the law firm of BARRON & PRUITT, LLP, hereby
24 appeals to the Supreme Court of Nevada from the Order Granting Defendant Las Vegas Radiology's
25 Motion for Summary Judgment entered on December 7, 2018. See Order, attached as **Exhibit A**.

26 ///

27 ///

1 Plaintiff REPUBLIC SILVER STATE DISPOSAL, INC. also appeals from all other rulings and
2 orders made appealable by the foregoing.

3 BARRON & PRUITT, LLP

4 

5 DAVID BARRON, ESQ.

6 Nevada Bar No. 142

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9 3890 West Ann Road

10 North Las Vegas, Nevada 89031

11 *Attorneys for Plaintiff*

12 *Republic Silver State Disposal, Inc.*

13 BARRON & PRUITT, LLP

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of January, 2019, I served the foregoing **NOTICE OF APPEAL** as follows:

US MAIL: by placing the document(s) listed above in a sealed envelope, postage prepaid, in the United States Mail at Las Vegas, Nevada, addressed to the following:

☐ BY FAX: by transmitting the document(s) listed above via facsimile transmission to the fax number(s) set forth below.

☐ BY HAND-DELIVERY: by hand-delivering the document(s) listed above to the address(es) set forth below.

☐ BY EMAIL: by emailing the document(s) listed above to the email address(es) set forth below.

☒ BY ELECTRONIC SERVICE: by electronically serving the document(s) listed above with the Eighth Judicial District Court's WizNet system upon the following:

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<p>Robert C. McBride, Esq. Heather S. Hall, Esq. CARROLL, KELLY, TROTTER, FRANZEN, MC KENNA & PEABODY 8329 West Sunset Road, Suite 260 Las Vegas, NV 89113 Facsimile: (702) 796-5855 Email: rcmcbride@cktfmlaw.com Email: hshall@cktfmlaw.com <i>Attorneys for Defendants</i> <i>Andrew M. Cash, M.D.</i> <i>Andrew M. Cash, M.D., P.C. a/k/a</i> <i>Andrew Miller Cash, M.D., P.C.; and</i> <i>Desert Institute of Spine Care</i></p>	<p>James R. Olson, Esq. Max E. Corrick, II, Esq. Stephanie M. Zinna, Esq. OLSON, CANNON, GORMLEY, ANGULO & STOBERSKI 9950 West Cheyenne Avenue Las Vegas, NV 89129 Facsimile: (702) 383-0701 Email: jolson@ocgas.com Email: mcorrick@ocgas.com Email: szinna@ocgas.com <i>Attorneys for Defendants</i> <i>Bruce Katuna, M.D. and</i> <i>Rocky Mountain Neurodiagnostics, LLC</i></p>
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/s/ Mary Ann Dillard
An Employee of BARRON & PRUITT, LLP

EXHIBIT A

EXHIBIT A

EXHIBIT A

1 **NEOJ**

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8 *Las Vegas Radiology, LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

12 REPUBLIC SILVER STATE DISPOSAL, INC., a
13 Nevada Corporation

14 Plaintiff,

15 vs.

16 ANDREW M. CASH, M.D.; ANDREW M. CASH,
17 M.D., P.C. aka ANDREW MILLER CASH, M.D.,
18 P.C.; DESERT INSTITUTE OF SPINE CARE, LLC,
19 a Nevada Limited Liability Company; JAMES D.
20 BALODIMAS, M.D.; JAMES D. BALODIMAS,
21 M.D., P.C.; LAS VEGAS RADIOLOGY, LLC, a
22 Nevada Limited Liability Company; BRUCE A.
23 KATUNA, M.D.; ROCKYMOUNTAIN
NEURODIAGNOSTICS, LLC, a Colorado Limited
Liability Company; DANIELLE MILLER aka
DANIELLE SHOPSHIRE; NEURO-MONITORING
ASSOCIATES, INC., a Nevada Corporation; DOES 1 -
10, inclusive; and ROE CORPORATIONS 1 - 10
inclusive,

24 Defendants.

CASE NO.: A-16-738123-C
DEPT. NO.: XXX

**NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANT LAS
VEGAS RADIOLOGY'S MOTION
FOR SUMMARY JUDGMENT**

26 TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

27 ///

28 ///

1 PLEASE TAKE NOTICE that an Order Granting Defendant Las Vegas Radiology's Motion for
2 Summary Judgment has been entered in the above-entitled matter on the 7th day of December, 2018, a
3 copy of which is attached hereto.

4 Dated this 10th day of December, 2018.

5 MANDELBAUM, ELLERTON & ASSOCIATES

6 

7 KIM RENE MANDELBAUM, ESQ.

8 Nevada Bar No. 318

9 MARIE ELLERTON, ESQ.

10 Nevada Bar No. 4581

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12 Nevada Bar No. 1491

13 2012 Hamilton Lane

14 Las Vegas, Nevada 89106

15 *Attorneys for Defendant*

16 *Las Vegas Radiology, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on the 10 day of December, 2018, I forwarded a copy of the above and foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT LAS VEGAS RADIOLOGY'S MOTION FOR SUMMARY JUDGMENT** as follows:

- X served on all parties electronically pursuant to mandatory NEFCR 4(b);
- by depositing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, enclosed in a sealed envelope; or
- by facsimile transmission as indicated below; or
- both U.S. Mail and facsimile TO:

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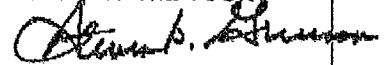
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An employee of Mandelbaum, Ellerton & Associates



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15 *Las Vegas Radiology, LLC*

DISTRICT COURT
CLARK COUNTY, NEVADA

12 REPUBLIC SILVER STATE DISPOSAL, INC., a
13 Nevada Corporation

14 Plaintiff,

15 vs.

16 ANDREW M. CASH, M.D.; ANDREW M. CASH,
17 M.D., P.C. aka ANDREW MILLER CASH, M.D.,
18 P.C.; DESERT INSTITUTE OF SPINE CARE, LLC,
19 a Nevada Limited Liability Company; JAMES D.
20 BALODIMAS, M.D.; JAMES D. BALODIMAS,
21 M.D., P.C.; LAS VEGAS RADIOLOGY, LLC, a
22 Nevada Limited Liability Company; BRUCE A.
23 KATUNA, M.D.; ROCKYMOUNTAIN
24 NEURODIAGNOSTICS, LLC; a Colorado Limited
25 Liability Company; DANIELLE MILLER aka
26 DANIELLE SHOPSHIRE; NEURO-MONITORING
27 ASSOCIATES, INC., a Nevada Corporation; DOES 1 -
28 10, inclusive; and ROE CORPORATIONS 1 - 10
inclusive,

Defendants.

CASE NO.: A-16-738123-C
DEPT. NO.: XXX

**ORDER GRANTING DEFENDANT
LAS VEGAS RADIOLOGY'S
MOTION FOR SUMMARY
JUDGMENT**

Date of Hearing: 11/14/18
Time of Hearing: 9:00 a.m.

Defendant LAS VEGAS RADIOLOGY, LLC'S Motion for Summary Judgment having come on
for hearing on the 14th day of November, 2018, and David Barron, Esq. of Barron & Pruitt, LLC,
appearing on behalf of Plaintiff Republic Silver State Disposal, Inc.; Sherman B. Mayor, Esq. of

1
2 Mandelbaum Ellerton & Associates on behalf of Defendant/Movant Las Vegas Radiology; Heather Hall,
3 Esq. of Carroll, Kelly, Trotter, Franzen, McBride & Peabody appearing on behalf of Defendants Andrew
4 M. Cash, M.D.; Andrew M. Cash, M.D., P.D.; Desert Institute of Spine Care, LLC; Michael Navratil,
5 Esq. of John H. Cotton & Associates appearing on behalf of James D. Balodimas, M.D. and James D.
6 Balodimas, M.D., P.C.; Stephanie M. Zinna, Esq. of Olson Cannon Gormley, appearing on behalf of
7 Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC; James E. Murphy, Esq.
8 of Lewis Brisbois Bisgaard & Smith, appearing on behalf of Defendant Neuromonitoring Associates,
9 Inc.; and Anthony Lauria, Esq. of Lauria Tokunaga Gates & Linn, LLP appearing on behalf of Defendant
10 Danielle Miller aka Danielle Shopshire; and

11 The Court having reviewed the papers and pleadings on file herein and having heard argument
12 of counsel and being otherwise duly advised in the premises, hereby makes the following Findings of
13 Fact, Conclusions of Law and Orders:

14 **FINDINGS OF FACT**

15 1. On January 14, 2012, a garbage truck owned and operated by Republic Silver State
16 Disposal (Republic) struck a vehicle being operated by Marie Gonzales. Marie Gonzales claimed
17 personal injuries from the accident and filed suit against Republic and its driver, Deval Hatcher, on
18 September 4, 2013. As a result of the accident, Marie Gonzales was treated by a number of healthcare
19 providers for her claimed injuries.

20 2. In the course of her care, Ms. Gonzales received certain medical care and/or services
21 from Andrew M. Cash, M.D. (orthopedic surgeon); Desert Institute of Spine Care, LLC; James D.
22 Balodimas, M.D. (radiologist); Las Vegas Radiology, LLC; Bruce A. Katuna, M.D. (neurologist);
23 Rocky Mountain Neurodiagnostics, LLC; Neuromonitoring Associates; and Danielle Miller aka
24 Danielle Shopshire (Neuro-Monitoring Associates).

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2 3. On July 6, 2015, Republic settled Marie Gonzales' claims for the
3 total sum of \$2,000,000. In that settlement, Republic prepared a Release which included the
4 following language:

5 "... this SETTLEMENT AGREEMENT RELEASE and COVENANT NOT TO SUE,
6 *shall discharge and extinguish any and all claims or liabilities*, including those for
7 "economic" and "noneconomic" damages as set forth in NRS Ch. 41A, RELEASOR
may possess *against any of her medical treatment providers* for injuries she alleges to
have sustained in the described incident of January 14, 2012." [Emphasis added.]

8 4. Then, on June 8, 2016, Republic filed a lawsuit against a number of Marie Gonzales'
9 subsequent treating healthcare providers seeking "contribution". Two of the named defendants in
10 Republic's contribution action are James D. Balodimas, M.D. (Radiologist) and Las Vegas
11 Radiology, LLC. Plaintiff alleges in Paragraphs 43 and 57 of its Amended Complaint that Dr.
12 Balodimas' assessment of Plaintiff's February 12, 2013 CT Scan was below the standard of care
13 causing Plaintiff injury.

14 5. Plaintiff further contends in Paragraphs 68 of its Amended Complaint that Dr.
15 Balodimas was acting in the course of scope of his employment with Las Vegas Radiology, LLC
16 when interpreting Marie Gonzales' February 12, 2013 CT Scan. Plaintiff further asserts in Paragraph
17 69 of the Amended Complaint that Defendant Las Vegas Radiology, LLC is vicariously liable for the
18 injury and damages caused by Defendant James Balodimas, M.D. pursuant to NRS 41.130. There is
19 no independent claim of negligence alleged by Plaintiff in its Amended Complaint as to Las Vegas
20 Radiology, LLC.

21 6. On September 14, 2018, Defendant Las Vegas Radiology, LLC filed a Motion for
22 Summary Judgment seeking its dismissal from this action. At the heart of the motion is Las Vegas
23 Radiology's contention that Dr. Balodimas was not its "employee". Instead, Las Vegas Radiology
24 asserts that Dr. Balodimas, while physically working on the Las Vegas Radiology premises, was
25 doing so as a locum-tenens physician employed by a different employer. Las Vegas Radiology
26 contends that absent an employer/employee relationship, there can be no finding of vicarious liability
27 pursuant to NRS 41.130.

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2 7. Las Vegas Radiology, in furtherance of its Summary Judgment Motion, provided
3 the Court with a number of exhibits. Those exhibits include excerpts from the deposition of Dr.
4 Balodimas and an affidavit from Dr. Kittusamy (owner and CEO of Las Vegas Radiology). Dr.
5 Balodimas and Dr. Kittusamy both attest that Dr. Balodimas did not receive a W2 from Las Vegas
6 Radiology for work performed on February 12, 2013 (date of CT Scan); Dr. Balodimas did not
7 receive a 1099 from Las Vegas Radiology; Dr. Balodimas was not covered through Las Vegas
8 Radiology's professional liability insurance policy. Therefore, Dr. Balodimas was not "an employee"
9 of Las Vegas Radiology.

10 8. In opposing the summary judgment motion, Plaintiff, in part, provided a health
11 insurance claim form for the amount of \$1,100 (for the service date of February 12, 2013 when
12 Plaintiff underwent CT Scan). That insurance claim form contained the names of James Balodimas,
13 M.D. and Las Vegas Radiology. The Plaintiff argues that this billing presents circumstantial evidence
14 of employment and agency that should be sufficient, alone, to "... defeat LVR's Rule 56 Motion".

15 9. In response, Las Vegas Radiology provided a monthly billing summary for the month
16 of February 2013. The summary indicates that there were a number of radiologists (including Dr.
17 Balodimas) who were not employed by Las Vegas Radiology but interpreted imaging at Las Vegas
18 Radiology's imaging center. A number of locum-tenens radiologists were employed by another group,
19 namely, Radiology 24/7.

20 10. The billing summary provided by Movant demonstrates that Las Vegas Radiology
21 would globally bill for both the CT Scan it generated and the interpretation of the scan by the locum-
22 tenens radiologists. Then, on a monthly basis, Las Vegas Radiology would provide a sum of money to
23 pay Radiology 24/7 for the imaging interpretation services of its locum-tenens radiologists. The
24 billing summary with attached check stub (dated 2/28/2013) demonstrates that \$119,126.42 was paid
25 to Radiology 24/7, by Las Vegas Radiology, including \$34, 963.42 for the radiology services of
26
27
28

James Balodimas, M.D.¹

11. Following oral argument, the Court finds that Dr. Balodimas was not an employee of Las Vegas Radiology. As such, the Court finds that there is no just reason for delay and enters judgment in favor of Las Vegas Radiology, LLC. The Court certifies this judgment pursuant to NRCPL Rule 54(b).

CONCLUSIONS OF LAW

12. Paragraphs 68 and 69 of the Amended Complaint allege Defendant James Balodimas, M.D. was acting in the course and scope of his "employment" with Las Vegas Radiology, LLC when "conducting" and interpreting Marie Gonzales' February 12, 2013 CT study of the lumbar spine. Plaintiff further alleges that since Dr. Balodimas was negligent in causing injury to Marie Gonzales, Las Vegas Radiology is vicariously liable, pursuant to NRS 41.130, for such damages.

13. NRS 41.130 requires that the person causing injury be "employed" by the corporation and provides as follows:

"NRS 41.130 Liability for personal injury. Except as otherwise provided in NRS 41.745, whenever any person shall suffer personal injury by wrongful act, neglect or default of another, the person causing the injury is liable to the person injured for damages; and where the person causing the injury is employed by another person or corporation responsible for the conduct of the person causing the injury, that other person or corporation so responsible is liable to the person injured for damages." (Emphasis added.)

14. Defendant Las Vegas Radiology acknowledges that Dr. Balodimas may have been at a Las Vegas Radiology center on February 12, 2013 when he interpreted Marie Gonzales' CT Scan. However, the location where Dr. Balodimas interpreted the CT Scan does not define who employed him. An employer can be vicariously responsible only for the acts of his employees and not someone else. *See Kennel v. Carson City School District* 738 F. Supp. 376 (D.Nev.1990).

15. The undisputed evidence is that Dr. Balodimas was on Las Vegas Radiology center premises in the capacity of a locum-tenens physician, but, was employed by Radiology 24/7 and not

¹ And there is no contention that Las Vegas Radiology controlled the details or method by which Dr. Balodimas, a board certified radiologist, interpreted CT Scans. Nor was any evidence produced with regard to same. Moreover, there is no contention that Marie Gonzales ever saw, met or spoke with Dr. Balodimas.

1
2 Las Vegas Radiology. This is supported by the deposition of Dr. Balodimas, the affidavit of Dr.
3 Kittusamy (CEO and owner of Las Vegas Radiology) and the billing summary indicating that
4 payment received for Dr. Balodimas' imaging interpretations when at the premises of Las Vegas
5 Radiology were repaid to Radiology 24/7 on a monthly basis.

6 16. In opposing Summary Judgment, the non-moving party (Republic) must by affidavit or
7 otherwise, provide specific facts demonstrating the existence of a genuine issue for trial. Plaintiff is
8 not entitled to "... build a case on the gossamer threads of whimsy, speculation and conjecture." *See*
9 *Wood v. Safeway, Inc.* 121 Nev. 724, 121 P.2d 1026 (Nev. 2005). Here, the Court finds there is no
10 genuine issue of material fact remaining, and that Dr. Balodimas was not "... an employee" or agent
11 of Las Vegas Radiology when interpreting Marie Gonzales' CT Scan on February 12, 2013.

12 17. Where "undisputed evidence" exists concerning the employees status at the time of the
13 tortious act (in this case February 12, 2013), the issue may be resolved "... as a matter of law ..." *See*
14 *Evans v. Southwest Gas*, 108 Nev. 1002, 1006, 842 P.2d 719, 722 (1992). Further, "... a question
15 of law exists as to whether sufficient competent evidence is present to require that the agency
16 question be forwarded to a jury." *Schlotfeldt v. Charter Hosp. Of Las Vegas*, 112 Nev. 42, 910 P.2d
17 271 (1996). The Court finds that there is not such sufficient competent evidence.

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19 ///

20 ///

ORDERS

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant Las Vegas Radiology's Motion for Summary Judgment is GRANTED thereby dismissing Las Vegas Radiology from this action with prejudice; and
2. There being no just reason for delay, judgment shall be entered in favor of Las Vegas Radiology, LLC. The Court certifies this judgment pursuant to NRCP Rule 54(b).


DATED this 16 day of Dec, 2018.


DISTRICT COURT JUDGE

Respectfully Submitted by:

DATED this 29th day of November, 2018.

MANDELBAUM, ELLERTON & ASSOCIATES


KIM IRENE MANDELBAUM, ESQ.

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MARIE ELLERTON, ESQ.

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Attorneys for Defendant

Las Vegas Radiology, LLC

Approved as to form and content:

DATED this 29th day of Nov., 2018.

BARRON & PRUITT, LLP



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DATED this ____ day of ____, 2018.

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DATED this ____ day of ____, 2018.

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DATED this ____ day of ____, 2018.

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Republic Silver State Disposal v. Cash, et al.
Case No. A-16-738123-C
Order Granting Motion for Summary Judgment

1
2 Approved as to form and content:

DATED this ____ day of ____, 2018.

3 DATED this ____ day of ____, 2018.

JOHN H. COTTON & ASSOCIATES

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James D. Balodimas, M.D., P.C.

11 DATED this 20th day of Nov, 2018.

12 LEWIS BRISBOIS BISGAARD & SMITH

DATED this ____ day of ____, 2018.

13 JAMES E. MURPHY, ESQ.
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17 Attorneys for Defendant
18 Neuromonitoring Associates, Inc.

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Nevada Bar No. 011488
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Attorneys for Defendants
Bruce Katuna, M.D. and
Rocky Mountain Neurodiagnostics, LLC

19 DATED this ____ day of ____, 2018.

20 CARROLL, KELLY TROTTER
21 FRANZEN, McKENNA & PEABODY

DATED this ____ day of ____, 2018.

22 ROBERT C. MCBRIDE, ESQ.
23 Nevada Bar No. 007082
24 HEATHER S. HALL, ESQ.
25 Nevada Bar No. 010608
26 8329 West Sunset Road, Suite 260
27 Las Vegas, Nevada 89113
28 Attorneys for Defendants
Andrew M. Cash, M.D.;
Andrew M. Cash, M.D., P.C. aka
Andrew Miller Cash, M.D., P.C.; and
Desert Institute of Spine Care, LLC

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Las Vegas, Nevada 89101
Attorneys for Defendant Danielle Miller
a/k/a Danielle Shopshire

Republic Silver State Disposal v. Cash, et al.
Case No. A-16-738123-C
Order Granting Motion for Summary Judgment

1
2 Approved as to form and content:

3 DATED this ____ day of _____, 2018.

4 BARRON & PRUITT, LLP

5
6
7 DAVID BARRON, ESQ.
8 Nevada Bar No. 000142
3890 West Ann Road
9 North Las Vegas, Nevada 89031
Attorneys for Plaintiff

10 DATED this ____ day of _____, 2018.

11 LEWIS BRISBOIS BISGAARD & SMITH

12
13
14 JAMES E. MURPHY, ESQ.
15 Nevada Bar No. 008586
6385 South Rainbow Blvd., #600
16 Las Vegas, Nevada 89118
Attorneys for Defendant
Neuromonitoring Associates, Inc.

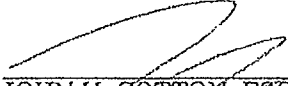
17 DATED this ____ day of _____, 2018.

18 CARROLL, KELLY TROTTER
19 FRANZEN, McKENNA & PEABODY

20
21 ROBERT C. MCBRIDE, ESQ.
22 Nevada Bar No. 007082
HEATHER S. HALL, ESQ.
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24 Las Vegas, Nevada 89113
Attorneys for Defendants
25 *Andrew M. Cash, M.D.;*
Andrew M. Cash, M.D., P.C. aka
26 *Andrew Miller Cash, M.D., P.C.; and*
Desert Institute of Spine Care, LLC
27
28

DATED this 29th day of NOVEMBER, 2018.

JOHN H. COTTON & ASSOCIATES


JOHN H. COTTON, ESQ.
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7900 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
Attorneys for Defendants
James D. Balodimas, M.D. and
James D. Balodimas, M.D., P.C.

DATED this ____ day of _____, 2018.

OLSON CANNON GORMLEY ANGULO &
STOBERSKI

JAMES R. OLSON, ESQ.
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STEPHANIE M. ZINNA, ESQ.
Nevada Bar No. 011488
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Attorneys for Defendants
Bruce Katuna, M.D. and
Rocky Mountain Neurodiagnostics, LLC

DATED this ____ day of _____, 2018.

LAURIA TOKUNAGA GATES & LINN, LLP

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Sacramento, California 95833
and
601 South Seventh Street
Las Vegas, Nevada 89101
Attorneys for Defendant Danielle Miller
a/k/a Danielle Shopshire

Approved as to form and content:

DATED this ____ day of ____, 2018.

DATED this ____ day of ____, 2018.

JOHN H. COTTON & ASSOCIATES

BARRON & PRUITT, LLP

JOHN H. COTTON, ESQ.
Nevada Bar No. 005268
MICHAEL D. NAVRATIL, ESQ.
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Attorneys for Plaintiff


DATED this ____ day of ____, 2018.

DATED this 6th day of November, 2018.

LEWIS BRISBOIS BISGAARD & SMITH

OLSON CANNON GORMLEY ANGULO &
STOBERSKI

JAMES E. MURPHY, ESQ.
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9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Attorneys for Defendants
Bruce Katuna, M.D. and
Rocky Mountain Neurodiagnostics, LLC

DATED this ____ day of ____, 2018.

CARROLL, KELLY TROTTER
FRANZEN, McKENNA & PEABODY

DATED this ____ day of ____, 2018.

ROBERT C. MCBRIDE, ESQ.
Nevada Bar No. 007082
HEATHER S. HALL, ESQ.
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Andrew M. Cash, M.D., P.C. aka
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a/k/a Danielle Shopshire

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Attorneys for Plaintiff

DATED this ____ day of ____, 2018.

LEWIS BRISBOIS BISGAARD & SMITH

DATED this ____ day of ____, 2018.

OLSON CANNON GORMLEY ANGULO &
STOBERSKI

JAMES E. MURPHY, ESQ.

Nevada Bar No. 008586

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Las Vegas, Nevada 89118

Attorneys for Defendant

Neuromonitoring Associates, Inc.

DATED this ____ day of ____, 2018.

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Attorneys for Defendants

Bruce Katuna, M.D. and

Rocky Mountain Neurodiagnostics, LLC

DATED this ____ day of ____, 2018.

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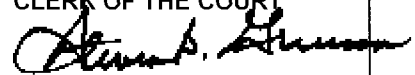
and

601 South Seventh Street

Las Vegas, Nevada 89101

Attorneys for Defendant Danielle Miller

a/k/a Danielle Shopshire



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DAVID BARRON, ESQ.
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Attorneys for Plaintiff
Republic Silver State Disposal, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

REPUBLIC SILVER STATE DISPOSAL, INC.,
a Nevada Corporation,

Plaintiff

Case No.: A-16-738123-C

Dept No.: XXX

vs.

CASE APPEAL STATEMENT

ANDREW M. CASH, M.D.; ANDREW M.
CASH, M.D., P.C. aka ANDREW MILLER
CASH, M.D., P.C.; DESERT INSTITUTE OF
SPINE CARE, LLC, a Nevada Limited Liability
Company; JAMES D. BALODIMAS, M.D.;
JAMES D. BALODIMAS, M.D., P.C.; LAS
VEGAS RADIOLOGY, LLC, a Nevada Limited
Liability Company; BRUCE A. KATUNA, M.D.;
ROCKY MOUNTAIN NEURODIAGNOSTICS,
LLC, a Colorado Limited Liability Company;
DANIELLE MILLER aka DANIELLE
SHOPSHIRE; NEUROMONITORING
ASSOCIATES, INC., a Nevada Corporation;
DOES 1-10 inclusive; and ROE
CORPORATIONS 1-10 inclusive

Defendants.

CASE APPEAL STATEMENT

Plaintiff/Appellant REPUBLIC SILVER STATE DISPOSAL, INC. by and through its
attorneys, BARRON & PRUITT, LLP, hereby submits the following Case Appeal Statement:

**A. The district court case number and caption showing the names of all parties to
the proceedings below:**

1) Case No. A-16-738123-C

BARRON & PRUITT, LLP
ATTORNEYS AT LAW
3890 WEST ANN ROAD
NORTH LAS VEGAS, NEVADA 89031
TELEPHONE (702) 870-3940
FACSIMILE (702) 870-3950

2) Republic Silver State Disposal, Inc., a Nevada Corporation, Plaintiff and Andrew M. Cash, MD; Andrew M. Cash, MD.PC aka Andrew Miller Cash, MD, PC; Desert Institute of Spine Care, LLC, a Nevada Limited Liability Company; James D. Balodimas, MD; James D. Balldiams, MD, PC; Las Vegas Radiology, LLC, a Nevada Limited Liability Company; Bruce A. Katuna, MD; Rockymountain Neurodiagnostics, LLC, a Colorado Limited Liability Company; Danielle Miller aka Danielle Shopshire; Neuro-Monitoring Associates, Inc., a Nevada Corporation; Defendants.

B. The name of the judge who entered the order or judgment being appealed:

- 1) Honorable Jerry A. Wiese II
Eighth Judicial District Court
Department 30

C. The name of each appellant and the name and address of counsel for each appellant:

- 1) Appellant Republic Silver State Disposal, Inc.
- 2) David Barron, Esq.
Barron & Pruitt, LLP
3890 West Ann Road
North Las Vegas, Nevada 89031

D. The name of each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is not known, then the name and address of that respondent's trial counsel):

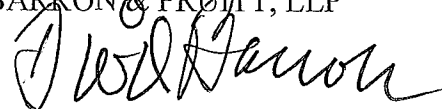
- 1) Respondents Las Vegas Radiology, LLC
- 2) Kim Irene Mandelbaum, Esq.
Marie Ellerton, Esq.
Sherman B. Mayor, Esq.
MANDELBAUM, ELLERTON & ASSOCIATES
2012 Hamilton Lane
Las Vegas, Nevada 89106

E. Whether an attorney identified in response to subparagraph D is not licensed to practice law in Nevada, and if so, whether the district court granted the attorney permission to appear under SCR 42, including a copy of any district court order granting that permission:

- 1) No.

- 1 **F. Whether the appellant was represented by appointed counsel in the district**
2 **court, and whether the appellant is represented by appointed counsel on appeal:**
3 1) Counsel for Appellant Republic Silver State Disposal, Inc. was not appointed,
4 but was retained by Appellant Republic Silver State Disposal, Inc. to
5 represent its interests in the district court action as well as on appeal.
- 6 **G. Whether the district court granted the appellant leave to proceed in forma**
7 **pauperis, and if so, the date of the district court's order granting that leave:**
8 1) N/A
- 9 **H. The date that the proceedings commenced in the district court:**
10 1) The Complaint was filed on June 8, 2016.
- 11 **I. A brief description of the nature of the action and result in the district court,**
12 **including the type of judgment or order being appealed and the relief granted by**
13 **the district court:**
14 1) Contribution action, see NRS 17.225 et seq, based on negligent medical
15 treatment.
- 16 **J. Whether the case has previously been the subject of an appeal to or original writ**
17 **proceeding in the Supreme Court or Court of Appeals and, if so, the caption and**
18 **docket number of the prior proceeding:**
19 1) Yes, caption and docket number attached.
- 20 **K. Whether the appeal involves child custody or visitation:**
21 1) No.
- 22 **L. In civil cases, whether the appeal involves the possibility of settlement:**
23 1) Yes.

BARRON & PRUITT, LLP



DAVID BARRON, ESQ.

Nevada Bar No. 142

JOHN D. BARRON, ESQ.

Nevada Bar No. 14029

3890 West Ann Road

North Las Vegas, Nevada 89031

Attorneys for Plaintiff

Republic Silver State Disposal, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of January, 2019, I served the foregoing **CASE APPEAL STATEMENT** as follows:

US MAIL: by placing the document(s) listed above in a sealed envelope, postage prepaid, in the United States Mail at Las Vegas, Nevada, addressed to the following:

☐ BY FAX: by transmitting the document(s) listed above via facsimile transmission to the fax number(s) set forth below.

☐ BY HAND-DELIVERY: by hand-delivering the document(s) listed above to the address(es) set forth below.

☐ BY EMAIL: by emailing the document(s) listed above to the email address(es) set forth below.

☒ BY ELECTRONIC SERVICE: by electronically serving the document(s) listed above with the Eighth Judicial District Court's WizNet system upon the following:

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<p>Robert C. McBride, Esq. Heather S. Hall, Esq. CARROLL, KELLY, TROTTER, FRANZEN, MC KENNA & PEABODY 8329 West Sunset Road, Suite 260 Las Vegas, NV 89113 Facsimile: (702) 796-5855 Email: rcmcbride@cktfmlaw.com Email: hshall@cktfmlaw.com <i>Attorneys for Defendants</i> Andrew M. Cash, M.D. Andrew M. Cash, M.D., P.C. a/k/a Andrew Miller Cash, M.D., P.C.; and Desert Institute of Spine Care</p>	<p>James R. Olson, Esq. Max E. Corrick, II, Esq. Stephanie M. Zinna, Esq. OLSON, CANNON, GORMLEY, ANGULO & STOBERSKI 9950 West Cheyenne Avenue Las Vegas, NV 89129 Facsimile: (702) 383-0701 Email: jolson@ocgas.com Email: mcorrick@ocgas.com Email: szinna@ocgas.com <i>Attorneys for Defendants</i> Bruce Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC</p>
<p>John H. Cotton, Esq. Michael D. Navratil, Esq. JOHN H. COTTON & ASSOCIATES, LTD. 7900 West Sahara Avenue, Suite 200 Las Vegas, NV 89117 Facsimile: (702) 832-5910 Email: jhcotton@jhcottonlaw.com Email: mdnavratil@jhcottonlaw.com <i>Attorneys for Defendants</i> James D. Balodimas, M.D. and James D. Balodimas, M.D., P.C.</p>	<p>James Murphy, Esq. LEWIS BRISBOIS BISGAARD & SMITH, LLP 6385 South Rainbow Blvd., Suite 600 Las Vegas, NV 89118 Facsimile: (702) 893-3789 Email: James.Murphy@lewisbrisbois.com <i>Attorneys for Defendant Neuromonitoring Associates, Inc.</i></p>
<p>Kim Irene Mandelbaum, Esq. Marie Ellerton, Esq. MANDELBAUM, ELLERTON & ASSOCIATES 2012 Hamilton Lane Las Vegas, NV 89106 Facsimile: (702) 367-1978 Email: filing@meklaw.net <i>Attorneys for Defendant</i> Las Vegas Radiology, LLC</p>	<p>Anthony D. Lauria, Esq. LAURIA TOKUNAGA GATES & LINN, LLP 1755 Creekside Oaks Drive, Ste. 240 Sacramento, CA 95833 601 South Seventh Street Las Vegas, NV 89101 Facsimile: (702) 387-8635 Email: alauria@lgtlaw.net <i>Attorneys for Defendant Danielle Miller a/k/a Danielle Shopshire</i></p>

/s/ Mary Ann Dillard
An Employee of BARRON & PRUITT, LLP

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES D. BALODIMAS, M.D., and
JAMES D. BALODIMAS, M.D., P.C.,
Petitioners;

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT of the STATE of NEVADA, in and
for CLARK COUNTY, NEVADA, and
THE HONORABLE JERRY A. WIESE,
District Court Judge,
Respondents,

And

REPUBLIC SILVER STATE DISPOSAL,
INC.; ANDREW M. CASH, M.D.;
ANDREW M. CASH, M.D., P.C. aka
ANDREW MILLER CASH, M.D., P.C.;
DESERT INSTITUTE OF SPINE CARE,
LLC, a Nevada Limited Liability Company;
LAS VEGAS RADIOLOGY, LLC, a
Nevada Limited Liability Company; BRUCE
A. KATUNA, M.D.; ROCKY MOUNTAIN
NEURODIAGNOSTICS, LLC, a Colorado
Limited Liability Company; DANIELLE
MILLER aka DANIELLE SHOPSHIRE;
NEUROMONITORING ASSOCIATES,
INC.,

Real Parties in Interest

Supreme Ct. Case #: 72123

District Ct. Case #: 16-A738123-C

**REPUBLIC SILVER STATE
DISPOSAL'S ANSWER TO
PETITION FOR WRIT OF
MANDAMUS, and JOINDERS
THERE TO**

DAVID BARRON

Nevada Bar No. 142

JOHN D. BARRON

Nevada Bar No. 14029

BARRON & PRUITT, LLP

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Attorneys for Republic Silver State Disposal, Inc.

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES D. BALODIMAS, M.D., and
JAMES D. BALODIMAS, M.D., P.C.,
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THE EIGHTH JUDICIAL DISTRICT
COURT of the STATE of NEVADA, in and
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THE HONORABLE JERRY A. WIESE,
District Court Judge,
Respondents,

And

REPUBLIC SILVER STATE DISPOSAL,
INC.; ANDREW M. CASH, M.D.;
ANDREW M. CASH, M.D., P.C. aka
ANDREW MILLER CASH, M.D., P.C.;
DESERT INSTITUTE OF SPINE CARE,
LLC, a Nevada Limited Liability Company;
LAS VEGAS RADIOLOGY, LLC, a
Nevada Limited Liability Company; BRUCE
A. KATUNA, M.D.; ROCKY MOUNTAIN
NEURODIAGNOSTICS, LLC, a Colorado
Limited Liability Company; DANIELLE
MILLER aka DANIELLE SHOPSHIRE;
NEUROMONITORING ASSOCIATES,
INC.,

Real Parties in Interest

Supreme Ct. Case #: 72123
Electronically Filed
Apr 07 2017 11:18 a.m.
District Ct. Case #: 16-A-738123-C
Elizabeth A. Brown
Clerk of Supreme Court

**REPUBLIC SILVER STATE
DISPOSAL'S ANSWER TO
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JOHN D. BARRON
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Attorneys for Republic Silver State Disposal, Inc.

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-16-738123-C**

Republic Silver State Disposal, Inc., Plaintiff(s)
vs.
Andrew Cash, M.D., Defendant(s)

§
§
§
§
§

Location: **Department 30**
 Judicial Officer: **Wiese, Jerry A.**
 Filed on: **06/08/2016**
 Case Number History:
 Cross-Reference Case Number: **A738123**

CASE INFORMATIONCase Type: **Malpractice - Medical/Dental**

Case Status: **03/20/2018 Reopened**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-16-738123-C
Court	Department 30
Date Assigned	08/09/2016
Judicial Officer	Wiese, Jerry A.

PARTY INFORMATION

Plaintiff	Republic Silver State Disposal, Inc.	<i>Lead Attorneys</i> Barron, David Leslie <i>Retained</i> 7028703940(W)
Defendant	Andrew M Cash M.D P.C	McBride, Robert C. <i>Retained</i> 702-792-5855(W)
	Balodimas, James D, M.D.	Cotton, John H <i>Retained</i> 702-832-5909(W)
	Cash, M.D., Andrew M.	McBride, Robert C. <i>Retained</i> 702-792-5855(W)
	Desert Institute of Spine Care LLC	McBride, Robert C. <i>Retained</i> 702-792-5855(W)
	James D Balodimas M.D P.C	Cotton, John H <i>Retained</i> 702-832-5909(W)
	Katuna, Bruce A, M.D.	Olson, James R. <i>Retained</i> 7023844012(W)
	Las Vegas Radiology LLC Removed: 12/07/2018 Dismissed	Mandelbaum, Kim Irene <i>Retained</i> 7023671234(W)
	Miller, Danielle	Lauria, Anthony D <i>Retained</i> 702-387-8633(W)
	Neuromonitoring Associates	Murphy, James E. <i>Retained</i>

CASE SUMMARY**CASE NO. A-16-738123-C**













702-893-3383(W)

Rocky Mountain Neurodiagnostics LLC**Olson, James R.**
Retained
7023844012(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
06/08/2016	 Complaint With Jury Demand Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Complaint for Medical Negligence and Medical Malpractice & Jury Demand</i>	
06/27/2016	 Amended Complaint Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Amended Complaint for Medical Negligence and Medical Malpractice & Jury Demand</i>	
06/29/2016	 Affidavit of Service Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Affidavit of Service re: Neuromonitoring Associates</i>	
06/29/2016	 Affidavit of Service Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Affidavit of Service re: James D. Balodimas, M.D.</i>	
06/29/2016	 Affidavit of Service Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Affidavit of Service re: Desert Institute of Spine Care, LLC</i>	
07/08/2016	 Answer to Amended Complaint Filed By: Defendant Neuromonitoring Associates <i>Answer to Amended Complaint</i>	
07/08/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Neuromonitoring Associates <i>Initial Appearance Fee Disclosure</i>	
07/08/2016	 Motion to Dismiss Filed By: Defendant Cash, M.D., Andrew M. <i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint</i>	
07/08/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Cash, M.D., Andrew M. <i>Initial Appearance Fee Disclosure</i>	
07/08/2016	 Demand for Jury Trial Filed By: Defendant Cash, M.D., Andrew M. <i>Demand for Jury Trial</i>	
07/08/2016	 Statement Filed by: Defendant Cash, M.D., Andrew M. <i>Defendants Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's 7.1 Disclosure Statement</i>	

CASE SUMMARY

CASE NO. A-16-738123-C

07/12/2016	 Demand for Jury Trial Filed By: Defendant Balodimas, James D, M.D. <i>Demand for Jury Trial</i>
07/12/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Balodimas, James D, M.D. <i>Initial Appearance Fee Disclosure</i>
07/12/2016	 Joinder Filed By: Defendant Balodimas, James D, M.D. <i>Defendants James D. Balodimas, M.D.; James D. Balodimas, M.D., P.C.; and Las Vegas Radiology, LLC's Substantive Joinder to Defendants Andrew Cash, M.D.; Andrew M. Cash, M.D., P.C.; a/k/a Andrew Miller Cash, M.D., P.D.; and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint</i>
07/12/2016	 Notice of Hearing Filed By: Defendant Cash, M.D., Andrew M. <i>Notice of Hearing on Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint</i>
07/13/2016	 Affidavit of Service Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Affidavit of Service of James D. Balodimas, M.D.</i>
07/13/2016	 Affidavit of Service Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Affidavit of Service of Desert Institute of Spine Care, LLC</i>
07/13/2016	 Errata Filed By: Defendant Las Vegas Radiology LLC <i>Errata to Demand for Jury Trial</i>
07/13/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Las Vegas Radiology LLC <i>Errata to Initial Appearance Fee Disclosure</i>
07/13/2016	 Errata Filed By: Defendant Las Vegas Radiology LLC <i>Defendant Las Vegas Radiology, LLC's ERRATA to Defendants James D. Balodimas, M.D.; James D. Balodimas, M.D., P.C.; and Las Vegas Radiology, LLC's Substantive Joinder to Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C. a/k/a Andrew Miller Cash, M.D., P.C.; and Desert Institute of Spine Care LLC's Motion to Dismiss Plaintiff's Complaint</i>
07/13/2016	 Affidavit of Service Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Affidavit of Service of Bruce Katuma, MD</i>
07/13/2016	 Affidavit of Service Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Affidavit of Service of Rocky Mountain Neurodiagnostics, LLC</i>
07/15/2016	 Joinder To Motion Filed By: Defendant Katuna, Bruce A, M.D. <i>Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Substantive</i>

CASE SUMMARY

CASE NO. A-16-738123-C

Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, P.C. aka Andrew Miller Cash, M.D., P.C., and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint

07/15/2016



Initial Appearance Fee Disclosure

Filed By: Defendant Katuna, Bruce A, M.D.

Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Initial Appearance Fee Disclosure

07/15/2016



Demand for Jury Trial

Filed By: Defendant Katuna, Bruce A, M.D.

Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Demand for Jury Trial

07/15/2016



Certificate

Filed By: Defendant Katuna, Bruce A, M.D.

Defendants' Required Certificate Disclosure Statement - NRCP 7.1

07/21/2016



Motion for Judgment

Filed By: Defendant Balodimas, James D, M.D.

Defendant Balodimas' and Balodimas, M.D., P.C.'s Notice of Motion for Judgment on the Pleadings

07/22/2016



Joinder To Motion

Filed By: Defendant Neuromonitoring Associates

Defendant Neuromonitoring Associates, LLC's Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint

07/22/2016



Notice of Department Reassignment

Notice of Department Reassignment

07/22/2016



Initial Appearance Fee Disclosure

Filed By: Defendant Balodimas, James D, M.D.

Initial Appearance Fee Disclosure (NRS Chapter 19)

07/22/2016



Joinder

Filed By: Defendant Las Vegas Radiology LLC

Defendant Las Vegas Radiology, LLC's Joinder to Defendants Balodimas' and Balodimas, M.D., P.C.'s Notice of Motion and Motion for Judgment on the Pleadings

07/25/2016



Initial Appearance Fee Disclosure

Filed By: Plaintiff Republic Silver State Disposal, Inc.

Initial Appearance Fee Disclosure

07/25/2016



Joinder To Motion

Filed By: Defendant Neuromonitoring Associates

Defendant Neuromonitoring Associates, LLC's Joinder to Defendant Balodimas' and Balodimas, M.D., PC's Notice and Motion for Judgment on the Pleadings

07/25/2016



Notice of Change of Hearing

Notice of Change of Hearing

07/27/2016



Opposition

Filed By: Plaintiff Republic Silver State Disposal, Inc.

CASE SUMMARY

CASE NO. A-16-738123-C

Plaintiff's Opposition to Defendants James D. Balodimas, M.D. and James D. Balodimas, M.D., P.C.'s Notice of Motion and Motion for Judgment on the Pleadings

07/27/2016



Errata

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Errata to Plaintiff's Opposition to Defendants James D. Balodimas, M.D. and James D. Balodimas, M.D. P.C.'s Notice of Motion and Motion for Judgment on the Pleadings

07/27/2016



Opposition

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Plaintiff's Opposition to Defendants' Motion to Dismiss

07/28/2016



Errata

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Plaintiff's Second Errata to Plaintiff's Opposition to Defendants Balodimas' Notice of Motion and Motion for Judgment on the Pleadings

07/28/2016



Joinder

Filed By: Defendant Cash, M.D., Andrew M.
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Defendants Balodimas' and Baldomias, M.D., P.C.'s Motion for Judgment on the Pleadings

08/02/2016



Affidavit of Service

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Affidavit of Service re: Rocky Mountain Neurodiagnostics, LLC

08/05/2016



Notice of Department Reassignment

Notice of Department Reassignment

08/05/2016



Motion

Filed By: Defendant Miller, Danielle
Defendant Danielle Miller's Notice of Motion and Motion to Dismiss Plaintiff's Complaint; Memorandum of Points and Authorities in Support Thereof

08/05/2016



Initial Appearance Fee Disclosure

Filed By: Defendant Miller, Danielle
Initial Appearance Fee Disclosure

08/05/2016



Peremptory Challenge

Filed by: Defendant Miller, Danielle
Peremptory Challenge

08/05/2016



Joinder

Filed By: Defendant Miller, Danielle
Defendant Danielle Miller's Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, P.C. aka Andrew Miller Cash, M.D., P.C., and Desert Institute of Spine Care LLC's Motion to Dismiss Plaintiff's Complaint

08/05/2016



Joinder

Filed By: Defendant Miller, Danielle
Defendant Danielle Miller's Joinder to Defendants Balodimas' and Balodimas, M.D., PC's Notice of Motion and Motion for Judgment on the Pleadings

08/05/2016



Demand for Jury Trial

CASE SUMMARY

CASE NO. A-16-738123-C

Filed By: Defendant Miller, Danielle
Demand for Jury Trial

08/08/2016



Joinder

Filed By: Defendant Las Vegas Radiology LLC
Defendant Las Vegas Radiology, LLC's Joinder to Defendant Danielle Miller's Notice of Motion and Motion to Dismiss Plaintiff's Complaint; Memorandum of Points and Authorities in Support Thereof

08/08/2016



Peremptory Challenge

Filed by: Plaintiff Republic Silver State Disposal, Inc.
Plaintiff Republic Silver State Disposal, Inc.'s Peremptory Challenge

08/10/2016



Joinder To Motion

Filed By: Defendant Cash, M.D., Andrew M.
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Defendant Danielle Miller's Motion to Dismiss Plaintiff's Complaint

08/11/2016



Joinder To Motion

Filed By: Defendant Neuromonitoring Associates
Defendant Neuromonitoring Associates, LLC's Joinder to Defendant Danielle Miller's Motion to Dismiss Plaintiff's Complaint

08/23/2016



Opposition

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Plaintiff's Opposition to Defendant Danielle Miller's Notice of Motion and Motion to Dismiss Plaintiff's Complaint

08/24/2016



Petition

Filed by: Plaintiff Republic Silver State Disposal, Inc.
Petition for Exemption from Arbitration

09/13/2016



Commissioners Decision on Request for Exemption - Granted

Commissioner's Decision on Request for Exemption - Granted

09/27/2016



Reply to Opposition

Filed by: Defendant Miller, Danielle
Defendant Danielle Miller's Reply to Plaintiff's Opposition to Motion to Dismiss Plaintiff's Complaint

09/27/2016



Reply in Support

Filed By: Defendant Cash, M.D., Andrew M.
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. d/k/a Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Reply in Support of Motion to Dismiss Plaintiff's Complaint

09/27/2016



Reply to Opposition

Filed by: Defendant Balodimas, James D, M.D.
Defendant Balodimas, M.D. and Balodimas, M.D., P.C.'s Reply to Plaintiff's Opposition to Motion for Judgment on the Pleadings

09/28/2016



Joinder

Filed By: Defendant Las Vegas Radiology LLC
Defendant Las Vegas Radiology, LLC's Joinder to Defendant Balodimas' and Balodimas, M.D., P.C.'s Reply to Motion for Judgment on the Pleadings

CASE SUMMARY

CASE NO. A-16-738123-C

09/29/2016



Joinder

Filed By: Defendant Las Vegas Radiology LLC
Defendant Las Vegas Radiology, LLC's Joinder to Defendant Danielle Miller's Reply to Plaintiff's Opposition to Motion to Dismiss Plaintiff's Complaint

09/29/2016



Joinder

Filed By: Defendant Las Vegas Radiology LLC
Defendant Las Vegas Radiology, LLC's Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Reply in Support of Motion to Dismiss Plaintiff's Complaint

11/02/2016



Reply to Opposition

Filed by: Defendant Miller, Danielle
Defendant Danielle Miller's Supplemental Briefing on Motion to Dismiss Plaintiff's Complaint

11/03/2016



Joinder

Filed By: Defendant James D Balodimas M.D P.C
Defendant Balodimas, M.D., and Balodimas, M.D., P.C.'s Joinder to Defendant Miller's Supplemental Briefing on Motion to Dismiss Plaintiff's Complaint

11/03/2016



Joinder

Filed By: Defendant Neuromonitoring Associates
Defendant Neuromonitoring Associates, Inc.'s Joinder to Defendant Danielle Miller's Supplemental Briefing on Motion to Dismiss Plaintiff's Complaint

11/04/2016



Joinder

Filed By: Defendant Katuna, Bruce A, M.D.
Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Joinder to Defendant Danielle Miller's Supplemental Briefing on Motion to Dismiss Plaintiff's Complaint

11/04/2016



Joinder

Filed By: Defendant Cash, M.D., Andrew M.
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Defendant Danielle Miller's Supplemental Briefing on Motion to Dismiss Plaintiff's Complaint

11/08/2016



Brief

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Republic's Brief Re Evidentiary Hearing

11/08/2016



Joinder

Filed By: Defendant Las Vegas Radiology LLC
Defendant Las Vegas Radiology, LLC's Joinder to Defendant Danielle Miller's Supplemental Briefing on Motion to Dismiss Plaintiff's Complaint

11/08/2016



Response

Filed by: Defendant Balodimas, James D, M.D.
Defendant Balodimas, M.D. and Balodimas, M.D. P.C.'s Response to Republic's Brief Re: Evidentiary Hearing

12/13/2016



Order

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Order re: The Cash Defendants' Motion to Dismiss, The Balodimas Defendants' Motion for Judgment on the Pleadings, and Danielle Miller's Motion to Dismiss, and All Joinders.

CASE SUMMARY

CASE NO. A-16-738123-C

12/13/2016	 Notice of Entry Filed By: Defendant Cash, M.D., Andrew M. <i>Notice of Entry of Order Re: The Cash Defendants' Motion to Dismiss, The Balodimas Defendants' Motion for Judgment, and Danielle Miller's Motion to Dismiss, and All Joinders.</i>
01/03/2017	 Answer to Amended Complaint Filed By: Defendant Katuna, Bruce A, M.D. <i>Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Answer to Plaintiff's Amended Complaint</i>
01/03/2017	 Answer to Complaint Filed by: Defendant Balodimas, James D, M.D. <i>Defendant Balodimas' Answer to Plaintiff's Complaint</i>
01/03/2017	 Demand for Jury Trial Filed By: Defendant Balodimas, James D, M.D. <i>Defendant Balodimas' Demand for Jury Trial</i>
01/04/2017	 Answer to Amended Complaint Filed By: Defendant Miller, Danielle <i>Defendant Danielle Miller aka Danielle Shopshire's Answer to Plaintiff's Amended Complaint</i>
01/04/2017	 Answer to Complaint Filed by: Defendant Cash, M.D., Andrew M. <i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., and Desert Institute of Spine Care, LLC's Answer to Plaintiff's Complaint</i>
01/12/2017	 Answer to Amended Complaint Filed By: Defendant Balodimas, James D, M.D. <i>Defendant Balodimas and Balodimas, P.C.'s Answer to Plaintiff's Amended Complaint for Medical Negligence and Medical Malpractice and Jury Demand</i>
01/12/2017	 Order Setting Medical/Dental Malpractice Status Check <i>Order Setting Medical/Dental Malpractice Status Check and Trial Setting Conference</i>
01/17/2017	 Notice Filed By: Defendant Balodimas, James D, M.D. <i>Notice of Filing Writ Petition and Appendix to Writ Petition</i>
02/16/2017	 Early Case Conference Disclosure Statement Party: Defendant Las Vegas Radiology LLC <i>Defendant Las Vegas Radiology, LLC's Early Case Conference Disclosure Statement</i>
02/16/2017	 Certificate of Service Filed by: Defendant Las Vegas Radiology LLC <i>Amended Certificate of Service</i>
03/07/2017	 Answer to Amended Complaint Filed By: Defendant Las Vegas Radiology LLC <i>Defendant Las Vegas Radiology, LLC's Answer to Plaintiff's Amended Complaint for Medical Negligence and Medical Malpractice</i>
03/10/2017	 Joint Case Conference Report Filed By: Plaintiff Republic Silver State Disposal, Inc.

CASE SUMMARY

CASE NO. A-16-738123-C

Joint Case Conference Report

03/13/2017



Motion to Stay

Filed By: Defendant James D Balodimas M.D P.C

Defendant Balodimas' and Balodimas, M.D., P.C.'s Notion of Motion and Motion to Stay Pending Decision on Petition for Writ of Mandamus

03/16/2017



Joinder To Motion

Filed By: Defendant Katuna, Bruce A, M.D.

Defendants Bruce A. Katuna, M.D. and ROKY Mountain Neurodiagnostics, LLC's Joinder to Defendants Balodimas and Balodimas, M.D., P.C.'s Motion to Stay Pending Decision on Petition for Writ of Mandamus

03/16/2017



Joinder To Motion

Filed By: Defendant Cash, M.D., Andrew M.

Defendants Andrew Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Balodimas' and Balodimas, M.D.'s Motion to Stay Pending Decision on Petition for Writ of Mandamus

03/16/2017



Order Setting Jury Trial

Order Setting Jury Trial, Pre-Trial Conference and Calendar Call

03/17/2017



Joinder

Filed By: Defendant Las Vegas Radiology LLC

Defendant Las Vegas Radiology, LLC's Joinder to Defendant Balodimas' and Balodimas, M.D., P.C.'s Notice of Motion and Motion to Stay Pending Decision on Petition for Writ of Mandamus

03/17/2017



Supplement to List of Witnesses & Documents

Party: Defendant Las Vegas Radiology LLC

Defendant Las Vegas Radiology, LLC's Supplement to Its Early Case Conference Disclosure Statement (First)

03/30/2017



Opposition

Filed By: Plaintiff Republic Silver State Disposal, Inc.

Plaintiff's Opposition to Defendant Balodimas and Balodimas, P.C.'s Motion to Stay Pending Decision on Writ of Mandamus

03/30/2017



Scheduling Order

Scheduling Order

04/10/2017



Reply to Opposition

Filed by: Defendant James D Balodimas M.D P.C

Defendant Balodimas' and Balodimas, M.D., P.C.'s Reply to Plaintiff's Opposition to Motion to Stay Pending Decision on the Petition for Writ of Mandamus

04/12/2017



Joinder

Filed By: Defendant Cash, M.D., Andrew M.

Defendants Andrew Cash, M.D., Andrew M. Cash, M.D., P.C., aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Balodimas' and Balodimas, M.D.'s Reply to Plaintiff's Opposition to Motion to Stay Pending Decision on the Petition for Writ of Mandamus

04/14/2017



Joinder

Filed By: Defendant Las Vegas Radiology LLC

Defendant Las Vegas Radiology, LLC's Joinder to Defendant Balodimas' and Balodimas,

CASE SUMMARY

CASE NO. A-16-738123-C

M.D., P.C.'s Reply to Opposition to Motion to Stay Pending Decision on Petition for Writ of Mandamus

01/31/2018



Stipulated Protective Order
Stipulated Protective Order

02/08/2018



Notice of Change of Firm Name
Filed By: Defendant Neuromonitoring Associates
Notice of Firm Change

02/08/2018



Notice of Entry
Filed By: Defendant Neuromonitoring Associates
Notice of Entry of Order

02/21/2018



Notice of Firm Name Change
Filed By: Defendant Neuromonitoring Associates
Notice of Firm Change

02/22/2018



Notice of Taking Deposition
Filed By: Defendant Las Vegas Radiology LLC
Notice to Take Deposition of Custodian of Records and Opportunity to Object

02/26/2018



Stipulation and Order to Extend Discovery Deadlines
Filed By: Defendant Katuna, Bruce A, M.D.; Defendant Rocky Mountain Neurodiagnostics LLC
Stipulation and Order for Extension of Time to Complete Discovery (First Request)

02/27/2018



Notice of Entry of Order
Filed By: Defendant Katuna, Bruce A, M.D.; Defendant Rocky Mountain Neurodiagnostics LLC
Notice of Entry of Order on Stipulation and Order for Extension of Time to Complete Discovery (First Request)

02/27/2018



Supplement to Early Case Conference Disclosures
Filed By: Defendant Las Vegas Radiology LLC
Defendant Las Vegas Radiology, LLC's Supplement to Its Early Case Conference Disclosure Statement (Second)

02/27/2018



Notice of Deposition
Filed By: Defendant Las Vegas Radiology LLC
Notice to Take Deposition of Marie Gonzales

03/02/2018



Motion
Filed By: Defendant Las Vegas Radiology LLC
Defendant Las Vegas Radiology's Motion to "Cap" Non-Economic Damages Per NRS 41A.035

03/02/2018



Motion to Continue Trial
Defendants Andrew Cash, M.D., Andrew Cash, M.D., P.C. Aka Andrew Miller Cash, M.D., P.C. & Desert Institute Of Spine Care, Llc s Motion To Extend Discovery Deadlines And Continue Trial Date On Order Shortening Time

03/05/2018



Joinder
Filed By: Defendant Las Vegas Radiology LLC
Defendant Las Vegas Radiology, LLC's Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. & Desert Institute of Spine Care,

CASE SUMMARY

CASE NO. A-16-738123-C

LLC's Motion to Extend Discovery Deadlines and Continue Trial Date on Order Shortening Time

03/06/2018



Joinder To Motion

Filed By: Defendant Katuna, Bruce A, M.D.

Defendants Bruce A. Kutuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Joinder to Defendants Cash Motion to Extend Discovery Deadlines and Continue Trial Date on Order Shortening Time

03/06/2018



Joinder To Motion

Defendant Balosimas, M.D. and Balodimas, M.D., P.C.'s Joinder to Defendant Cash's Motion to Extend Discovery Deadlines and Continue Trial Date on Order Shortening Time

03/06/2018



Joinder

Filed By: Defendant Miller, Danielle

Defendant Danielle Miller aka Danielle Shopshire's Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. & Desert Institute of Spine Care, LLC's Motion to Extend Discovery Deadlines and Continue Trial Date on Order Shortening Time

03/07/2018



Affidavit of Service

Filed By: Defendant Las Vegas Radiology LLC

Affidavit of Service for Marie G. Gonzales

03/08/2018



Opposition

Filed By: Plaintiff Republic Silver State Disposal, Inc.

Limited Opposition to Cash Motion to Extend Discovery Deadlines and Continue Trial Date

03/09/2018



Joinder To Motion

Defendant Balodimas, M.D. and Balodimas, M.D., PC.'s Joinder to Defendant Las Vegas Radiology's Motion to Cap Non-Economic Damages Per NRS 41A.035

03/09/2018



Supplement to Early Case Conference Disclosures

Filed By: Defendant Las Vegas Radiology LLC

Defendant Las Vegas Radiology, LLC's Supplement to Its Early Case Conference Disclosure Statement (Third)

03/12/2018



Reply

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C., & Desert Institute of Spine Care, LLC's Reply in Support of Motion to Extend Discovery Deadlines and Continue Trial on Order Shortening Time

03/13/2018



Reply to Opposition

Filed by: Defendant Miller, Danielle

Defendant Danielle Miller aka Danielle Shopshire's Reply to Opposition to Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. & Desert Institute of Spine Care, LLC's Motion to Extend Discovery Deadlines and Continue Trial Date on Order Shortening Time

03/13/2018



Motion in Limine

Filed By: Defendant Las Vegas Radiology LLC

Las Vegas Radiology's Motion in Limine to Permit Collateral Source Payment Evidence per NRS 42.021

03/14/2018



Reply to Opposition

Filed by: Defendant Miller, Danielle

CASE SUMMARY

CASE NO. A-16-738123-C

Defendant Danielle Miller aka Danielle Shopshire's Reply to Opposition to Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. & Desert Institute of Spine Care, LLC's Motion to Extend Discovery Deadlines and Continue Trial Date on Order Shortening Time

03/14/2018



Joinder To Motion

Filed By: Defendant Cash, M.D., Andrew M.
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. Aka Andrew Miller Cash, M.D., P.C. And Desert Institute Of Spine Care, Llc s Joinder To Defendant Las Vegas Radiology, Llc s Motion To Cap Non-Economic Damages Per Nrs 41a.035

03/19/2018



Joinder To Motion

Filed By: Defendant Katuna, Bruce A, M.D.
Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Joinder to Las Vegas Radiology, Inc.'s Motion to "Cap" Non-Economic Damages Per NRS 41.A.035

03/20/2018



Joinder To Motion

Filed By: Defendant James D Balodimas M.D P.C
Defendant Balodimas, M.D. and Balodimas, M.D., PC's JOinder to Defendant Las Vegas Radiology's Motion to Permit Collateral Source Payment Evidence Per NRS 42.021

03/20/2018



Amended Order Setting Jury Trial

Amended Order Setting Jury Trial

03/20/2018



Joinder

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. Aka Andrew Miller Cash, M.D., P.C. And Desert Institute Of Spine Care, Llc s Joinder To Defendant Las Vegas Radiology, Llc s Motion To Permit Collateral Source Payment Evidence Per Nrs 42.021

03/21/2018



Opposition

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Plaintiff's Opposition to Las Vegas Radiology's Motion to "Cap" Non-Economic Damages Per NRS 41A.035 and Joinders

03/22/2018



Joinder To Motion

Filed By: Defendant Katuna, Bruce A, M.D.
Defendant Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Joinder to Defendant Las Vegas Radiology's Motion in Limine to Permit Collateral Source Payment Evidence Per NRS 42.021

03/28/2018



Reply in Support

Filed By: Defendant Las Vegas Radiology LLC
Reply in Support of Defendant Las Vegas Radiology's Motion to "Cap" Non-Economic Damages per NRS 41A.035

04/02/2018



Opposition

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Republic Silver State Disposal, Inc.'s Opposition to Defendant Las Vegas Radiology, LLC's Motion in Limine to Permit Collateral Source Payment Evidence Per NRS 42.021

04/05/2018



Order

Order Granting Defendants Andrew Cash, M.D., Andrew Cash, M.D., P.C. Aka Andrew Miller Cash, M.D., P.C. & Desert Institute Of Spine Care, LLC s Reply In Support Of Motion To Extend Discovery Deadlines And Continue Trial Date On Order Shortening Time

04/10/2018



Reply in Support

CASE SUMMARY

CASE NO. A-16-738123-C

	<p>Filed By: Defendant Las Vegas Radiology LLC</p> <p><i>Reply in Support of Defendant Las Vegas Radiology's Motion in Limine to Permit Collateral Source Payment Evidence Per NRS 42.021</i></p>
04/10/2018	<p> Notice of Entry of Order</p> <p><i>Notice Of Entry Of Order Granting Defendants Andrew Cash, M.D., Andrew Cash, M.D., P.C. Aka Andrew Miller Cash, M.D., P.C. & Desert Institute Of Spine Care, LLC s Reply In Support Of Motion To Extend Discovery Deadlines And Continue Trial Date On Order Shortening Time</i></p>
05/14/2018	<p> Order Granting Motion</p> <p>Filed By: Defendant Las Vegas Radiology LLC</p> <p><i>Order Granting Defendant Las Vegas Radiology's Motion to "Cap" Non-Economic Damages Per NRS 41A.035 and Joinders to Same</i></p>
05/15/2018	<p> Notice of Entry of Order</p> <p>Filed By: Defendant Las Vegas Radiology LLC</p> <p><i>Notice of Entry of Order</i></p>
08/02/2018	<p> Application for Issuance of Commission to Take Deposition</p> <p>Party: Plaintiff Republic Silver State Disposal, Inc.</p> <p><i>Application for Issurance of Commission to Take Out of State Deposition of Bruce Katuna, MD</i></p>
08/02/2018	<p> Commission Issued</p> <p>Party: Plaintiff Republic Silver State Disposal, Inc.</p> <p><i>Commission to Take Out of State Deposition of Bruce Katuna, MD</i></p>
08/08/2018	<p> Application for Issuance of Commission to Take Deposition</p> <p>Party: Plaintiff Republic Silver State Disposal, Inc.</p> <p><i>Application for Issurance of Commission to Take Out of State Deposition of Danielle Miller</i></p>
08/08/2018	<p> Commission Issued</p> <p>Party: Plaintiff Republic Silver State Disposal, Inc.</p> <p><i>Commission to Take Out of State Deposition of Danielle Miller</i></p>
09/14/2018	<p> Motion for Summary Judgment</p> <p>Filed By: Defendant Las Vegas Radiology LLC</p> <p><i>Defendant Las Vegas Radiology's Motion for Summary Judgment</i></p>
09/27/2018	<p> Stipulation and Order to Extend Discovery Deadlines</p> <p>Filed By: Defendant Katuna, Bruce A, M.D.</p> <p><i>Stipulation and Order for Extension of Time to Complete Discovery</i></p>
09/27/2018	<p> Notice of Entry of Stipulation and Order</p> <p>Filed By: Defendant Katuna, Bruce A, M.D.</p> <p><i>Notice of Entry of Order of Stipulation and Order</i></p>
10/03/2018	<p> Opposition to Motion For Summary Judgment</p> <p>Filed By: Plaintiff Republic Silver State Disposal, Inc.</p> <p><i>Plaintiff Republic Silver State Disposal, Inc.'s Opposition to Defendant Las Vegas Radiology, LLC's Motion for Summary Judgment</i></p>
10/05/2018	<p> Reply in Support</p> <p>Filed By: Defendant Las Vegas Radiology LLC</p>

CASE SUMMARY

CASE NO. A-16-738123-C

Reply in Support of Defendant Las Vegas Radiology's Motion for Summary Judgment

11/02/2018



Supplement to Motion for Summary Judgment

Filed by: Defendant Las Vegas Radiology LLC

Defendant Las Vegas Radiology's Supplement to Motion for Summary Judgment

11/09/2018



Motion for Good Faith Settlement

Filed By: Defendant Neuromonitoring Associates

Defendant Neuromonitoring Associates, Inc.'s Motion for Good Faith Settlement

11/09/2018



Motion to Amend Complaint

Filed By: Plaintiff Republic Silver State Disposal, Inc.

Motion to Amend Complaint

11/30/2018



Opposition to Motion

Filed By: Defendant Katuna, Bruce A, M.D.; Defendant Rocky Mountain Neurodiagnostics LLC

Defendants Bruce A. Katuna, M.C. and Rocky Mountain Neurodiagnostics, LLC's Opposition to Plaintiff's Motion to Amend Complaint

11/30/2018



Opposition to Motion

Filed By: Defendant Miller, Danielle

Defendant Danielle Miller aka Danielle Shopshire's Opposition to Plaintiff's Motion to Amend Complaint

11/30/2018



Joinder

Filed By: Defendant Miller, Danielle

Defendant Danielle Miller's Joinder to Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Opposition to Plaintiff's Motion to Amend Complaint

12/03/2018



Opposition to Motion

Filed By: Defendant Katuna, Bruce A, M.D.; Defendant Rocky Mountain Neurodiagnostics LLC

Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Opposition to Defendant Neuromonitoring Associates, Inc.'s Motion For Good Faith Settlement and Request for Leave to File Supplemental Briefing

12/04/2018



Application for Issuance of Commission to Take Deposition

Application for Issuance of Commission to Take Out of State Deposition

12/04/2018



Joinder

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. Aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Opposition to Plaintiff's Motion to Amend Complaint

12/04/2018



Joinder

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D. P.C. Aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Defendant Danielle Miller's Opposition to Plaintiff's Motion to Amend Complaint

12/05/2018



Joinder to Opposition to Motion

Filed by: Defendant Miller, Danielle

Defendant Danielle Miller's Joinder to Defendants Bruce A. Katuna, MD and Rocky Mountain Neurodiagnostics, LLC's Opposition to Plaintiff's Motion to Amend Complaint

CASE SUMMARY

CASE NO. A-16-738123-C

12/06/2018	 Joinder to Opposition to Motion Filed by: Defendant Miller, Danielle <i>Def. Danielle Miller's Joinder to Defs. Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Opposition to Def. Neuromonitoring Associates, Inc.'s Motion for Good Faith Settlement and Request for Leave to File Supplemental Briefing</i>
12/06/2018	 Commission to Take Deposition Outside the State of Nevada <i>Commission to Take Deposition Outside of the State of Nevada</i>
12/07/2018	 Order Granting Summary Judgment Filed By: Defendant Las Vegas Radiology LLC <i>Order Granting Defendant Las Vegas Radiology's Motion for Summary Judgment</i>
12/10/2018	 Notice of Entry of Order <i>Notice of Entry of Order Granting Defendant Las Vegas Radiology's Motion for Summary Judgment</i>
12/12/2018	 Reply Filed by: Defendant Neuromonitoring Associates <i>Reply Brief in Support of Defendant Neuromonitoring Associates, Inc.'s Motion for Good Faith Settlement</i>
12/12/2018	 Reply in Support Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Plaintiff's Reply in Support of Motion to Amend Complaint</i>
12/12/2018	 Joinder To Motion Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Plaintiff's Joinder in Motion for Approval of Good Faith Settlement</i>
12/28/2018	 Motion Filed By: Defendant Miller, Danielle <i>Defendant Danielle Miller aka Danielle Shopshire's Motion to Dismiss Plaintiff's Cause of Action for "Misrepresentation of Medical Services and False Billing"</i>
01/04/2019	 Notice of Appeal Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Notice of Appeal</i>
01/04/2019	 Case Appeal Statement Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Case Appeal Statement</i>

DISPOSITIONS

12/07/2018	Summary Judgment (Judicial Officer: Wiese, Jerry A.) Debtors: Republic Silver State Disposal, Inc. (Plaintiff) Creditors: Las Vegas Radiology LLC (Defendant) Judgment: 12/07/2018, Docketed: 12/10/2018
12/07/2018	Order of Dismissal With Prejudice (Judicial Officer: Wiese, Jerry A.) Debtors: Republic Silver State Disposal, Inc. (Plaintiff) Creditors: Las Vegas Radiology LLC (Defendant) Judgment: 12/07/2018, Docketed: 12/10/2018

CASE SUMMARY

CASE NO. A-16-738123-C

HEARINGS

10/04/2016	<p>Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 07/12/2016 Joinder</p> <p><i>Defendants James D. Balodimas, M.D.; James D. Balodimas, M.D., P.C.; and Las Vegas Radiology, LLC's Substantive Joinder to Defendants Andrew Cash, M.D.; Andrew M. Cash, M.D., P.C.; a/k/a Andrew Miller Cash, M.D., P.D.; and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint</i></p>
10/04/2016	<p>Motion to Dismiss (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 07/12/2016 Notice of Hearing</p> <p><i>Notice of Hearing on Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint</i></p>
10/04/2016	<p>Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 07/15/2016 Joinder To Motion</p> <p><i>Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Substantive Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, P.C. aka Andrew Miller Cash, M.D., P.C., and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint</i></p>
10/04/2016	<p>Motion for Judgment (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 07/21/2016 Motion for Judgment</p> <p><i>Defendant Balodimas' and Balodimas, M.D., P.C.'s Notice of Motion for Judgment on the Pleadings</i></p>
10/04/2016	<p>Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 07/22/2016 Joinder</p> <p><i>Defendant Las Vegas Radiology, LLC's Joinder to Defendants Balodimas' and Balodimas, M.D., P.C.'s Notice of Motion and Motion for Judgment on the Pleadings</i></p>
10/04/2016	<p>Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 07/22/2016 Joinder To Motion</p> <p><i>Defendant Neuromonitoring Associates, LLC's Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint</i></p>
10/04/2016	<p>Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 07/25/2016 Joinder To Motion</p> <p><i>Defendant Neuromonitoring Associates, LLC's Joinder to Defendant Balodimas' and Balodimas, M.D., PC's Notice and Motion for Judgment on the Pleadings</i></p>
10/04/2016	<p>Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 07/28/2016 Joinder</p> <p><i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Defendants Balodimas' and Baldomias, M.D., P.C.'s Motion for Judgment on the Pleadings</i></p>
10/04/2016	<p>Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 08/05/2016 Joinder</p> <p><i>Defendant Danielle Miller's Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, P.C. aka Andrew Miller Cash, M.D., P.C., and Desert Institute of Spine Care LLC's Motion to Dismiss Plaintiff's Complaint</i></p>
10/04/2016	<p>Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 08/05/2016 Joinder</p> <p><i>Defendant Danielle Miller's Joinder to Defendants Balodimas' and Balodimas, M.D., PC's Notice of Motion and Motion for Judgment on the Pleadings</i></p>
10/04/2016	<p>Motion to Dismiss (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 08/05/2016 Motion</p> <p><i>Defendant Danielle Miller's Notice of Motion and Motion to Dismiss Plaintiff's Complaint;</i></p>

CASE SUMMARY

CASE NO. A-16-738123-C

Memorandum of Points and Authorities in Support Thereof

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|------------|---|
| 10/04/2016 | <p>Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Events: 08/08/2016 Joinder</p> <p><i>Defendant Las Vegas Radiology, LLC's Joinder to Defendant Danielle Miller's Notice of Motion and Motion to Dismiss Plaintiff's Complaint; Memorandum of Points and Authorities in Support Thereof</i></p> |
| 10/04/2016 | <p>Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p><i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Defendant Danielle Miller's Motion to Dismiss Plaintiff's Complaint</i></p> |
| 10/04/2016 | <p>Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p><i>Defendant Neuromonitoring Associates, LLC's Joinder to Defendant Danielle Miller's Motion to Dismiss Plaintiff's Complaint</i></p> |
| 10/04/2016 | <p> All Pending Motions (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Defendant Danielle Miller's Joinder to Defendants Balodimas' and Balodimas, M.D., PC's Notice of Motion and Motion for Judgment on the Pleadings Defendant Neuromonitoring Associates, LLC's Joinder to Defendant Balodimas' and Balodimas, M.D., PC's Notice and Motion for Judgment on the Pleadings Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Defendants Balodimas' and Baldomias, M.D., P.C.'s Motion for Judgment on the Pleadings Defendant Las Vegas Radiology, LLC's Joinder to Defendants Balodimas' and Balodimas, M.D., P.C.'s Notice of Motion and Motion for Judgment on the Pleadings Defendant Balodimas' and Balodimas, M.D., P.C.'s Notice of Motion for Judgment on the Pleadings Defendants James D. Balodimas, M.D.; James D. Balodimas, M.D., P.C.; and Las Vegas Radiology, LLC's Substantive Joinder to Defendants Andrew Cash, M.D.; Andrew M. Cash, M.D., P.C.; a/k/a Andrew Miller Cash, M.D., P.D.; and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint Notice of Hearing on Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Substantive Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, P.C. aka Andrew Miller Cash, M.D., P.C., and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint Defendant Neuromonitoring Associates, LLC's Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint Defendant Danielle Miller's Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, P.C. aka Andrew Miller Cash, M.D., P.C., and Desert Institute of Spine Care LLC's Motion to Dismiss Plaintiff's Complaint Defendant Danielle Miller's Notice of Motion and Motion to Dismiss Plaintiff's Complaint; Memorandum of Points and Authorities in Support Thereof Defendant Las Vegas Radiology, LLC's Joinder to Defendant Danielle Miller's Notice of Motion and Motion to Dismiss Plaintiff's Complaint; Memorandum of Points and Authorities in Support Thereof Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Defendant Danielle Miller's Motion to Dismiss Plaintiff's Complaint Defendant Neuromonitoring Associates, LLC's Joinder to Defendant Danielle Miller's Motion to Dismiss Plaintiff's Complaint Following arguments by counsel regarding contribution claims, equitable shares and extinguishment of liability. COURT ORDERED, matter UNDER ADVISEMENT and will issue a written order from Chambers.;</i></p> |
| 10/13/2016 | <p> Minute Order (9:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Decision Made;</p> <p>Journal Entry Details:</p> <p><i>The above-captioned matter came on for hearing before Judge Jerry A. Wiese II, on Tuesday, October 4, 2016, with regard to the Cash Defendants Motion to Dismiss, the Balodimas Defendants Motion for Judgment on the Pleadings, and Danielle Miller s Motion to Dismiss, and all related Joinders. The Court having reviewed the briefs submitted by all parties, entertained oral argument by counsel for all parties. Following oral argument, the Court indicated that it would enter a written decision from chambers. Having done further review</i></p> |

CASE SUMMARY

CASE NO. A-16-738123-C

and legal research, the Court requires further information before issuing an order on the pending motions. Consequently, the Court now requests that counsel attend and participate in an Evidentiary Hearing on November 9, 2016, at 10:00 a.m. At the Evidentiary Hearing, the Court would like each party to present whatever evidence it believes is appropriate with regard to the following two specific issues: 1) Do the terms of the settlement agreement between Gonzales and Republic extinguish the liability of the Defendants named in the present litigation? (See *Saylor v. Arcotta*, 126 Nev. 92, 225 P.3d 1276 [2010]; *Pack v. LaTourette*, 128 Nev. Adv. Op. 25, 277 P.3d 1246 [2012]; and *McNulty v. Eighth Judicial Dist. Ct.*, 127 Nev. 1159, 373 P.3d 942 [2011]). 2) If the statute of limitations set forth in NRS 41A.097 applies, is there sufficient evidence to determine, for purposes of the pending Motions, when the statute of limitations expired as it relates to each Defendant? The Court's decision with regard to the above-referenced pending motions will issue following the Evidentiary Hearing. ;

11/09/2016



Evidentiary Hearing (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

Reschedule EH for 9:00am instead of 10am

Matter Heard;

Journal Entry Details:

Arguments by counsel regarding the interpretation of the contract, language of release, lack of judgment and the deadline to bring in the doctors into the lawsuit. Argument regarding medical malpractice statute applying. COURT ORDERED, it will issue a written decision from Chambers.;

02/06/2017



Status Check: Medical/Dental Malpractice (1:00 PM) (Judicial Officer: Wiese, Jerry A.)

Matter Heard;

Journal Entry Details:

Counsel estimated 2 weeks for trial. COURT ORDERED, trial date set 8/20/18.;

04/18/2017

Motion For Stay (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

Defendant Balodimas' and Balodimas, M.D., P.C.'s Notion of Motion and Motion to Stay Pending Decision on Petition for Writ of Mandamus

Denied Without Prejudice;

04/18/2017

Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

Defendants Bruce A. Katuna, M.D. and ROcky Mountain Neurodiagnostics, LLC's Joinder to Defendants Balodimas and Balodimas, M.D., P.C.'s Motion to Stay Pending Decision on Petition for Writ of Mandamus

Denied Without Prejudice;

04/18/2017

Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

Defendants Andrew Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Balodimas' and Balodimas, M.D.'s Motion to Stay Pending Decision on Petition for Writ of Mandamus

Denied Without Prejudice;

04/18/2017



All Pending Motions (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

Denied Without Prejudice;

Journal Entry Details:

Following further arguments of counsel regarding Supreme Court. COURT ORDERED, MOTIONS DENIED WITHOUT PREJUDICE. The Court will wait to see what the Supreme Court wants to do. Mr. Barton to prepare the Order.;

03/20/2018

Motion (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

D's Motion to Continue Trial on OST

Granted;

03/20/2018

Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

Defendant Balosimas, M.D. and Balodimas, M.D., P.C.'s Joinder to Defendant Cash's Motion to Extend Discovery Deadlines and Continue Trial Date on Order Shortening Time

Granted;

03/20/2018



All Pending Motions (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

CASE SUMMARY

CASE NO. A-16-738123-C

Matter Heard;

Journal Entry Details:

D'S MOTION TO CONTINUE TRIAL ON OST...DEFENDANT BALOSIMAS, M.D. AND BALODIMAS, M.D., P.C.'S JOINDER TO DEFENDANT CASH'S MOTION TO EXTEND DISCOVERY DEADLINES AND CONTINUE TRIAL DATE ON ORDER SHORTENING TIME
Ms. Hall argued they were asking for the six months that the formal stay was instituted to allow defense to conduct discovery. Further, the August trial date was not feasible. Mr. Murphy, Ms. Zinna and Ms. Ellerton concurred with Ms. Hall's request. Mr. Barron noted if the trial date was continued it would be his preference to have a trial date as soon as possible and for the parties to meet and prepare a discovery schedule. Further, Mr. Barron expressed concern regarding the three year rule. Upon Court's inquiry, Ms. Ellerton noted she had approval from her client to waive the three year rule if necessary. Ms. Zinna agreed. Mr. Weiss noted for Defendant James D. Balodimas M.D. P.C. they would waive the three year rule. Mr. Murphy advised he was in agreement with the rest of the Defendants. Additionally, Ms. Hall agreed to waive the three year rule. Court noted parties were in agreement; however, the Court would prefer an agreement in writing. Colloquy regarding rescheduling the trial. Mr. Barron anticipated five (5) to (7) days. Ms. Hall anticipated ten (10) judicial days for trial. COURT ORDERED, motion GRANTED, trial VACATED and RESET to a firm date of March 18, 2019; a new Trial Order will issue. COURT DIRECTED counsel to include the Discovery Deadlines in the Order. ;

03/22/2018 **CANCELED Motion to Extend Discovery** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Vacated - On in Error
Defendants Andrew Cash MD Andrew Cash MD PC aka Andrew Miller Cash MD PC and Desert Institute of Spine Care, LLC's Motion to Extend Discovery Dealines and Continue Trial Date on Order Shortening Time


04/05/2018 **Motion** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Defendant Las Vegas Radiology's Motion to "CAP" Non-Econimic Damages Per NRS 41A.035

04/05/2018 **Joinder** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Defendant Balodimas, M.D. and Balodimas, M.D., PC.'s Joinder to Defendant Las VEGas Radiology's Motion to Cap Non-Economic Damages Per NRS 41A.035

04/05/2018 **Joinder** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. Aka Andrew Miller Cash, M.D., P.C. And Desert Institute Of Spine Care, Llc s Joinder To Defendant Las Vegas Radiology, Llc s Motion To Cap Non-Economic Damages Per Nrs 41a.035

04/05/2018 **Joinder** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Joinder to Las Vegas Radiology, Inc.'s Motion to "Cap" Non-Economic Damages Per NRS 41A.035

04/05/2018 **Opposition and Countermotion** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Plaintiff's Amended Opposition to Las Vegas Radiology's Motion to "Cap" Non-Economic Damages Per NRS 41A.035 and Joinders; and Counter-Motion to Remove Plaintiff's Original Opposition From the Record

04/05/2018  **All Pending Motions** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

Matter Heard;



Journal Entry Details:

Anthony Lauria, Esq., present on behalf of Danielle Miller via Court Call. Heather Hall, Esq., present on behalf of Andrew Cash, M.D. Sherman Mayor, Esq., present on behalf of Las Vegas Radiology LLC. DEFENDANT LAS VEGAS RADIOLOGY'S MOTION TO "CAP" NON-ECONOMIC DAMAGES PER NRS 41A.035 ... DEFENDANT BALODIMAS, M.D. AND BALODIMAS, M.D., PC.'S JOINDER TO DEFENDANT LAS VEGAS RADIOLOGY'S MOTION TO CAP NON-ECONOMIC DAMAGES PER NRS 41A.035 ... DEFENDANTS ANDREW M. CASH, M.D., ANDREW M. CASH, M.D., P.C. AKA ANDREW MILLER CASH, M.D., P.C. AND DESERT INSTITUTE OF SPINE CARE, LLC'S JOINDER TO DEFENDANT LAS VEGAS RADIOLOGY, LLC'S MOTION TO CAP NON-ECONOMIC DAMAGES PER NRS 41A.035 ... DEFENDANTS BRUCE A. KATUNA, M.D. AND ROCKY MOUNTAIN NEURODIAGNOSTICS, LLC'S JOINDER TO LAS VEGAS RADIOLOGY, INC.'S MOTION TO "CAP" NON-ECONOMIC DAMAGES PER NRS 41A.035 Following arguments by counsel, COURT ORDERED, Motion to "Cap" Non-Economic Damages Per NRS 41a.035

CASE SUMMARY

CASE NO. A-16-738123-C

GRANTED as it relates to everybody except Neuromonitoring Associates and Danielle Miller. Order SIGNED IN OPEN COURT. PLAINTIFF'S AMENDED OPPOSITION TO LAS VEGAS RADIOLOGY'S MOTION TO "CAP" NON-ECONOMIC DAMAGES PER NRS 41A.035 AND JOINDERS; AND COUNTER-MOTION TO REMOVE PLAINTIFF'S ORIGINAL OPPOSITION FROM THE RECORD COURT ORDERED, Opposition is to be REMOVED.;

07/09/2018	CANCELED Pre Trial Conference (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - per Judge</i>
07/23/2018	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - per Judge</i>
08/20/2018	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - per Judge</i>
10/17/2018	 Motion for Summary Judgment (9:00 AM) (Judicial Officer: Wiese, Jerry A.) 10/17/2018, 11/14/2018 <i>Defendant Las Vegas Radiology's Motion for Summary Judgment</i> Matter Continued; Motion Granted; Journal Entry Details: <i>Sherman Bennett Mayor, Esq., on behalf of Defendant, Las Vegas Radiology LLC, also present. Mr. Mayor argued, noting, the issue that lingered was whether or not the billing that was issued for Dr. Balodimas' CT scans were issued by him or paid to him, thus, found out that Las Vegas Radiology globally bills for the CT scan itself and for the interpretations, and on a monthly basis repays Dr. Balodimas' employer for his services, and have provided the Court with an affidavit. Mr. Barron argued, noting, it was not an independent bill, thus, there was no indication of any bill other than the one Dr. Balodimas' signed for Las Vegas Radiology, and it was insufficient to establish that Dr. Balodimas was an independent contractor. COURT noted, there was evidence he was an independent contractor, ORDERED, Motion GRANTED. Per Mr. Barron's request, 54b certification GRANTED. Defense Counsel to prepare the Order.</i> ; Matter Continued; Motion Granted; Journal Entry Details: <i>Sherman Mayor, Esq., on behalf of Defendant, Las Vegas Radiology LLC, also present. Mr. Mayor advised the CT scan at issue was performed on February 12th, 2013, and the scan itself was performed by Las Vegas radiology's technicians. Extensive argument by Mr. Mayor, requesting Summary Judgment for Las Vegas Radiology. Extensive argument by Mr. Barron, noting, there were factual questions and Motion should be denied. Court NOTED, looking at the CT scan report from Las Vegas Radiology, there was a billing form and inquired if there was a separate bill for Dr. Balodimas. Mr. Mayor reported he did not know. Court FURTHER NOTED, there was still a genuine issue of material fact as far as whether or not the doctor was independent. Mr. Mayor requested matter be continued to locate the separate bill. Court NOTED there has to be evidence that Defendant was independent. COURT ORDERED, matter CONTINUED. CONTINUED TO: 11/14/18 9:00 AM;</i>
12/19/2018	Motion for Good Faith Settlement (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendant Neuromonitoring Associates, Inc's Motion for Good Faith Settlement</i> Motion Granted;
12/19/2018	Motion to Amend Complaint (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Plaintiff's Motion to Amend Complaint</i> Motion Granted;
12/19/2018	Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Plaintiff's Joinder in Motion for Approval of Good Faith Settlement</i> Motion Granted;
12/19/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Wiese, Jerry A.) Matter Heard; Journal Entry Details:

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-738123-C

	<i>PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT NEUROMONITORING ASSOCIATES, INC'S MOTION FOR GOOD FAITH SETTLEMENT...PLAINTIFF'S JOINDER IN MOTION FOR APPROVAL OF GOOD FAITH SETTLEMENT Mr. Murphy advised there was no objection to the grant of the Motion for Good Faith Settlement. Counsel concurred. Court stated its FINDINGS, and good cause appearing, ORDERED, Motion for Good Faith Settlement GRANTED. Mr. Murphy to prepare and submit the Order. Arguments by Mr. Barron and Ms. Zinna. Court ADVISED, its general practice regarding motions to amend, and FURTHER ORDERED, Motion to Amend Complaint GRANTED.;</i>
02/05/2019	Motion to Dismiss (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendant Danielle Miller aka Danielle Shopshire's Motion to Dismiss Plaintiff's Cause of Action for "Misrepresentation of Medical Services and False Billing"</i>
02/11/2019	Pre Trial Conference (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
02/11/2019	CANCELED Pre Trial Conference (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - Duplicate Entry</i>
02/21/2019	Motion in Limine (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Las Vegas Radiology's Motion in Limine to Permit Collateral Source Payment Evidence Per NRS 42.021</i>
02/21/2019	Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendant Balodimas, M.D. and Balodimas, M.D., PC's JOinder to Defendant Las Vegas Radiology's Motion to Permit Collateral Source Payment Evidence Per NRS 42.021</i>
02/21/2019	Joinder to Motion in Limine (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. Aka Andrew Miller Cash, M.D., P.C. And Desert Institute Of Spine Care, Llc s Joinder To Defendant Las Vegas Radiology, Llc s Motion To Permit Collateral Source Payment Evidence Per Nrs 42.021</i>
02/21/2019	Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendant Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Joinder to Defendant Las Vegas Radiology's Motion in Limine to Permit Collateral Source Payment Evidence Per NRS 42.021</i>
03/04/2019	Calendar Call (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
03/18/2019	Jury Trial - FIRM (10:30 AM) (Judicial Officer: Wiese, Jerry A.)
DATE	FINANCIAL INFORMATION

Defendant Las Vegas Radiology LLC	
Total Charges	528.00
Total Payments and Credits	528.00
Balance Due as of 1/8/2019	0.00
Defendant Andrew M Cash M.D P.C	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 1/8/2019	0.00
Defendant Balodimas, James D, M.D.	
Total Charges	233.50
Total Payments and Credits	233.50
Balance Due as of 1/8/2019	0.00
Defendant Cash, M.D., Andrew M.	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 1/8/2019	0.00
Defendant Desert Institute of Spine Care LLC	
Total Charges	30.00

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Total Payments and Credits	30.00
Balance Due as of 1/8/2019	0.00
Defendant James D Balodimas M.D P.C	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 1/8/2019	0.00
Defendant Katuna, Bruce A, M.D.	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 1/8/2019	0.00
Defendant Miller, Danielle	
Total Charges	673.00
Total Payments and Credits	673.00
Balance Due as of 1/8/2019	0.00
Defendant Neuromonitoring Associates	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 1/8/2019	0.00
Defendant Rocky Mountain Neurodiagnostics LLC	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 1/8/2019	0.00
Plaintiff Republic Silver State Disposal, Inc.	
Total Charges	747.50
Total Payments and Credits	747.50
Balance Due as of 1/8/2019	0.00
Plaintiff Republic Silver State Disposal, Inc.	
Appeal Bond Balance as of 1/8/2019	500.00

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

Case No. A-16-738123-C Dept XXIII

(Assigned by Clerk's Office)

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

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

Republic Silver State Disposal, Inc., 770 E. Sahara Ave., Las Vegas, NV 89104; (702) 735-5151

Attorney (name/address/phone):

David Barron, Esq., Barron & Pruitt, LLP, 3890 West Ann Road, North Las Vegas, Nevada 89031; (702) 870-3940

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

Andrew M. Cash, M.D., 5130 S. Fort Apache Rd. #215-#415, Las Vegas, NV 89149-4849; (702) 630-3472

Desert Institute of Spine Care, LLC, 5130 S. Fort Apache Rd. #215-#415, Las Vegas, NV 89149-4849; (702) 630-3472

James D. Balodimas, M.D., 5155 W. Tropicana, #1036, Las Vegas, NV 89103; (702) 657-5507

Las Vegas Radiology, LLC, 7241 W. Sahara Ave., #120, Las Vegas, NV 89117 (702) 254-5004

Bruce A. Katuna, M.D., 2217 Harvard Ct., Longmont, CO 80503; (303) 776-5298

Rocky Mountain Neurodiagnostics, 2217 Harvard Ct., Longmont, CO 80503; (303) 776-5298

Danielle Miller aka Danielle Shopshire, 9811 W. Charleston Blvd. #2-641, Las Vegas, NV 89117; (855) 864-4322

Neuromonitoring Associates, 9811 W. Charleston Blvd. #2-641, Las Vegas, NV 89117; (855) 864-4322

Attorney (name/address/phone):

Unknown

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

Civil Case Filing Types

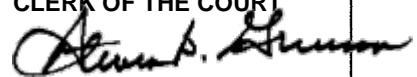
<p style="text-align: center;">Real Property</p> <p>Landlord/Tenant</p> <p><input type="checkbox"/> Unlawful Detainer</p> <p><input type="checkbox"/> Other Landlord/Tenant</p> <p>Title to Property</p> <p><input type="checkbox"/> Judicial Foreclosure</p> <p><input type="checkbox"/> Other Title to Property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

Business Court filings should be filed using the Business Court Civil Cover Sheet.

6/8/2016

Date

Signature of initiating party or representative



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8 *Las Vegas Radiology, LLC*

9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

11
12 REPUBLIC SILVER STATE DISPOSAL, INC., a
Nevada Corporation

13 Plaintiff,

14 vs.

15 ANDREW M. CASH, M.D.; ANDREW M. CASH,
M.D., P.C. aka ANDREW MILLER CASH, M.D.,
16 P.C.; DESERT INSTITUTE OF SPINE CARE, LLC,
a Nevada Limited Liability Company; JAMES D.
17 BALODIMAS, M.D.; JAMES D. BALODIMAS,
M.D., P.C.; LAS VEGAS RADIOLOGY, LLC, a
18 Nevada Limited Liability Company; BRUCE A.
KATUNA, M.D.; ROCKYMOUNTAIN
19 NEURODIAGNOSTICS, LLC, a Colorado Limited
Liability Company; DANIELLE MILLER aka
20 DANIELLE SHOPSHIRE; NEURO-MONITORING
ASSOCIATES, INC., a Nevada Corporation; DOES 1 -
21 10, inclusive; and ROE CORPORATIONS 1 - 10
22 inclusive,

23 Defendants.
24
25

CASE NO.: A-16-738123-C
DEPT. NO.: XXX

**ORDER GRANTING DEFENDANT
LAS VEGAS RADIOLOGY'S
MOTION FOR SUMMARY
JUDGMENT**

Date of Hearing: 11/14/18
Time of Hearing: 9:00 a.m.

26 Defendant LAS VEGAS RADIOLOGY, LLC'S Motion for Summary Judgment having come on
27 for hearing on the 14th day of November, 2018, and David Barron, Esq. of Barron & Pruitt, LLC,
28 appearing on behalf of Plaintiff Republic Silver State Disposal, Inc.; Sherman B. Mayor, Esq. of

1
2 Mandelbaum Ellerton & Associates on behalf of Defendant/Movant Las Vegas Radiology; Heather Hall,
3 Esq. of Carroll, Kelly, Trotter, Franzen, McBride & Peabody appearing on behalf of Defendants Andrew
4 M. Cash, M.D.; Andrew M. Cash, M.D., P.D.; Desert Institute of Spine Care, LLC; Michael Navratil,
5 Esq. of John H. Cotton & Associates appearing on behalf of James D. Balodimas, M.D. and James D.
6 Balodimas, M.D., P.C.; Stephanie M. Zinna, Esq. of Olson Cannon Gormley, appearing on behalf of
7 Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC; James E. Murphy, Esq.
8 of Lewis Brisbois Bisgaard & Smith, appearing on behalf of Defendant Neuromonitoring Associates,
9 Inc.; and Anthony Lauria, Esq. of Lauria Tokunaga Gates & Linn, LLP appearing on behalf of Defendant
10 Danielle Miller aka Danielle Shopshire; and

11 The Court having reviewed the papers and pleadings on file herein and having heard argument
12 of counsel and being otherwise duly advised in the premises, hereby makes the following Findings of
13 Fact, Conclusions of Law and Orders:

FINDINGS OF FACT

14
15 1. On January 14, 2012, a garbage truck owned and operated by Republic Silver State
16 Disposal (Republic) struck a vehicle being operated by Marie Gonzales. Marie Gonzales claimed
17 personal injuries from the accident and filed suit against Republic and its driver, Deval Hatcher, on
18 September 4, 2013. As a result of the accident, Marie Gonzales was treated by a number of healthcare
19 providers for her claimed injuries.

20 2. In the course of her care, Ms. Gonzales received certain medical care and/or services
21 from Andrew M. Cash, M.D. (orthopedic surgeon); Desert Institute of Spine Care, LLC; James D.
22 Balodimas, M.D. (radiologist); Las Vegas Radiology, LLC; Bruce A. Katuna, M.D. (neurologist);
23 Rocky Mountain Neurodiagnostics, LLC; Neuromonitoring Associates; and Danielle Miller aka
24 Danielle Shopshire (Neuro-Monitoring Associates).

25 ///

26 ///

27 ///

3. On July 6, 2015, Republic settled Marie Gonzales' claims for the total sum of \$2,000,000. In that settlement, Republic prepared a Release which included the following language:

"... this SETTLEMENT AGREEMENT RELEASE and COVENANT NOT TO SUE, ***shall discharge and extinguish any and all claims or liabilities***, including those for "economic" and "noneconomic" damages as set forth in NRS Ch. 41A, RELEASOR may possess ***against any of her medical treatment providers*** for injuries she alleges to have sustained in the described incident of January 14, 2012." [Emphasis added.]

4. Then, on June 8, 2016, Republic filed a lawsuit against a number of Marie Gonzales' subsequent treating healthcare providers seeking "contribution". Two of the named defendants in Republic's contribution action are James D. Balodimas, M.D. (Radiologist) and Las Vegas Radiology, LLC. Plaintiff alleges in Paragraphs 43 and 57 of its Amended Complaint that Dr. Balodimas' assessment of Plaintiff's February 12, 2013 CT Scan was below the standard of care causing Plaintiff injury.

5. Plaintiff further contends in Paragraphs 68 of its Amended Complaint that Dr. Balodimas was acting in the course of scope of his employment with Las Vegas Radiology, LLC when interpreting Marie Gonzales' February 12, 2013 CT Scan. Plaintiff further asserts in Paragraph 69 of the Amended Complaint that Defendant Las Vegas Radiology, LLC is vicariously liable for the injury and damages caused by Defendant James Balodimas, M.D. pursuant to NRS 41.130. There is no independent claim of negligence alleged by Plaintiff in its Amended Complaint as to Las Vegas Radiology, LLC.

6. On September 14, 2018, Defendant Las Vegas Radiology, LLC filed a Motion for Summary Judgment seeking its dismissal from this action. At the heart of the motion is Las Vegas Radiology's contention that Dr. Balodimas was not its "employee". Instead, Las Vegas Radiology asserts that Dr. Balodimas, while physically working on the Las Vegas Radiology premises, was doing so as a locum-tenens physician employed by a different employer. Las Vegas Radiology contends that absent an employer/employee relationship, there can be no finding of vicarious liability pursuant to NRS 41.130.

///

1
2 7. Las Vegas Radiology, in furtherance of its Summary Judgment Motion, provided
3 the Court with a number of exhibits. Those exhibits include excerpts from the deposition of Dr.
4 Balodimas and an affidavit from Dr. Kittusamy (owner and CEO of Las Vegas Radiology). Dr.
5 Balodimas and Dr. Kittusamy both attest that Dr. Balodimas did not receive a W2 from Las Vegas
6 Radiology for work performed on February 12, 2013 (date of CT Scan); Dr. Balodimas did not
7 receive a 1099 from Las Vegas Radiology; Dr. Balodimas was not covered through Las Vegas
8 Radiology's professional liability insurance policy. Therefore, Dr. Balodimas was not "an employee"
9 of Las Vegas Radiology.

10 8. In opposing the summary judgment motion, Plaintiff, in part, provided a health
11 insurance claim form for the amount of \$1,100 (for the service date of February 12, 2013 when
12 Plaintiff underwent CT Scan). That insurance claim form contained the names of James Balodimas,
13 M.D. and Las Vegas Radiology. The Plaintiff argues that this billing presents circumstantial evidence
14 of employment and agency that should be sufficient, alone, to "... defeat LVR's Rule 56 Motion".

15 9. In response, Las Vegas Radiology provided a monthly billing summary for the month
16 of February 2013. The summary indicates that there were a number of radiologists (including Dr.
17 Balodimas) who were not employed by Las Vegas Radiology but interpreted imaging at Las Vegas
18 Radiology's imaging center. A number of locum-tenens radiologists were employed by another group,
19 namely, Radiology 24/7.

20 10. The billing summary provided by Movant demonstrates that Las Vegas Radiology
21 would globally bill for both the CT Scan it generated and the interpretation of the scan by the locum-
22 tenens radiologists. Then, on a monthly basis, Las Vegas Radiology would provide a sum of money to
23 pay Radiology 24/7 for the imaging interpretation services of its locum-tenens radiologists. The
24 billing summary with attached check stub (dated 2/28/2013) demonstrates that \$119,126.42 was paid
25 to Radiology 24/7, by Las Vegas Radiology, including \$34, 963.42 for the radiology services of
26
27
28

James Balodimas, M.D.¹

11. Following oral argument, the Court finds that Dr. Balodimas was not an employee of Las Vegas Radiology. As such, the Court finds that there is no just reason for delay and enters judgment in favor of Las Vegas Radiology, LLC. The Court certifies this judgment pursuant to NRCPL Rule 54(b).

CONCLUSIONS OF LAW

12. Paragraphs 68 and 69 of the Amended Complaint allege Defendant James Balodimas, M.D. was acting in the course and scope of his “employment” with Las Vegas Radiology, LLC when “conducting” and interpreting Marie Gonzales’ February 12, 2013 CT study of the lumbar spine. Plaintiff further alleges that since Dr. Balodimas was negligent in causing injury to Marie Gonzales, Las Vegas Radiology is vicariously liable, pursuant to NRS 41.130, for such damages.

13. NRS 41.130 requires that the person causing injury be “employed” by the corporation and provides as follows:

“NRS 41.130 Liability for personal injury. Except as otherwise provided in NRS 41.745, whenever any person shall suffer personal injury by wrongful act, neglect or default of another, the person causing the injury is liable to the person injured for damages; **and where the person causing the injury is employed by another person or corporation responsible for the conduct of the person causing the injury, that other person or corporation so responsible is liable to the person injured for damages.**” (Emphasis added.)

14. Defendant Las Vegas Radiology acknowledges that Dr. Balodimas may have been at a Las Vegas Radiology center on February 12, 2013 when he interpreted Marie Gonzales’ CT Scan. However, the location where Dr. Balodimas interpreted the CT Scan does not define who employed him. An employer can be vicariously responsible only for the acts of his employees and not someone else. *See Kennel v. Carson City School District 738 F. Supp. 376 (D.Nev.1990).*

15. The undisputed evidence is that Dr. Balodimas was on Las Vegas Radiology center premises in the capacity of a locum-tenens physician, but, was employed by Radiology 24/7 and not

¹ And there is no contention that Las Vegas Radiology controlled the details or method by which Dr. Balodimas, a board certified radiologist, interpreted CT Scans. Nor was any evidence produced with regard to same. Moreover, there is no contention that Marie Gonzales ever saw, met or spoke with Dr. Balodimas.

1
2 Las Vegas Radiology. This is supported by the deposition of Dr. Balodimas, the affidavit of Dr.
3 Kittusamy (CEO and owner of Las Vegas Radiology) and the billing summary indicating that
4 payment received for Dr. Balodimas' imaging interpretations when at the premises of Las Vegas
5 Radiology were repaid to Radiology 24/7 on a monthly basis.

6 16. In opposing Summary Judgment, the non-moving party (Republic) must by affidavit or
7 otherwise, provide specific facts demonstrating the existence of a genuine issue for trial. Plaintiff is
8 not entitled to "... build a case on the gossamer threads of whimsy, speculation and conjecture." *See*
9 *Wood v. Safeway, Inc.* 121 Nev. 724, 121 P.2d 1026 (Nev. 2005). Here, the Court finds there is no
10 genuine issue of material fact remaining, and that Dr. Balodimas was not "... an employee" or agent
11 of Las Vegas Radiology when interpreting Marie Gonzales' CT Scan on February 12, 2013.

12 17. Where "undisputed evidence" exists concerning the employees status at the time of the
13 tortious act (in this case February 12, 2013), the issue may be resolved "... as a matter of law ..." *See*
14 *Evans v. Southwest Gas*, 108 Nev. 1002, 1006, 842 P.2d 719, 722 (1992). Further, "... a question
15 of law exists as to whether sufficient competent evidence is present to require that the agency
16 question be forwarded to a jury." *Schlotsfeldt v. Charter Hosp. Of Las Vegas*, 112 Nev. 42, 910 P.2d
17 271 (1996). The Court finds that there is not such sufficient competent evidence.

18 ///

19 ///

20 ///

ORDERS

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant Las Vegas Radiology's Motion for Summary Judgment is GRANTED thereby dismissing Las Vegas Radiology from this action with prejudice; and
2. There being no just reason for delay, judgment shall be entered in favor of Las Vegas Radiology, LLC. The Court certifies this judgment pursuant to NRCP Rule 54(b).

DATED this 6 day of Dec, 2018.



DISTRICT COURT JUDGE 

Respectfully Submitted by:

DATED this 29th day of November, 2018.

MANDELBAUM, ELLERTON & ASSOCIATES



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DATED this ____ day of _____, 2018.

DATED this 29th day of Nov., 2018.

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DATED this ____ day of _____, 2018.

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FRANZEN, McKENNA & PEABODY

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19 FRANZEN, McKENNA & PEABODY

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CARROLL, KELLY TROTTER
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DATED this ____ day of _____, 2018.

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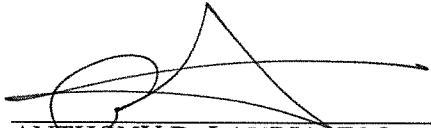
DATED this ____ day of _____, 2018.

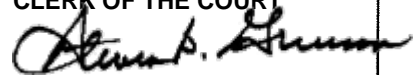
CARROLL, KELLY TROTTER
FRANZEN, McKENNA & PEABODY

DATED this ____ day of _____, 2018.

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8 *Las Vegas Radiology, LLC*

9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

12 REPUBLIC SILVER STATE DISPOSAL, INC., a
13 Nevada Corporation

14 Plaintiff,

15 vs.

16 ANDREW M. CASH, M.D.; ANDREW M. CASH,
M.D., P.C. aka ANDREW MILLER CASH, M.D.,
17 P.C.; DESERT INSTITUTE OF SPINE CARE, LLC,
a Nevada Limited Liability Company; JAMES D.
18 BALODIMAS, M.D.; JAMES D. BALODIMAS,
M.D., P.C.; LAS VEGAS RADIOLOGY, LLC, a
19 Nevada Limited Liability Company; BRUCE A.
KATUNA, M.D.; ROCKYMOUNTAIN
20 NEURODIAGNOSTICS, LLC, a Colorado Limited
Liability Company; DANIELLE MILLER aka
21 DANIELLE SHOPSHIRE; NEURO-MONITORING
ASSOCIATES, INC., a Nevada Corporation; DOES 1 -
22 10, inclusive; and ROE CORPORATIONS 1 - 10
23 inclusive,

24 Defendants.

CASE NO.: A-16-738123-C
DEPT. NO.: XXX

**NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANT LAS
VEGAS RADIOLOGY'S MOTION
FOR SUMMARY JUDGMENT**

26 TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

27 ///

28 ///

1 PLEASE TAKE NOTICE that an Order Granting Defendant Las Vegas Radiology's Motion for
2 Summary Judgment has been entered in the above-entitled matter on the 7th day of December, 2018, a
3 copy of which is attached hereto.

4 Dated this 10th day of December, 2018.

5 MANDELBAUM, ELLERTON & ASSOCIATES

6
7 

8 KIM IRENE MANDELBAUM, ESQ.

9 Nevada Bar No. 318

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CERTIFICATE OF SERVICE

I hereby certify that on the 10 day of December, 2018, I forwarded a copy of the above and foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT LAS VEGAS RADIOLOGY'S MOTION FOR SUMMARY JUDGMENT** as follows:

- X served on all parties electronically pursuant to mandatory NEFCR 4(b);
 by depositing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada,
enclosed in a sealed envelope; or
 by facsimile transmission as indicated below; or
 both U.S. Mail and facsimile TO:

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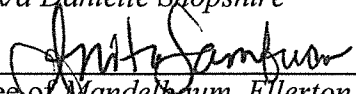
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15 Las Vegas Radiology, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

12 REPUBLIC SILVER STATE DISPOSAL, INC., a
13 Nevada Corporation

14 Plaintiff,

15 vs.

16 ANDREW M. CASH, M.D.; ANDREW M. CASH,
17 M.D., P.C. aka ANDREW MILLER CASH, M.D.,
18 P.C.; DESERT INSTITUTE OF SPINE CARE, LLC,
19 a Nevada Limited Liability Company; JAMES D.
20 BALODIMAS, M.D.; JAMES D. BALODIMAS,
21 M.D., P.C.; LAS VEGAS RADIOLOGY, LLC, a
22 Nevada Limited Liability Company; BRUCE A.
23 KATUNA, M.D.; ROCKYMOUNTAIN
24 NEURODIAGNOSTICS, LLC, a Colorado Limited
25 Liability Company; DANIELLE MILLER aka
26 DANIELLE SHOPSHIRE; NEURO-MONITORING
27 ASSOCIATES, INC., a Nevada Corporation; DOES 1 -
28 10, inclusive; and ROE CORPORATIONS 1 - 10
inclusive,

Defendants.

CASE NO.: A-16-738123-C
DEPT. NO.: XXX

**ORDER GRANTING DEFENDANT
LAS VEGAS RADIOLOGY'S
MOTION FOR SUMMARY
JUDGMENT**

Date of Hearing: 11/14/18
Time of Hearing: 9:00 a.m.

Defendant LAS VEGAS RADIOLOGY, LLC'S Motion for Summary Judgment having come on for hearing on the 14th day of November, 2018, and David Barron, Esq. of Barron & Pruitt, LLC, appearing on behalf of Plaintiff Republic Silver State Disposal, Inc.; Sherman B. Mayor, Esq. of

1
2 Mandelbaum Ellerton & Associates on behalf of Defendant/Movant Las Vegas Radiology; Heather Hall,
3 Esq. of Carroll, Kelly, Trotter, Franzen, McBride & Peabody appearing on behalf of Defendants Andrew
4 M. Cash, M.D.; Andrew M. Cash, M.D., P.D.; Desert Institute of Spine Care, LLC; Michael Navratil,
5 Esq. of John H. Cotton & Associates appearing on behalf of James D. Balodimas, M.D. and James D.
6 Balodimas, M.D., P.C.; Stephanie M. Zinna, Esq. of Olson Cannon Gormley, appearing on behalf of
7 Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC; James E. Murphy, Esq.
8 of Lewis Brisbois Bisgaard & Smith, appearing on behalf of Defendant Neuromonitoring Associates,
9 Inc.; and Anthony Lauria, Esq. of Lauria Tokunaga Gates & Linn, LLP appearing on behalf of Defendant
10 Danielle Miller aka Danielle Shopshire; and

11 The Court having reviewed the papers and pleadings on file herein and having heard argument
12 of counsel and being otherwise duly advised in the premises, hereby makes the following Findings of
13 Fact, Conclusions of Law and Orders:

14 **FINDINGS OF FACT**

15 1. On January 14, 2012, a garbage truck owned and operated by Republic Silver State
16 Disposal (Republic) struck a vehicle being operated by Marie Gonzales. Marie Gonzales claimed
17 personal injuries from the accident and filed suit against Republic and its driver, Deval Hatcher, on
18 September 4, 2013. As a result of the accident, Marie Gonzales was treated by a number of healthcare
19 providers for her claimed injuries.

20 2. In the course of her care, Ms. Gonzales received certain medical care and/or services
21 from Andrew M. Cash, M.D. (orthopedic surgeon); Desert Institute of Spine Care, LLC; James D.
22 Balodimas, M.D. (radiologist); Las Vegas Radiology, LLC; Bruce A. Katuna, M.D. (neurologist);
23 Rocky Mountain Neurodiagnostics, LLC; Neuromonitoring Associates; and Danielle Miller aka
24 Danielle Shopshire (Neuro-Monitoring Associates).

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2 3. On July 6, 2015, Republic settled Marie Gonzales' claims for the
3 total sum of \$2,000,000. In that settlement, Republic prepared a Release which included the
4 following language:

5 " . . . this SETTLEMENT AGREEMENT RELEASE and COVENANT NOT TO SUE,
6 *shall discharge and extinguish any and all claims or liabilities*, including those for
7 "economic" and "noneconomic" damages as set forth in NRS Ch. 41A, RELEASOR
may possess *against any of her medical treatment providers* for injuries she alleges to
have sustained in the described incident of January 14, 2012." [Emphasis added.]

8 4. Then, on June 8, 2016, Republic filed a lawsuit against a number of Marie Gonzales'
9 subsequent treating healthcare providers seeking "contribution". Two of the named defendants in
10 Republic's contribution action are James D. Balodimas, M.D. (Radiologist) and Las Vegas
11 Radiology, LLC. Plaintiff alleges in Paragraphs 43 and 57 of its Amended Complaint that Dr.
12 Balodimas' assessment of Plaintiff's February 12, 2013 CT Scan was below the standard of care
13 causing Plaintiff injury.

14 5. Plaintiff further contends in Paragraphs 68 of its Amended Complaint that Dr.
15 Balodimas was acting in the course of scope of his employment with Las Vegas Radiology, LLC
16 when interpreting Marie Gonzales' February 12, 2013 CT Scan. Plaintiff further asserts in Paragraph
17 69 of the Amended Complaint that Defendant Las Vegas Radiology, LLC is vicariously liable for the
18 injury and damages caused by Defendant James Balodimas, M.D. pursuant to NRS 41.130. There is
19 no independent claim of negligence alleged by Plaintiff in its Amended Complaint as to Las Vegas
20 Radiology, LLC.

21 6. On September 14, 2018, Defendant Las Vegas Radiology, LLC filed a Motion for
22 Summary Judgment seeking its dismissal from this action. At the heart of the motion is Las Vegas
23 Radiology's contention that Dr. Balodimas was not its "employee". Instead, Las Vegas Radiology
24 asserts that Dr. Balodimas, while physically working on the Las Vegas Radiology premises, was
25 doing so as a locum-tenens physician employed by a different employer. Las Vegas Radiology
26 contends that absent an employer/employee relationship, there can be no finding of vicarious liability
27 pursuant to NRS 41.130.

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2 7. Las Vegas Radiology, in furtherance of its Summary Judgment Motion, provided
3 the Court with a number of exhibits. Those exhibits include excerpts from the deposition of Dr.
4 Balodimas and an affidavit from Dr. Kittusamy (owner and CEO of Las Vegas Radiology). Dr.
5 Balodimas and Dr. Kittusamy both attest that Dr. Balodimas did not receive a W2 from Las Vegas
6 Radiology for work performed on February 12, 2013 (date of CT Scan); Dr. Balodimas did not
7 receive a 1099 from Las Vegas Radiology; Dr. Balodimas was not covered through Las Vegas
8 Radiology's professional liability insurance policy. Therefore, Dr. Balodimas was not "an employee"
9 of Las Vegas Radiology.

10 8. In opposing the summary judgment motion, Plaintiff, in part, provided a health
11 insurance claim form for the amount of \$1,100 (for the service date of February 12, 2013 when
12 Plaintiff underwent CT Scan). That insurance claim form contained the names of James Balodimas,
13 M.D. and Las Vegas Radiology. The Plaintiff argues that this billing presents circumstantial evidence
14 of employment and agency that should be sufficient, alone, to "... defeat LVR's Rule 56 Motion".

15 9. In response, Las Vegas Radiology provided a monthly billing summary for the month
16 of February 2013. The summary indicates that there were a number of radiologists (including Dr.
17 Balodimas) who were not employed by Las Vegas Radiology but interpreted imaging at Las Vegas
18 Radiology's imaging center. A number of locum-tenens radiologists were employed by another group,
19 namely, Radiology 24/7.

20 10. The billing summary provided by Movant demonstrates that Las Vegas Radiology
21 would globally bill for both the CT Scan it generated and the interpretation of the scan by the locum-
22 tenens radiologists. Then, on a monthly basis, Las Vegas Radiology would provide a sum of money to
23 pay Radiology 24/7 for the imaging interpretation services of its locum-tenens radiologists. The
24 billing summary with attached check stub (dated 2/28/2013) demonstrates that \$119,126.42 was paid
25 to Radiology 24/7, by Las Vegas Radiology, including \$34,963.42 for the radiology services of
26
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James Balodimas, M.D.¹

11. Following oral argument, the Court finds that Dr. Balodimas was not an employee of Las Vegas Radiology. As such, the Court finds that there is no just reason for delay and enters judgment in favor of Las Vegas Radiology, LLC. The Court certifies this judgment pursuant to NRCPL Rule 54(b).

CONCLUSIONS OF LAW

12. Paragraphs 68 and 69 of the Amended Complaint allege Defendant James Balodimas, M.D. was acting in the course and scope of his "employment" with Las Vegas Radiology, LLC when "conducting" and interpreting Marie Gonzales' February 12, 2013 CT study of the lumbar spine. Plaintiff further alleges that since Dr. Balodimas was negligent in causing injury to Marie Gonzales, Las Vegas Radiology is vicariously liable, pursuant to NRS 41.130, for such damages.

13. NRS 41.130 requires that the person causing injury be "employed" by the corporation and provides as follows:

"NRS 41.130 Liability for personal injury. Except as otherwise provided in NRS 41.745, whenever any person shall suffer personal injury by wrongful act, neglect or default of another, the person causing the injury is liable to the person injured for damages; and where the person causing the injury is employed by another person or corporation responsible for the conduct of the person causing the injury, that other person or corporation so responsible is liable to the person injured for damages." (Emphasis added.)

14. Defendant Las Vegas Radiology acknowledges that Dr. Balodimas may have been at a Las Vegas Radiology center on February 12, 2013 when he interpreted Marie Gonzales' CT Scan. However, the location where Dr. Balodimas interpreted the CT Scan does not define who employed him. An employer can be vicariously responsible only for the acts of his employees and not someone else. *See Kennel v. Carson City School District* 738 F. Supp. 376 (D.Nev.1990).

15. The undisputed evidence is that Dr. Balodimas was on Las Vegas Radiology center premises in the capacity of a locum-tenens physician, but, was employed by Radiology 24/7 and not

¹ And there is no contention that Las Vegas Radiology controlled the details or method by which Dr. Balodimas, a board certified radiologist, interpreted CT Scans. Nor was any evidence produced with regard to same. Moreover, there is no contention that Marie Gonzales ever saw, met or spoke with Dr. Balodimas.

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2 Las Vegas Radiology. This is supported by the deposition of Dr. Balodimas, the affidavit of Dr.
3 Kittusamy (CEO and owner of Las Vegas Radiology) and the billing summary indicating that
4 payment received for Dr. Balodimas' imaging interpretations when at the premises of Las Vegas
5 Radiology were repaid to Radiology 24/7 on a monthly basis.

6 16. In opposing Summary Judgment, the non-moving party (Republic) must by affidavit or
7 otherwise, provide specific facts demonstrating the existence of a genuine issue for trial. Plaintiff is
8 not entitled to "... build a case on the gossamer threads of whimsy, speculation and conjecture." *See*
9 *Wood v. Safeway, Inc.* 121 Nev. 724, 121 P.2d 1026 (Nev. 2005). Here, the Court finds there is no
10 genuine issue of material fact remaining, and that Dr. Balodimas was not "... an employee" or agent
11 of Las Vegas Radiology when interpreting Marie Gonzales' CT Scan on February 12, 2013.

12 17. Where "undisputed evidence" exists concerning the employees status at the time of the
13 tortious act (in this case February 12, 2013), the issue may be resolved "... as a matter of law ..." *See*
14 *Evans v. Southwest Gas*, 108 Nev. 1002, 1006, 842 P.2d 719, 722 (1992). Further, "... a question
15 of law exists as to whether sufficient competent evidence is present to require that the agency
16 question be forwarded to a jury." *Schlotfeldt v. Charter Hosp. Of Las Vegas*, 112 Nev. 42, 910 P.2d
17 271 (1996). The Court finds that there is not such sufficient competent evidence.

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ORDERS

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant Las Vegas Radiology's Motion for Summary Judgment is GRANTED thereby dismissing Las Vegas Radiology from this action with prejudice; and
2. There being no just reason for delay, judgment shall be entered in favor of Las Vegas Radiology, LLC. The Court certifies this judgment pursuant to NRCP Rule 54(b).

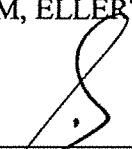
DATED this 6 day of Dec, 2018.


DISTRICT COURT JUDGE 

Respectfully Submitted by:

DATED this 29th day of November, 2018.

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DATED this 29th day of Nov., 2018.

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DATED this 20th day of Nov, 2018.

DATED this ____ day of ____, 2018.

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DATED this 29th day of NOVEMBER, 2018.

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Approved as to form and content:

DATED this ____ day of _____, 2018.

DATED this ____ day of _____, 2018.

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James D. Balodimas, M.D., P.C.

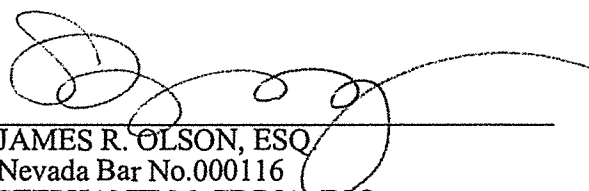
DATED this ____ day of _____, 2018.

LEWIS BRISBOIS BISGAARD & SMITH

DATED this 2nd day of November, 2018.

OLSON CANNON GORMLEY ANGULO &
STOBERSKI

JAMES E. MURPHY, ESQ.
Nevada Bar No. 008586
6385 South Rainbow Blvd., #600
Las Vegas, Nevada 89118
Attorneys for Defendant
Neuromonitoring Associates, Inc.


JAMES R. OLSON, ESQ.
Nevada Bar No. 000116
STEPHANIE M. ZINNA, ESQ.
Nevada Bar No. 011488
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Attorneys for Defendants
Bruce Katuna, M.D. and
Rocky Mountain Neurodiagnostics, LLC

DATED this ____ day of _____, 2018.

CARROLL, KELLY TROTTER
FRANZEN, McKENNA & PEABODY

DATED this ____ day of _____, 2018.

LAURIA TOKUNAGA GATES & LINN, LLP

ROBERT C. MCBRIDE, ESQ.
Nevada Bar No. 007082
HEATHER S. HALL, ESQ.
Nevada Bar No. 010608
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113
Attorneys for Defendants
Andrew M. Cash, M.D.;
Andrew M. Cash, M.D., P.C. aka
Andrew Miller Cash, M.D., P.C.; and
Desert Institute of Spine Care, LLC

ANTHONY D. LAURIA, ESQ.
Nevada Bar No. 004114
1755 Creekside Oaks Drive, Suite 240
Sacramento, California 95833
and
601 South Seventh Street
Las Vegas, Nevada 89101
Attorneys for Defendant Danielle Miller
a/k/a Danielle Shopshire

Approved as to form and content:

DATED this ____ day of _____, 2018.

DATED this ____ day of _____, 2018.

JOHN H. COTTON & ASSOCIATES

BARRON & PRUITT, LLP

DAVID BARRON, ESQ.
Nevada Bar No. 000142
3890 West Ann Road
North Las Vegas, Nevada 89031
Attorneys for Plaintiff

JOHN H. COTTON, ESQ.
Nevada Bar No. 005268
MICHAEL D. NAVRATIL, ESQ.
Nevada Bar No. 007460
7900 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
Attorneys for Defendants
James D. Balodimas, M.D. and
James D. Balodimas, M.D., P.C.

DATED this ____ day of _____, 2018.

LEWIS BRISBOIS BISGAARD & SMITH

DATED this ____ day of _____, 2018.

OLSON CANNON GORMLEY ANGULO &
STOBERSKI

JAMES E. MURPHY, ESQ.
Nevada Bar No. 008586
6385 South Rainbow Blvd., #600
Las Vegas, Nevada 89118
Attorneys for Defendant
Neuromonitoring Associates, Inc.

JAMES R. OLSON, ESQ.
Nevada Bar No. 000116
STEPHANIE M. ZINNA, ESQ.
Nevada Bar No. 011488
9950 West Cheyenne Avenue
Las Vegas, Nevada 89129
Attorneys for Defendants
Bruce Katuna, M.D. and
Rocky Mountain Neurodiagnostics, LLC

DATED this ____ day of _____, 2018.

CARROLL, KELLY TROTTER
FRANZEN, McKENNA & PEABODY

DATED this ____ day of _____, 2018.

LAURIA TOKUNAGA GATES & LINN, LLP

ROBERT C. MCBRIDE, ESQ.
Nevada Bar No. 007082
HEATHER S. HALL, ESQ.
Nevada Bar No. 010608
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Andrew M. Cash, M.D., P.C. aka
Andrew Miller Cash, M.D., P.C.; and
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1755 Creekside Oaks Drive, Suite 240
Sacramento, California 95833
and
601 South Seventh Street
Las Vegas, Nevada 89101
Attorneys for Defendant Danielle Miller
a/k/a Danielle Shopshire

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 04, 2016

A-16-738123-C	Republic Silver State Disposal, Inc., Plaintiff(s)
	vs.
	Andrew Cash, M.D., Defendant(s)

October 04, 2016 9:00 AM All Pending Motions

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Alice Jacobson

RECORDER:

REPORTER: Kristy Clark

PARTIES

PRESENT:	Barron, David Leslie	Attorney
	Ellerton, Marie S	Attorney
	McBride, Robert C.	Attorney

JOURNAL ENTRIES

- Defendant Danielle Miller's Joinder to Defendants Balodimas' and Balodimas, M.D., PC's Notice of Motion and Motion for Judgment on the Pleadings
Defendant Neuromonitoring Associates, LLC's Joinder to Defendant Balodimas' and Balodimas, M.D., PC's Notice and Motion for Judgment on the Pleadings
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Defendants Balodimas' and Baldomias, M.D., P.C.'s Motion for Judgment on the Pleadings
Defendant Las Vegas Radiology, LLC's Joinder to Defendants Balodimas' and Balodimas, M.D., P.C.'s Notice of Motion and Motion for Judgment on the Pleadings
Defendant Balodimas' and Balodimas, M.D., P.C.'s Notice of Motion for Judgment on the Pleadings
Defendants James D. Balodimas, M.D.; James D. Balodimas, M.D., P.C.; and Las Vegas Radiology, LLC's Substantive Joinder to Defendants Andrew Cash, M.D.; Andrew M. Cash, M.D., P.C.; a/k/a Andrew Miller Cash, M.D., P.D.; and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint
Notice of Hearing on Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's

Complaint

Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Substantive Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, P.C. aka Andrew Miller Cash, M.D., P.C., and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint

Defendant Neuromonitoring Associates, LLC's Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Motion to Dismiss Plaintiff's Complaint

Defendant Danielle Miller's Joinder to Defendants Andrew M. Cash, M.D., Andrew M. Cash, P.C. aka Andrew Miller Cash, M.D., P.C., and Desert Institute of Spine Care LLC's Motion to Dismiss Plaintiff's Complaint

Defendant Danielle Miller's Notice of Motion and Motion to Dismiss Plaintiff's Complaint;
Memorandum of Points and Authorities in Support Thereof

Defendant Las Vegas Radiology, LLC's Joinder to Defendant Danielle Miller's Notice of Motion and Motion to Dismiss Plaintiff's Complaint; Memorandum of Points and Authorities in Support Thereof
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C. aka Andrew Miller Cash, M.D., P.C. and Desert Institute of Spine Care, LLC's Joinder to Defendant Danielle Miller's Motion to Dismiss Plaintiff's Complaint

Defendant Neuromonitoring Associates, LLC's Joinder to Defendant Danielle Miller's Motion to Dismiss Plaintiff's Complaint

Following arguments by counsel regarding contribution claims, equitable shares and extinguishment of liability. COURT ORDERED, matter UNDER ADVISEMENT and will issue a written order from Chambers.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 13, 2016

A-16-738123-C	Republic Silver State Disposal, Inc., Plaintiff(s)
	vs.
	Andrew Cash, M.D., Defendant(s)

October 13, 2016	9:00 AM	Minute Order
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HEARD BY: Wiese, Jerry A.	COURTROOM: RJC Courtroom 14A
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COURT CLERK: Alice Jacobson

RECORDER:

REPORTER: Kristy Clark

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The above-captioned matter came on for hearing before Judge Jerry A. Wiese II, on Tuesday, October 4, 2016, with regard to the Cash Defendants Motion to Dismiss, the Balodimas Defendants Motion for Judgment on the Pleadings, and Danielle Miller s Motion to Dismiss, and all related Joinders. The Court having reviewed the briefs submitted by all parties, entertained oral argument by counsel for all parties. Following oral argument, the Court indicated that it would enter a written decision from chambers. Having done further review and legal research, the Court requires further information before issuing an order on the pending motions. Consequently, the Court now requests that counsel attend and participate in an Evidentiary Hearing on November 9, 2016, at 10:00 a.m. At the Evidentiary Hearing, the Court would like each party to present whatever evidence it believes is appropriate with regard to the following two specific issues:

- 1) Do the terms of the settlement agreement between Gonzales and Republic extinguish the liability of the Defendants named in the present litigation? (See Saylor v. Arcotta, 126 Nev. 92, 225 P.3d 1276 [2010]; Pack v. LaTourette, 128 Nev. Adv. Op. 25, 277 P.3d 1246 [2012]; and McNulty v. Eighth Judicial Dist. Ct., 127 Nev. 1159, 373 P.3d 942 [2011]).
- 2) If the statute of limitations set forth in NRS 41A.097 applies, is there sufficient evidence to determine, for purposes of the pending Motions, when the statute of limitations expired as it relates to each Defendant?

The Court s decision with regard to the above-referenced pending motions will issue following the

Evidentiary Hearing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

November 09, 2016

A-16-738123-C Republic Silver State Disposal, Inc., Plaintiff(s)
vs.
Andrew Cash, M.D., Defendant(s)

November 09, 2016 9:00 AM Evidentiary Hearing

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Alice Jacobson

RECORDER:

REPORTER: Kristy Clark

PARTIES

PRESENT:	Barron, David Leslie	Attorney
	McBride, Robert C.	Attorney
	Murphy, James E.	Attorney
	Navratil, Michael D.	Attorney
	Olson, James R.	Attorney
	Zinna, Stephanie M	Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding the interpretation of the contract, language of release, lack of judgment and the deadline to bring in the doctors into the lawsuit. Argument regarding medical malpractice statute applying. COURT ORDERED, it will issue a written decision from Chambers.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 06, 2017

A-16-738123-C Republic Silver State Disposal, Inc., Plaintiff(s)
vs.
Andrew Cash, M.D., Defendant(s)

**February 06, 2017 1:00 PM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Alice Jacobson
Fernanda Kriese
Denise Duron
Cassidy Wagner

RECORDER:

REPORTER:

PARTIES

PRESENT:	Barron, David Leslie	Attorney
	Corrick, Max E	Attorney
	Cotton, John H	Attorney
	Ellerton, Marie S	Attorney
	McBride, Robert C.	Attorney

JOURNAL ENTRIES

- Counsel estimated 2 weeks for trial. COURT ORDERED, trial date set 8/20/18.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

April 18, 2017

A-16-738123-C	Republic Silver State Disposal, Inc., Plaintiff(s) vs. Andrew Cash, M.D., Defendant(s)
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April 18, 2017

9:00 AM

All Pending Motions

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Phyllis Irby

RECORDER:

REPORTER: Kristy Clark

PARTIES

PRESENT:	Barron, David Leslie	Attorney
	Barron, John D.	Attorney
	Hall, Heather S.	Attorney
	Ireland, Amanda L.	Attorney
	Murphy, James E.	Attorney
	Zinna, Stephanie M	Attorney

JOURNAL ENTRIES

- Following further arguments of counsel regarding Supreme Court. COURT ORDERED, MOTIONS DENIED WITHOUT PREJUDICE. The Court will wait to see what the Supreme Court wants to do. Mr. Barton to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

March 20, 2018

A-16-738123-C Republic Silver State Disposal, Inc., Plaintiff(s)
vs.
Andrew Cash, M.D., Defendant(s)

March 20, 2018 9:00 AM All Pending Motions

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER: Kristy Clark

PARTIES

PRESENT:	Barron, David Leslie	Attorney
	Ellerton, Marie S	Attorney
	Hall, Heather S.	Attorney
	Lauria, Anthony D	Attorney
	Murphy, James E.	Attorney
	Weiss, Todd M.	Attorney
	Zinna, Stephanie M	Attorney

JOURNAL ENTRIES

- D'S MOTION TO CONTINUE TRIAL ON OST...DEFENDANT BALOSIMAS, M.D. AND
BALODIMAS, M.D., P.C.'S JOINDER TO DEFENDANT CASH'S MOTION TO EXTEND
DISCOVERY DEADLINES AND CONTINUE TRIAL DATE ON ORDER SHORTENING TIME

Ms. Hall argued they were asking for the six months that the formal stay was instituted to allow defense to conduct discovery. Further, the August trial date was not feasible. Mr. Murphy, Ms. Zinna and Ms. Ellerton concurred with Ms. Hall's request. Mr. Barron noted if the trial date was continued it would be his preference to have a trial date as soon as possible and for the parties to meet and prepare a discovery schedule. Further, Mr. Barron expressed concern regarding the three year rule. Upon Court's inquiry, Ms. Ellerton noted she had approval from her client to waive the three year rule if necessary. Ms. Zinna agreed. Mr. Weiss noted for Defendant James D. Balodimas M.D. P.C. they would waive the three year rule. Mr. Murphy advised he was in agreement with the rest of the

Defendants. Additionally, Ms. Hall agreed to waive the three year rule. Court noted parties were in agreement; however, the Court would prefer an agreement in writing. Colloquy regarding rescheduling the trial. Mr. Barron anticipated five (5) to (7) days. Ms. Hall anticipated ten (10) judicial days for trial. COURT ORDERED, motion GRANTED, trial VACATED and RESET to a firm date of March 18, 2019; a new Trial Order will issue. COURT DIRECTED counsel to include the Discovery Deadlines in the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

April 05, 2018

A-16-738123-C Republic Silver State Disposal, Inc., Plaintiff(s)
vs.
Andrew Cash, M.D., Defendant(s)

April 05, 2018

9:00 AM

All Pending Motions

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Alice Jacobson

RECORDER:

REPORTER:

PARTIES

PRESENT: Barron, David Leslie Attorney
 Murphy, James E. Attorney
 Navratil, Michael D. Attorney
 Olson, James R. Attorney

JOURNAL ENTRIES

- Anthony Lauria, Esq., present on behalf of Danielle Miller via Court Call. Heather Hall, Esq., present on behalf of Andrew Cash, M.D. Sherman Mayor, Esq., present on behalf of Las Vegas Radiology LLC.

DEFENDANT LAS VEGAS RADIOLOGY'S MOTION TO "CAP" NON-ECONOMIC DAMAGES PER NRS 41A.035 ... DEFENDANT BALODIMAS, M.D. AND BALODIMAS, M.D., PC.'S JOINDER TO DEFENDANT LAS VEGAS RADIOLOGY'S MOTION TO CAP NON-ECONOMIC DAMAGES PER NRS 41A.035 ... DEFENDANTS ANDREW M. CASH, M.D., ANDREW M. CASH, M.D., P.C. AKA ANDREW MILLER CASH, M.D., P.C. AND DESERT INSTITUTE OF SPINE CARE, LLC'S JOINDER TO DEFENDANT LAS VEGAS RADIOLOGY, LLC'S MOTION TO CAP NON-ECONOMIC DAMAGES PER NRS 41A.035 ... DEFENDANTS BRUCE A. KATUNA, M.D. AND ROCKY MOUNTAIN NEURODIAGNOSTICS, LLC'S JOINDER TO LAS VEGAS RADIOLOGY, INC.'S MOTION TO "CAP" NON-ECONOMIC DAMAGES PER NRS 41.A.035

Following arguments by counsel, COURT ORDERED, Motion to "Cap" Non-Economic Damages Per NRS 41a.035 GRANTED as it relates to everybody except Neuromonitoring Associates and Danielle

Miller. Order SIGNED IN OPEN COURT.

PLAINTIFF'S AMENDED OPPOSITION TO LAS VEGAS RADIOLOGY'S MOTION TO "CAP" NON-ECONOMIC DAMAGES PER NRS 41A.035 AND JOINDERS; AND COUNTER-MOTION TO REMOVE PLAINTIFF'S ORIGINAL OPPOSITION FROM THE RECORD
COURT ORDERED, Opposition is to be REMOVED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 17, 2018

A-16-738123-C	Republic Silver State Disposal, Inc., Plaintiff(s) vs. Andrew Cash, M.D., Defendant(s)
---------------	--

October 17, 2018	9:00 AM	Motion for Summary Judgment
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HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT:	Barron, David Leslie	Attorney
	Hall, Heather S.	Attorney
	Murphy, James E.	Attorney
	Navratil, Michael D.	Attorney

JOURNAL ENTRIES

- Sherman Mayor, Esq., on behalf of Defendant, Las Vegas Radiology LLC, also present.

Mr. Mayor advised the CT scan at issue was performed on February 12th, 2013, and the scan itself was performed by Las Vegas radiology's technicians. Extensive argument by Mr. Mayor, requesting Summary Judgment for Las Vegas Radiology. Extensive argument by Mr. Barron, noting, there were factual questions and Motion should be denied.

Court NOTED, looking at the CT scan report from Las Vegas Radiology, there was a billing form and inquired if there was a separate bill for Dr. Balodimas. Mr. Mayor reported he did not know.

Court FURTHER NOTED, there was still a genuine issue of material fact as far as whether or not the doctor was independent. Mr. Mayor requested matter be continued to locate the separate bill. Court NOTED there has to be evidence that Defendant was independent.

COURT ORDERED, matter CONTINUED.

CONTINUED TO: 11/14/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

November 14, 2018

A-16-738123-C	Republic Silver State Disposal, Inc., Plaintiff(s)
	vs.
	Andrew Cash, M.D., Defendant(s)

November 14, 2018	9:00 AM	Motion for Summary Judgment
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HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT:	Barron, David Leslie	Attorney
	Hall, Heather S.	Attorney
	Lauria, Anthony D	Attorney
	Navratil, Michael D.	Attorney
	Zinna, Stephanie M	Attorney

JOURNAL ENTRIES

- Sherman Bennett Mayor, Esq., on behalf of Defendant, Las Vegas Radiology LLC, also present.

Mr. Mayor argued, noting, the issue that lingered was whether or not the billing that was issued for Dr. Balodimas' CT scans were issued by him or paid to him, thus, found out that Las Vegas Radiology globally bills for the CT scan itself and for the interpretations, and on a monthly basis repays Dr. Balodimas' employer for his services, and have provided the Court with an affidavit. Mr. Barron argued, noting, it was not an independent bill, thus, there was no indication of any bill other than the one Dr. Balodimas' signed for Las Vegas Radiology, and it was insufficient to establish that Dr. Balodimas was an independent contractor. COURT noted, there was evidence he was an independent contractor, ORDERED, Motion GRANTED. Per Mr. Barron's request, 54b certification GRANTED. Defense Counsel to prepare the Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

December 19, 2018

A-16-738123-C Republic Silver State Disposal, Inc., Plaintiff(s)
vs.
Andrew Cash, M.D., Defendant(s)

December 19, 2018 9:00 AM All Pending Motions

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT:	Barron, David Leslie	Attorney
	Hall, Heather S.	Attorney
	Lauria, Anthony D	Attorney
	Murphy, James E.	Attorney
	Navratil, Michael D.	Attorney
	Zinna, Stephanie M	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT NEUROMONITORING ASSOCIATES, INC'S MOTION FOR GOOD FAITH SETTLEMENT...PLAINTIFF'S JOINDER IN MOTION FOR APPROVAL OF GOOD FAITH SETTLEMENT

Mr. Murphy advised there was no objection to the grant of the Motion for Good Faith Settlement. Counsel concurred. Court stated its FINDINGS, and good cause appearing, ORDERED, Motion for Good Faith Settlement GRANTED. Mr. Murphy to prepare and submit the Order. Arguments by Mr. Barron and Ms. Zinna. Court ADVISED, its general practice regarding motions to amend, and FURTHER ORDERED, Motion to Amend Complaint GRANTED.

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 DEFENDANT LAS VEGAS RADIOLOGY'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT LAS VEGAS RADIOLOGY'S MOTION FOR SUMMARY JUDGMENT; DISTRICT COURT MINUTES

REPUBLIC SILVER STATE DISPOSAL, INC.,

Plaintiff(s),

vs.

ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C. AKA ANDREW MILLER CASH M.D.,P.C.; DESERT INSTITUTE OF SPINE CARE, LLC; JAMES D. BALODIMAS, M.D. JAMES F. BALODIMAS, M.D.,P.C.; LAS VEGAS RADIOLOGY, LLC; BRUCE A. KATUNA, M.D.; ROCKY MOUNTAIN NEURODIAGNOSTICS, LLC; DANIELLE MILLER AKA DANIELLE SHOPSHIRE; NEUROMONITORING ASSOCIATES, INC.,

Defendant(s),

Case No: A-16-738123-C

Dept No: XXX

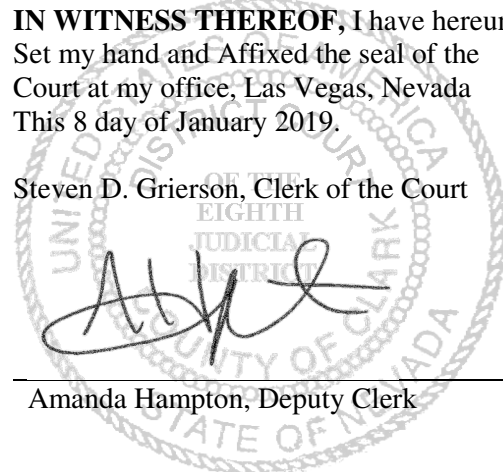
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 8 day of January 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk



BARRON & PRUITT, LLP

3880 WEST ANN RD.
NORTH LAS VEGAS, NEVADA 89031
(702) 970-8940

NEVADA STATE BANK
P.O. BOX 890
LAS VEGAS, NEVADA 89125-0890

94-77/1224

1/4/2019

18779

PAY TO THE
ORDER OF

Supreme Court of Nevada

\$ 250.00

Two Hundred Fifty and 00/100

DOLLARS

Supreme Court of Nevada

MEMO

Notice of Appeal, Case #A-16-738123-C



L. D. Barron
AUTHORIZED SIGNATURE

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