

BARRON & PRUITT, LLP
ATTORNEYS AT LAW
3890 WEST ANN ROAD
NORTH LAS VEGAS, NEVADA 89031
TELEPHONE (702) 870-3940
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IN THE SUPREME COURT OF THE STATE OF NEVADA

REPUBLIC SILVER STATE DISPOSAL, INC., A
NEVADA CORPORATION,

Appellant,

vs.

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, A NEVADA LIMITED
LIABILITY COMPANY,

Respondents.

Supreme Court No. 78572

District Court Case No. A738123

Electronically Filed
Apr 30 2019 12:06 p.m.

SUPPLEMENT TO NOTICE OF
APPEAL

Pursuant to the Notice of Deficiency dated April 11, 2019, please find attached hereto the Order Denying Plaintiff's Motion for Reconsideration of the Court's Order Granting Summary Judgement for Defendants which was filed on April 25, 2019 (Exhibit A) and the Notice of Entry of Order Denying Plaintiff's Motion for Reconsideration of the Court's Order Granting Summary Judgment for Defendants which was filed on April 29, 2019 (Exhibit B). This completes all documents submitted with Appellant's Notice of Appeal.

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 Appellant

Republic Silver State Disposal, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of April, 2019, I served a copy of the foregoing **SUPPLEMENT TO NOTICE OF APPEAL** upon all counsel of record:

☒ US MAIL: by mailing it by first class mail with sufficient postage prepaid to the following address(es):

☐ 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 Nevada Supreme Court e-filing system upon the following:

Robert C. McBride, Esq.
Heather S. Hall, Esq.
CARROLL, KELLY, TROTTER, FRANZEN, McBRIDE & PEABODY
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113
Attorney for Respondents

Ara H. Sherinian
10651 Capesthorne Way
Las Vegas, Nevada 89135
(702) 496-4985
Settlement Judge


An Employee of BARRON & PRUITT, LLP

EXHIBIT A

EXHIBIT A

EXHIBIT A

Steven D. Grierson

1 **ORDR**

2 ROBERT C. McBRIDE, ESQ.

3 Nevada Bar No.: 7082

4 HEATHER S. HALL, ESQ.

5 Nevada Bar No.: 10608

6 CARROLL, KELLY, TROTTER,

7 FRANZEN, McBRIDE & PEABODY

8 8329 W. Sunset Road, Suite 260

9 Las Vegas, Nevada 89113

10 Telephone No. (702) 792-5855

11 Facsimile No. (702) 796-5855

12 E-mail: rmcbride@cktfmlaw.com

13 E-mail: hshall@cktfmlaw.com

14 Attorneys for Defendants,

15 *Andrew M. Cash, M.D.; Andrew M. Cash,*

16 *M.D., P.C.; Andrew Miller Cash, M.D.,*

17 *P.C.; & Desert Institute of Spine Care, LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

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

20 Plaintiff,

21 vs.

22 ANDREW M. CASH, M.D.; ANDREW M.
23 CASH, M.D., P.C. aka ANDREW MILLER
24 CASH, M.D., P.C.; DESERT INSTITUTE
25 OF SPINE CARE, LLC, a Nevada Limited
26 Liability Company; JAMES D.
27 BALODIMAS, M.D.; JAMES D.
28 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 NO.: A-16-738123-C

DEPT: XXX

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION OF
THE COURT'S ORDER GRANTING
SUMMARY JUDGMENT FOR
DEFENDANTS**

HEARING DATE: 4/3/19

HEARING TIME: 9:00 AM

1 Plaintiff's Motion for Reconsideration of the Court's Order Granting Summary Judgment
2 for Defendants came on for hearing on April 3, 2019 at 9:00 a.m. Plaintiff Republic Silver State
3 Disposal, Inc. was represented by David Barron, Esq. of the law firm Barron & Pruitt, LLP, and
4 Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D.,
5 P.C.; & Desert Institute of Spine Care, LLC were represented by Heather Hall, Esq. of the law
6 firm Carroll Kelly Trotter Franzen McBride & Peabody. The Court, having reviewed the papers
7 and pleadings on file herein and having heard argument of counsel, hereby finds as follows:

8 The Court, having reviewed the papers and pleadings on file herein and having heard
9 argument of counsel, hereby finds as follows:

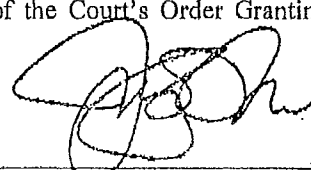
10 1. Plaintiff's prior pleadings allege that the injuries caused by Plaintiff and
11 Defendants are separate and distinct and, therefore, the parties are successive tortfeasors.

12 2. Nevada case law and NRS 17.225 state that there is no contribution claim where
13 the parties are not joint tortfeasors. *See Disc. Tire Co. of Nev. v. Fisher Sand & Gravel Co.*,
14 2017 Nev. Unpub. LEXIS 235, at *3-4.

15 3. Plaintiff's Motion for Reconsideration of the Court's Order Granting Summary
16 Judgment for Defendants is hereby **DENIED**.

17 **IT IS SO ORDERED.**


18 Date: 4/25/19


DISTRICT COURT JUDGE

19 DATED this 18th day of April, 2019.

20 Respectfully Submitted By:

21 CARROLL, KELLY, TROTTER,
22 FRANZEN, McBRIDE & PEABODY


23 
24 HEATHER S. HALL, ESQ.

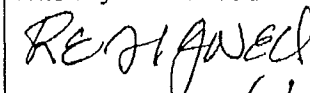
25 Nevada Bar No.: 010608
26 8329 West Sunset Road, Suite 260
Las Vegas, NV 89113

27 Attorneys for Defendants
28 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

Approved as to Form and Content by:

BARRON & PRUITT 4/10/19

By: 
DAVID BARRON, ESQ.
Nevada Bar No.: 142
3890 West Ann Road
North Las Vegas, Nevada 89031
Attorneys for Plaintiff


4/17/19

1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that on the 25th day of April, 2019, I served a true and correct copy
3 of the foregoing ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION
4 OF THE COURT'S ORDER GRANTING SUMMARY JUDGMENT FOR
5 DEFENDANTS addressed to the following counsel of record at the following address(es):

- 6
- 7 ☒ VIA ELECTRONIC SERVICE: By mandatory electronic service (e-service), proof of
e-service attached to any copy filed with the Court; or
- 8
- 9 ☐ VIA U.S. MAIL: By placing a true copy thereof enclosed in a sealed envelope with
postage thereon fully prepaid, addressed as indicated on the service list below in the
10 United States mail at Las Vegas, Nevada
- 11 ☐ VIA FACSIMILE: By causing a true copy thereof to be telecopied to the number
indicated on the service list below.

12 David Barron, Esq.
13 John D. Barron, Esq.
14 BARRON & PRUITT, LLP
15 3890 West Ann Road
North Las Vegas, NV 89031
16 *Attorneys for Plaintiff*

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

EXHIBIT B

EXHIBIT B

EXHIBIT B



1 DAVID BARRON, ESQ.
Nevada Bar No. 142
2 JOHN D. BARRON, ESQ.
Nevada Bar No. 14029
3 BARRON & PRUITT, LLP
3890 West Ann Road
4 North Las Vegas, Nevada 89031
Telephone: (702) 870-3940
5 Facsimile: (702) 870-3950
Email: dbarron@lrvnlaw.com
6 *Attorneys for Plaintiff*
Republic Silver State Disposal, Inc.

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.

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.

NOTICE OF ENTRY OF ORDER
DENYING PLAINTIFF'S MOTION FOR
RECONSIDERATION OF THE COURT'S
ORDER GRANTING SUMMARY
JUDGMENT FOR DEFENDANTS

22 TO: All Interested Parties Herein
23
24 ///
25 ///
26 ///
27 ///
28 ///

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

YOU WILL PLEASE TAKE NOTICE that an Order Denying Plaintiff's Motion for Reconsideration of the Court's Order Granting Summary Judgment for Defendants was entered in the above-entitled matter on the 25th day of April, 2019, a copy of which is attached hereto.

BARRON & PRUITT, LLP

DW Farnok

DAVID BARRON, ESQ.
Nevada Bar No. 142
3890 West Ann Road
North Las Vegas, Nevada 89031
Attorneys for Plaintiff
Republic Silver State Disposal, Inc.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of April, 2019, I served the foregoing NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING SUMMARY JUDGMENT FOR DEFENDANTS 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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BARRON & PRUITT, LLP
ATTORNEYS AT LAW
3890 WEST ANN ROAD
NORTH LAS VEGAS, NEVADA 89031
TELEPHONE (702) 870-3940
FACSIMILE (702) 870-3950

<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. Daniel C. Tetreault, Esq. LAXALT & NOMURA, LTD. 6720 Via Austi Parkway, Suite 430 Las Vegas, NV 89119 Facsimile: (702) 388-1559 Email: jmurphy@laxalt-nomura.com Email: dtetreault@laxalt-nomura.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/ Luz T. Macias
An Employee of BARRON & PRUITT, LLP



1 **ORDR**

2 ROBERT C. McBRIDE, ESQ.

3 Nevada Bar No.: 7082

4 HEATHER S. HALL, ESQ.

5 Nevada Bar No.: 10608

6 CARROLL, KELLY, TROTTER,

7 FRANZEN, McBRIDE & PEABODY

8 8329 W. Sunset Road, Suite 260

9 Las Vegas, Nevada 89113

10 Telephone No. (702) 792-5855

11 Facsimile No. (702) 796-5855

12 E-mail: rmcbride@cktfmlaw.com

13 E-mail: hshall@cktfmlaw.com

14 Attorneys for Defendants,

15 *Andrew M. Cash, M.D.; Andrew M. Cash,*

16 *M.D., P.C.; Andrew Miller Cash, M.D.,*

17 *P.C.; & Desert Institute of Spine Care, LLC*

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

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

22 Plaintiff,

23 vs.

24 ANDREW M. CASH, M.D.; ANDREW M.
25 CASH, M.D., P.C. aka ANDREW MILLER
26 CASH, M.D., P.C.; DESERT INSTITUTE
27 OF SPINE CARE, LLC, a Nevada Limited
28 Liability Company; JAMES D.
29 BALODIMAS, M.D.; JAMES D.
30 BALODIMAS, M.D., P.C.; LAS VEGAS
31 RADIOLOGY, LLC, a Nevada Limited
32 Liability Company; BRUCE A. KATUNA,
33 M.D.; ROCKY MOUNTAIN
34 NEURODIAGNOSTICS, LLC a Colorado
35 Limited Liability Company; DANIELLE
36 MILLER aka DANIELLE SHOPSHIRE;
37 NEUROMONITORING ASSOCIATES,
38 INC., a Nevada Corporation; DOES 1-10
39 inclusive; and ROE CORPORATIONS 1-10
40 inclusive,

41 Defendants.

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

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION OF
THE COURT'S ORDER GRANTING
SUMMARY JUDGMENT FOR
DEFENDANTS

HEARING DATE: 4/3/19

HEARING TIME: 9:00 AM

1 Plaintiff's Motion for Reconsideration of the Court's Order Granting Summary Judgment
2 for Defendants came on for hearing on April 3, 2019 at 9:00 a.m. Plaintiff Republic Silver State
3 Disposal, Inc. was represented by David Barron, Esq. of the law firm Barron & Pruitt, LLP, and
4 Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D.,
5 P.C.; & Desert Institute of Spine Care, LLC were represented by Heather Hall, Esq. of the law
6 firm Carroll Kelly Trotter Franzen McBride & Peabody. The Court, having reviewed the papers
7 and pleadings on file herein and having heard argument of counsel, hereby finds as follows:

8 The Court, having reviewed the papers and pleadings on file herein and having heard
9 argument of counsel, hereby finds as follows:

10 1. Plaintiff's prior pleadings allege that the injuries caused by Plaintiff and
11 Defendants are separate and distinct and, therefore, the parties are successive tortfeasors.

12 2. Nevada case law and NRS 17.225 state that there is no contribution claim where
13 the parties are not joint tortfeasors. *See Disc. Tire Co. of Nev. v. Fisher Sand & Gravel Co.*,
14 2017 Nev. Unpub. LEXIS 235, at *3-4.

15 3. Plaintiff's Motion for Reconsideration of the Court's Order Granting Summary
16 Judgment for Defendants is hereby DENIED.

17 IT IS SO ORDERED.

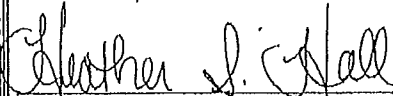
18 Date: 4/25/19


DISTRICT COURT JUDGE

19 DATED this 18th day of April, 2019.

20 Respectfully Submitted By:

21 CARROLL, KELLY, TROTTER,
22 FRANZEN, McBRIDE & PEABODY

23 
24 HEATHER S. HALL, ESQ.

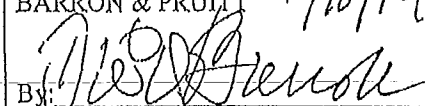
25 Nevada Bar No.: 010608
26 8329 West Sunset Road, Suite 260
27 Las Vegas, NV 89113

28 Attorneys for Defendants

Andrew M. Cash, M.D.; Andrew M. Cash, M.D.,
P.C., aka Andrew Miller Cash, M.D., P.C.; &
Desert Institute of Spine Care, LLC

Approved as to Form and Content by:

BARRON & PRUITT 4/10/19

By: 
DAVID BARRON, ESQ.
Nevada Bar No.: 142
3890 West Ann Road
North Las Vegas, Nevada 89031
Attorneys for Plaintiff


Resigned
4/17/19

1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that on the 25th day of April, 2019, I served a true and correct copy
3 of the foregoing ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION
4 OF THE COURT'S ORDER GRANTING SUMMARY JUDGMENT FOR
5 DEFENDANTS addressed to the following counsel of record at the following address(es):

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

13 David Barron, Esq.
14 John D. Barron, Esq.
15 BARRON & PRUITT, LLP
16 3890 West Ann Road
17 North Las Vegas, NV 89031
18 *Attorneys for Plaintiff*

19 
20 An Employee of CARROLL, KELLY, TROTTER,
21 FRANZEN, McBRIDE & PEABODY
22
23
24
25
26
27
28