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Elizabeth A. Brown
Clerk of Supreme Court

NOTC

ROBERT C. McBRIDE, ESQ.

Nevada Bar No.: 7082

HEATHER S. HALL, ESQ.

Nevada Bar No.: 10608

CARROLL, KELLY, TROTTER,

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Attorneys for Defendants,

Andrew M. Cash, M.D.; Andrew M. Cash,

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

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

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiff,

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

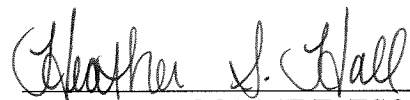
NOTICE OF CROSS APPEAL

1 On April 10, 2019 Plaintiff REPUBLIC SILVER STATE DISPOSAL, INC. filed a
2 Notice of Appeal from the Order Granting Defendants Andrew M. Cash, MD; Andrew M. Cash,
3 MD, PC and Desert Institute of Spine Care, LLC's Motion for Summary Judgment entered on
4 March 15, 2019, as well as the denial of Plaintiff Republic Silver State Disposal, Inc.'s Motion
5 for Reconsideration.
6

7 PLEASE TAKE NOTICE that Defendants/Respondents ANDREW M. CASH, M.D.;
8 ANDREW M. CASH, M.D., P.C., AKA ANDREW MILLER CASH, M.D., P.C.; & DESERT
9 INSTITUTE OF SPINE CARE, LLC hereby appeal to the Supreme Court of Nevada from the
10 District Court's March 13, 2019 Order on Defendants' Motions to Compel and Non-Party
11 Deponents Marie Gonzales' Motion for Protective Order on Order Shortening Time, wherein the
12 District Court held that NRS 41A.035 and NRS 42.021 do not apply to this contribution action
13 based upon allegations of medical malpractice. A copy of the Order is attached hereto as
14 **Exhibit "A"**.
15

16 DATED this 24th day of April, 2019.
17

18 CARROLL, KELLY, TROTTER,
19 FRANZEN, McBRIDE & PEABODY

20 
21

22 ROBERT C. McBRIDE, ESQ.

23 Nevada Bar No.: 7082

24 HEATHER S. HALL, ESQ.

25 Nevada Bar No.: 10608

26 Attorneys for Defendants

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

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 24th day of April, 2019, I served a true and correct copy
3 of the foregoing **NOTICE OF CROSS APPEAL** addressed to the following counsel of record
4 at the following address(es):

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

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


15
16
17
18 
An Employee of CARROLL, KELLY, TROTTER,
FRANZEN, McBRIDE & PEABODY
19
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EXHIBIT “A”

EXHIBIT “A”

**DISTRICT COURT
CLARK COUNTY, NEVADA**
-oOo-

Steven D. Grierson

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

Plaintiff

Case No.: A-16-738123-C

Dept No.: XXX

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, 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.

**NOTICE OF ENTRY OF ORDER:
ORDER ON DEFENDANTS ANDREW
M. CASH, M.D.; ANDREW M. CASH,
M.D., P.C.; & DESERT INSTITUTE
OF SPINE CARE, LLC'S MOTIONS
TO COMPEL AND NON-PARTY
DEPONENTS MARIE GONZALES'
MOTION FOR
PROTECTIVE ORDER ON ORDER
SHORTENING TIME**

**DATE OF HEARING: 03/04/19
TIME OF HEARING: 9:00 A.M.**

You are hereby notified that this Court entered **ORDER ON DEFENDANTS
ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; & DESERT
INSTITUTE OF SPINE CARE, LLC'S MOTIONS TO COMPEL AND NON-
PARTY DEPONENTS MARIE GONZALES' MOTION FOR PROTECTIVE
ORDER ON ORDER SHORTENING TIME**, a copy of which is attached hereto.

DATED this 13th day of March 2019.

Jerry A. Wiese

JERRY A WIESE

DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the date filed, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system, or, if no e-mail was provided, mailed or placed in the Clerk's Office attorney folder for:

///

///

///

Party: Andrew M. Cash, M.D. - Defendant



Michelle Newquist

mnewquist@cktfmlaw.com



Madeline VanHeuvelen

mvanheuvelen@cktfmlaw.com

Party: Republic Silver State Disposal, Inc. - Plaintiff



David Barron

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Mary Ann Dillard

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Becca Harrell

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Luz T Macias

lmacias@lvnvlaw.com

Tatyana Ristic, JEA

DISTRICT COURT
CLARK COUNTY, NEVADA
-oOo-



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

Plaintiff

vs.

Case No.: A-16-738123-C

Dept No.: XXX

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
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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.

**ORDER ON DEFENDANTS ANDREW
M. CASH, M.D.; ANDREW M. CASH,
M.D., P.C.; & DESERT INSTITUTE
OF SPINE CARE, LLC'S MOTIONS
TO COMPEL AND NON-PARTY
DEPONENTS MARIE GONZALES'
MOTION FOR
PROTECTIVE ORDER ON ORDER
SHORTENING TIME**

**DATE OF HEARING: 03/04/19
TIME OF HEARING: 9:00 A.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
Motion to Compel NRCP 30(b)(6) Deposition of Plaintiff on Order Shortening Time; Motion to
Compel Deposition and Production of Documents on Order Shortening Time and Non-Party
Deponent Marie Gonzales' Motion for Protective Order on Order Shortening Time came on for
hearing on March 4, 2019. The Court, having reviewed the papers and pleadings on file herein
and having heard argument of, hereby finds as follows:

1. On May 14, 2018, this Court issued an order stating that the non-economic
damages in this action were capped at \$350,000 per NRS 41A.035. Considering the issues
raised by the Motions has caused the Court to reconsider its prior ruling that NRS 41A.035

1 applies to this contribution action premised upon allegations of medical malpractice. See Order
2 Granting Defendant Las Vegas Radiology's Motion to "Cap" Non-Economic Damages Per
3 NRS 41A.035 and Joinders to Same.
4

5 2. The prior Order stating, " ... Nevada law obligates a Plaintiff seeking contribution
6 from health care providers, asserting claims for professional negligence, to satisfy the
7 requirements of NRS Chapter 41A" is hereby vacated. Because of its reconsideration of its
8 prior rulings, the Court believes the discussion found below at ¶¶ 3-13 is in order.
9

10 3. The Court finds that NRS Ch. 41A has limited application to this contribution
11 action. The Court has previously recognized that Republic Silver State Disposal's (Republic)
12 cause of action is for contribution under the Uniform Contribution Among Tortfeasors Act,
13 NRS 17.225 et seq., and not one for "professional negligence" against "provider(s) of health
14 care" under the provisions of NRS ch. 41A. See Order re: Cash Defendants' Motion to
15 Dismiss, etc., entered Dec. 13, 2016, p. 2. The referenced Order affirmatively dismissed a
16 cause of action contained in Republic's Amended Complaint for professional negligence, but
17 did so by further recognizing that the contribution claim was "based upon professional
18 negligence" and that the contribution action "subsumed" professional negligence as its basis
19 for liability. Id., pp. 2-3; see also NRS 41A.015 ("Professional negligence means the failure of
20 a provider of health care, in rendering services, to use the reasonable care, skill or knowledge
21 ordinarily used under similar circumstances by similarly trained and experienced providers of
22 health care").
23
24

25 4. NRS 41A.035 imposes a \$350,000 limitation for "noneconomic" damages,"
26 which are in turn defined at NRS 41A.011 as including "damages to compensate for pain,
27 suffering, inconvenience, physical impairment, disfigurement and other nonpecuniary
28 damages."

1 5. The Court finds the parameters of NRS 41A.035, limiting the recovery of
2 “noneconomic damages,” are set by the statute’s own terms:

3 In an action for injury or death against a provider of health care based
4 upon professional negligence, *the injured plaintiff may recover*
5 noneconomic damages, but the amount of noneconomic damages
6 awarded in such an action must not exceed \$350,000, regardless of the
7 number of plaintiffs, defendants or theories upon which liability may be
8 based. (emphasis added)

9 6. The Court believes its prior order imposing the damage limitation in NRS
10 41A.035 here was in error. The statutory definition of “noneconomic damage” at NRS
11 41A.011 contemplates a bodily injury or death, and is integral to an understanding of NRS
12 41A.035’s scope and purpose. The statute further indicates that “the injured plaintiff may
13 recover” certain damages, but Republic is not an “injured plaintiff,” as contemplated by the
14 statute. Republic’s contribution action- is for neither bodily injury nor death; nor does it seek
15 recovery for the injured patient’s “pain, suffering, inconvenience,” etc. resulting from allegedly
16 faulty care. Its claim is brought under a statutory scheme allowing one who has extinguished a
17 “common liability” to seek monetary restitution from another party who is also responsible for
18 causing the loss. This conclusion regarding the nature of Republic’s claim is in conformity
19 with the Court’s Order of Dec. 13, 2016, referenced above.

20
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22 7. Next, Nevada’s contribution statutes impose their own limitation on recovery
23 since the party seeking contribution’s “total recovery is limited to the amount paid by the
24 tortfeasor in excess of his or her equitable share.” NRS 17.225(2). The same provision also has
25 a salutary effect for the party being sued for contribution because “[n]o tortfeasor is compelled
26 to make contribution beyond his or her own equitable share of the entire liability.” Id. The
27
28

1 contribution-defendant also has further protection because the contribution-plaintiff cannot
2 recover "any amount paid in a settlement which is in excess of what was reasonable." Id. (3).

3
4 8. Finally, the damage limitation in NRS 41A.035 cannot be read harmoniously
5 with the provisions of NRS 17.225. Each statute finds good application within its own statutory
6 scheme, but becomes cumbersome to the point of being unworkable if superimposed
7 elsewhere. This case presents an example of that unworkability: If NRS 41A.035's "cap" is
8 imposed in Republic's contribution action, what of the \$2 million settlement can be considered
9 "noneconomic damage" with a monetary ceiling, as opposed to "economic damage," having no
10 limitation on its full recovery under NRS 41A.007? As a prior practicing attorney in this area
11 of the law, this Court has first-hand knowledge that when settling a personal injury case such
12 as Ms. Gonzales' case against Silver State, the attorney and the Plaintiff have no incentive or
13 reason to distinguish between economic and non-economic damages. If the settling parties
14 themselves do not make that distinction, how can the Court make such a determination later?
15 Or, without evidence of such an intent being found in the settlement, can the fact-finder ever
16 do more than make a wholly arbitrary determination? The answers seem self-apparent – it is
17 impossible to determine in a case such as this what portion of the settlement was for economic
18 vs. non-economic damages. The Defendant suggests that the determination should be based on
19 how the Plaintiff's tax liability for the amount received was calculated. This Court does not
20 see that as a realistic option, as tax liabilities can be calculated differently by different CPA's,
21 and may be based on a variety of tax codes. The Court therefore believes the better choice is to
22 read NRS 41A.035, no less than NRS 17.225 et seq., in context and as written. This is part of
23 the reason this Court finds and concludes that statutes contained in Chapter 41A of the NRS
24 were not intended to apply to a subrogation/contribution type action such as that before this
25 Court.
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1 9. Thus, the Court finds NRS 41A.035's monetary limitation for "noneconomic
2 damages" is specific to "pain, suffering, inconvenience, physical impairment, disfigurement,
3 and other nonpecuniary damages." These damages are suffered by the individual who is
4 personally injured because of the "professional negligence." The Court cannot find a way to
5 apply NRS 41A.035 to the facts of the present case, and consequently, concludes that
6 41A.035's limitation is inapplicable in the present case.
7

8 10. In addition, the Court finds Republic's claim is not a continuation or assumption
9 of Marie Gonzales' personal rights for recovery of any "pain, suffering" etc. resulting from the
10 "professional negligence" alleged, and statements to the contrary in prior rulings are
11 disavowed. Rather, Republic's claim is for contribution, which was statutorily created by the
12 State Legislature with its adoption of the Uniform Contribution Among Torfeasors Act in
13 1973, and later amended during its 1979 legislative session. See 1973 Statutes of Nevada 1303;
14 1979 Statutes of Nevada 1978. But for its statutory creation, Republic would have no legal
15 right of contribution. Reid v. Royal Ins. Co., 80 Nev. 137, 142, 390 P.2d 45, 47 (1964)
16 (following the common law rule that there is "no right of contribution between co-torfeasors").
17 Therefore the Court finds Republic's right of contribution is created and dependent on the
18 provisions of NRS 17.225 et seq., and does not derive from rights personal to Marie Gonzales.
19
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21 11. The Court also finds that NRS 42.021 has no application to the present action.
22 The foregoing rationale regarding NRS 41A.035 also pertains to NRS 42.021 as it too comes
23 into play "[i]n an action for injury or death against a provider of health care based upon
24 professional negligence." But as seen, Republic's contribution action is statutory, and not
25 derivative of Marie Gonzales' injury, or rights personal to her that arose from it.
26
27

28 12. On its face, NRS 42.021 permits a defendant charged with "professional
negligence" (specially defined in sub. (8)(c) as a "negligent act or omission to act by a provider

1 of health care in the rendering of professional services, which act or omission is the proximate
2 cause of a personal injury or wrongful death”) to “elect” to bring into evidence payments from
3 certain defined “collateral” sources which are made “payable as a benefit to the plaintiff as a
4 result of the injury[.]” Id. (1). Should the professional negligence defendant offer such
5 “collateral source” evidence, the plaintiff then has the option of offering his or her own
6 evidence of “any amount that the plaintiff has paid or contributed to secure the plaintiff’s right
7 to any insurance benefits concerning which the defendant has introduced evidence.” Id. (1).
8 Subsection (2) of the statute thereafter cuts off any third party rights of reimbursement against
9 the plaintiff, or subrogation rights against the defendant for any collateral source offered into
10 evidence.
11

12
13 13. NRS 42.021, therefore, favors the medical defendant with the possibility of a
14 “collateral source” offset against a total recovery, while at the same time shielding the NRS
15 42.021 plaintiff and “professional negligence” defendant from later actions by third-party
16 payors. But assuming any such “collateral source” benefits were paid to Ms. Gonzales—which
17 is by no means certain—application of the portions of the statute which would benefit
18 Republic, would be impossible here because 1) it did not receive any collateral source
19 payments (nor can it be charged with their constructive receipt since its rights are not
20 derivative of Ms. Gonzales’); 2) the “professional negligence” defendants would nonetheless
21 get the potential collateral source offset in the event of a recovery against them; and 3) there
22 appears to be no impediment to a subrogation action by third-party payors under sub. (2)(b) for
23 return of the very collateral benefits Republic never received. It violates Equal Protection of
24 the Law to apply only a portion of the statute, which benefits the Defendant, when the portion
25 of the statute which benefits the “injured party” is inapplicable and cannot be applied in favor
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1 of the Plaintiff, Silver State. The Court thus finds NRS 42.021 inapplicable to Republic as a
2 matter of law.

3 14. Defendants ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C., aka
4 ANDREW MILLER CASH, M.D., P.C.; and DESERT INSTITUTE OF SPINE CARE, LLC's
5 Motion to take NRCP 30(b)(6) Deposition of Plaintiff Republic on Order Shortening Time is
6 **GRANTED IN PART, DENIED IN PART.**

7
8 15. The Motion is granted in so far as Defendant Cash is entitled to depose Plaintiff
9 Republic and question the PMK on the amount of and basis for the settlement in the personal
10 injury action.

11
12 16. The Motion is denied in so far as the defense states that the attorney-client
13 privilege is waived due to the at-issue waiver doctrine. The Court does not find that the
14 attorney-client privilege has been waived by virtue of this contribution claim and specific
15 ruling is reserved for a per question basis.

16
17 17. Defendants ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C., aka
18 ANDREW MILLER CASH, M.D., P.C.; and DESERT INSTITUTE OF SPINE CARE, LLC's
19 Motion to Compel Deposition and Production of Documents on Order Shortening Time from
20 certain non-parties is **DENIED AS MOOT.**

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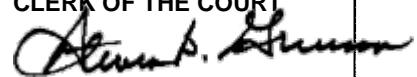
28 ///

1 18. Non-Party Deponents Marie Gonzales, Jacqueline R. Bretell, Esq., and Bighorn
2 Law's Motion for Protective Order on Order Shortening Time is **DENIED AS MOOT.**

3 **IT IS SO ORDERED.**

4 **DATED this 12th day of March, 2019.**

5
6
7 
8 _____
9 DISTRICT COURT JUDGE



1 **ASTA**
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
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12 E-mail: rcmcbride@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*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

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

15 Plaintiff,

16 vs.

17 ANDREW M. CASH, M.D.; ANDREW M.
18 CASH, M.D., P.C. aka ANDREW MILLER
19 CASH, M.D., P.C.; DESERT INSTITUTE
20 OF SPINE CARE, LLC, a Nevada Limited
21 Liability Company; JAMES D.
22 BALODIMAS, M.D.; JAMES D.
23 BALODIMAS, M.D., P.C.; LAS VEGAS
24 RADIOLOGY, LLC, a Nevada Limited
25 Liability Company; BRUCE A. KATUNA,
26 M.D.; ROCKY MOUNTAIN
27 NEURODIAGNOSTICS, LLC a Colorado
28 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

CROSS APPEAL CASE STATEMENT

1 Defendants/Respondents/Cross-Appellants ANDREW M. CASH, M.D.; ANDREW M.
2 CASH, M.D., P.C., aka ANDREW MILLER CASH, M.D., P.C.; and DESERT INSTITUTE OF
3 SPINE CARE, LLC, by and through their counsel of record, Robert C. McBride, Esq. and
4 Heather S. Hall, Esq. of the law firm of Carroll, Kelly, Trotter, Franzen, McBride & Peabody
5 hereby submit the following Case Appeal Statement pursuant to NRAP 3(f).

6 **1. Name of appellant filing this case appeal statement:**

7 ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C., AKA ANDREW
8 MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC (Cross-
9 Appellants)

10 **2. The judge issuing the decision, judgment, or order appealed from:**

11 Honorable Jerry A. Wiese, Clark County District Court, Department XXX.

12 **3. Identify each appellant and the name and address of counsel:**

13 Cross-Appellants ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C., AKA
14 ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC are
15 represented on the appeal by Robert C. McBride, Esq. and Heather S. Hall, Esq. of Carroll,
16 Kelly, Trotter, Franzen, McBride & Peabody, 8329 W. Sunset Road, Suite 260, Las Vegas,
17 Nevada 89113.

18 **4. Identify each respondent and the name and address of appellate counsel, if known:**

19 The Respondent on Dr. Cash's cross appeal is REPUBLIC SILVER STATE
20 DISPOSAL, INC. Respondent is represented by David Barron, Esq. of Barron & Pruitt, LLP,
21 3890 West Ann Road, North Las Vegas, Nevada 89031.

22 **5. Indicate whether any attorney identified above in response to question 3 or 4 is not**
23 **licensed to practice law in Nevada:**

24 All attorneys identified are licensed to practice law in Nevada.

25 **6. Indicate whether appellant was represented by appointed or retained counsel in the**
26 **district court:**

27 Retained.

28 ///

1 **7. Indicate whether appellant is represented by appointed or retained counsel on**
2 **appeal:**

3 Retained.

4 **8. Indicate whether appellant was granted leave to proceed in forma pauperis:**

5 No.

6 **9. Indicate the date the proceedings commenced in the district court (e.g., date**
7 **complaint, indictment, information, or petition was filed):**

8 June 8, 2016 (date Plaintiff's Complaint was filed).

9 **10. Provide a brief description of the nature of the action and result in the district court,**
10 **including the type of judgment or order being appealed and the relief granted by the**
11 **district court:**

12 This is a contribution action arising out of a motor vehicle accident between Marie
13 Gonzales and a commercial garbage truck owned and operated by Republic Silver State
14 Disposal, Inc. that occurred in January 2012. Republic's contribution claim rested upon the
15 assertion that the allegedly negligent medical care provided by Respondents caused Ms.
16 Gonzales to suffer injuries for which Republic paid for in its settlement with Ms. Gonzales. Dr.
17 Cash denied all allegations of substandard care.

18 On May 14, 2018, the district Court issued an order stating that the non-economic
19 damages in this action were capped at \$350,000 per NRS 41A.035. On March 4, 2019, Judge
20 Weise heard Defendants' Motion to Compel NRCP 30(b)(6) Deposition of Plaintiff on Order
21 Shortening Time; Motion to Compel Deposition and Production of Documents on Order
22 Shortening Time and Non-Party Deponent Marie Gonzales' Motion for Protective Order on
23 Order Shortening Time. It was during this hearing that Respondent decided *sua sponte* to
24 reverse its prior ruling and hold that NRS 41A.035 and NRS 42.021 do not apply to this
25 contribution action which is based upon allegations of medical malpractice. The Order was
26 entered on March 13, 2019 and serves as the basis for this cross-appeal.

27 ///

28 ///

1 **11. Indicate whether the case has previously been the subject of an appeal to or original**
2 **writ proceeding in the Supreme Court and, if so, the caption and Supreme Court**
3 **docket number of the prior proceeding:**

4 Yes. This case was the subject of a Writ that was denied on December 22, 2017.
5 Additionally, REPUBLIC SILVER STATE DISPOSAL, INC. appealed from the Order Granting
6 Defendants Andrew M. Cash, MD; Andrew M. Cash, MD PC and Desert Institute of Spine Care,
7 LLC's Motion for Summary Judgment as well as the denial of Plaintiff Republic Silver State
8 Disposal, Inc.'s Motion for Reconsideration. The Case Appeal Statement and relevant appeal
9 documents are attached hereto, as **Exhibit "A"**.

10 **12. Indicate whether this appeal involves child custody or visitation:**

11 No.

12 **13. If this is a civil case, indicate whether this appeal involves the possibility of**
13 **settlement:**

14 Dr. Cash believes this case involves the possibility of settlement that does not involve a
15 National Practitioner Databank Report.

16
17 DATED this 24th day of April, 2019.

18
19 CARROLL, KELLY, TROTTER,
FRANZEN, McBRIDE & PEABODY

20 

21 ROBERT C. McBRIDE, ESQ.

22 Nevada Bar No.: 7082

23 HEATHER S. HALL, ESQ.

24 Nevada Bar No.: 10608

25 Attorneys for Defendants

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

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 24th day of April, 2019, I served a true and correct copy
3 of the foregoing **CROSS APPEAL CASE STATEMENT** addressed to the following counsel of
4 record at the following address(es):

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

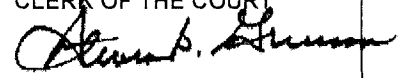
11 David Barron, Esq.
12 John D. Barron, Esq.
13 BARRON & PRUITT, LLP
14 3890 West Ann Road
15 North Las Vegas, NV 89031
16 *Attorneys for Plaintiff*

17 

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

EXHIBIT “A”

EXHIBIT “A”



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

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiff

vs.

Case No.: A-16-738123-C

Dept No.: XXX

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 Andrew M. Cash, MD; Andrew M. Cash, MD.PC aka Andrew Miller Cash, MD, PC; and Desert Institute of Spine Care, LLC,
- 2) Robert C. McBride, Esq.
Heather S. Hall, Esq.
CARROLL, KELLY, TROTTER, FRANZEN, McBRIDE & PEABODY
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113

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
7 G. Whether the district court granted the appellant leave to proceed in forma
8 pauperis, and if so, the date of the district court's order granting that leave:
9 1) N/A
10
11 H. The date that the proceedings commenced in the district court:
12 1) The Complaint was filed on June 8, 2016.
13
14 I. A brief description of the nature of the action and result in the district court,
15 including the type of judgment or order being appealed and the relief granted by
16 the district court:
17 1) Contribution action, see NRS 17.225 et seq, based on negligent medical
18 treatment; appeal taken from Order Granting Defendant Cash's Summary
19 Judgment; denial of Motion for Reconsideration.
20
21 J. Whether the case has previously been the subject of an appeal to or original writ
22 proceeding in the Supreme Court or Court of Appeals and, if so, the caption and
23 docket number of the prior proceeding:
24 1) Yes, caption and docket number attached.
25
26 K. Whether the appeal involves child custody or visitation:
27 1) No.
28
L. In civil cases, whether the appeal involves the possibility of settlement:
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 10th day of April, 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: remcbride@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
3890 West Ann Road
North Las Vegas, Nevada 89031
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E-Mail: jbarron@lvnvlaw.com
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.,
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
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
PETITION FOR WRIT OF
MANDAMUS, and JOINDERS
THERE TO

DAVID BARRON
Nevada Bar No. 142
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Attorneys for Republic Silver State Disposal, Inc.

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellant,

vs.

LAS VEGAS RADIOLOGY, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Respondent.

No. 77867

FILED

MAR 18 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

Pursuant to the stipulation of the parties and cause appearing,
this appeal is dismissed. The parties shall bear their own costs and attorney
fees. NRAP 42(b).

It is so ORDERED.

CLERK OF THE SUPREME COURT
ELIZABETH A. BROWN

BY

Harriet Young

cc: Hon. Jerry A. Wiese, District Judge
Ara H. Shirinian, Settlement Judge
Barron & Pruitt, LLP
Mandelbaum, Ellerton & Associates
Eighth District Court Clerk

SUPREME COURT
OF
NEVADA

CLERK'S ORDER

(O) 1947

19-11786

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**
 Supreme Court No.: **77867**
78572

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.	Barron, David Leslie <i>Retained</i> 7028703940(W)
Defendant	Andrew M Cash M.D P.C	
	Balodimas, James D, M.D. Removed: 03/13/2019 Dismissed	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 Removed: 03/13/2019 Dismissed	Cotton, John H <i>Retained</i> 702-832-5909(W)
	Katuna, Bruce A, M.D. Removed: 03/25/2019 Dismissed	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)
	Las Vegas Radiology LLC	
	Miller, Danielle Removed: 03/13/2019 Dismissed	Lauria, Anthony D <i>Retained</i> 702-387-8633(W)

CASE SUMMARY**CASE NO. A-16-738123-C****Miller, Danielle****Lauria, Anthony D***Retained*

702-387-8633(W)

Neuromonitoring Associates

Removed: 03/18/2019

Dismissed

Rocky Mountain Neurodiagnostics LLC

Removed: 03/25/2019

Dismissed

Olson, James R.*Retained*

7023844012(W)

**Subpoena'd (Non)
Party****Bighorn Law****Wetherall, Peter C***Retained*









702-838-8500(W)

Bretell, Jacqueline R, ESQ**Wetherall, Peter C***Retained*

702-838-8500(W)



Gonzales, Marie**Wetherall, Peter C***Retained*

702-838-8500(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>	

CASE SUMMARY

CASE NO. A-16-738123-C

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>
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</i>

CASE SUMMARY

CASE NO. A-16-738123-C

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

07/13/2016



Affidavit of Service

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Affidavit of Service of Bruce Katuma, MD

07/13/2016



Affidavit of Service

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

07/15/2016



Joinder To Motion

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

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

CASE SUMMARY

CASE NO. A-16-738123-C

	 Initial Appearance Fee Disclosure Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Initial Appearance Fee Disclosure</i>
07/25/2016	 Joinder To Motion Filed By: Defendant Neuromonitoring Associates <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>
07/25/2016	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
07/27/2016	 Opposition Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>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</i>
07/27/2016	 Errata Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>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</i>
07/27/2016	 Opposition Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Plaintiff's Opposition to Defendants' Motion to Dismiss</i>
07/28/2016	 Errata Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Plaintiff's Second Errata to Plaintiff's Opposition to Defendants Balodimas' Notice of Motion and Motion for Judgment on the Pleadings</i>
07/28/2016	 Joinder 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 Joinder to Defendants Balodimas' and Baldomias, M.D., P.C.'s Motion for Judgment on the Pleadings</i>
08/02/2016	 Affidavit of Service Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Affidavit of Service re: Rocky Mountain Neurodiagnostics, LLC</i>
08/05/2016	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
08/05/2016	 Motion Filed By: Defendant Miller, Danielle <i>Defendant Danielle Miller's Notice of Motion and Motion to Dismiss Plaintiff's Complaint; Memorandum of Points and Authorities in Support Thereof</i>
08/05/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Miller, Danielle <i>Initial Appearance Fee Disclosure</i>
08/05/2016	 Peremptory Challenge Filed by: Defendant Miller, Danielle

CASE SUMMARY

CASE NO. A-16-738123-C

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

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

CASE SUMMARY

CASE NO. A-16-738123-C



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

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

CASE SUMMARY

CASE NO. A-16-738123-C

11/08/2016	 Joinder Filed By: Defendant Las Vegas Radiology LLC <i>Defendant Las Vegas Radiology, LLC's Joinder to Defendant Danielle Miller's Supplemental Briefing on Motion to Dismiss Plaintiff's Complaint</i>
11/08/2016	 Response Filed by: Defendant Balodimas, James D, M.D. <i>Defendant Balodimas, M.D. and Balodimas, M.D. P.C.'s Response to Republic's Brief Re: Evidentiary Hearing</i>
12/13/2016	 Order Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>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.</i>
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

CASE SUMMARY

CASE NO. A-16-738123-C

Party: Defendant Las Vegas Radiology LLC
Defendant Las Vegas Radiology, LLC's Early Case Conference Disclosure Statement

02/16/2017



Certificate of Service

Filed by: Defendant Las Vegas Radiology LLC
Amended Certificate of Service

03/07/2017



Answer to Amended Complaint

Filed By: Defendant Las Vegas Radiology LLC
Defendant Las Vegas Radiology, LLC's Answer to Plaintiff's Amended Complaint for Medical Negligence and Medical Malpractice

03/10/2017



Joint Case Conference Report

Filed By: Plaintiff Republic Silver State Disposal, Inc.
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 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

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

CASE SUMMARY

CASE NO. A-16-738123-C

	 Reply to Opposition Filed by: Defendant James D Balodimas M.D P.C <i>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</i>
04/12/2017	 Joinder Filed By: Defendant Cash, M.D., Andrew M. <i>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</i>
04/14/2017	 Joinder Filed By: Defendant Las Vegas Radiology LLC <i>Defendant Las Vegas Radiology, LLC's Joinder to Defendant Balodimas' and Balodimas, M.D., P.C.'s Reply to Opposition to Motion to Stay Pending Decision on Petition for Writ of Mandamus</i>
01/31/2018	 Stipulated Protective Order <i>Stipulated Protective Order</i>
02/08/2018	 Notice of Change of Firm Name Filed By: Defendant Neuromonitoring Associates <i>Notice of Firm Change</i>
02/08/2018	 Notice of Entry Filed By: Defendant Neuromonitoring Associates <i>Notice of Entry of Order</i>
02/21/2018	 Notice of Firm Name Change Filed By: Defendant Neuromonitoring Associates <i>Notice of Firm Change</i>
02/22/2018	 Notice of Taking Deposition Filed By: Defendant Las Vegas Radiology LLC <i>Notice to Take Deposition of Custodian of Records and Opportunity to Object</i>
02/26/2018	 Stipulation and Order to Extend Discovery Deadlines Filed By: Defendant Katuna, Bruce A, M.D.; Defendant Rocky Mountain Neurodiagnostics LLC <i>Stipulation and Order for Extension of Time to Complete Discovery (First Request)</i>
02/27/2018	 Notice of Entry of Order Filed By: Defendant Katuna, Bruce A, M.D.; Defendant Rocky Mountain Neurodiagnostics LLC <i>Notice of Entry of Order on Stipulation and Order for Extension of Time to Complete Discovery (First Request)</i>
02/27/2018	 Supplement to Early Case Conference Disclosures Filed By: Defendant Las Vegas Radiology LLC <i>Defendant Las Vegas Radiology, LLC's Supplement to Its Early Case Conference Disclosure Statement (Second)</i>
02/27/2018	 Notice of Deposition Filed By: Defendant Las Vegas Radiology LLC

CASE SUMMARY

CASE NO. A-16-738123-C

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, 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 Deadlones 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

CASE SUMMARY

CASE NO. A-16-738123-C

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

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 41A.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

CASE SUMMARY

CASE NO. A-16-738123-C

	<p>Filed By: Defendant Las Vegas Radiology LLC <i>Reply in Support of Defendant Las Vegas Radiology's Motion to "Cap" Non-Economic Damages per NRS 41A.035</i></p>
04/02/2018	<p> Opposition Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>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</i></p>
04/05/2018	<p> Order <i>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>
04/10/2018	<p> Reply in Support Filed By: Defendant Las Vegas Radiology LLC <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 <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 Filed By: Defendant Las Vegas Radiology LLC <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 Filed By: Defendant Las Vegas Radiology LLC <i>Notice of Entry of Order</i></p>
08/02/2018	<p> Application for Issuance of Commission to Take Deposition Party: Plaintiff Republic Silver State Disposal, Inc. <i>Application for Issurance of Commission to Take Out of State Deposition of Bruce Katuna, MD</i></p>
08/02/2018	<p> Commission Issued Filed by: Plaintiff Republic Silver State Disposal, Inc. <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 Party: Plaintiff Republic Silver State Disposal, Inc. <i>Application for Issurance of Commission to Take Out of State Deposition of Danielle Miller</i></p>
08/08/2018	<p> Commission Issued Filed by: Plaintiff Republic Silver State Disposal, Inc. <i>Commission to Take Out of State Deposition of Danielle Miller</i></p>
09/14/2018	<p> Motion for Summary Judgment Filed By: Defendant Las Vegas Radiology LLC <i>Defendant Las Vegas Radiology's Motion for Summary Judgment</i></p>
09/27/2018	

CASE SUMMARY

CASE NO. A-16-738123-C

	 Stipulation and Order to Extend Discovery Deadlines Filed By: Defendant Katuna, Bruce A, M.D. <i>Stipulation and Order for Extension of Time to Complete Discovery</i>
09/27/2018	 Notice of Entry of Stipulation and Order Filed By: Defendant Katuna, Bruce A, M.D. <i>Notice of Entry of Order of Stipulation and Order</i>
10/03/2018	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Plaintiff Republic Silver State Disposal, Inc.'s Opposition to Defendant Las Vegas Radiology, LLC's Motion for Summary Judgment</i>
10/05/2018	 Reply in Support Filed By: Defendant Las Vegas Radiology LLC <i>Reply in Support of Defendant Las Vegas Radiology's Motion for Summary Judgment</i>
11/02/2018	 Supplement to Motion for Summary Judgment Filed by: Defendant Las Vegas Radiology LLC <i>Defendant Las Vegas Radiology's Supplement to Motion for Summary Judgment</i>
11/09/2018	 Motion for Good Faith Settlement Filed By: Defendant Neuromonitoring Associates <i>Defendant Neuromonitoring Associates, Inc.'s Motion for Good Faith Settlement</i>
11/09/2018	 Motion to Amend Complaint Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Motion to Amend Complaint</i>
11/30/2018	 Opposition to Motion Filed By: Defendant Katuna, Bruce A, M.D.; Defendant Rocky Mountain Neurodiagnostics LLC <i>Defendants Bruce A. Katuna, M.C. and Rocky Mountain Neurodiagnostics, LLC's Opposition to Plaintiff's Motion to Amend Complaint</i>
11/30/2018	 Opposition to Motion Filed By: Defendant Miller, Danielle <i>Defendant Danielle Miller aka Danielle Shopshire's Opposition to Plaintiff's Motion to Amend Complaint</i>
11/30/2018	 Joinder Filed By: Defendant Miller, Danielle <i>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</i>
12/03/2018	 Opposition to Motion Filed By: Defendant Katuna, Bruce A, M.D.; Defendant Rocky Mountain Neurodiagnostics LLC <i>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</i>
12/04/2018	 Application for Issuance of Commission to Take Deposition <i>Application for Issuance of Commission to Take Out of State Deposition</i>

CASE SUMMARY

CASE NO. A-16-738123-C

12/04/2018	 Joinder <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 Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC s Opposition to Plaintiff s Motion to Amend Complaint</i>
12/04/2018	 Joinder <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 Opposition to Plaintiff s Motion to Amend Complaint</i>
12/05/2018	 Joinder to Opposition to Motion Filed by: Defendant Miller, Danielle <i>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</i>
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>

CASE SUMMARY

CASE NO. A-16-738123-C

01/04/2019	 Case Appeal Statement Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Case Appeal Statement</i>
01/10/2019	 Affidavit of Service <i>Affidavit of Service</i>
01/16/2019	 Opposition to Motion Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Opposition to Danielle Miller's Motion to Dismiss</i>
01/17/2019	 Affidavit of Service Filed By: Defendant Cash, M.D., Andrew M. <i>Affidavit/Declaration of Service Jacqueline R. Bretell, Esq. Parther, Bighorn Law aka Moris Anderson</i>
01/17/2019	 Affidavit of Service Filed By: Defendant Cash, M.D., Andrew M. <i>Affidavit/Declaration of Service Jacqueline R. Bretell, Esq. Parther, Bighorn Law aka Moris Anderson</i>
01/24/2019	 Motion to Continue Trial <i>Joint Defense Motion To Extend Discovery And Continue Trial On Order Shortening Time</i>
01/28/2019	 Opposition Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Opposition to Motion to Continue Trial</i>
01/29/2019	 Reply in Support <i>Reply In Support Of Joint Defense Motion To Extend Discovery And Continue Trial On Order Shortening Time</i>
01/30/2019	 Order Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Order Granting Plaintiff's Motion to Amend</i>
01/30/2019	 Notice of Entry of Order Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Notice of Entry of Order Granting Plaintiff's Motion to Amend</i>
01/30/2019	 Objection Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Objection to Subpoena Duces Tecum</i>
01/30/2019	 Second Amended Complaint Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Second Amended Complaint and Jury Demand</i>
01/31/2019	 Certificate of Service Filed by: Plaintiff Republic Silver State Disposal, Inc. <i>Certificate of Service of Second Amended Complaint & Jury Demand</i>
02/01/2019	 Countermotion Filed By: Plaintiff Republic Silver State Disposal, Inc.

CASE SUMMARY

CASE NO. A-16-738123-C

Plaintiff Republic Silver State Disposal, Inc.'s Counter-Motion in Limine to Limit or Exclude Evidence of Medical Liens

02/06/2019



Objection

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Objection to Subpoena Duces Tecum

02/13/2019



Opposition to Motion

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 Opposition To Plaintiff s Counter-Motion In Limine To Limit Or Exclude Evidence Of Medical Liens

02/14/2019



Pre-Trial Disclosure

Party: Plaintiff Republic Silver State Disposal, Inc.
Plaintiff's NRCP 16.1(a)(3) Pretrial Diclosures

02/15/2019



Pre-Trial Disclosure

Party: Defendant Katuna, Bruce A, M.D.; Defendant Rocky Mountain Neurodiagnostics LLC
Defendants Bruce A. Katuna, M.D. and Rocky Mountain Neurodiagnostics, LLC's Pretrial Disclosure Pursuant to NRCP 16.1

02/19/2019



Reply in Support

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Reply in Support of Countermotion in Limine

02/19/2019



Order

Order On Joint Defense Motion To Extend Discovery And Continue Trial On Order Shortening Time

02/20/2019



Answer

Filed By: Defendant Cash, M.D., Andrew M.; Defendant Desert Institute of Spine Care LLC
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 ANSWER TO PLAINTIFF S SECOND AMENDED COMPLAINT

02/20/2019



Motion to Compel

Filed By: Defendant Cash, M.D., Andrew M.; Defendant Desert Institute of Spine Care LLC
Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute Of Spine Care, LLC's Motion to Compel Deposition and Production of Documents on Order Shortening Time

02/20/2019



Motion to Compel

Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute Of Spine Care, Llc s Motion To Compel Nrcp 30(B)(6) Deposition Of Plaintiff Republic On Order Shortening Time

02/21/2019



Notice of Entry

Filed By: Defendant Cash, M.D., Andrew M.
Notice of Entry of Order on Joint Defense Motion to Extend Discovery and Continue Trial on Order Shortening Time

02/22/2019















Notice of Entry

Amended Notice Of Entry Of Order On Joint Defense Motion To Extend Discovery And Continue Trial On Order Shortening Time

CASE SUMMARY

CASE NO. A-16-738123-C

02/25/2019	 Opposition Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Opposition to Motion to Compel</i>
02/25/2019	 Opposition and Countermotion <i>Non-Party Deponents Marie Gonzales, Jacqueline R. Bretell, Esq., and Bighorn Law's Opposition to Defendants' Motion to Compel on Order Shortening Time and Counter-Motion for Protective Order</i>
02/26/2019	 Reply in Support Filed By: Defendant Cash, M.D., Andrew M.; Defendant Desert Institute of Spine Care LLC <i>Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute of Spine Care, LLC s Reply in Support of Motion to Compel NRCP 30 (b)(6) Deposition of Plaintiff Republic on Order Shortening Time</i>
02/26/2019	 Reply in Support <i>Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute Of Spine Care, Llc s Reply In Support Of Motion To Compel Deposition And Production Of Documents On Order Shortening Time And Opposition To Counter-Motion For Protective Order</i>
02/28/2019	 Objection <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 Objection To Plaintiff s Pretrial Disclosures</i>
02/28/2019	 Objection Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Objections to Defendants' Pretrial Disclosures</i>
03/01/2019	 Joint Pre-Trial Memorandum Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Joint Pretrial Memorandum</i>
03/01/2019	 Notice <i>Notice Of Representation Of Non-Party Deponents Marie Gonzales, Jacqueline R. Bretell Esq., And Bighorn Law</i>
03/01/2019	 Reply <i>Non-Party Deponents Marie Gonzales, Jacqueline R. Bretell, Esq., and Bighorn Law's Reply in Support of Motion for Protective Order on an Order Shortening Time</i>
03/05/2019	 Motion for Summary Judgment <i>Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute Of Spine Care, Llc s Motion For Summary Judgment On An Order Shortening Time</i>
03/05/2019	 Motion in Limine <i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Motion In Limine No. 2 To Exclude Past Medical Bills Unrelated To Dr. Cash s Alleged Negligence On Order Shortening Time</i>
03/05/2019	 Motion in Limine <i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Motion In Limine No. 3 To Exclude Evidence Of Expert s Personal Practices On Order Shortening Time</i>

CASE SUMMARY

CASE NO. A-16-738123-C

03/05/2019



Motion in Limine

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Motion In Limine No. 4 To Preclude Cumulative Expert Testimony On Behalf Of Plaintiff On Criticisms Of Dr. Cash

03/05/2019



Motion in Limine

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Motion In Limine No. 5 To Preclude Speculative Damages On Order Shortening Time

03/05/2019



Motion in Limine

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Motion In Limine No. 6 To Exclude Alleged Violations Of Standard Of Care Which Were Not Cause Of Harm On Order Shortening Time

03/05/2019



Motion in Limine

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Motion In Limine No. 7 To Include Settled And Dismissed Defendants On Verdict Form Or To Reduce Contribution Claim On Order Shortening Time

03/05/2019



Motion in Limine

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Motion In Limine No. 8 Motion In Limine On Standard Of Care In 2013, Not 2019 On Order Shortening Time

03/05/2019



Motion in Limine

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Motion In Limine No. 9 To Exclude Reference To Manufacturer Representatives And Sterilization Of Pedicle Screws On Order Shortening Time

03/05/2019



Motion in Limine

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Motion In Limine No. 11 To Exclude Comments That Dr. Cash s Surgery Approached A Violation Of The Standard Of Care On Order Shortening Time

03/05/2019



Motion in Limine

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Motion In Limine No. 12 To Preclude Argument/Evidence Of Missing Fluoroscopy Images From 1/29/13 Surgery On Order Shortening Time

03/07/2019



Opposition to Motion For Summary Judgment

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Opposition to Defendant Cash and Desert Institute's Motion for Summary Judgment

03/07/2019



Opposition to Motion in Limine

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Opposition to Defendant Andrew M. Cash, MD, Andrew M. Cash, MD, PC, Andrew Miller Cash, MD, PC and Desert Institute of Spine Care, LLC's Motions in Limine

03/08/2019



Reply in Support

Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute Of Spine Care, Llc s Reply In Support Of Motion For Summary

CASE SUMMARY

CASE NO. A-16-738123-C

Judgment On An Order Shortening Time

03/08/2019



Reply in Support

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Reply In Support Of Motion In Limine No. 2 To Exclude Past Medical Bills Unrelated To Dr. Cash s Alleged Negligence On Order Shortening Time

03/08/2019



Reply in Support

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Reply In Support Of Motion In Limine No. 7 To Include Settled And Dismissed Defendants On Verdict Form Or To Reduce Contribution Claim On Order Shortening Time

03/08/2019



Reply in Support

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Reply In Support Of Motion In Limine No. 8 On Standard Of Care In 2013, Not 2019 On Order Shortening Time

03/08/2019



Reply in Support

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Reply In Support Of Motion In Limine No. 11 To Exclude Comments That Dr. Cash s Surgery Approached A Violation Of The Standard Of Care On Order Shortening Time

03/08/2019



Reply in Support

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Reply In Support Of Motion In Limine No. 12 To Preclude Argument/Evidence Of Missing Fluoroscopy Images From 1/29/13 Surgery On Order Shortening Time

03/08/2019



Reply in Support

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Reply In Support Of Motion In Limine No. 5 To Preclude Speculative Damages On Order Shortening Time

03/08/2019



Reply in Support

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Reply In Support Of Motion In Limine No. 6 To Exclude Alleged Violations Of Standard Of Care Which Were Not Cause Of Harm On Order Shortening Time

03/08/2019



Reply in Support

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Reply In Support Of Motion In Limine No. 4 To Preclude Cumulative Expert Testimony On Behalf Of Plaintiff On Criticisms Of Dr. Cash

03/08/2019



Reply in Support

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Reply In Support Of Motion In Limine No. 3 To Exclude Evidence Of Expert s Personal Practices On Order Shortening Time

03/08/2019



Reply in Support

Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, Llc s Reply In Support Motion In Limine No. 9 To Exclude Reference To Manufacturer Representatives And Sterilization Of Pedicle Screws On Order Shortening Time

CASE SUMMARY

CASE NO. A-16-738123-C

03/11/2019	 Initial Expert Disclosure <i>Initial Appearance Fee Disclosure</i>
03/11/2019	 Motion to Intervene <i>Physicians Casualty Risk Retention Group's Motion to Intervene on Order Shortening Time</i>
03/12/2019	 Opposition Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Plaintiff Republic Silver State Disposal, Inc.'s Opposition to Defendants Andrew Cash, MD, Andrew M. Cash, MD, LLC, and Desert Institute of Spine Care, LLC's Motion to Stay Pending Decision of Emergency Petition for Writ of Mandamus on Order Shortening Time</i>
03/12/2019	 Opposition Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Plaintiff's Opposition to Physicians Casualty Risk Retention Group's Motion to Intervene on Order Shortening Time</i>
03/13/2019	 Order <i>ORDER ON DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTIONS TO COMPEL AND NON-PARTY DEPONENTS MARIE GONZALES' MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME</i>
03/13/2019	 Notice of Entry of Order <i>Notice of Entry of Order: ORDER ON DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTIONS TO COMPEL AND NON-PARTY DEPONENTS MARIE GONZALES' MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME</i>
03/13/2019	 Reply to Opposition Filed by: Intervenor Physicians Casualty Risk Retention Group <i>Physicians Casualty Risk Retention Group's Reply to Opposition to Motion to Intervene on Order Shortening Time</i>
03/13/2019	 Stipulation and Order for Dismissal With Prejudice <i>Stipulation and Order to Dismiss Defendant Balodimas and Balodimas, P.C., with Prejudice</i>
03/13/2019	 Notice of Entry of Stipulation & Order for Dismissal <i>Notice of Entry of Stipulation and Order for Dismissal Regarding Balodimas Defendants Only</i>
03/13/2019	 Stipulation and Order for Dismissal With Prejudice Filed By: Defendant Miller, Danielle <i>Stipulation and Order for Dismissal With Prejudice as to Defendant Danielle Miller aka Danielle Shopshire</i>
03/14/2019	 Notice of Entry of Stipulation & Order for Dismissal <i>Notice of Entry of Stipulation and Order for Dismissal with Prejudice as to Defendant Danielle Miller aka Danielle Shopshire ONLY</i>
03/15/2019	 Order <i>Order re: Defendant's Motion for Summary Judgment</i>
03/15/2019	 Notice of Entry of Order <i>Notice of Entry of Order re: Defendant's Motion for Summary Judgment</i>

CASE SUMMARY

CASE NO. A-16-738123-C

03/18/2019	 Order Filed By: Defendant Neuromonitoring Associates <i>Order Granting Defendant Neuromonitoring Associates, Inc's Motion for Good Faith Settlement</i>
03/20/2019	 Memorandum of Costs and Disbursements <i>Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute Of Spine Care, Llc s Verified Memorandum Of Costs</i>
03/20/2019	 Notice of Entry of Order <i>Notice of Entry of Order Granting Defendant Neuromonitoring Associated, Inc.'s Motion for Good Faith Settlement</i>
03/25/2019	 Motion Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Republic Silver State Disposal, Inc.'s Motion for Reconsideration on Order Shortening Time</i>
03/25/2019	 Stipulation and Order for Dismissal With Prejudice Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Stipulation and Order for Dismissal with Prejudice</i>
03/25/2019	 Notice of Entry of Order Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Notice of Entry of Order</i>
03/25/2019	 Motion to Retax Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Republic Silver State Disposal, Inc.'s Motion to Retax and Settle Costs</i>
03/27/2019	 Notice of Hearing Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Notice of Hearing on Republic Silver State Disposal, Inc.'s Motion to Retax and Settle Costs</i>
03/27/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
03/27/2019	 Opposition <i>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 Opposition To Plaintiff s Motion For Reconsideration On Order Shortening Time</i>
03/29/2019	 Reply in Support Filed By: Plaintiff Republic Silver State Disposal, Inc. <i>Republic Silver State Disposal, Inc.'s Reply in Support of Motion for Reconsideration on Order Shortening Time</i>
04/05/2019	 Motion for Attorney Fees and Costs <i>Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute Of Spine Care, Llc s Motion For Attorneys Fees And Costs</i>
04/08/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/08/2019	 Opposition to Motion

CASE SUMMARY

CASE NO. A-16-738123-C

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 Opposition To Plaintiff s Motion To Retax And Settle Costs

04/10/2019



Notice of Appeal

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Notice of Appeal

04/10/2019



Case Appeal Statement

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Case Appeal Statement

04/19/2019



Opposition

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Republic Silver State Disposal, Inc.'s Opposition to Defendants' Motion for Attorneys' Fees and Costs

04/22/2019



Exhibits

Filed By: Plaintiff Republic Silver State Disposal, Inc.
Exhibits to Republic Silver State Disposal, Inc.'s Opposition to Defendants' Motion for Attorneys' Fees and Costs

04/24/2019



Notice of Appeal

Notice Of Cross Appeal

04/24/2019



Case Appeal Statement

Cross Appeal Case Statement

04/25/2019



Order

Order Denying Plaintiff s Motion For Reconsideration Of The Court s Order Granting Summary Judgment For Defendants

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

03/13/2019

Order of Dismissal With Prejudice (Judicial Officer: Wiese, Jerry A.)

Debtors: Republic Silver State Disposal, Inc. (Plaintiff)

Creditors: James D Balodimas, MD. (Defendant), James D Balodimas M.D P.C (Defendant)

Judgment: 03/13/2019, Docketed: 03/13/2019

03/13/2019

Order of Dismissal With Prejudice (Judicial Officer: Wiese, Jerry A.)

Debtors: Republic Silver State Disposal, Inc. (Plaintiff)

Creditors: Danielle Miller (Defendant)

Judgment: 03/13/2019, Docketed: 03/13/2019

03/15/2019

Summary Judgment (Judicial Officer: Wiese, Jerry A.)

Debtors: Republic Silver State Disposal, Inc. (Plaintiff)

Creditors: Andrew M. Cash, M.D. (Defendant), Desert Institute of Spine Care LLC (Defendant), Andrew M Cash M.D P.C (Defendant)

CASE SUMMARY

CASE NO. A-16-738123-C

Judgment: 03/15/2019, Docketed: 03/15/2019

03/18/2019 **Order of Dismissal With Prejudice** (Judicial Officer: Wiese, Jerry A.)
Debtors: Republic Silver State Disposal, Inc. (Plaintiff)
Creditors: Neuromonitoring Associates (Defendant)
Judgment: 03/18/2019, Docketed: 03/19/2019

03/25/2019 **Order of Dismissal With Prejudice** (Judicial Officer: Wiese, Jerry A.)
Debtors: Bruce A Katuna, MD. (Defendant), Rocky Mountain Neurodiagnostics LLC (Defendant)
Creditors: Republic Silver State Disposal, Inc. (Plaintiff)
Judgment: 03/25/2019, Docketed: 03/25/2019

HEARINGS

10/04/2016 **Joinder** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Events: 07/12/2016 Joinder
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

10/04/2016 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Events: 07/12/2016 Notice of Hearing
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

10/04/2016 **Joinder** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Events: 07/15/2016 Joinder To Motion
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

10/04/2016 **Motion for Judgment** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Events: 07/21/2016 Motion for Judgment
Defendant Balodimas' and Balodimas, M.D., P.C.'s Notice of Motion for Judgment on the Pleadings

10/04/2016 **Joinder** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Events: 07/22/2016 Joinder
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

10/04/2016 **Joinder** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Events: 07/22/2016 Joinder To Motion
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

10/04/2016 **Joinder** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Events: 07/25/2016 Joinder To Motion
Defendant Neuromonitoring Associates, LLC's Joinder to Defendant Balodimas' and Balodimas, M.D., PC's Notice and Motion for Judgment on the Pleadings

10/04/2016 **Joinder** (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
Events: 07/28/2016 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 Balodimas' and Baldomias, M.D., P.C.'s Motion for Judgment on the Pleadings

CASE SUMMARY

CASE NO. A-16-738123-C

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; 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>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 Balodimas, 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</i></p>

CASE SUMMARY

CASE NO. A-16-738123-C

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.;

10/13/2016



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

Decision Made;

Journal Entry Details:

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. ;

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:

CASE SUMMARY

CASE NO. A-16-738123-C

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.) <i>D's Motion to Continue Trial on OST</i> Granted;
03/20/2018	Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>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</i> Granted;
03/20/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Wiese, Jerry A.) Matter Heard; Journal Entry Details: <i>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</i> <i>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. ;</i>
03/22/2018	CANCELED Motion to Extend Discovery (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - On in Error</i> <i>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</i>
04/05/2018	Motion (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendant Las Vegas Radiology's Motion to "CAP" Non-Econimic Damages Per NRS 41A.035</i>
04/05/2018	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 Cap Non-Economic Damages Per NRS 41A.035</i>
04/05/2018	Joinder (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 Cap Non-Economic Damages Per Nrs 41a.035</i>
04/05/2018	Joinder (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>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</i>
04/05/2018	Opposition and Countermotion (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>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</i>
04/05/2018	

CASE SUMMARY

CASE NO. A-16-738123-C



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 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.)

Vacated - per Judge

07/23/2018

CANCELED Calendar Call (9:00 AM) (Judicial Officer: Wiese, Jerry A.)

Vacated - per Judge

08/20/2018

CANCELED Jury Trial (1:30 PM) (Judicial Officer: Wiese, Jerry A.)

Vacated - per Judge

10/17/2018



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

10/17/2018, 11/14/2018

Defendant Las Vegas Radiology's Motion for Summary Judgment

Matter Continued;

Motion Granted;

Journal Entry Details:

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.

;

Matter Continued;




Motion Granted;

Journal Entry Details:

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;


CASE SUMMARY

CASE NO. A-16-738123-C

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: <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>
01/30/2019	 Motion to Extend Discovery (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Joint Defense Motion To Extend Discovery And Continue Trial On Order Shortening Time</i> Granted in Part; Journal Entry Details: <i>Anthony Lauria, Esq., present via CourtCall. Mr. McBride advised the reasons for the Motion to extend discovery were set forth in the briefs, adding, the reason for the request for a continuance was due to the unusual nature of the claim and the issues that had arisen over the past month, relative to obtaining certain important information about the settlement in the underlying action that had a huge impact in the alleged damages and what would be coverable. Argument by Mr. McBride. Mr. Barron argued and requested Trial to proceed. Upon Court inquiry, Counsel anticipate 2 weeks for trial. Colloquy regarding discovery deadlines and trial dates. COURT ORDERED, Motion to Extend Discovery GRANTED, discovery deadlines extended to March 4, 2019. COURT FURTHER ORDERED, Motion to Continue Trial DENIED, trial dates STAND. Defense counsel is to prepare an Order, have it approved as to form and content by Plaintiff's counsel, and submit it to the Court for signature. Order Granting Plaintiff's Motion to Amend SIGNED IN OPEN COURT.;</i>
02/06/2019	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - per Attorney or Pro Per</i> <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.) Matter Heard; Journal Entry Details: <i>Robert Smith, Esq., on behalf of Anthony Lauria, Esq., for Defendant, Danielle Miller, also present. Upon Court's inquiry, Counsel anticipates 7-10 days for trial. COURT ORDERED, Trial date STANDS.;</i>
02/11/2019	CANCELED Pre Trial Conference (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - Duplicate Entry</i>
02/20/2019	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> on in error Under Advisement;

CASE SUMMARY

CASE NO. A-16-738123-C


02/20/2019	<p>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> on in error Under Advisement;</p>
02/20/2019	<p>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> on in error Under Advisement;</p>
02/20/2019	<p>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> on in error Under Advisement;</p>
02/27/2019	<p>Motion to Compel (9:00 AM) (Judicial Officer: Wiese, Jerry A.) 02/27/2019, 03/04/2019 <i>Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute Of Spine Care, LLC's Motion to Compel Deposition and Production of Documents on Order Shortening Time</i> Continued; Denied; Continued; Denied;</p>
02/27/2019	<p>Motion to Compel (9:00 AM) (Judicial Officer: Wiese, Jerry A.) 02/27/2019, 03/04/2019 <i>Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute Of Spine Care, LLC's Motion To Compel NRCP 30(B)(6) Deposition Of Plaintiff Republic On Order Shortening Time</i> Continued; Granted in Part; Continued; Granted in Part;</p>
02/27/2019	<p>Opposition and Countermotion (9:00 AM) (Judicial Officer: Wiese, Jerry A.) 02/27/2019, 03/04/2019 <i>Non-Party Deponents Marie Gonzales, Jacqueline R. Bretell, Esq., and Bighorn Law's Opposition to Defendants' Motion to Compel on Order Shortening Time and Counter-Motion for Protective Order</i> Continued; Moot; Continued; Moot;</p>
02/27/2019	<p> All Pending Motions (9:00 AM) (Judicial Officer: Wiese, Jerry A.) Continued; Journal Entry Details: <i>No parties present. DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTION TO COMPEL DEPOSITION AND PRODUCTION OF DOCUMENTS ON ORDER SHORTENING TIME...DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTION TO COMPEL NRCP 30 (B) (6) DEPOSITION OF PLAINTIFF REPUBLIC ON ORDER SHORTENING TIME...NON-PARTY DEPONENTS MARIE GONZALES, JACQUELINE R. BRETELL, ESQ., AND BIGHORN LAW'S OPPOSITION TO</i></p>

CASE SUMMARY

CASE No. A-16-738123-C

DEFENDANTS' MOTION TO COMPEL ON ORDER SHORTENING TIME AND COUNTER-MOTION FOR PROTECTIVE ORDER COURT ORDERED, matters CONTINUED for Court to review written Opposition and Counter-Motion, received late this morning. 3/04/19 9:00 A.M. DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTION TO COMPEL DEPOSITION AND PRODUCTION OF DOCUMENTS ON ORDER SHORTENING TIME...DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTION TO COMPEL NRCP 30 (B) (6) DEPOSITION OF PLAINTIFF REPUBLIC ON ORDER SHORTENING TIME...NON-PARTY DEPONENTS MARIE GONZALES, JACQUELINE R. BRETELL, ESQ., AND BIGHORN LAW'S OPPOSITION TO DEFENDANTS' MOTION TO COMPEL ON ORDER SHORTENING TIME AND COUNTER-MOTION FOR PROTECTIVE ORDER ;

03/04/2019 **Calendar Call (9:00 AM)** (Judicial Officer: Wiese, Jerry A.)
Trial Date Set;

03/04/2019  **All Pending Motions (9:00 AM)** (Judicial Officer: Wiese, Jerry A.)

Matter Heard;
Journal Entry Details:
CALENDAR CALL....DEFENDANTS ANDREW M. CASH, M.D., ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTION TO COMPEL DEPOSITION AND PRODUCTION OF DOCUMENTS ON ORDER SHORTENING TIME Following arguments of counsel. COURT ORDERED, MOTION TO COMPEL BECOMES MOOT AND RECONSIDERATION OF PREVIOUS RULING THAT 41A.035 & 42.021 CAN NOT BE APPLIED TO THIS CASE AS PLEAD DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTION TO COMPEL NRCP 30(B)(6) DEPOSITION OF PLAINTIFF REPUBLIC ON ORDER SHORTENING TIME Following arguments of counsel. COURT ORDERED, MOTION GRANTED IN PART AS IT RELATES TO DEPOSITION OF 30(B)(6) NON-PARTY DEPONENTS MARIE GONZALES, JACQUELINE R. BRETELL, ESQ., AND BIGHORN LAW'S OPPOSITION TO DEFENDANTS' MOTION TO COMPEL ON ORDER SHORTENING TIME AND COUNTER-MOTION FOR PROTECTIVE ORDER COURT ORDERED, MOTION IS MOOT. Parties announced ready for trial. COURT SO ORDERED, TRIAL DATE SET. 3-18-19 9:00 AM JURY TRIAL;

03/11/2019 **Motion for Summary Judgment (2:00 PM)** (Judicial Officer: Wiese, Jerry A.)
Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute Of Spine Care, LLC s Motion For Summary Judgment On An Order Shortening Time
Matter Heard;

03/11/2019 **Motion in Limine (2:00 PM)** (Judicial Officer: Wiese, Jerry A.)
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, LLC s Motion In Limine No. 2 To Exclude Past Medical Bills Unrelated To Dr. Cash s Alleged Negligence On Order Shortening Time
Matter Continued;

03/11/2019 **Motion in Limine (2:00 PM)** (Judicial Officer: Wiese, Jerry A.)
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, LLC s Motion In Limine No. 3 To Exclude Evidence Of Expert s Personal Practices On Order Shortening Time
Matter Continued;


03/11/2019 **Motion in Limine (2:00 PM)** (Judicial Officer: Wiese, Jerry A.)
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, LLC s Motion In Limine No. 4 To Preclude Cumulative Expert Testimony On Behalf Of Plaintiff On Criticisms Of Dr. Cash
Matter Continued;

03/11/2019 **Motion in Limine (2:00 PM)** (Judicial Officer: Wiese, Jerry A.)
Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D.,

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY


CASE NO. A-16-738123-C

	<i>P.C., And Desert Institute Of Spine Care, LLC s Motion In Limine No. 5 To Preclude Speculative Damages On Order Shortening Time</i> Matter Continued;
03/11/2019	Motion in Limine (2:00 PM) (Judicial Officer: Wiese, Jerry A.) <i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, LLC s Motion In Limine No. 6 To Exclude Alleged Violations Of Standard Of Care Which Were Not Cause Of Harm On Order Shortening Time</i> Matter Continued;
03/11/2019	Motion in Limine (2:00 PM) (Judicial Officer: Wiese, Jerry A.) <i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, LLC s Motion In Limine No. 7 To Include Settled And Dismissed Defendants On Verdict Form Or To Reduce Contribution Claim On Order Shortening Time</i> Matter Continued;
03/11/2019	Motion in Limine (2:00 PM) (Judicial Officer: Wiese, Jerry A.) <i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, LLC s Motion In Limine No. 8 Motion In Limine On Standard Of Care In 2013, Not 2019 On Order Shortening Time</i> Matter Continued;
03/11/2019	Motion in Limine (2:00 PM) (Judicial Officer: Wiese, Jerry A.) <i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, LLC s Motion In Limine No. 9 To Exclude Reference To Manufacturer Representatives And Sterilization Of Pedicle Screws On Order Shortening Time</i> Matter Continued;
03/11/2019	Motion in Limine (2:00 PM) (Judicial Officer: Wiese, Jerry A.) <i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, LLC s Motion In Limine No. 11 To Exclude Comments That Dr. Cash s Surgery Approached A Violation Of The Standard Of Care On Order Shortening Time</i> Matter Continued;
03/11/2019	Motion in Limine (2:00 PM) (Judicial Officer: Wiese, Jerry A.) <i>Defendants Andrew M. Cash, M.D., Andrew M. Cash, M.D., P.C., Andrew Miller Cash, M.D., P.C., And Desert Institute Of Spine Care, LLC s Motion In Limine No. 12 To Preclude Argument/Evidence Of Missing Fluoroscopy Images From 1/29/13 Surgery On Order Shortening Time</i> Continued;
03/11/2019	 All Pending Motions (2:00 PM) (Judicial Officer: Wiese, Jerry A.) Matter Heard; Defendants Andrew M. Cash, MD; Andrew M. Cash, MD, PC; Andrew Miller Cash, MD, PC & Desert Institute of Spine Care, LLCs Motion for Summary Judgment on an OST...Defendants Motions in Limine 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12 Journal Entry Details: <i>Stephanie Zinna appearing for Casualty Retention Risk Group Physicians Motion to Intervene. Colloquy among Court and counsel regarding an issue which came up at a previous hearing. The Court noted that because there is no law regarding this issue, the matter will have to go to the Supreme Court. In the meantime the Court will issue a ruling on the Motion for Summary Judgment and an order from last week's hearing. Parties are then to file the Writ and the Court will issue a minute order on the Stay. COURT ORDERED, Motions in Limine are CONTINUED. CONTINUED TO: 4/10/19 9:00 AM;</i>
03/13/2019	CANCELED Decision (3:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - On in Error</i>
03/13/2019	Motion to Intervene (3:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Physicians Casualty Risk Retention Group's Motion to Intervene on Order Shortening Time</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-738123-C

03/18/2019	CANCELED Jury Trial - FIRM (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - per Judge</i>
04/03/2019	 Motion For Reconsideration (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Republic Silver State Disposal, Inc.'s Motion for Reconsideration on Order Shortening Time</i> Motion Denied; Journal Entry Details: <i>Court made a statement, noting, this Court must follow Nevada Supreme Court cases and the statute. Extensive arguments by Mr. Barron and Ms. Hall. Court NOTED NRS 17.225, stated its FINDINGS, and ORDERED, Motion DENIED. Defense Counsel is to prepare an Order, have it approved as to form and content by Plaintiff Counsel, and submit it to the Court for signature.;</i>
05/08/2019	Motion to Retax (9:00 AM) (Judicial Officer: Wiese, Jerry A.) Events: 03/27/2019 Notice of Hearing <i>Notice of Hearing on Republic Silver State Disposal, Inc.'s Motion to Retax and Settle Costs</i>
05/15/2019	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Wiese, Jerry A.) <i>Defendants Andrew M. Cash, M.D.; Andrew M. Cash, M.D., P.C.; Andrew Miller Cash, M.D., P.C.; & Desert Institute Of Spine Care, Llc s Motion For Attorneys Fees And Costs</i>

DATE

FINANCIAL INFORMATION

Defendant Balodimas, James D, M.D.	
Total Charges	233.50
Total Payments and Credits	233.50
Balance Due as of 4/29/2019	0.00
Defendant James D Balodimas M.D P.C	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 4/29/2019	0.00
Defendant Katuna, Bruce A, M.D.	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 4/29/2019	0.00
Defendant Las Vegas Radiology LLC	
Total Charges	528.00
Total Payments and Credits	528.00
Balance Due as of 4/29/2019	0.00
Defendant Miller, Danielle	
Total Charges	673.00
Total Payments and Credits	673.00
Balance Due as of 4/29/2019	0.00
Defendant Neuromonitoring Associates	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 4/29/2019	0.00
Defendant Rocky Mountain Neurodiagnostics LLC	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 4/29/2019	0.00
Defendant Andrew M Cash M.D P.C	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 4/29/2019	0.00

CASE SUMMARY

CASE NO. A-16-738123-C

Defendant Cash, M.D., Andrew M.

Total Charges

447.00

Total Payments and Credits

447.00

Balance Due as of 4/29/2019

0.00

Defendant Desert Institute of Spine Care LLC

Total Charges

30.00

Total Payments and Credits

30.00

Balance Due as of 4/29/2019

0.00

Plaintiff Republic Silver State Disposal, Inc.

Total Charges

771.50

Total Payments and Credits

771.50

Balance Due as of 4/29/2019

0.00

Plaintiff Republic Silver State Disposal, Inc.

Appeal Bond Balance as of 4/29/2019

1,000.00

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>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>Judicial Review</p> <p>Foreclosure Mediation Case</p> <p>Petition to Seal Records</p> <p>Mental Competency</p> <p>Nevada State Agency Appeal</p> <p>Department of Motor Vehicle</p> <p>Worker's Compensation</p> <p>Other Nevada State Agency</p> <p>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>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>

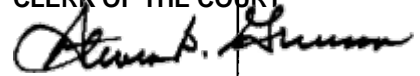
Business Court filings should be filed using the Business Court Civil Cover Sheet.

6/8/2016

Date

Signature of initiating party or representative

DISTRICT COURT
CLARK COUNTY, NEVADA
-oOo-



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

Plaintiff,)

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.,)
A Nevada Limited Liability Company,)

Defendants.)

CASE NO.: A-16-738123-C
DEPT. NO.: 30

ORDER RE: DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

Defendant's Motion for Summary Judgment came on for hearing on Monday, March 11, 2019, at 2:00 p.m. The parties were represented by counsel, who submitted briefs, and argued orally on behalf of their clients. The Court took the matter under advisement, and now issues this Order.

Summary Judgment is appropriate only if "there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." NRCP 56. The pleadings and evidence must be construed in the light most favorable to the non-moving party, but the non-moving party must still set forth specific facts demonstrating the existence of a genuine issue of material fact, in order to defeat Summary Judgment. *Collins v. Union Fed. Sav. & Loan Ass'n*, 99 Nev. 284, 294, 662 P.2d 610, 618-619 (1983). The non-moving party must establish a genuine issue of material fact with more than "gossamer threads of whimsy." *Wood v. Safeway*, 121 Nev. 724, 730-31, 121 P.3d 1026 (2005).

Plaintiff's only remaining claim in this action is for contribution against Dr. Cash and the related Defendants, pursuant to NRS 17.225. Defendants argue that Summary Judgment is appropriate because no cause of action for contribution can exist when Republic and Dr. Cash are not "joint tortfeasors," and did not contribute to the same single injury. In support of their argument, Defendants cite to the Plaintiff's

1 Complaint, in which Plaintiff alleges that, “As a direct and proximate result of
2 Defendants’ negligence, . . . Gonzalez suffered new and different injuries from those
3 allegedly suffered in the motor vehicle accident of January 14, 2012.” (See Complaint
4 at Paragraph 56).

5 NRS 17.225 reads in pertinent part as follows:

6 NRS 17.225 Right to contribution.

7 1. Except as otherwise provided in this section and NRS 17.235 to 17.305,
8 inclusive, where two or more persons become jointly or severally liable in tort
9 **for the same injury** to person or property or for the same wrongful death,
there is a right of contribution among them even though judgment has not been
recovered against all or any of them.

10

11 NRS 17.225 (emphasis added).

12 Defendant suggests that accepting the Plaintiff’s allegations as true, Dr. Cash
13 and Republic are not joint tortfeasors, and no right to contribution exists under NRS
14 17.225.

15 In his Motion for Summary Judgment, Cash cites to the case of *District of*
16 *Columbia v. Washington Hospital Center*, 722 A.2d 332 (1998), but Plaintiff responds
17 that such case is inapplicable because the District of Columbia doesn’t even have a
18 contribution statute. Such a distinction is important and consequently, this Court
19 cannot rely on that case for its decision in this case.

20 Nevada’s contribution cause of action was created by statute. Defendant cites to
21 the unpublished Nevada Supreme Court Case of *Disc. Tire Co. of Nev. V. Fisher Sand &*
22 *Gravel Co.*, 400 P.3d 244 (2017 WL 1397333 (Nev. 2017 Unpub), which states the
following:

23 “Contribution is a creature of statute . . .” *Doctors Co. v. Vincent*, 120 Nev. 644,
24 560, 98 P.3d 681, 686 (204). “Under the Nevada statutory formulation, the
25 remedy of contribution allows one tortfeasor to extinguish joint liabilities
26 through payment to the injured party, and then seek partial reimbursement
from a joint tortfeasor for sums paid in excess of the settling or discharging
tortfeasor’s equitable share of the common liability.” *Id.*, at 651, 98 P.3d at 686.

27 . . .

28 The Nevada Supreme Court discussed the difference between joint tortfeasors
and successive tortfeasors, as follows:

1 . . . we hold that Discount Tire and Fisher are joint tortfeasors, and not
2 successive tortfeasors. Compare *Joint Tortfeasors*, *Black's Law Dictionary* (10th
3 ed. 2014)(defining joint tortfeasors as “[t]wo or more tortfeasors who
4 contributed to the claimant’s injury and who may be joined as defendants in the
5 same lawsuit”), and 74 *Am.Jur.2d Torts* §64 (2012) (providing that “joint
6 tortfeasors act negligently – either in voluntary, intentional concert, or
7 separately and independently – to produce a **single indivisible injury**”
8 (emphasis added)), with *Hansen v. Collett*, 79 Nev. 159, 167, 380 P.2d 301, 305
9 (1963)(providing that successive tortfeasors must produce acts “differing in
10 time and place of commission as well as in nature, [causing] **two separate**
11 **injuries** [that] gave rise to two distinct causes of action” (emphasis added)),
12 and *Successive Tortfeasors*, *Black's Law Dictionary* (10th ed. 2014)(defining
13 successive tortfeasors as “[t]wo or more tortfeasors whose negligence occurs at
14 different times and causes different injuries to the same third party” (emphasis
15 added)). . . .

16 *Disc. Tire Co. of Nev. V. Fisher Sand & Gravel Co.*, 400 P.3d 244, 2017 WL 1397333
17 (2017 Nev. Unpub)(emphasis added by the Supreme Court).

18 Based on this distinction, this Court needs to determine whether Republic and
19 Cash are “joint tortfeasors” or “successive tortfeasors.” Viewing the evidence in the
20 light most favorable to the non-moving party, Republic, the Court must conclude that
21 the Plaintiff will be able to establish its allegation that as a result of Dr. Cash’s actions,
22 “Gonzalez suffered new and different injuries from those allegedly suffered in the
23 motor vehicle accident of January 14, 2012.” (See Complaint at Paragraph 56).
24 Although the Plaintiff would now have the Court conclude that a contribution claim is
25 valid since there is a single “common liability,” as discussed in NRS 17.225(2),
26 subsection (1) of the same statute indicates that there is a right of contribution when
27 “two or more persons become jointly or severally liable . . . for the **same injury**.”
28 Although the Court assumes that Dr. Cash would testify that his treatment was part of
the overall care of the patient’s injuries resulting from the subject motor vehicle
accident, and that he did not cause any “separate” or “additional” injury, for purposes
of a Motion for Summary Judgment, the Court must assume that the Plaintiff will be
able to prove its allegation that there was a “new and different injury” caused by Dr.
Cash. If there is a “new and different injury,” then the parties cannot be “joint
tortfeasors,” but instead they would be successive tortfeasors. There was not an
“indivisible injury,” but the acts (motor vehicle accident and separate alleged
negligence of Dr. Cash) occurred at different times and places, and allegedly caused

1 “two separate injuries,” which gave rise to two distinct causes of action.¹ Consequently,
2 this Court has no choice but to conclude that Dr. Cash and Republic are “successive”
3 and not “joint tortfeasors.” Because they are “successive” and not “joint tortfeasors,”
4 NRS 17.225 cannot apply, and there can be no claim for contribution, as a matter of
5 law.

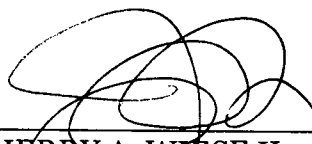
6 Based upon the foregoing, and good cause appearing, the Defendant’s Motion
7 for Summary Judgment is hereby **GRANTED**.²

8 As a result of this decision, the Jury Trial set for 3/18/2019 is hereby
9 **VACATED**.

10 The Defendants’ Motion for Stay Pending Decision on Emergency Petition for
11 Writ of Mandamus was not actually calendared, but is now **VACATED AS MOOT**.

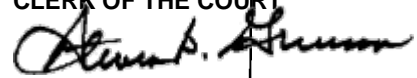
12 The Motion to Intervene on behalf of Physicians Casualty Risk Retention Group
13 is **VACATED AS MOOT**.

14 Dated this 14th day of March, 2019.

15
16 
17 JERRY A. WIESE II
18 DISTRICT COURT JUDGE
19 EIGHTH JUDICIAL DISTRICT COURT
20 DEPARTMENT XXX
21
22

23 ¹ Unfortunately for the Plaintiff, the Court’s ruling will eliminate the Plaintiff’s cause of action for
24 contribution, and consequently, one may ask “what are the two distinct causes of action?” This Court struggles
25 with this question, but concludes that the original Plaintiff, Gonzalez, would have two distinct causes of action if
26 she had chosen to bring them. She would have one negligence claim against Republic, and a separate claim for
27 alleged professional negligence, against Dr. Cash. Although Restatement 2d Torts §457 and Nev. Med Mal Jury
28 Inst. 9MM.8 would allow Gonzalez to have recovered all damages from Republic, it doesn’t mean that she would
not have had a distinct cause of action against Dr. Cash if she had wanted to assert it.

² The Court notes that although Dr. Cash’s counsel was preparing a Writ with regard to the Court’s prior
decisions, this decision will obviously eliminate the need for that Writ. If Plaintiff’s counsel instead files an
Appeal, this Court suggests and/or requests that the parties brief and request that the Supreme Court also address
and give guidance with regard to the applicability of NRS 41A.035, NRS 42.021, and other related professional
negligence statutes to the facts and circumstances of this case, and how such statutes could be applied to a claim for
contribution, when the Plaintiff is not the injured party.



**DISTRICT COURT
CLARK COUNTY, NEVADA
-oOo-**

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

Plaintiff

vs.

Case No.: A-16-738123-C

Dept No.: XXX


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.

**NOTICE OF ENTRY OF ORDER:
ORDER RE: DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

You are hereby notified that this Court entered **Order re: Defendant's Motion for Summary Judgment**, a copy of which is attached hereto.

DATED this 15 day of March 2019.




JERRY A WIESE

DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the date filed, a copy of this Order was electronically served

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JERRY A. WIESE
DISTRICT JUDGE
DEPARTMENT 30
LAS VEGAS, NV 89101

DISTRICT COURT
CLARK COUNTY, NEVADA
-oOo-

Steven D. Grierson

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

Plaintiff,)

vs.)

ANDREW M. CASH, M.D.; ANDREW)
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MILLER CASH, M.D., P.C., DESERT)
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Defendants.)

CASE NO.: A-16-738123-C
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1
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3 and not "joint tortfeasors." Because they are "successive" and not "joint tortfeasors,"
4 NRS 17.225 cannot apply, and there can be no claim for contribution, as a matter of
5 law.

6 Based upon the foregoing, and good cause appearing, the Defendant's Motion
7 for Summary Judgment is hereby **GRANTED**.²

8 As a result of this decision, the Jury Trial set for 3/18/2019 is hereby
9 **VACATED**.

10 The Defendants' Motion for Stay Pending Decision on Emergency Petition for
11 Writ of Mandamus was not actually calendared, but is now **VACATED AS MOOT**.

12 The Motion to Intervene on behalf of Physicians Casualty Risk Retention Group
13 is **VACATED AS MOOT**.

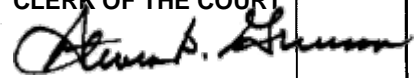
14 Dated this 14th day of March, 2019.



15
16 JERRY A. WIESE II
17 DISTRICT COURT JUDGE
18 EIGHTH JUDICIAL DISTRICT COURT
19 DEPARTMENT XXX
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21
22

23 ¹ Unfortunately for the Plaintiff, the Court's ruling will eliminate the Plaintiff's cause of action for
24 contribution, and consequently, one may ask "what are the two distinct causes of action?" This Court struggles
25 with this question, but concludes that the original Plaintiff, Gonzalez, would have two distinct causes of action if
26 she had chosen to bring them. She would have one negligence claim against Republic, and a separate claim for
27 alleged professional negligence, against Dr. Cash. Although Restatement 2d Torts §457 and Nev. Med Mal Jury
28 Inst. 9MM.8 would allow Gonzalez to have recovered all damages from Republic, it doesn't mean that she would
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² The Court notes that although Dr. Cash's counsel was preparing a Writ with regard to the Court's prior
decisions, this decision will obviously eliminate the need for that Writ. If Plaintiff's counsel instead files an
Appeal, this Court suggests and/or requests that the parties brief and request that the Supreme Court also address
and give guidance with regard to the applicability of NRS 41A.035, NRS 42.021, and other related professional
negligence statutes to the facts and circumstances of this case, and how such statutes could be applied to a claim for
contribution, when the Plaintiff is not the injured party.



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: rcmcbride@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*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

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

15 Plaintiff,

16 vs.

17 ANDREW M. CASH, M.D.; ANDREW M.
18 CASH, M.D., P.C. aka ANDREW MILLER
19 CASH, M.D., P.C.; DESERT INSTITUTE
20 OF SPINE CARE, LLC, a Nevada Limited
21 Liability Company; JAMES D.
22 BALODIMAS, M.D.; JAMES D.
23 BALODIMAS, M.D., P.C.; LAS VEGAS
24 RADIOLOGY, LLC, a Nevada Limited
25 Liability Company; BRUCE A. KATUNA,
26 M.D.; ROCKY MOUNTAIN
27 NEURODIAGNOSTICS, LLC a Colorado
28 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.**

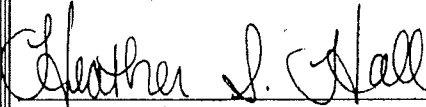
18 Date: 4/25/19


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

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: 
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Attorneys for Plaintiff

Resigned
4/17/19

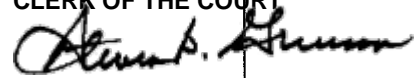
1 **CERTIFICATE OF SERVICE**

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
- 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



**DISTRICT COURT
CLARK COUNTY, NEVADA**
-oOo-

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

Plaintiff

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, 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 No.: A-16-738123-C

Dept No.: XXX

**ORDER ON DEFENDANTS ANDREW
M. CASH, M.D.; ANDREW M. CASH,
M.D., P.C.; & DESERT INSTITUTE
OF SPINE CARE, LLC'S MOTIONS
TO COMPEL AND NON-PARTY
DEPONENTS MARIE GONZALES'
MOTION FOR
PROTECTIVE ORDER ON ORDER
SHORTENING TIME**

**DATE OF HEARING: 03/04/19
TIME OF HEARING: 9:00 A.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
Motion to Compel NRCP 30(b)(6) Deposition of Plaintiff on Order Shortening Time; Motion to
Compel Deposition and Production of Documents on Order Shortening Time and Non-Party
Deponent Marie Gonzales' Motion for Protective Order on Order Shortening Time came on for
hearing on March 4, 2019. The Court, having reviewed the papers and pleadings on file herein
and having heard argument of, hereby finds as follows:

1. On May 14, 2018, this Court issued an order stating that the non-economic
damages in this action were capped at \$350,000 per NRS 41A.035. Considering the issues
raised by the Motions has caused the Court to reconsider its prior ruling that NRS 41A.035

1 applies to this contribution action premised upon allegations of medical malpractice. See Order
2 Granting Defendant Las Vegas Radiology's Motion to "Cap" Non-Economic Damages Per
3 NRS 41A.035 and Joinders to Same.
4

5 2. The prior Order stating, " ... Nevada law obligates a Plaintiff seeking contribution
6 from health care providers, asserting claims for professional negligence, to satisfy the
7 requirements of NRS Chapter 41A" is hereby vacated. Because of its reconsideration of its
8 prior rulings, the Court believes the discussion found below at ¶¶ 3-13 is in order.
9

10 3. The Court finds that NRS Ch. 41A has limited application to this contribution
11 action. The Court has previously recognized that Republic Silver State Disposal's (Republic)
12 cause of action is for contribution under the Uniform Contribution Among Tortfeasors Act,
13 NRS 17.225 et seq., and not one for "professional negligence" against "provider(s) of health
14 care" under the provisions of NRS ch. 41A. See Order re: Cash Defendants' Motion to
15 Dismiss, etc., entered Dec. 13, 2016, p. 2. The referenced Order affirmatively dismissed a
16 cause of action contained in Republic's Amended Complaint for professional negligence, but
17 did so by further recognizing that the contribution claim was "based upon professional
18 negligence" and that the contribution action "subsumed" professional negligence as its basis
19 for liability. Id., pp. 2-3; see also NRS 41A.015 ("Professional negligence means the failure of
20 a provider of health care, in rendering services, to use the reasonable care, skill or knowledge
21 ordinarily used under similar circumstances by similarly trained and experienced providers of
22 health care").
23
24

25 4. NRS 41A.035 imposes a \$350,000 limitation for "noneconomic" damages,"
26 which are in turn defined at NRS 41A.011 as including "damages to compensate for pain,
27 suffering, inconvenience, physical impairment, disfigurement and other nonpecuniary
28 damages."
29

1 5. The Court finds the parameters of NRS 41A.035, limiting the recovery of
2 “noneconomic damages,” are set by the statute’s own terms:

3 In an action for injury or death against a provider of health care based
4 upon professional negligence, *the injured plaintiff may recover*
5 noneconomic damages, but the amount of noneconomic damages
6 awarded in such an action must not exceed \$350,000. regardless of the
7 number of plaintiffs, defendants or theories upon which liability may be
8 based. (emphasis added)

9 6. The Court believes its prior order imposing the damage limitation in NRS
10 41A.035 here was in error. The statutory definition of “noneconomic damage” at NRS
11 41A.011 contemplates a bodily injury or death, and is integral to an understanding of NRS
12 41A.035’s scope and purpose. The statute further indicates that “the injured plaintiff may
13 recover” certain damages, but Republic is not an “injured plaintiff,” as contemplated by the
14 statute. Republic’s contribution action- is for neither bodily injury nor death; nor does it seek
15 recovery for the injured patient’s “pain, suffering, inconvenience,” etc. resulting from allegedly
16 faulty care. Its claim is brought under a statutory scheme allowing one who has extinguished a
17 “common liability” to seek monetary restitution from another party who is also responsible for
18 causing the loss. This conclusion regarding the nature of Republic’s claim is in conformity
19 with the Court’s Order of Dec. 13, 2016, referenced above.

20 7. Next, Nevada’s contribution statutes impose their own limitation on recovery
21 since the party seeking contribution’s “total recovery is limited to the amount paid by the
22 tortfeasor in excess of his or her equitable share.” NRS 17.225(2). The same provision also has
23 a salutary effect for the party being sued for contribution because “[n]o tortfeasor is compelled
24 to make contribution beyond his or her own equitable share of the entire liability.” Id. The
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1 contribution-defendant also has further protection because the contribution-plaintiff cannot
2 recover “any amount paid in a settlement which is in excess of what was reasonable.” Id. (3).

3
4 8. Finally, the damage limitation in NRS 41A.035 cannot be read harmoniously
5 with the provisions of NRS 17.225. Each statute finds good application within its own statutory
6 scheme, but becomes cumbersome to the point of being unworkable if superimposed
7 elsewhere. This case presents an example of that unworkability: If NRS 41A.035’s “cap” is
8 imposed in Republic’s contribution action, what of the \$2 million settlement can be considered
9 “noneconomic damage” with a monetary ceiling, as opposed to “economic damage,” having no
10 limitation on its full recovery under NRS 41A.007? As a prior practicing attorney in this area
11 of the law, this Court has first-hand knowledge that when settling a personal injury case such
12 as Ms. Gonzales’ case against Silver State, the attorney and the Plaintiff have no incentive or
13 reason to distinguish between economic and non-economic damages. If the settling parties
14 themselves do not make that distinction, how can the Court make such a determination later?
15 Or, without evidence of such an intent being found in the settlement, can the fact-finder ever
16 do more than make a wholly arbitrary determination? The answers seem self-apparent – it is
17 impossible to determine in a case such as this what portion of the settlement was for economic
18 vs. non-economic damages. The Defendant suggests that the determination should be based on
19 how the Plaintiff’s tax liability for the amount received was calculated. This Court does not
20 see that as a realistic option, as tax liabilities can be calculated differently by different CPA’s,
21 and may be based on a variety of tax codes. The Court therefore believes the better choice is to
22 read NRS 41A.035, no less than NRS 17.225 et seq., in context and as written. This is part of
23 the reason this Court finds and concludes that statutes contained in Chapter 41A of the NRS
24 were not intended to apply to a subrogation/contribution type action such as that before this
25 Court.
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1 9. Thus, the Court finds NRS 41A.035's monetary limitation for "noneconomic
2 damages" is specific to "pain, suffering, inconvenience, physical impairment, disfigurement,
3 and other nonpecuniary damages." These damages are suffered by the individual who is
4 personally injured because of the "professional negligence." The Court cannot find a way to
5 apply NRS 41A.035 to the facts of the present case, and consequently, concludes that
6 41A.035's limitation is inapplicable in the present case.
7

8 10. In addition, the Court finds Republic's claim is not a continuation or assumption
9 of Marie Gonzales' personal rights for recovery of any "pain, suffering" etc. resulting from the
10 "professional negligence" alleged, and statements to the contrary in prior rulings are
11 disavowed. Rather, Republic's claim is for contribution, which was statutorily created by the
12 State Legislature with its adoption of the Uniform Contribution Among Torfeasors Act in
13 1973, and later amended during its 1979 legislative session. See 1973 Statutes of Nevada 1303;
14 1979 Statutes of Nevada 1978. But for its statutory creation, Republic would have no legal
15 right of contribution. Reid v. Royal Ins. Co., 80 Nev. 137, 142, 390 P.2d 45, 47 (1964)
16 (following the common law rule that there is "no right of contribution between co-torfeasors").
17 Therefore the Court finds Republic's right of contribution is created and dependent on the
18 provisions of NRS 17.225 et seq., and does not derive from rights personal to Marie Gonzales.
19
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21 11. The Court also finds that NRS 42.021 has no application to the present action.
22 The foregoing rationale regarding NRS 41A.035 also pertains to NRS 42.021 as it too comes
23 into play "[i]n an action for injury or death against a provider of health care based upon
24 professional negligence." But as seen, Republic's contribution action is statutory, and not
25 derivative of Marie Gonzales' injury, or rights personal to her that arose from it.
26
27

28 12. On its face, NRS 42.021 permits a defendant charged with "professional
negligence" (specially defined in sub. (8)(c) as a "negligent act or omission to act by a provider

1 of health care in the rendering of professional services, which act or omission is the proximate
2 cause of a personal injury or wrongful death”) to “elect” to bring into evidence payments from
3 certain defined “collateral” sources which are made “payable as a benefit to the plaintiff as a
4 result of the injury[.]” Id. (1). Should the professional negligence defendant offer such
5 “collateral source” evidence, the plaintiff then has the option of offering his or her own
6 evidence of “any amount that the plaintiff has paid or contributed to secure the plaintiff’s right
7 to any insurance benefits concerning which the defendant has introduced evidence.” Id. (1).
8 Subsection (2) of the statute thereafter cuts off any third party rights of reimbursement against
9 the plaintiff, or subrogation rights against the defendant for any collateral source offered into
10 evidence.
11

12
13 13. NRS 42.021, therefore, favors the medical defendant with the possibility of a
14 “collateral source” offset against a total recovery, while at the same time shielding the NRS
15 42.021 plaintiff and “professional negligence” defendant from later actions by third-party
16 payors. But assuming any such “collateral source” benefits were paid to Ms. Gonzales—which
17 is by no means certain—application of the portions of the statute which would benefit
18 Republic, would be impossible here because 1) it did not receive any collateral source
19 payments (nor can it be charged with their constructive receipt since its rights are not
20 derivative of Ms. Gonzales’); 2) the “professional negligence” defendants would nonetheless
21 get the potential collateral source offset in the event of a recovery against them; and 3) there
22 appears to be no impediment to a subrogation action by third-party payors under sub. (2)(b) for
23 return of the very collateral benefits Republic never received. It violates Equal Protection of
24 the Law to apply only a portion of the statute, which benefits the Defendant, when the portion
25 of the statute which benefits the “injured party” is inapplicable and cannot be applied in favor
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1 of the Plaintiff, Silver State. The Court thus finds NRS 42.021 inapplicable to Republic as a
2 matter of law.

3 14. Defendants ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C., aka
4 ANDREW MILLER CASH, M.D., P.C.; and DESERT INSTITUTE OF SPINE CARE, LLC's
5 Motion to take NRCP 30(b)(6) Deposition of Plaintiff Republic on Order Shortening Time is
6 **GRANTED IN PART, DENIED IN PART.**

7
8 15. The Motion is granted in so far as Defendant Cash is entitled to depose Plaintiff
9 Republic and question the PMK on the amount of and basis for the settlement in the personal
10 injury action.

11
12 16. The Motion is denied in so far as the defense states that the attorney-client
13 privilege is waived due to the at-issue waiver doctrine. The Court does not find that the
14 attorney-client privilege has been waived by virtue of this contribution claim and specific
15 ruling is reserved for a per question basis.

16
17 17. Defendants ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C., aka
18 ANDREW MILLER CASH, M.D., P.C.; and DESERT INSTITUTE OF SPINE CARE, LLC's
19 Motion to Compel Deposition and Production of Documents on Order Shortening Time from
20 certain non-parties is **DENIED AS MOOT.**

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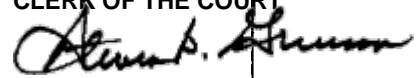
28 ///

1 18. Non-Party Deponents Marie Gonzales, Jacqueline R. Bretell, Esq., and Bighorn
2 Law's Motion for Protective Order on Order Shortening Time is **DENIED AS MOOT.**

3 **IT IS SO ORDERED.**

4 **DATED this 12th day of March, 2019.**

5
6
7 
8 _____
9 DISTRICT COURT JUDGE



**DISTRICT COURT
CLARK COUNTY, NEVADA
-oOo-**

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

Plaintiff

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, a Nevada Limited Liability
Company; JAMES D. BALODIMAS, M.D.;
JAMES D. BALODIMAS, M.D., P.C.; LAS
VEGAS RADIOLOGY, LLC, a Nevada Limited
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ROCKY MOUNTAIN NEURODIAGNOSTICS,
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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

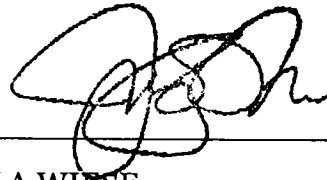
Dept No.: XXX

**NOTICE OF ENTRY OF ORDER:
ORDER ON DEFENDANTS ANDREW
M. CASH, M.D.; ANDREW M. CASH,
M.D., P.C.; & DESERT INSTITUTE
OF SPINE CARE, LLC'S MOTIONS
TO COMPEL AND NON-PARTY
DEPONENTS MARIE GONZALES'
MOTION FOR
PROTECTIVE ORDER ON ORDER
SHORTENING TIME**

**DATE OF HEARING: 03/04/19
TIME OF HEARING: 9:00 A.M.**

You are hereby notified that this Court entered **ORDER ON DEFENDANTS
ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; & DESERT
INSTITUTE OF SPINE CARE, LLC'S MOTIONS TO COMPEL AND NON-
PARTY DEPONENTS MARIE GONZALES' MOTION FOR PROTECTIVE
ORDER ON ORDER SHORTENING TIME**, a copy of which is attached hereto.

DATED this 13th day of March 2019.



JERRY A WIESE

DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the date filed, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system, or, if no e-mail was provided, mailed or placed in the Clerk's Office attorney folder for:

///

///

///

Party: Andrew M. Cash, M.D. - Defendant



Michelle Newquist

mnewquist@cktfmlaw.com



Madeline VanHeuvelen

mvvanheuvelen@cktfmlaw.com

Party: Republic Silver State Disposal, Inc. - Plaintiff



David Barron

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Luz T Macias

lmacias@lvnvlaw.com

Tatyana Ristic, JEA

DISTRICT COURT
CLARK COUNTY, NEVADA
-oOo-



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

Plaintiff

vs.

ANDREW M. CASH, M.D.; ANDREW M.
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SHOPSHIRE; NEUROMONITORING
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DOES 1-10 inclusive; and ROE
CORPORATIONS 1-10 inclusive

Defendants.

Case No.: A-16-738123-C

Dept No.: XXX

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M. CASH, M.D.; ANDREW M. CASH,
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SHORTENING TIME**

**DATE OF HEARING: 03/04/19
TIME OF HEARING: 9:00 A.M.**

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Motion to Compel NRCP 30(b)(6) Deposition of Plaintiff on Order Shortening Time; Motion to
Compel Deposition and Production of Documents on Order Shortening Time and Non-Party
Deponent Marie Gonzales' Motion for Protective Order on Order Shortening Time came on for
hearing on March 4, 2019. The Court, having reviewed the papers and pleadings on file herein
and having heard argument of, hereby finds as follows:

1. On May 14, 2018, this Court issued an order stating that the non-economic
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raised by the Motions has caused the Court to reconsider its prior ruling that NRS 41A.035

1 applies to this contribution action premised upon allegations of medical malpractice. See Order
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5 2. The prior Order stating, " ... Nevada law obligates a Plaintiff seeking contribution
6 from health care providers, asserting claims for professional negligence, to satisfy the
7 requirements of NRS Chapter 41A" is hereby vacated. Because of its reconsideration of its
8 prior rulings, the Court believes the discussion found below at ¶¶ 3-13 is in order.
9

10 3. The Court finds that NRS Ch. 41A has limited application to this contribution
11 action. The Court has previously recognized that Republic Silver State Disposal's (Republic)
12 cause of action is for contribution under the Uniform Contribution Among Tortfeasors Act,
13 NRS 17.225 et seq., and not one for "professional negligence" against "provider(s) of health
14 care" under the provisions of NRS ch. 41A. See Order re: Cash Defendants' Motion to
15 Dismiss, etc., entered Dec. 13, 2016, p. 2. The referenced Order affirmatively dismissed a
16 cause of action contained in Republic's Amended Complaint for professional negligence, but
17 did so by further recognizing that the contribution claim was "based upon professional
18 negligence" and that the contribution action "subsumed" professional negligence as its basis
19 for liability. Id., pp. 2-3; see also NRS 41A.015 ("Professional negligence means the failure of
20 a provider of health care, in rendering services, to use the reasonable care, skill or knowledge
21 ordinarily used under similar circumstances by similarly trained and experienced providers of
22 health care").
23
24

25 4. NRS 41A.035 imposes a \$350,000 limitation for "noneconomic" damages,"
26 which are in turn defined at NRS 41A.011 as including "damages to compensate for pain,
27 suffering, inconvenience, physical impairment, disfigurement and other nonpecuniary
28 damages."

1 5. The Court finds the parameters of NRS 41A.035, limiting the recovery of
2 “noneconomic damages,” are set by the statute’s own terms:

3 In an action for injury or death against a provider of health care based
4 upon professional negligence, *the injured plaintiff may recover*
5 noneconomic damages, but the amount of noneconomic damages
6 awarded in such an action must not exceed \$350,000. regardless of the
7 number of plaintiffs, defendants or theories upon which liability may be
8 based. (emphasis added)

9 6. The Court believes its prior order imposing the damage limitation in NRS
10 41A.035 here was in error. The statutory definition of “noneconomic damage” at NRS
11 41A.011 contemplates a bodily injury or death, and is integral to an understanding of NRS
12 41A.035’s scope and purpose. The statute further indicates that “the injured plaintiff may
13 recover” certain damages, but Republic is not an “injured plaintiff,” as contemplated by the
14 statute. Republic’s contribution action- is for neither bodily injury nor death; nor does it seek
15 recovery for the injured patient’s “pain, suffering, inconvenience,” etc. resulting from allegedly
16 faulty care. Its claim is brought under a statutory scheme allowing one who has extinguished a
17 “common liability” to seek monetary restitution from another party who is also responsible for
18 causing the loss. This conclusion regarding the nature of Republic’s claim is in conformity
19 with the Court’s Order of Dec. 13, 2016, referenced above.

20
21
22 7. Next, Nevada’s contribution statutes impose their own limitation on recovery
23 since the party seeking contribution’s “total recovery is limited to the amount paid by the
24 tortfeasor in excess of his or her equitable share.” NRS 17.225(2). The same provision also has
25 a salutary effect for the party being sued for contribution because “[n]o tortfeasor is compelled
26 to make contribution beyond his or her own equitable share of the entire liability.” Id. The
27
28

1 contribution-defendant also has further protection because the contribution-plaintiff cannot
2 recover “any amount paid in a settlement which is in excess of what was reasonable.” Id. (3).

3
4 8. Finally, the damage limitation in NRS 41A.035 cannot be read harmoniously
5 with the provisions of NRS 17.225. Each statute finds good application within its own statutory
6 scheme, but becomes cumbersome to the point of being unworkable if superimposed
7 elsewhere. This case presents an example of that unworkability: If NRS 41A.035’s “cap” is
8 imposed in Republic’s contribution action, what of the \$2 million settlement can be considered
9 “noneconomic damage” with a monetary ceiling, as opposed to “economic damage,” having no
10 limitation on its full recovery under NRS 41A.007? As a prior practicing attorney in this area
11 of the law, this Court has first-hand knowledge that when settling a personal injury case such
12 as Ms. Gonzales’ case against Silver State, the attorney and the Plaintiff have no incentive or
13 reason to distinguish between economic and non-economic damages. If the settling parties
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15 Or, without evidence of such an intent being found in the settlement, can the fact-finder ever
16 do more than make a wholly arbitrary determination? The answers seem self-apparent – it is
17 impossible to determine in a case such as this what portion of the settlement was for economic
18 vs. non-economic damages. The Defendant suggests that the determination should be based on
19 how the Plaintiff’s tax liability for the amount received was calculated. This Court does not
20 see that as a realistic option, as tax liabilities can be calculated differently by different CPA’s,
21 and may be based on a variety of tax codes. The Court therefore believes the better choice is to
22 read NRS 41A.035, no less than NRS 17.225 et seq., in context and as written. This is part of
23 the reason this Court finds and concludes that statutes contained in Chapter 41A of the NRS
24 were not intended to apply to a subrogation/contribution type action such as that before this
25 Court.
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1 9. Thus, the Court finds NRS 41A.035's monetary limitation for "noneconomic
2 damages" is specific to "pain, suffering, inconvenience, physical impairment, disfigurement,
3 and other nonpecuniary damages." These damages are suffered by the individual who is
4 personally injured because of the "professional negligence." The Court cannot find a way to
5 apply NRS 41A.035 to the facts of the present case, and consequently, concludes that
6 41A.035's limitation is inapplicable in the present case.
7

8 10. In addition, the Court finds Republic's claim is not a continuation or assumption
9 of Marie Gonzales' personal rights for recovery of any "pain, suffering" etc. resulting from the
10 "professional negligence" alleged, and statements to the contrary in prior rulings are
11 disavowed. Rather, Republic's claim is for contribution, which was statutorily created by the
12 State Legislature with its adoption of the Uniform Contribution Among Torfeasors Act in
13 1973, and later amended during its 1979 legislative session. See 1973 Statutes of Nevada 1303;
14 1979 Statutes of Nevada 1978. But for its statutory creation, Republic would have no legal
15 right of contribution. Reid v. Royal Ins. Co., 80 Nev. 137, 142, 390 P.2d 45, 47 (1964)
16 (following the common law rule that there is "no right of contribution between co-torfeasors").
17 Therefore the Court finds Republic's right of contribution is created and dependent on the
18 provisions of NRS 17.225 et seq., and does not derive from rights personal to Marie Gonzales.
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22 11. The Court also finds that NRS 42.021 has no application to the present action.
23 The foregoing rationale regarding NRS 41A.035 also pertains to NRS 42.021 as it too comes
24 into play "[i]n an action for injury or death against a provider of health care based upon
25 professional negligence." But as seen, Republic's contribution action is statutory, and not
26 derivative of Marie Gonzales' injury, or rights personal to her that arose from it.
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28 12. On its face, NRS 42.021 permits a defendant charged with "professional
negligence" (specially defined in sub. (8)(c) as a "negligent act or omission to act by a provider

1 of health care in the rendering of professional services, which act or omission is the proximate
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3 certain defined “collateral” sources which are made “payable as a benefit to the plaintiff as a
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9 the plaintiff, or subrogation rights against the defendant for any collateral source offered into
10 evidence.
11

12
13 13. NRS 42.021, therefore, favors the medical defendant with the possibility of a
14 “collateral source” offset against a total recovery, while at the same time shielding the NRS
15 42.021 plaintiff and “professional negligence” defendant from later actions by third-party
16 payors. But assuming any such “collateral source” benefits were paid to Ms. Gonzales—which
17 is by no means certain—application of the portions of the statute which would benefit
18 Republic, would be impossible here because 1) it did not receive any collateral source
19 payments (nor can it be charged with their constructive receipt since its rights are not
20 derivative of Ms. Gonzales’); 2) the “professional negligence” defendants would nonetheless
21 get the potential collateral source offset in the event of a recovery against them; and 3) there
22 appears to be no impediment to a subrogation action by third-party payors under sub. (2)(b) for
23 return of the very collateral benefits Republic never received. It violates Equal Protection of
24 the Law to apply only a portion of the statute, which benefits the Defendant, when the portion
25 of the statute which benefits the “injured party” is inapplicable and cannot be applied in favor
26
27
28

1 of the Plaintiff, Silver State. The Court thus finds NRS 42.021 inapplicable to Republic as a
2 matter of law.

3 14. Defendants ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C., aka
4 ANDREW MILLER CASH, M.D., P.C.; and DESERT INSTITUTE OF SPINE CARE, LLC's
5 Motion to take NRCP 30(b)(6) Deposition of Plaintiff Republic on Order Shortening Time is
6 **GRANTED IN PART, DENIED IN PART.**

7
8 15. The Motion is granted in so far as Defendant Cash is entitled to depose Plaintiff
9 Republic and question the PMK on the amount of and basis for the settlement in the personal
10 injury action.

11
12 16. The Motion is denied in so far as the defense states that the attorney-client
13 privilege is waived due to the at-issue waiver doctrine. The Court does not find that the
14 attorney-client privilege has been waived by virtue of this contribution claim and specific
15 ruling is reserved for a per question basis.

16
17 17. Defendants ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C., aka
18 ANDREW MILLER CASH, M.D., P.C.; and DESERT INSTITUTE OF SPINE CARE, LLC's
19 Motion to Compel Deposition and Production of Documents on Order Shortening Time from
20 certain non-parties is **DENIED AS MOOT.**

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18. Non-Party Deponents Marie Gonzales, Jacqueline R. Bretell, Esq., and Bighorn Law's Motion for Protective Order on Order Shortening Time is **DENIED AS MOOT**.

IT IS SO ORDERED.

DATED this 12th day of March, 2019.

~~DISTRICT COURT JUDGE~~

**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

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

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)

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**

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**

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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 30, 2019

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

**January 30, 2019 9:00 AM Motion to Extend
Discovery**

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT: Barron, David Leslie Attorney
 Corrick, Max E Attorney
 Lauria, Anthony D Attorney
 McBride, Robert C. Attorney
 Navratil, Michael D. Attorney

JOURNAL ENTRIES

- Anthony Lauria, Esq., present via CourtCall.

Mr. McBride advised the reasons for the Motion to extend discovery were set forth in the briefs, adding, the reason for the request for a continuance was due to the unusual nature of the claim and the issues that had arisen over the past month, relative to obtaining certain important information about the settlement in the underlying action that had a huge impact in the alleged damages and what would be coverable. Argument by Mr. McBride. Mr. Barron argued and requested Trial to proceed. Upon Court inquiry, Counsel anticipate 2 weeks for trial. Colloquy regarding discovery deadlines and trial dates. COURT ORDERED, Motion to Extend Discovery GRANTED, discovery deadlines extended to March 4, 2019. COURT FURTHER ORDERED, Motion to Continue Trial DENIED, trial dates STAND. Defense counsel is to prepare an Order, have it approved as to form and content by Plaintiff s counsel, and submit it to the Court for signature.

Order Granting Plaintiff's Motion to Amend SIGNED IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 11, 2019

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

February 11, 2019 9:00 AM Pre Trial Conference

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

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT: Barron, David Leslie Attorney
Corrick, Max E Attorney
Hall, Heather S. Attorney

JOURNAL ENTRIES

- Robert Smith, Esq., on behalf of Anthony Lauria, Esq., for Defendant, Danielle Miller, also present.

Upon Court's inquiry, Counsel anticipates 7-10 days for trial. COURT ORDERED, Trial date STANDS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 27, 2019

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

February 27, 2019 9:00 AM All Pending Motions

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

COURT CLERK: Susan Botzenhart

RECORDER:

REPORTER: Kimberly Farkas

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No parties present.

DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTION TO COMPEL DEPOSITION AND PRODUCTION OF DOCUMENTS ON ORDER SHORTENING TIME...DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTION TO COMPEL NRCP 30 (B) (6) DEPOSITION OF PLAINTIFF REPUBLIC ON ORDER SHORTENING TIME...NON-PARTY DEPONENTS MARIE GONZALES, JACQUELINE R. BRETTELL, ESQ., AND BIGHORN LAW'S OPPOSITION TO DEFENDANTS' MOTION TO COMPEL ON ORDER SHORTENING TIME AND COUNTER-MOTION FOR PROTECTIVE ORDER

COURT ORDERED, matters CONTINUED for Court to review written Opposition and Counter-Motion, received late this morning.

3/04/19 9:00 A.M. DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTION TO COMPEL DEPOSITION AND PRODUCTION OF DOCUMENTS ON ORDER SHORTENING

TIME...DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTION TO COMPEL NRCP 30 (B) (6) DEPOSITION OF PLAINTIFF REPUBLIC ON ORDER SHORTENING TIME...NON-PARTY DEPONENTS MARIE GONZALES, JACQUELINE R. BRETTELL, ESQ., AND BIGHORN LAW'S OPPOSITION TO DEFENDANTS' MOTION TO COMPEL ON ORDER SHORTENING TIME AND COUNTER-MOTION FOR PROTECTIVE ORDER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

March 04, 2019

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

March 04, 2019 9:00 AM All Pending Motions

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

COURT CLERK: Phyllis Irby

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT: Barron, David Leslie Attorney
 Hall, Heather S. Attorney
 Wetherall, Peter C Attorney

JOURNAL ENTRIES

- CALENDAR CALL....DEFENDANTS ANDREW M. CASH, M.D., ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC's MOTION TO COMPEL DEPOSITION AND PRODUCTION OF DOCUMENTS ON ORDER SHORTENING TIME

Following arguments of counsel. COURT ORDERED, MOTION TO COMPEL BECOMES MOOT AND RECONSIDERATION OF PREVIOUS RULING THAT 41A.035 & 42.021 CAN NOT BE APPLIED TO THIS CASE AS PLEAD

DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; ANDREW MILLER CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC's MOTION TO COMPEL NRCP 30(B)(6) DEPOSITION OF PLAINTIFF REPUBLIC ON ORDER SHORTENING TIME

Following arguments of counsel. COURT ORDERED, MOTION GRANTED IN PART AS IT RELATES TO DEPOSITION OF 30(B)(6)

NON-PARTY DEPONENTS MARIE GONZALES, JACQUELINE R. BRETELL, ESQ., AND
BIGHORN LAW'S OPPOSITION TO DEFENDANTS' MOTION TO COMPEL ON ORDER
SHORTENING TIME AND COUNTER-MOTION FOR PROTECTIVE ORDER

COURT ORDERED, MOTION IS MOOT.

Parties announced ready for trial. COURT SO ORDERED, TRIAL DATE SET.

3-18-19 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental**COURT MINUTES****March 11, 2019**

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

March 11, 2019	2:00 PM	All Pending Motions	Defendants Andrew M. Cash, MD; Andrew M. Cash, MD, PC; Andrew Miller Cash, MD, PC & Desert Institute of Spine Care, LLCs Motion for Summary Judgment on an OST...Defendants Motions in Limine 2, 3, 4, 5, 6, 7, 8, 9, 11 & 12
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HEARD BY: Wiese, Jerry A.**COURTROOM:** RJC Courtroom 14A**COURT CLERK:** Denise Husted**RECORDER:****REPORTER:** Kimberly Farkas**PARTIES**

PRESENT:	Barron, David Leslie	Attorney
	Hall, Heather S.	Attorney
	McBride, Robert C.	Attorney

JOURNAL ENTRIES

- Stephanie Zinna appearing for Casualty Retention Risk Group Physicians Motion to Intervene. Colloquy among Court and counsel regarding an issue which came up at a previous hearing. The Court noted that because there is no law regarding this issue, the matter will have to go to the Supreme Court. In the meantime the Court will issue a ruling on the Motion for Summary Judgment and an order from last week's hearing. Parties are then to file the Writ and the Court will issue a

minute order on the Stay. COURT ORDERED, Motions in Limine are CONTINUED.

CONTINUED TO: 4/10/19 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

April 03, 2019

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

**April 03, 2019 9:00 AM Motion For
Reconsideration**

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

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER: Kimberly Farkas

PARTIES

PRESENT: Barron, John D. Attorney
 Hall, Heather S. Attorney

JOURNAL ENTRIES

- Court made a statement, noting, this Court must follow Nevada Supreme Court cases and the statute. Extensive arguments by Mr. Barron and Ms. Hall. Court NOTED NRS 17.225, stated its FINDINGS, and ORDERED, Motion DENIED. Defense Counsel is to prepare an Order, have it approved as to form and content by Plaintiff Counsel, and submit it to the Court for signature.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

ROBERT C. MCBRIDE, ESQ.
8329 W. SUNSET RD., STE 260
LAS VEGAS, NV 89113

DATE: April 29, 2019
CASE: A-16-738123-C

RE CASE: REPUBLIC SILVER STATE DISPOSAL, INC. vs. ANDREW M. CASH, M.D., AKA ANDREW MILLER CASH, M.D., P.C.; DESERT INSTITUTE OF SPINE CARE, LLC; JAMES D. BALODIMAS, M.D.; LAS VEGAS RADIOLOGY, LLC; BRUCE A. KATUNA, M.D.; ROCKY MOUNTAIN NEURODIAGNOSTICS, LLC; DANIELLE MILLER AKA DANIELLE SHOPSHIRE; NEUROMONITORING ASSOCIATES, INC.

NOTICE OF APPEAL FILED: April 24, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order (*for Order filed 04/25/2019*)

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

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 CROSS APPEAL; CROSS APPEAL CASE STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER RE: DEFENDANTS' MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; ORDER RE: DEFENDANT'S MOTION FOR SUMMARY JUDGMENT; ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING SUMMARY JUDGMENT FOR DEFENDANTS; ORDER ON DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTIONS TO COMPEL AND NON-PARTY DEPONENTS MARIE GONZALES' MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME; NOTICE OF ENTRY OF ORDER; ORDER ON DEFENDANTS ANDREW M. CASH, M.D.; ANDREW M. CASH, M.D., P.C.; & DESERT INSTITUTE OF SPINE CARE, LLC'S MOTIONS TO COMPEL AND NON-PARTY DEPONENTS MARIE GONZALES' MOTION FOR PROTECTIVE ORDER ON ORDER SHORTENING TIME; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

REPUBLIC SILVER STATE DISPOSAL, INC.,

Plaintiff(s),

vs.

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

Defendant(s),

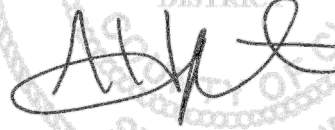
Case No: A-16-738123-C

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 29 day of April 2019.

Steven D. Grierson, Clerk of the Court

A handwritten signature in black ink, appearing to read 'A. Hampton', is written over a faint, circular court seal. The seal contains the text 'UNITED STATES DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT LAS VEGAS, NEVADA'.

Amanda Hampton, Deputy Clerk
A-16-738123-C