

# IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Jun 28 2019 10:03 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

LARRY PORCHIA,  
Appellant(s),

vs.

CITY OF LAS VEGAS; STEPHEN  
MASSA; NICHOLAS PAVELKA;  
WILLIAM HEADLEE; MARINA CLARK;  
JASON W. DRIGGERS; AND LVER RISK  
MANAGEMENT,  
Respondent(s),

Case No: A-17-758321-C

Docket No: 78954

# RECORD ON APPEAL VOLUME 1

**ATTORNEY FOR APPELLANT**  
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LAS VEGAS, NV 89101

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Larry Porchia  
Name  
P.O. Box 650 - 83088

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Indian Springs, Nevada 89070  
83088  
Prison Number

L. L. L. L.  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

A-17-758321-C  
COMP  
Complaint  
4665389



Larry Porchia  
Plaintiff,

vs.

America Medical Responders  
NRS 12.105  
Jason W. Driggers NRS 41.0307(1)  
AMR Clinical Manager  
Stephen Massa NRS 41.0307(4)  
EMT Paramedic, ROC  
Nicholas Pavelka  
Adv. EMT NRS 41.0307(4)  
John Does 1 thru 10  
John Does 1 thru 6  
Defendant(s).

CASE NO.

A-17-758321-C  
(To be supplied by the Clerk)

DEPT. NO.

XXVI

TORT ACTION CONCURRENT  
TORTFEASOR LAWSUIT  
"PUBLIC SERVICE NEGLIGENCE"  
Gross Negligence

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff,

Larry Porchia  
(Print Plaintiff's name)

who presently resides at P.O. Box 650, Indian Springs, NV. 89070  
violated by the actions of the below named individuals which  
were directed against

Plaintiff at 525 E. St. Louis Ave. #418 Las Vegas, NV. 89104.  
(institution/city where violation occurred)

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Aug. 26, 2015, May 4, 2017, and \_\_\_\_\_  
(Count I) (Count II) (Count III)

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CLERK OF THE COURT

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Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant America Med. Response resides at 7201 W. Post Rd., LV, NV 89113  
(full name of first defendant) (address if first defendant)  
and is employed as Foreign Corporation. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting ☒ corporation capacity

under color of law: upheld their subordinates unprofessional  
neglect of Plaintiff's safety and welfare as a citizen of the  
State of Nevada, Clark County.

3) Defendant Jasme W. Druggan resides at 7201 W. Post Rd., LV, NV 89113  
(full name of first defendant) (address if first defendant)  
and is employed as clinical manager. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting ☒ personally

under color of law: Offered a success Declaration / Instrument For Filing  
that imposed fear upon the court to call up Defendants  
Mossa and Pavulka disregard for Plaintiff's safety and welfare.

4) Defendant Stephen Mossa resides at 7201 W. Post Rd., LV, NV 89113  
(full name of first defendant) (address if first defendant)  
and is employed as EMT Paramedic (Doc). This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting ☒ personally

under color of law: Refused the Plaintiff medical assistance  
that caused the Plaintiff to suffer hospitalization and a major  
surgery that may have been avoided, had the Plaintiff been promptly  
transported to a hospital.

5) Defendant Nicholas Pavulka resides at 7201 W. Post Rd., LV, NV 89113  
(full name of first defendant) (address if first defendant)  
and is employed as Advanced EMT. This defendant is sued in his/her  
(defendant's position and title, if any)  
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was  
acting ☒ personally

under color of law: conspired with Defendant Mossa to deprive  
Plaintiff medical assistance by refusing to provide transfer  
of care.

6) Defendant \_\_\_\_\_ resides at \_\_\_\_\_,  
(full name of first defendant) (address if first defendant)  
and is employed as \_\_\_\_\_. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_\_\_ individual \_\_\_\_\_ official capacity. (Check one or both). Explain how this  
defendant was acting  
under color of law: \_\_\_\_\_

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and  
42 U.S.C. § 1983. If you wish to assert jurisdiction under different or  
additional statutes, list them below.

state and provisions Ambulance/Emergency Med Technicians; NRS 12-105,  
41-0307(4), 41-715, 41-505(4) and (2), 450-400; 450-420(3)

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Count 1: Avers from Defendant Masco and Pavelka  
gross negligence pursuant NRS 450.400;  
Count 2: Avers from Defendant Offering False  
Instrument for Filing/Record, To cover up gross  
negligence conduct pursuant to NRS 239.330

C. CAUSE OF ACTION

### COUNT I

The following civil rights has been violated: Plaintiff Believes Defendants Massa and Pavelka Are Liable For Gross Negligence Pursuant To NRS's 41.505, 41.507 and 450.400 also 420(3) Where Defendants Refused The Plaintiff Medical Aid, Because The Plaintiff Lacked Medical Insurance :

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

- 1) That, On or about, the 26th day of August, 2015, a Clark County, Nevada Resident, M. Mottwell, 525 E. St. Louis Ave. #418, Las Vegas, Nevada, made a 911 Emergency Call, due to Plaintiff Porchia (A.M.A. Lomart Ponds) suffering from excruciating abdominal stomach pain, hot flashes and vomiting;
- 2) That, the 911 Emergency Operator, dispatched unit # R10-Rescue 10, Ground Ambulance, Crew Members, Defendants Stephen Massa, EMT Paramedic (DOC) and Nicholas Pavelka, Advanced EMT;
- 3) That, prior to Defendants Massa and Pavelka arrival, to the 525 E. St. Louis Residence, both, Defendants were aware, the clinical Reason, they were dispatched, - 1 A-Abdominal 1A-Abdominal Pains/Problems;
- 4) That, Upon Defendants' Massa and Pavelka arrival at the 525 E. St. Louis Ave. #418 residence, the Defendants placed the Plaintiff on a gurney, while checking the Plaintiff's vitals while the Plaintiff laying unconscious;
- 5) That, upon the Plaintiff coming too, Plaintiff was able to provide the Defendants (EMTs) a brief description of the stomach pain and sought medical attention;

cont. 4(a)

- 6). That, the Defendants' Massa and Pavelka disregarded the safety and or health concerns of the Plaintiff and began to question on "medicial insurance", rather than, ensuring the Plaintiff receive prompt medical attention;
- 7). That, Once the Defendants Massa and Pavelka discovered the Plaintiff lacked "medicial insurance", the Defendants Massa and Pavelka, refused to transfer the Plaintiff any of the local facilities (medicial), removing Plaintiff off the quarry, while misdiagnosing Plaintiff with gas problems, to avoid, providing Plaintiff transportation a medical facility;
- 8). That, because the Plaintiff was not promptly transferred to the hospital, Plaintiff was required to undergo a major surgery (<sup>EXPLORATORY LAPAROTOMY</sup> Release of Bowel Obstruction) due to the Defendants Massa and Pavelka refusal to provide transportation.
- 9). That, Defendants Massa and or Pavelka can not escape liabilities due to the pain, suffering and the blood lost (75 cc) incurred by the Plaintiff.

## COUNT II

The following civil rights has been violated: Plaintiff Believes Defendant Jason W. Driggar Is Liable, When It Conspired (Title 42 § 1985(3)) On Behalf AMR Corporation To Cover-Up Its Subordinates' Deprivation of Medical Assistance; (Offering False Instruments Into Record/Filing) NRS 239.330 :

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff hereby incorporates paragraphs 1 thru 9 of Count I of this Complaint :

10). That, On the 4th day of May, 2017, Defendant Jason W. Driggar authored a Declaration, that, impose fraud, upon the court, when, the Defendant stated; " That it was AMR's custom and practice, in 8/2015 to document a dispatched call and/or create patient care report in the event of an on-scene patient interaction. . . it cannot be truthfully said that AMR or its employees/EMT's provided care, and refused transport of the Plaintiff because such documents within AMR's data bases simply do not exist by the name, date, or address listed in the Amended Complaint .

11). Defendant Driggar, can not escape liable, where the 911 Emergency Operators' has record, that, On the 26th day of August, 2015, Defendants Massa and Pavelka, were dispatched out to the 525 E. St. Louis Ave. 418, LV, NV residence, depriving the Plaintiff medical care, after, discovering Plaintiff did not possess medical insurance).

**COUNT III**

The following civil rights has been violated: \_\_\_\_\_

**Supporting Facts:** [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

#### D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? ☐ Yes ☐ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

- a) Defendants: Poechin V. Gonzalez
- b) Name of court and docket number: A-17-749899-C
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):  
Voluntary Dismissal
- d) Issues raised: Constitutional Violations
- e) Approximate date it was filed: June 2017
- f) Approximate date of disposition: unknown

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?  
Yes ~~No~~. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
\_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_



- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
 \_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (check one): \_\_\_\_\_ frivolous  
 \_\_\_\_\_ malicious or \_\_\_\_\_ failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
 \_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? \_\_\_ Yes \_\_\_ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) \_\_\_ disciplinary hearing; (2) \_\_\_ state or federal court decision; (3) \_\_\_ state or federal law or regulation; (4) \_\_\_ parole board decision; or (5) \_\_\_ other \_\_\_\_\_.
- If your answer is "Yes", provide the following information. Grievance Number \_\_\_\_\_.
- Date and institution where grievance was filed \_\_\_\_\_.

Response to grievance: Provided AMR (10) ten days to remedy  
the matter filed 6-14-17.

-----  
**E. REQUEST FOR RELIEF**

I believe that I am entitled to the following relief:

punitive damages: \$2,500,000.00 dollars U.S. Currency;  
pain and suffering from surgery and the denial of medical aid,  
compensatory damages: 2,500,000.00 dollars U.S. Currency  
expense of medical incurred during hospitalization;  
backlash damages: 1,200,000.00 dollars U.S. Currency  
to deter AHR and those subordinates from placing  
financial status before the safety and welfare of its citizens.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Self Larry Porchey  
(Name of Person who prepared or helped  
prepare this complaint if not Plaintiff)

  
(Signature of Plaintiff)

6-29-17  
(Date)

-----  
(Additional space if needed; identify what is being continued)

EXHIBIT

A

VHM- Valley Hospital Medical Center

Patient: PONDS, LAMONT  
MRN: VHM63575808  
DOB/Sex: 12/13/1971 / Male  
Attending: Mckenzie MD, Mark E

Admit: 8/26/2015  
Disch: 8/30/2015  
FIN: VHM0000114157100

**Operative Record**

DOCUMENT NAME:  
SERVICE DATE/TIME:  
RESULT STATUS:  
PERFORM INFORMATION:  
SIGN INFORMATION:

Operative Reports  
8/26/2015 19:10 PDT  
Auth (Verified)  
Schroer, Damon T MD (8/26/2015 19:15 PDT)  
Schroer, Damon T MD (8/26/2015 19:15 PDT)

**Preoperative Diagnosis**

Small bowel obstruction

**Postoperative Diagnosis**

Closed-loop obstruction

**Operation**

Exploratory laparotomy  
Release of bowel obstruction

**Surgeon(s)**

Damon Schroer

**Anesthesia Type and Anesthesiologist**

Adranj

**Estimated Blood Loss**

75cc

**Findings**

Closed-loop obstruction

**Specimen(s)**

None

**Complications**

None

**Technique**

Patient was brought to the operating room lying in the supine position. Anesthesia administered by the anesthesia team and endotracheal intubation. Bilateral lower extremity SCD boots were applied and a proper timeout was performed. Abdomen was prepped and draped in a sterile fashion, incision was made with 10 blade through his prior midline incision. Incision was carried down through the subcutaneous tissue with electrocautery. Abdomen was entered sharply with Metzenbaum scissors. There was significant anterior abdominal wall adhesions which were taken down with electrocautery and Metzenbaum scissors. Upon entering the abdomen the small bowel loops in the right lower quadrant were distended and I could feel a thick band I was able to lyse the band with the Metzenbaum scissors. And then deliver the remaining portion of the bowel into the incision. Ran the bowel from the terminal ileum to ligament of Treitz lysing adhesions as we proceeded. There only appeared to be that one obstructing lesion. After revision of the bowel once more there was segment that had initially appeared ischemic but now viable. No bowel resection was performed. Abdomen was then irrigated till clear hemostasis assured with electrocautery and 3-0 Vicryl ties. A piece of Seprafilm was lied in the ventral incision. The abdomen was closed with a #1 PDS suture in a bidirectional fashion. All sponge and instruments counts were said to be correct. The skin was closed with skin staples and sterile dressings applied.

Electronically Signed By: Schroer, Damon  
On: 08.26.2015 19:15 PDT

EXHIBIT

B

## Prehospital Care Report Summary

Las Vegas Fire and Rescue

Date:08/26/2015 Call #:5262786 Booklet:84753418 Branch: Station 10 Time Zone:America/Los\_Angeles

### Call Information:

Disposition: Other  
Unit #: R10 - Rescue 10, Ground-Ambulance Trip Type: N/A  
Run Type to Scene: Emergency Scheduled: No  
Incident Facility:  
Incident Location: 525 E St Louis Ave #418 - Las Vegas, NV 89104 (Clark County)  
Incident Type: N/A

Receiving Facility: N/A -  
Facility Address:  
Destination Type: N/A  
Dest. Reason: N/A  
Registration #: N/A

Loaded Mileage: N/A  
Crew Members: Stephen Massa, EMT Paramedic(DOC); Nicholas Pavelka, Advanced EMT

Moved to Amb By: Transport Position: From Amb By:

Other Units On Scene: AMR

Call Origin: N/A Lights/Siren: Scene-Not used / Destination-Not used

### # Patients Transported

In My Unit: N/A  
# Patients at Scene: N/A

Call Received: 03:41:35  
Dispatched: 03:44:02  
En Route: 03:45:09  
On Scene: 03:52:34  
Patient Contact: N/A  
Left Scene: N/A  
At Destination: N/A  
Transfer of Care: N/A  
In Service: 03:58:34

Time On Scene: N/A Min  
Time to Destination: N/A Min  
Total Time of Run: 15 Min

### Patient Information:

Name:  
Address:  
Phone:  
Email:  
SSN: --  
Driver License:  
DOB:  
Gender: No Data  
Age:  
Weight:  
Broselow:

### Other Contact Info

Name:  
Relationship: Phone: Cell Phone:

Current Meds: Comments:  
Env Allergies: Comments:  
Med Allergies: Comments:  
Patient Physician:  
Advanced Directives:  
PMH:  
Comment:  
Patient Physical Limitations:  
Comment:

### Payer Information:

--

### Clinical:

Onset Date/Time:  
Dispatch Reason (EMD): 1A-Abdomin 1A-Abdominal Pains/Problems  
Medical Need:

Provider Impression:  
Mechanism of Injury:  
Protocol 1:

Protocol 2:

**Assessments:**

Time	Employee	Type	Summary
------	----------	------	---------

**Vitals:**

Time	Employee	Summary
------	----------	---------

**Treatments/Medications:**

Time	Employee	Summary
------	----------	---------

**Supply**

**Qty Supply**

**ECG Device Incident Number:**

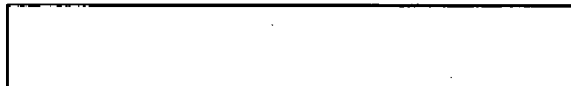
**Narrative History Text:**

THIRD PARTY CALLER CITIZEN DID NOT WANT MEDICAL ASSISTANCE

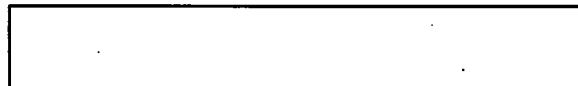
Auth Signature: No Privacy Sig: No Unable to Sign: No Refused to Sign: No

**Signature Image(s):**

Authorization Signature




Privacy Notice Signature



Receiving RN / MD Signature



Technician Signature - Massa, Stephen J. - 08/26/2015 07:47



**Recommended Service Level: BLS / Dispatch Service Level: BLS**

EXHIBIT

C



# Prehospital Care Report Summary

Las Vegas Fire and Rescue

Date:08/26/2015 Call #:5263058 Booklet:84764540 Branch: Station 01 Time Zone:America/Los\_Angeles

## Call Information:

Disposition: Treated and Transferred Care  
Unit #: E1 - Engine 01, N/A Trip Type: N/A  
Run Type to Scene: Emergency Scheduled: No  
Incident Facility:  
Incident Location: 525 E St Louis Ave #418 - Las Vegas, NV 89104 (Clark County)  
Incident Type: Residence (Home)

Receiving Facility: N/A -  
Facility Address:  
Destination Type: N/A  
Dest. Reason: N/A  
Registration #: N/A

Loaded Mileage: N/A  
Crew Members: Roger Carsten, EMT Paramedic; Kelly Brinkerhoff, Advanced EMT; Beau McDougall, EMT Paramedic(DOC); Ronnie Kischer, Advanced EMT

# Patients Transported  
In My Unit: 0  
# Patients at Scene: N/A

Call Received: 11:00:18  
Dispatched: 11:00:27  
En Route: 11:00:36  
On Scene: 11:03:08  
Patient Contact: N/A  
Left Scene: N/A  
At Destination: N/A  
Transfer of Care: N/A  
In Service: 11:19:28

Time On Scene: N/A Min  
Time to Destination: N/A Min  
Total Time of Run: 19 Min

Moved to Amb By: Transport Position: From Amb By:

Other Units On Scene: AMR

Call Origin: N/A Lights/Siren: Scene-Not used / Destination-Not used

## Patient Information:

Name: LAMONT BONDS  
Address: 525 E St Louis Ave #418 - Las Vegas, NV 89104  
County: Clark  
Phone:  
Email:  
SSN: -  
Driver License:

DOB:  
Gender: Male  
Age: 34 Years  
Weight:  
Broselow:

## Other Contact Info

Name: Phone: Cell Phone:  
Relationship:

Current Meds: LISINAPRIL  
Env Allergies: NKA  
Med Allergies: NKDA  
Patient Physician:  
Advanced Directives:  
PMH: Hypertension  
Comment:  
Patient Physical Limitations:  
Comment:

Comments:  
Comments:  
Comments:

## Payer Information:

## Clinical:

Onset Date/Time: 08/26/15  
Dispatch Reason (EMD): 1A-Abdomin 1A-Abdominal Pains/Problems  
Medical Need:

Chief Complaint: Abdominal Pain  
Chief Complaint (Primary): Abdominal Pain Duration:

Provider Impression: Abdominal Pain  
Mechanism of Injury: NA  
Protocol 1: General Patient Assessment

Protocol 2:

**Assessments:**

Time	Employee	Type	Summary
		ABC	Edema: None Cap Refill: < 2 Seconds <u>Pertinent Negatives:</u> Breathing: Normal Quality: Unlabored Lung Sounds: Left: Clear Lung Sounds: Right: Clear Skin Color: Normal Skin Temperature: Normal Skin Condition: Normal
		Head To Toe	Head and Neck: Left Eye: Reactive Right Eye: Reactive
		Neurological	AVPU: Alert

**Vitals:**

Time	Employee	Summary
11:04:00		Glasgow Coma Score: E (4) + V (5) + M (6) = 15 RTS: 13 Adult

**Treatments/Medications:**

Time	Employee	Summary
------	----------	---------

**Supply**

Qty Supply

**ECG Device Incident Number:**

**FlexFields:**

FlexField	Value
TransferToAgency2 - Run Disposition	
What agency did you transfer care to?	AMR
What Hospital did the transporting agency go to?	UMC ED
Did you (LVFR) ride in with Transporting agency?	No

**Narrative History Text:**

UPON ARRIVAL FOUND A MALE COMPLAINING OF ABD PAIN. PT THINKS HE HAS FOOD POISONING. PT DENIES NV/D. PT STATES HE HAS NOT HAD A BM IN A FEW DAYS. AMR ARRIVED TO TRANSPORT PT.

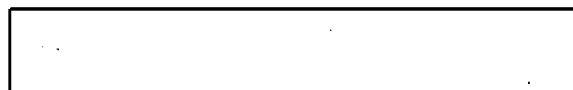
Auth Signature: No Privacy Sig: No Unable to Sign: No Refused to Sign: No

**Signature Image(s):**

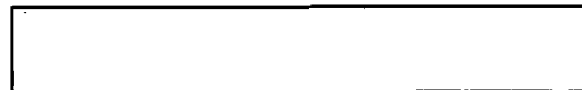
Authorization Signature



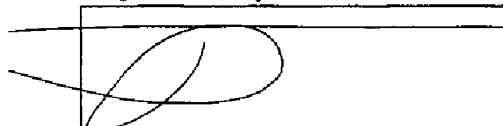
Privacy Notice Signature



Receiving RN / MD Signature



Technician Signature - McDougall, Beau A. - 08/27/2015 08:43



**Recommended Service Level: BLS / Dispatch Service Level: BLS**

EXHIBIT  
D

**DECLARATION IN SUPPORT OF**  
**DEFENDANTS' MOTION TO DISMISS**

STATE OF NEVADA                    )  
  ): ss.

COUNTY OF CLARK                    )

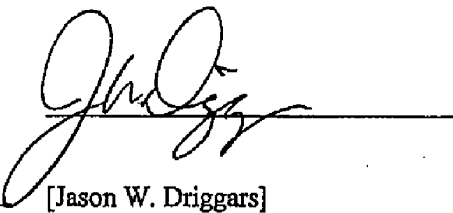
Jason W. Driggars, being duly sworn, deposes and states:

1. That I have read the Amended Complaint alleging AMR and its employees/EMTs interacted with and provided care to the Plaintiff on 8/25/2015 at Siegel Suites 2000 Paradise Rd. #418, Las Vegas, NV.
2. My official job title with AMR is Clinical Manager. My job duties consist of oversight of all healthcare provider training and education. Therefore, I am familiar with conducting electronic records searches within AMR's databases for prior alleged patient treatments and dispatching, and know the matters set forth herein of my own personal knowledge and am competent to testify thereto as forth below.
3. That I conducted a search of the name Larry Porschia, Larry Porchia, and Larry L. Porchia, Jr. AMR has no such records.
4. That I conducted a search of all calls on 8/25/2015 relative to the above names. AMR has no such records.
5. That I conducted a search of all calls to Siegel Suites 2000 Paradise Rd. #418, Las Vegas, NV relative to the above listed names and date. AMR has no such records.
6. That it was AMR's custom and practice in 8/2015 to document a dispatched call and/or create patient care report in the event of on-scene patient interaction. Therefore contrary to the Amended Complaint, it cannot be truthful said that AMR or its employees/EMTs provided care

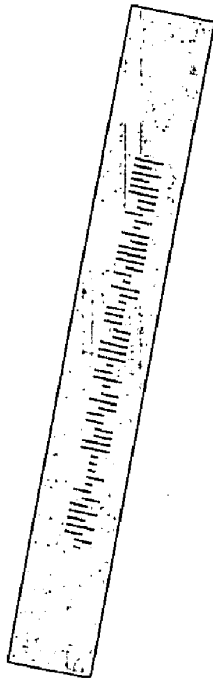
and refused transport of the Plaintiff because such documents within AMR's databases simply do not exist by the name, date, or address listed in the Amended Complaint.

7. That the contents of this Declaration should fully satisfy any reasonable person's concerns establishing the above statements. That no amount of oral or written questions into AMR about this topic will change the above based upon my personal information and belief.

I declare under the penalty of perjury that the foregoing is true and correct on this 4<sup>th</sup> day of MAY 2017.

  
[Jason W. Driggers]

Larry Porchia 83088  
H.D.S.P. P.O. Box 650  
Indian Springs, N.V. 89070



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07/03/2017 2 26  
US POSTAGE \$002.24  
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Steven Grierson  
clerk of the court  
200 Lewis Ave 3rd fl.  
Las Vegas, N.V. 89155-1160

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A-17-758321-C  
A08  
Affidavit of Service  
4877127



OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

FILED  
AUG 25 2017

*Alfonso J. Blum*  
CLERK OF COURT

LARRY PORCHIA )

PLAINTIFF )

Vs )

AMERICAN MEDICAL RESPONDERS )

DEFENDANT )

CASE No. A-17-758321-C  
SHERIFF CIVIL NO.: 17005770

AFFIDAVIT OF SERVICE

STATE OF NEVADA }

COUNTY OF CLARK }

ss:

ENRIQUE STIEGELMEYER, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **8/1/2017**, at the hour of **9:40 AM**, affiant as such Deputy Sheriff served a copy/copies of **SUMMONS AND COMPLAINT TORT ACTION** issued in the above entitled action upon the defendant **AMERICAN MEDICAL RESPONDERS** named therein, by delivering to and leaving with **FRANCIES GUTIERREZ**, in the Office Lobby of CSC-Registered Agent for defendant **AMERICAN MEDICAL RESPONDERS** at **2215 RENAISSANCE DRIVE, SUITE B, LAS VEGAS, NV 89119** within the County of Clark, State of Nevada, said copy/copies of **SUMMONS AND COMPLAINT TORT ACTION**

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED August 2, 2017.

Joseph M. Lombardo, Sheriff

By: *Enrique Stiegelmeier*  
ENRIQUE STIEGELMEYER  
Deputy Sheriff

RECEIVED  
AUG 22 2017  
CLERK OF THE COURT

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400



OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

FILED

AUG 25 2017

*[Signature]*  
CLERK OF COURT

LARRY PORCHIA )

PLAINTIFF )

vs )

NICHOLAS PAVELKA )

DEFENDANT )

CASE No. A-17-758321-C

SHERIFF CIVIL NO: 17005776

NOT FOUND AFFIDAVIT

STATE OF NEVADA }

} ss:

COUNTY OF CLARK }

ENRIQUE STIEGELMEYER, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: SUMMONS AND COMPLAINT TORT-ACTION on 7/26/2017 at the hour of 2:22 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said *NICHOLAS PAVELKA* Defendant within Clark County, Nevada.

**ATTEMPTS TO LOCATE:**

Date: 8/1/2017 @ 8:50 AM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS, NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: SUBJECT NOT EMPLOYED AT BUSINESS.

Notes: SPOKE TO MOLLY BREEN AMR LEGAL DEPARTMENT AT THE CORPORATE OFFICE IN COLORADO. DEF. NO LONGER WORKS FOR THE COMPANY. 303-495-1200.

*I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE ON NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.*

Dated August 2, 2017

Joseph M. Lombardo, Sheriff

By: *[Signature]*  
ENRIQUE STIEGELMEYER  
Deputy Sheriff

CLERK OF THE COURT

AUG 22 2017

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301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400



OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

FILED

AUG 25 2017

*Am. J. Lombardo*  
CLERK OF COURT

LARRY PORCHIA )

PLAINTIFF )

vs )

STEPHEN MASSA )

DEFENDANT )

CASE No. A-17-758321-C

SHERIFF CIVIL NO: 17005774

NOT FOUND AFFIDAVIT

STATE OF NEVADA }

} ss:

COUNTY OF CLARK }

ENRIQUE STIEGELMEYER, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: SUMMONS AND COMPLAINT TORT ACTION on 7/26/2017 at the hour of 2:16 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said **STEPHEN MASSA** Defendant within Clark County, Nevada.

**ATTEMPTS TO LOCATE:**

Date: 8/1/2017 @ 8:50 AM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS, NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: SUBJECT NOT EMPLOYED AT BUSINESS.

Notes: SPOKE TO MOLLY BREENE AMR LEGAL DEPARTMENT AT THE CORPORATE OFFICE IN COLORADO. DEF. NO LONGER WORKS FOR THE COMPANY. 303-495-1200.

*I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.*

Dated August 2, 2017

Joseph M. Lombardo, Sheriff

By:

*Enrique Stiegelmeier*  
ENRIQUE STIEGELMEYER  
Deputy Sheriff

To the clerk .

8-17-17

Can you please send me A filed  
Copy back also I can't find Two  
defendants so I need a public  
Service app. so I can try  
To service them in the newspaper  
Thank you for your time

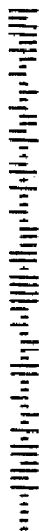
A handwritten signature in black ink, consisting of a stylized, cursive 'P' followed by a horizontal line.

Army Postalia 83088  
H.D.S.P. P.O. Box 656  
Indian Springs, W.V.  
84070

NSF 3700

33 FROFNP 83155

Clerk of the Court  
200 Lewis Ave 3rd fl  
L.V., W.V. 84155



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AUG 17 2017  
UNIT 8C/D



OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

FILED

LARRY PORCHIA )  
 )  
 PLAINTIFF )  
 Vs )  
 STEPHEN MASSA )  
 )  
 DEFENDANT )

CASE No. A-17-758321-2017 AUG 31 A 11:43  
SHERIFF CIVIL NO.: 17006265

*John A. Lombardo*  
AFFIDAVIT OF SERVICE  
CLERK OF THE COURT

STATE OF NEVADA }  
 } ss:  
COUNTY OF CLARK }

ROBERT WYANT, being first duly sworn, deposes and says: That he is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 8/16/2017, at the hour of 11:10 AM, affiant as such Deputy Sheriff sub served a copy of SUMMONS AND CIVIL TORT COMPLAINT issued in the above entitled action upon the defendant STEPHEN MASSA named therein, by delivering to and leaving with REG AGENT FRANCES GUTIERREZ, at 2215 RENAISSANCE DRIVE STE B LAS VEGAS, NV 89119 within the County of Clark, State of Nevada, said copy/copies of SUMMONS AND CIVIL TORT COMPLAINT.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED August 17, 2017.

Joseph M. Lombardo, Sheriff

By: *Robert Wyant* 9573  
ROBERT WYANT  
Deputy Sheriff

CLERK OF THE COURT

RECEIVED  
AUG 28 2017

RECEIVED  
AUG 31 2017  
CLERK OF THE COURT

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400

Larry Torchia 830848  
H.O.S.P. P.O. Box 650  
Indianapolis, IN  
89070

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200 Lewis Ave 3rd fl.  
L.V. NV 89155-460

NSF 3763

99 FREEMAN 89155



UNIT 8 C/D  
AUG 22 2017

A-17-758321-C  
NFA  
Not Found Affidavit  
4879816



OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

FILED

SEP 06 2017

*Ann L. Blum*  
CLERK OF COURT

LARRY PORCHIA )

PLAINTIFF )

vs )

JASON W DRIGGERS )

DEFENDANT )

CASE No. A-17-758321-C

SHERIFF CIVIL NO: 17005772

NOT FOUND AFFIDAVIT

STATE OF NEVADA }

ss:

COUNTY OF CLARK }

ENRIQUE STIEGELMEYER, being duly sworn, deposes and says:

That he is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he and now is a citizen of the United States of America and of the State of Nevada and that he received the within stated civil process: SUMMONS AND COMPLAINT TORT ACTION on 7/26/2017 at the hour of 2:17 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said **JASON W DRIGGERS** Defendant within Clark County, Nevada.

**ATTEMPTS TO LOCATE:**

Date: 8/1/2017 @ 8:50 AM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS, NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: INFORMATION

Notes: PER LEGAL DEPT. MOLLY BREEN SAID SHE WILL CONTACT DEF. TO MEET.

Date: 8/11/2017 @ 3:00 PM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS, NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: INFORMATION

Notes: I SENT AN EMAIL TO MS. BREEN TO HAVE DEF. CALL ME.

Date: 8/15/2017 @ 7:34 AM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS, NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: INFORMATION

Notes: MS. BREEN RETURNED MY EMAIL, SAID DEF. IS AT A FUNERAL AND WILL RETURN NEXT WEEK. CALL DEF. AT 702-305-0809.

Date: 8/22/2017 @ 3:32 PM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS, NV 89113

CLERK OF THE COURT

SEP 06 2017

RECEIVED

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400

3



NOT FOUND AFFIDAVIT

Attempted By: ENRIQUE STIEGELMEYER

Service Type: PHONE CONTACT.

Notes: I CALLED DEF. NO ANSWER, LEFT A MESSAGE TO CALL ME BACK. 702-305-0809.

Date: 8/24/2017 @ 9:51 AM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS,  
NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: PHONE CONTACT.

Notes: I CALLED DEF. NO ANSWER, LEFT A MESSAGE TO CALL ME BACK. 702-305-0809.

Date: 8/24/2017 @ 3:14 PM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS,  
NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: DEFENDANT EVADING SERVICE.

Notes: DEF. HAS NOT RETURNED MY CALLS OR REQUEST TO MEET. DEF. IS EVADING SERVICE.  
UNABLE TO LOCATE DEF.

*I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE  
FOREGOING IS TRUE AND CORRECT.*

Dated August 28, 2017

Joseph M. Lombardo, Sheriff

By:

  
ENRIQUE STIEGELMEYER  
Deputy Sheriff

arry Porchia 83088  
H.O.S.P. P.O. Box 650  
Indian Springs, NV  
84070

Master  
09/05/2017  
FIRST-CLASS MAIL  
PRST  
US POSTAGE \$000.45<sup>3</sup>

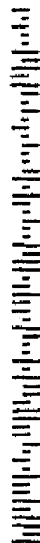


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clerk of the court  
200 Lewis Ave 3rd fl.  
L.V. N.V. 89155

NSF 3762

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HIGH DESERT STATE PRISON

SEP 11 2017

INIT 8 C/D

A-17-758321-C  
SUMM  
Summons  
4879818

SUMM



FILED

SEP 06 2017

CLERK OF COURT

RECEIVED  
CLARK COUNTY SHERIFF

JUL 26 P 2:22

DISTRICT COURT  
CLARK COUNTY, NEVADA

Larry Porchia

Plaintiff(s).

-vs-

Jason K. Driggers

Defendant(s).

(Clinical manager)

CASE NO.

DEPT. NO.

**A-17-758321-C**  
**XXVI**

SUMMONS - CIVIL

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
  - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
  - (b) Serve a copy of your response upon the attorney whose name and address is shown below.

CLERK OF THE COURT

SEP 06 2017

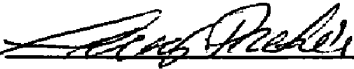
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SUMM Civil/7/23/2009

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2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
  3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
  4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted by:



STEVEN D. GRIERSON  
CLERK OF COURT

By:

Deputy Clerk

  
KADRA BECKOM

9/2017

Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).

A-17-758321-C  
SUMM  
Summons  
4679630

SUMM



FILED

SEP 06 2017

*Ann L. Blum*  
CLERK OF COURT

RECEIVED  
CLARK COUNTY CLERK  
2017 JUL 26 P 2:18

DISTRICT COURT  
CLARK COUNTY, NEVADA

Larry Porchis

Plaintiff(s).

-vs-

Stephen Massa

Defendant(s).

Emt Paramedic Doc

CASE NO.

**A-17-758321-C**

DEPT. NO.

**XXVI**

RECEIVED  
CLARK COUNTY CLERK  
2017 AUG 11 P 2:06

**SUMMONS - CIVIL**

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
  - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
  - (b) Serve a copy of your response upon the attorney whose name and address is shown below.

SUMM Civil/7/23/2009

2

1. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
2. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
3. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted by:

*[Signature]*

STEVEN D. GRIERSON  
CLERK OF COURT

By:

*[Signature]*  
Deputy Clerk KADIRA BECKOM Date

Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

**NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).**

A-17-758321-C  
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Summons  
4879631

SUMM



FILED

SEP 06 2017

*John L. Blum*  
CLERK OF COURT

2017 JUL 26 P 2:18

RECEIVED  
CLARK COUNTY SHERIFF

DISTRICT COURT  
CLARK COUNTY, NEVADA

*Larry Porchey*

Plaintiff(s).

-VS-

*America medical responder*

Defendant(s).

CASE NO.

DEPT. NO.

*A-17-758321-C*  
*XXVI*

SUMMONS - CIVIL

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
  - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
  - (b) Serve a copy of your response upon the attorney whose name and address is shown below.

SUMM Civil/7/23/2009

2

- 1 2. Unless you respond, your default will be entered upon application of the  
2 Plaintiff(s) and failure to so respond will result in a judgment of default  
3 against you for the relief demanded in the Complaint, which could result in  
4 the taking of money or property or other relief requested in the Complaint.  
5 3. If you intend to seek the advice of an attorney in this matter, you should do  
6 so promptly so that your response may be filed on time.  
7 4. The State of Nevada, its political subdivisions, agencies, officers,  
8 employees, board members, commission members and legislators each  
9 have 45 days after service of this Summons within which to file an Answer  
10 or other responsive pleading to the Complaint.  
11

12  
13 Submitted by:

14   
15

STEVEN D. GRIERSON  
CLERK OF COURT

By: 

Deputy Clerk

Date: 

Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

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20 **NOTE: When service is by publication, add a brief statement of the object of the**  
21 **action. See Nevada Rules of Civil Procedure 4(b).**  
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A

FILED

2017 SEP 11 A 9 49

*in L. Johnson*  
CLERK OF THE COURT

NITD  
Name: Larry Porchia  
Address: P.O. Box 656  
Indian Springs N.V. 89070  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
In Proper Person

DISTRICT COURT  
CLARK COUNTY, NEVADA

Larry Porchia  
Plaintiff,

CASE NO.: A-17-754321-C  
DEPT: XXVI

vs.

America medical Responder  
Defendant.

**NOTICE OF INTENTION TO ENTER DEFAULT**

TO: (Defendant's Name) America medical Responder Defendant herein;

PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter Default, the Plaintiff will enter default against the Defendant and request the Court to enter judgment against the Defendant by default.

DATED this 5 day of September, 2017

Submitted By: (Signature) *Larry Porchia*

Printed Name: Larry Porchia

RECEIVED

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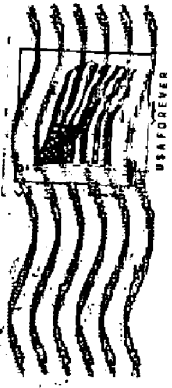
CLERK OF THE COURT

A-17-754321-C  
NOTC  
Notice  
4680975



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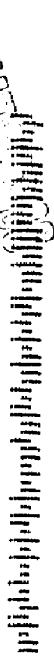
Larry Porcchia 83084  
H.O.B., P.O. Box 650  
Indian Springs, W.V.  
84070



UNITED STATES POSTAGE  
FIRST CLASS PERMIT NO. 2017 INDIAN

Clerk of the Court  
200 Lewis Ave 2nd fl.  
L.V. N.V. 89 MAIL 160  
LEGAL MAIL

0911X55160



MAIL ROOM  
JUN 18 C/D

A-17-758321-C  
DFLT  
Default  
4680976



FILED

2017 SEP 11 A 9 50

*[Signature]*  
CLERK OF THE COURT

1 DFLT

2 (Your Name) Larry Porchis

3 (Address) P.O. Box 650

4 Indian Springs, N.V. 89070

5 (Telephone) \_\_\_\_\_

6 (Email Address) \_\_\_\_\_

7 In Proper Person

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

10 Larry Porchis

11 Plaintiff,

12 vs.

13 America Medical Response

14 Defendant.

CASE NO.: A-17-758321-C

DEPT NO.: XXV1

**DEFAULT**

15 It appearing from the files and records in the above entitled action that (name of  
16 Defendant), America Medical Response, Defendant herein, being duly served with a copy of  
17 the Summons and Complaint on the 1 day of August, 2017; that more than 20  
18 days, exclusive of the date of service, having expired since service upon the Defendant; that no  
19 answer or other appearance having been filed and no further time having been granted, the default  
20 of the above-named Defendant for failing to answer or otherwise plead to Plaintiff's Complaint is  
21 hereby entered.

22 STEVEN D. GRIERSON, CLERK OF COURT

23 By: *[Signature]*  
24 Deputy Clerk

SEP 11 2017

**PATRICIA AZUCENA**

25 Submitted By: Larry Porchis

26 (☒ check one) ☒ Plaintiff ☐ Defendant in Proper Person

**CERTIFICATE OF SERVICE BY MAILING**


I, Larry Porchie, hereby certify, pursuant to NRCP 5(b), that on this 5  
day of September, 2017, I mailed a true and correct copy of the foregoing, "notice of  
intention to enter default / Default"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

America medical Response  
7215 Renaissance Drive.  
Suit B  
L.A. N.V.  
89119

AMR / Risk management  
6363 S. Fiddlers Green Cir.  
14th Fl.  
Greenwood Village, CO  
80111

CC:FILE

DATED: this 5 day of September, 2017.

  
Larry Porchie #83068  
/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS



JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 **MOT**  
John H. Cotton, Esq.  
2 Nevada Bar No. 5268  
[jhcotton@jhcottonlaw.com](mailto:jhcotton@jhcottonlaw.com)  
3 Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
4 [aschneider@jhcottonlaw.com](mailto:aschneider@jhcottonlaw.com)  
JOHN H. COTTON & ASSOCIATES  
5 7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
6 Telephone: (702) 832-5909  
Facsimile: (702) 832-5910  
7 *Attorneys for Defendant*  
*American Medical Response, Inc.*  
8 *erroneously sued and served as*  
*"American Medical Responders"*

DISTRICT COURT  
CLARK COUNTY, NEVADA

LARRY PORCHIA,

Plaintiff,

vs.

AMERICAN MEDICAL RESPONDERS;  
JASON W. DRIGGARS, STEPHEN MASSA;  
and NICHOLAS PAVELKA,

Defendants.

Case No.: A-17-758321-C  
Dept. No.: XXVI

**DEFENDANT AMERICAN MEDICAL  
RESPONSE, INC.'S MOTION AND  
NOTICE OF MOTION TO DISMISS PRO  
SE PLAINTIFF'S COMPLAINT**

18  
19 Defendant American Medical Response, Inc. erroneously sued and served as "American  
20 Medical Responders" (Defendant or AMR herein) by and through their attorneys of record, the  
21 law firm of John H. Cotton & Associates, Ltd., hereby files the instant Motion to Dismiss. This  
22 Motion is made and based on all the papers and pleadings on file herein, the attached Memorandum

23 . . .

24 . . .

25

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 of Points and Authorities, together with such other and further evidence and argument as may be  
2 presented and considered by this Court at any hearing of this Motion.

3 Dated this 11<sup>th</sup> day of September 2017.

4 **JOHN H. COTTON & ASSOCIATES, LTD.**  
5 7900 West Sahara Avenue, Suite 200  
6 Las Vegas, Nevada 89117

7 */s/ Adam Schneider*  
8 JOHN H. COTTON, ESQ.  
9 ADAM A. SCHNEIDER, ESQ.  
10 *Attorneys for Defendant*  
11 *American Medical Response, Inc.*  
12 *erroneously sued and served as*  
13 *American Medical Responders*

14 TO: ALL PARTIES AND COUNSELS OF RECORD

15 PLEASE TAKE NOTICE that on **OCT. 17** 2017, at **9:30** a.m./p.m.,

16 or as soon thereafter as the matter may be heard, Defendants by and through their counsel of  
17 record, the law firm JOHN H. COTTON & ASSOCIATES, LTD. will bring the foregoing  
18 MOTION TO DISMISS before the Court.

19 Dated this 11<sup>th</sup> day of September 2017.

20 **JOHN H. COTTON & ASSOCIATES, LTD.**  
21 7900 West Sahara Avenue, Suite 200  
22 Las Vegas, Nevada 89117

23 */s/ Adam Schneider*  
24 JOHN H. COTTON, ESQ.  
25 ADAM A. SCHNEIDER, ESQ.  
*Attorneys for Defendant*  
*American Medical Response, Inc.*  
*erroneously sued and served as*  
*American Medical Responders*

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**STATEMENT OF FACTS**

This is Plaintiff's second filed Complaint against Defendant stemming from the same alleged actions in August 2015. In the face of Defendant's Motion to Dismiss, in June 2017 Department XXII dismissed the same. (See attached as **Exhibit A**- EJDC case no. A-17-749899-C- Defendant's Motion to Dismiss and Notice of Entry of Order Granting Defendants' Motion to Dismiss).

Plaintiff nonetheless continues to allege against Defendant gross negligence and the like during the course of paramedic care in August 2015. This Motion to Dismiss accordingly follows.

**II.**

**STANDARD FOR MOTION TO DISMISS**

Dismissal for failure to state a claim is appropriate when it appears beyond a doubt that the plaintiff could prove no set of facts which, if true, would entitle him to relief. Buzz Stew, LLC v. City of Las Vegas, 124 Nev. Adv. Rep. 21, 181 P. 3d. 670, 672 (2008).

To survive a motion to dismiss for failure to state a claim, the complaint must set forth factual allegations sufficient to establish each element necessary to recover under some actionable legal theory. See NRCP 12(b); see also Hampe v. Foote, 118 Nev. 405, 408, 47 P. 3d 438, 439 (2002) (although factual allegations in the complaint are regarded as true for the purposes of a motion to dismiss, a [d]ismissal is proper where the allegations are insufficient to establish the elements of a claim for relief).

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III.

LAW & ARGUMENT

A. Plaintiff's Complaint violates NRCP 2

"There shall be one form of action to be known as 'civil action.'" NRCP 2. Plaintiff's continued filing of Complaints stemming from the same allegations for the same alleged wrongful paramedic care for the same time in August 2015 against the same Defendant violates NRCP 2. Plaintiff's wrongful filing is clearly not done in the best interests of judicial economy, and constitutes a massive waste of this court's finite amount of time and resources.

B. Plaintiff Larry Porchia has no standing to file a Complaint for Lamont Ponds

Unlike Plaintiff's prior Complaint, Plaintiff now claims his alias is apparently "Lamont Ponds." Plaintiff has not produced any evidence corroborating this claim. A plain reading of the Complaint shows the Plaintiff is Larry Porchia. If indeed Lamont Ponds is the aggrieved individual, then Lamont Ponds needs to be the named Plaintiff. On the face of the pleadings, "Larry Porchia" has no standing to prosecute this claim for "Lamont Ponds" given there is no evidence to show that Larry Porchia is the same person as Lamont Ponds.

C. Co-defendants Massa and Pavelka are not Defendants' employees

Per Plaintiff's own exhibits, Las Vegas Fire and Rescue's (LVFR) records show co-defendant medics Massa and Pavelka are actually LVFR employees, and not AMR employees. As such, the allegations regarding refusal of transport due to lack of medical insurance deal with LVFR employees, not AMR employees. Defendant was not, and cannot be responsible for the conduct of persons who are not its employees under basic respondeat superior/vicariously liability principles.

D. NRS 450.500 is inapplicable

Plaintiff alleges gross negligence under NRS 450.400. Yet NRS 450 deals with county hospitals, and not paramedics. Moreover, NRS 450.400 makes no mention of negligence or



1 gross negligence, and deals with non-residents of the county staying at a county hospital.  
2 Plaintiff's Complaint contains no assertions that he was a non-resident of Clark County. NRS  
3 450.500 is simply not a means for recovery against Defendant based upon the allegations of the  
4 Complaint.

5 **E. NRS 239.330 is inapplicable**

6 Plaintiff asserts Jason Driggars' May 2017 declaration is fraudulent. To that end,  
7 Plaintiff accuses Mr. Driggars of violating NRS 239.330. Yet NRS 239.330 is a criminal statute  
8 for filing false instruments in any public office. As this court deftly noted in its August 30, 2017  
9 Minute Order, Plaintiff appears to be seeking criminal prosecution for Defendants' alleged  
10 actions in this Complaint. Yet the District Court itself does not initiate criminal proceedings sua  
11 sponte.

12 NRS 239.330 is further inapplicable including alleged perjury is not a civil cause of  
13 action (see, e.g., Eikelberger v. Tolotti, 96 Nev. 525, 611 P.2d 1086 (1980)), and the declaration  
14 submitted as an exhibit to a Motion to Dismiss is protected by the litigation privilege (see, e.g.,  
15 Circus Circus Hotels, Inc. v. Witherspoon, 99 Nev. 56, 657 P.2d 101 (1983)).

16 Moreover, the declaration is patently not fraudulent. The declaration addressed Plaintiff  
17 Larry Porchia's claim for treatment at an address on Paradise Road, and no other address or  
18 name. Yet here, Plaintiff now changes the address of the care (and the name of the patient in  
19 the form of Lamont Ponds) to an address on E. St. Louis Ave.

20 **F. NRS 41.505 is inapplicable**

21 Plaintiff asserts violations of NRS 41.505. Yet NRS 41.505 deals with doctors, nurses,  
22 and physician assistants rendering emergency care in good faith, and no Defendant in the  
23 Complaint is a physician, nurse, or physician assistant.

24 . . .

25 . . .

1       **G. NRS 41.507 is inapplicable**

2           Plaintiff asserts violations of NRS 41.507. Yet NRS 41.507 deals with dispatchers. No  
3 Defendant in the Complaint is a dispatcher, and Plaintiff makes no assertion in the Complaint  
4 that somehow the dispatch information was negligent.

5       **H. Plaintiff's layperson medical opinions are baseless**

6           Plaintiff claims the delayed transfer to the hospital caused him to undergo a surgery for a  
7 bowel obstruction. Plaintiff, with no claimed medical background whatsoever, lacks foundation  
8 to make this claim, let alone has no expert opinion supportive of such. Perhaps Plaintiff needed  
9 to under a bowel obstruction surgery, but there is no medical evidence or claim suggesting the  
10 surgery occurred but for the alleged delay.

11       **I. 42 U.S.C. 1985(3) is inapplicable**

12           Plaintiff claims a violation of 42 USC 1985(3). Yet 42 U.S.C. 1985(3) deals with the  
13 conspiracy to interfere with civil rights, e.g., voting or consequences of voting for a certain  
14 candidate. Paramedic care is not an equal protection issue. Notwithstanding that Defendant  
15 through its employee Mr. Driggars wholly denies these allegations, because Plaintiff's  
16 Complaint accuses only Mr. Driggars alone of this conduct Plaintiff by definition cannot  
17 maintain a claim of conspiracy. See, e.g., Hilton Head Corp. v. Butch Lewis Productions, 109  
18 Nev. 1043, 862 P.2d 1207 (1993) (stating the elements of an actionable conspiracy consists of a  
19 combination of two or more persons by concerted action intend to accomplish an unlawful  
20 objective for the purpose of harming another, and damage results from the act or acts).

21       **J. Co-defendant Driggars cannot be a defendant in his individual capacity**

22           Plaintiff sues Mr. Driggars in his officially capacity as a clinical manager for Defendant.  
23 Plaintiff does not allege that Mr. Driggars ever met or communicated with Plaintiff in any way,  
24 or had any on-scene treatment of the Plaintiff to create any kind of duty to the Plaintiff.

1 Administrators are generally not liable for actions taken strictly in a corporate capacity,  
2 unless they are personally involved in the corporation's alleged tortious conduct. The individual  
3 liability of corporate officers or directors can exist only if the officer or director personally  
4 authorized, directed, or participated in the corporation's alleged conduct at issue. G.K. Las  
5 Vegas Ltd. P'ship v. Simon Prop. Grp., Inc., 460 F. Supp. 2d 1246, 1255 (D. Nev. 2006), (citing  
6 Coastal Abstract Serv., Inc. v. First Am. Title Ins. Co., 173 F.3d 725, 734 (9th Cir. 1999))  
7 (establishing an inference that the acts of the corporation are not attributable to the directors  
8 simply because of their status as directors); see also Zahl v. Krupa, 927 N.E.2d 262, 278 (Ill. Ct.  
9 App. 2010) ("As a general rule, a corporate officer or director is not liable for the fraud of other  
10 officers or agents merely because of his official character. . . . The mere fact that a person is an  
11 officer or director does not *per se* render him liable for the fraud of the corporation or of other  
12 officers or directors.")

13 Here, Mr. Driggars never authorized, directed, or participated in Defendant's alleged  
14 conduct at issue. This is axiomatic given the conduct described in the Complaint was performed  
15 by persons who are not Defendant's employees.

16 . . .

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JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

IV.

CONCLUSION

Defendant's Motion to Dismiss must be granted.

Dated this 11<sup>th</sup> day of September 2017.

JOHN H. COTTON & ASSOCIATES

By: /s/ Adam Schneider

John H. Cotton, Esq.  
Nevada Bar No. 5268  
Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
*Attorneys for Defendant  
American Medical Response, Inc.  
erroneously sued and served as  
American Medical Responders*

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of September 2017, I served the foregoing  
***DEFENDANTS' MOTION AND NOTICE OF MOTION TO DISMISS PRO SE***  
***PLAINTIFF'S COMPLAINT*** by filing a true and correct copy of the same through the Clerk of  
the Court using the Odyssey Electronic Filing and Service system upon all parties with an email  
address on record in this action **AND VIA CERTIFIED MAIL – RETURN RECEIPT**  
**REQUESTED** to:

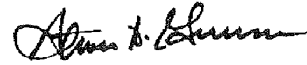
Larry Porchia, Prisoner Number 83088  
HDSP  
P. O. Box 650  
Indian Springs, Nevada 89070  
*Plaintiff Pro Per*

/s/ Jody Foote  
An employee of John H. Cotton & Associates

---

# EXHIBIT A

# EXHIBIT A



CLERK OF THE COURT

1 **MOT**  
John H. Cotton, Esq.  
2 Nevada Bar No. 5268  
jhcotton@jhcottonlaw.com  
3 Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
4 aschneider@jhcottonlaw.com  
JOHN H. COTTON & ASSOCIATES  
5 7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
6 Telephone: (702) 832-5909  
Facsimile: (702) 832-5910  
7 *Attorneys for Defendants*

8  
9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 LARRY PORCHIA,

12 Plaintiff,

13 vs.

14 JANNETT GONZALES, MARK WILTON,  
JOHN DOE #1, JOHN DOE #2,

15 Defendants.

Case No.: A-17-749899-C

Dept. No.: XXII

16  
17 **DEFENDANTS' MOTION AND NOTICE  
OF MOTION TO DISMISS PRO SE  
PLAINTIFF'S AMENDED COMPLAINT  
AND IN THE ALTERNATIVE MOTION  
FOR MORE DEFINITE STATEMENT**

18 Defendants by and through their attorneys of record, the law firm of John H. Cotton &  
19 Associates, Ltd., hereby file the instant Motion to Dismiss and in the alternative Motion For  
20 Definite Statement.

21 ///

22 ///

23 ///

24 ///

25 ///

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 These Motions are made and based on all the papers and pleadings on file herein, the  
2 attached Memorandum of Points and Authorities, together with such other and further evidence  
3 and argument as may be presented and considered by this Court at any hearing of these Motions.

4 Dated this 5th day of May 2017.

5 **JOHN H. COTTON & ASSOCIATES, LTD.**

6 7900 West Sahara Avenue, Suite 200

Las Vegas, Nevada 89117

7 */s/ Adam Schneider*

8 JOHN H. COTTON, ESQ.

ADAM A. SCHNEIDER, ESQ.

*Attorneys for Defendants*

9 TO: ALL PARTIES AND COUNSELS OF RECORD

10 PLEASE TAKE NOTICE that on June 6 2017, at 10:30 a.m./~~PM~~,  
11 or as soon thereafter as the matter may be heard, Defendants by and through their counsel of  
12 record, the law firm JOHN H. COTTON & ASSOCIATES, LTD. will bring the foregoing  
13 MOTIONS TO DISMISS before the Court.  
14

15 Dated this 5th day of May 2017.

16 **JOHN H. COTTON & ASSOCIATES, LTD.**

17 7900 West Sahara Avenue, Suite 200

Las Vegas, Nevada 89117

18 */s/ Adam Schneider*

JOHN H. COTTON, ESQ.

ADAM A. SCHNEIDER, ESQ.

*Attorneys for Defendants*

19  
20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I.**

22 **STATEMENT OF FACTS**

23 Based upon alleged events arising in August 2015, Plaintiff Larry Porchia, a/k/a Larry L.  
24 Porchia, Jr., a/k/a Larry Porschia, is suing Defendants, none of whom are governmental actors,  
25 for:



1 1) being “deliberative and indifferent too [sic] my serious medical need for failing to take  
2 plaintiff to Emergency room”; and

3 2) “violating my 8<sup>th</sup> Admendment was violated due to deliberately and indifferently to  
4 my serious medical need by failing to treat and take me to a emergency room while having  
5 serious abdominal pain there action was careless, reckless, and negligence.” (spelling, grammar,  
6 syntax and underlines in original).

7 (See Am. Compl. at 2-3.)

8 Based upon a plain reading of the Amended Complaint, this court lacks jurisdiction,  
9 Plaintiff’s cited statutes are not applicable to the Defendants here as a matter of law, and  
10 Defendants’ conduct upon the Plaintiff assuming *arguendo* it ever occurred is not a violation of  
11 the Eight Amendment of the U.S. Constitution. This Motion to Dismiss accordingly follows.

## 12 II.

### 13 STANDARD FOR MOTION TO DISMISS

14 Dismissal for failure to state a claim is appropriate when it appears beyond a doubt that  
15 the plaintiff could prove no set of facts which, if true, would entitle him to relief. Buzz Stew,  
16 LLC v. City of Las Vegas, 124 Nev. Adv. Rep. 21, 181 P. 3d. 670, 672 (2008). To survive a  
17 motion to dismiss for failure to state a claim, the complaint must set forth factual allegations  
18 sufficient to establish each element necessary to recover under some actionable legal theory. See  
19 NRCP 12(b); see also Hampe v. Foote, 118 Nev. 405, 408, 47 P. 3d 438, 439 (2002) (although  
20 factual allegations in the complaint are regarded as true for the purposes of a motion to dismiss, a  
21 [d]ismissal is proper where the allegations are insufficient to establish the elements of a claim for  
22 relief).

## 23 III.

### 24 THIS COURT LACKS JURISDICTION

25 Plaintiff asserts jurisdiction via:

1 1) 28 USC 242 which is a federal criminal code for the deprivation of rights on account  
2 of color/race;

3 2) NRS 41.0322 which is state statute regarding the procedure for prisoners/former  
4 prisoners to sue the Dept. of Corrections by first using administrative remedies and involving the  
5 attorney general for settlement negotiations; and

6 3) NRS 41.505 which is damages-cap statute for doctors/ physician assistants/ registered  
7 nurses/ dentists gratuitously rendering emergency medical services.

8 None of the above are applicable to the Defendants. Defendants are not governmental  
9 actors who allegedly violated federal criminal law in the course and scope of their alleged  
10 treatment of the Plaintiff. Defendants are not associated with the Department of Corrections or  
11 the Attorney General's office. Defendants are not doctors, PAs, RNs, or dentists.

12 This is all the more true to Defendants Wilton and Gonzales. Bowers v. NETI Techs.  
13 Inc., 690 F. Supp. 349, 357 (E.D. Pa. 1988) ("individuals performing acts in a state in their  
14 corporate capacity are not subject to the personal jurisdiction of the court of that state for those  
15 acts."); see also Maleski v. D.P. Realty Trust, 653 A.2d 54, 63 (Pa. 1994) (holding a factor in  
16 determining whether a corporate officer is subject to personal jurisdiction includes the nature of  
17 the officer's participation in the alleged tortious conduct). Accordingly this Motion must be  
18 granted.

19 IV.

20 PLAINTIFF'S ALLEGED CONSTITUTIONAL VIOLATIONS ARE MERITLESS

21 Plaintiff asserts he has a tort claim because Defendants violated his Eighth Amendment  
22 constitutional rights. As this court is well aware, the Eight Amendment speaks to excessive bail  
23 shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.  
24 See U.S. Constitution.

1 Because the Amended Complaint is so vague, it is unknown which clause of the Eighth  
2 Amendment Plaintiff believes was violated by Defendant. Regardless, the entire Eighth  
3 Amendment is inapplicable because Defendants are not governmental actors, paramedic  
4 treatments are not acts regulated by the Constitution, the alleged failure to transfer a patient to an  
5 ER in the course and scope of rendering paramedic services has never been deemed anywhere in  
6 U.S. jurisprudence to arise to a level of being cruel and unusual, and there are no criminal  
7 punishments involved regarding bail, fines or any kind of state-sponsored punishment.  
8 Accordingly, this Motion must be granted.

9 V.

10 **DEFENDANTS WILTON AND GONZALES CANNOT BE DEFENDANTS**  
11 **IN THEIR INDIVIDUAL CAPACITIES**

12 Operations Administrator Mr. Wilton and HR director Ms. Gonzales are sued in their  
13 individual and official capacities according to the Amended Complaint. Plaintiff does not  
14 allege that either of these Defendants have ever met or communicated with Plaintiff in any way  
15 or had any on-scene treatment of the Plaintiff to create any kind of duty to the Plaintiff.

16 Administrators are generally not liable for actions taken strictly in a corporate capacity,  
17 unless they are personally involved in the corporation's alleged tortious conduct. The individual  
18 liability of corporate officers or directors can exist only if the officer or director personally  
19 authorized, directed, or participated in the corporation's alleged conduct at issue. G.K. Las  
20 Vegas Ltd. P'ship v. Simon Prop. Grp., Inc., 460 F. Supp. 2d 1246, 1255 (D. Nev. 2006), (citing  
21 Coastal Abstract Serv., Inc. v. First Am. Title Ins. Co., 173 F.3d 725, 734 (9th Cir. 1999))  
22 (establishing an inference that the acts of the corporation are not attributable to the directors  
23 simply because of their status as directors); see also Zahl v. Krupa, 927 N.E.2d 262, 278 (Ill. Ct.  
24 App. 2010) ("As a general rule, a corporate officer or director is not liable for the fraud of other  
25 officers or agents merely because of his official character. . . . The mere fact that a person is an

1 officer or director does not *per se* render him liable for the fraud of the corporation or of other  
2 officers or directors.”)

3 VI.

4 **PLAINTIFF MISTAKENLY BELIEVES HE WAS A PATIENT OF DEFENDANTS’**

5 Plaintiff’s Amended Complaint is flawed on a number levels ala the above. But perhaps  
6 most importantly, Plaintiff mistakenly believes that he was patient of the Defendants. (See  
7 attached as Exhibit 1- Declaration definitively establishing Plaintiff was never a patient of the  
8 Defendants, let alone with a different name spelling, let alone on the date in question of August  
9 25, 2015, let alone at the Siegel Suite address described in the Amended Complaint).

10 Accordingly, this Motion must be granted.

11 VII.

12 **MOTION FOR MORE DEFINITE STATEMENT IN THE ALTERNATIVE**

13 Should the court not grant the above Motion to Dismiss, Defendant seeks alternative  
14 relief pursuant to NRCP 12(g) through a Motion for More Definite Statement pursuant to NRCP  
15 12(e).

16 Defendants finds Plaintiff’s allegations of violated statutes and the Constitution relative  
17 to the alleged facts of the case specific to each Defendant to be so vague and ambiguous that it  
18 cannot reasonably be required to frame a responsive pleading. NRCP 12(e) states in pertinent  
19 part:

20 If a pleading to which a responsive pleading is permitted is so vague or  
21 ambiguous that a party cannot reasonably be required to frame a responsive  
22 pleading, the party may move for a more definite statement before interposing a  
responsive pleading. The motion shall point out the defects complained of and  
the details desired. . . .

23 NRCP 12(e). Objections to lack of clarity in a Complaint are waived if such Motion pursuant to  
24 NRCP 12(e) is not made. Union Pacific R.R. v. Adams, 77 Nev. 282, 362 P.2d 450 (1961);  
25 Whiteman v. Brandis, 78 Nev. 320, 372 P.2d 468 (1962).

JOHN H. COTTON & ASSOCIATES  
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Therefore, pursuant to NRCP 12(e), Defendants request that Plaintiff provide a Second Amended Complaint which explains with specificity and particularity:

- 1) how or why his cited statutes somehow apply to this case;
- 2) how this court has jurisdiction over this matter based upon those cited statutes;
- 3) which clause(s) of the Eighth Amendment of the U.S. Constitution he is referring to;
- 4) the factual and legal bases why the Eighth Amendment of the U.S. Constitution applies in this matter when none of the Defendants are governmental actors; and
- 5) how each of the Defendants respectively violated any given cited statute or clause in the U.S. Constitution given Plaintiff makes no distinction between any of the named Defendants.

Defendants should not be made to "fly blind" before it files a responsive pleading. Without this court ordering a more definite statement via a Second Amended Complaint, it remains a mystery just what Plaintiff thinks he is talking about.

### VIII.

### CONCLUSION

The Motion to Dismiss must be granted. In the alternative, the Motion for More Definite Statement must be granted.

Dated this 5th day of May 2017.

JOHN H. COTTON & ASSOCIATES

By: /s/ Adam Schneider

John H. Cotton, Esq.  
Nevada Bar No. 5268  
Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
*Attorneys for Defendants*

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of May 2017, I served the foregoing  
***DEFENDANTS' MOTION AND NOTICE OF MOTION TO DISMISS PRO SE***  
***PLAINTIFF'S AMENDED COMPLAINT AND IN THE ALTERNATIVE MOTION FOR***  
***MORE DEFINITE STATEMENT*** by filing a true and correct copy of the same through the  
Clerk of the Court using the Wiznet Electronic Filing and Service system upon all parties with an  
email address on record in this action

**AND VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED to:**

Larry Porchia, Prisoner Number 83088  
HDSP  
P. O. Box 650  
Indian Springs, Nevada 89070  
*Plaintiff Pro Per*

/s/ Jody Foote  
An employee of John H. Cotton & Associates

# EXHIBIT 1

# EXHIBIT 1

**DECLARATION IN SUPPORT OF**  
**DEFENDANTS' MOTION TO DISMISS**

STATE OF NEVADA )

) : ss.

COUNTY OF CLARK )

Jason W. Driggars, being duly sworn, deposes and states:

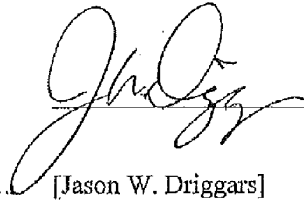
1. That I have read the Amended Complaint alleging AMR and its employees/EMTs interacted with and provided care to the Plaintiff on 8/25/2015 at Siegel Suites 2000 Paradise Rd. #418, Las Vegas, NV.
2. My official job title with AMR is Clinical Manager. My job duties consist of oversight of all healthcare provider training and education. Therefore, I am familiar with conducting electronic records searches within AMR's databases for prior alleged patient treatments and dispatching, and know the matters set forth herein of my own personal knowledge and am competent to testify thereto as forth below.
3. That I conducted a search of the name Larry Porschia, Larry Porchia, and Larry L. Porchia, Jr. AMR has no such records.
4. That I conducted a search of all calls on 8/25/2015 relative to the above names. AMR has no such records.
5. That I conducted a search of all calls to Siegel Suites 2000 Paradise Rd. #418, Las Vegas, NV relative to the above listed names and date. AMR has no such records.
6. That it was AMR's custom and practice in 8/2015 to document a dispatched call and/or create patient care report in the event of on-scene patient interaction. Therefore contrary to the Amended Complaint, it cannot be truthful said that AMR or its employees/EMTs provided care

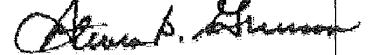


and refused transport of the Plaintiff because such documents within AMR's databases simply do not exist by the name, date, or address listed in the Amended Complaint.

7. That the contents of this Declaration should fully satisfy any reasonable person's concerns establishing the above statements. That no amount of oral or written questions into AMR about this topic will change the above based upon my personal information and belief.

I declare under the penalty of perjury that the foregoing is true and correct on this 4th day of MAY 2017.

  
[Jason W. Driggars]



1 JOHN H. COTTON, ESQ.  
Nevada Bar Number 5268  
2 JHCotton@jhcottonlaw.com  
ADAM SCHNEIDER, ESQ.  
3 Nevada Bar Number 10216  
ASchneider@jhcottonlaw.com  
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7900 West Sahara Avenue, Suite 200  
5 Las Vegas, Nevada 89117  
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6 Facsimile: (702) 832-5910  
7 Attorneys for Defendants

8 DISTRICT COURT  
\* \* \*  
9 CLARK COUNTY, NEVADA

10 LARRY PORCHIA,  
11 Plaintiff Pro Per,

12 vs.

13 JANNETTE GONZALES, MARK WILTON,  
14 JOHN DOE #1, JOHN DOE #2,  
15 Defendants.

CASE NO.: A-17-749899-C  
DEPT. NO.: XXII

NOTICE OF ENTRY OF ORDER  
GRANTING DEFENDANTS'  
MOTION TO DISMISS PRO SE  
PLAINTIFF'S AMENDED  
COMPLAINT AND IN THE  
ALTERNATIVE MOTION FOR  
MORE DEFINITE STATEMENT

19 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

20 YOU WILL PLEASE TAKE NOTICE that an Order was entered in the above-entitled  
21 matter on the 13<sup>th</sup> day of June 2017, a copy of which is attached hereto.

22 DATED this 14<sup>th</sup> day of June 2017.

24 JOHN H. COTTON & ASSOCIATES, LTD.

25 By: /s/ Adam Schneider  
26 John H. Cotton, Esq.  
Adam Schneider, Esq.  
27 7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
28 Attorneys for Defendants

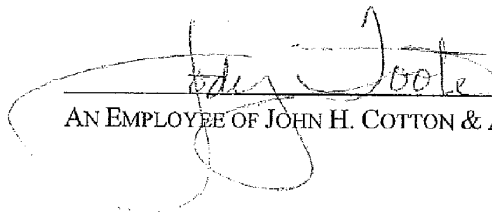
John H. Cotton & Associates, Ltd.  
7900 West Sahara, Suite 200  
Las Vegas, Nevada 89117

John H. Cotton & Associates  
7900 W. Sahara, Suite 200  
Las Vegas, NV 89117

CERTIFICATE OF SERVICE

I hereby certify that on this 14<sup>th</sup> day of June 2017, I served the foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION TO DISMISS PRO SE PLAINTIFF'S AMENDED COMPLAINT AND IN THE ALTERNATIVE MOTION FOR MORE DEFINITE STATEMENT** by filing a true and correct copy of the same through the Clerk of the Court using the Odyssey Electronic Filing and Service system upon all parties with an email address on record in this action:

Larry Porchia, #83088 VIA U.S. MAIL  
HDSP  
P. O. Box 650  
Indian Springs, Nevada 89070  
*Plaintiff Pro Per*

  
AN EMPLOYEE OF JOHN H. COTTON & ASSOCIATES, LTD.

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 **ORD**  
John H. Cotton, Esq.  
2 Nevada Bar No. 5268  
jhcotton@jhcottonlaw.com  
3 Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
4 aschneider@jhcottonlaw.com  
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6 Telephone: (702) 832-5909  
Facsimile: (702) 832-5910  
7 *Attorneys for Defendants*

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

10 LARRY PORCHIA,

11 Plaintiff,

12 vs.

13 JANNETT GONZALES, MARK WILTON,  
14 JOHN DOE #1, JOHN DOE #2,

15 Defendants.

Case No.: A-17-749899-C  
Dept. No.: XXII

**ORDER GRANTING DEFENDANTS'  
MOTION TO DISMISS PRO SE  
PLAINTIFF'S AMENDED COMPLAINT  
AND IN THE ALTERNATIVE MOTION  
FOR MORE DEFINITE STATEMENT**

16 This court having examined Defendants' Motion to Dismiss Pro Se Plaintiff's Amended  
17 Complaint or in the Alternative Motion for More Definite Statement, filed May 5, 2017, noting  
18 the Motion was served upon the Plaintiff, no Opposition was filed thereto, and there is good  
19 cause therefore,

20 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants' Motion  
21 to Dismiss Pro Se Plaintiff's Amended Complaint filed May 5, 2017 is GRANTED pursuant to  
22 NRCP 12(b)(5) and EDCR 2.20(e).


23  
24 //

<input type="checkbox"/> Voluntary Dismissal	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input checked="" type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration


Page 1 of 2

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 The matter scheduled to be heard Tuesday June 6, 2017 at 10:30a.m. is VACATED  
2 pursuant EDCR 2.23,

3 Dated this 8<sup>th</sup> day of June 2017  
4   
5 DISTRICT COURT JUDGE  
HONORABLE SUSAN H. JOHNSON  
A-17-749899-C

6 Prepared and submitted by:  
7 JOHN H. COTTON & ASSOCIATES, LTD.

8   
9 Adam Schneider, Esq.  
7900 West Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
10 Attorneys for Defendants



JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 **IAFD**  
John H. Cotton, Esq.  
2 Nevada Bar No. 5268  
[jhcotton@jhcottonlaw.com](mailto:jhcotton@jhcottonlaw.com)  
3 Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
4 [aschneider@jhcottonlaw.com](mailto:aschneider@jhcottonlaw.com)  
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5 7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
6 Telephone: (702) 832-5909  
Facsimile: (702) 832-5910  
7 *Attorneys for Defendant*  
*American Medical Response, Inc.*  
8 *erroneously sued and served as*  
*"American Medical Responders"*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 LARRY PORCHIA,

13 Plaintiff,

14 vs.

15 AMERICAN MEDICAL RESPONDERS;  
16 JASON W. DRIGGARS, STEPHEN MASSA;  
and NICHOLAS PAVELKA,

17 Defendants.

Case No.: A-17-758321-C  
Dept. No.: XXVI

**INITIAL APPEARANCE FEE  
DISCLOSURE (NRS Chapter 19)**

18  
19 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for  
20 parties appearing in the above entitled action as indicated below:

21 ///

22  
23 ///

24  
25 ///

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 American Medical Response, Inc. \$ 223.00  
2 **TOTAL REMITTED:** \$ 223.00

3 Dated this 11<sup>th</sup> day of September 2017.

4 **JOHN H. COTTON & ASSOCIATES, LTD.**  
5 7900 West Sahara Avenue, Suite 200  
6 Las Vegas, Nevada 89117

6 /s/ Adam Schneider  
7 JOHN H. COTTON, ESQ.  
8 ADAM A. SCHNEIDER, ESQ.  
9 *Attorneys for Defendant*  
10 *American Medical Response, Inc.*  
11 *erroneously sued and served as*  
12 *"American Medical Responders"*

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7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of September 2017, I served the foregoing ***INITIAL APPEARANCE FEE DISCLOSURE*** by filing a true and correct copy of the same through the Clerk of the Court using the Odyssey Electronic Filing and Service system upon all parties with an email address on record in this action

**AND VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED to:**

Larry Porchia, Prisoner Number 83088  
HDSP  
P. O. Box 650  
Indian Springs, Nevada 89070  
*Plaintiff Pro Per*

/s/ Jody Foote  
An employee of John H. Cotton & Associates



To: Larry Padden (K-8)

A758321

Your Default/ Dismissal is being returned to you by the Clerk of the Court's office for the following reason(s): SEP 13 2017

- ☒ An appearance or Answer was filed on 9-11-17 9-11-17
- ☐ Dismissal must be directed for Judge to sign since defendant has filed appearance/answer in case.
- ☐ The required proof of service of the Summons and Complaint is not on file in the Clerk's office
- ☐ The Order for Service by Publication requires mailing of copy of summons and complaint. No proof of mailing has been file in the Clerk's office. Please file a certificate of mailing.
- ☐ The date of service on the Default does not match the date of service on file.
- ☐ No date of service on the Default.
- ☐ Not eligible for Default until \_\_\_\_\_; please resubmit at this date.  
Pursuant to NRCp 4(e) (1) (iii) due to mailing on \_\_\_\_\_.
- ☐ Party Name(s) on Default or Dismissal do not match name(s) on the complaint.
- ☐ Court filed Order closing case on \_\_\_\_\_. Need to contact Department to find out what needs to be done to have case Re-opened.
- ☐ Default needs to also state: 1) Date answer was filed 2) Date Order striking answer was signed.
- ☐ Default /Dismissal has already been signed/filed on \_\_\_\_\_
- ☐ Default must state same documents and claim served as stated on filed proof of service.
- ☐

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

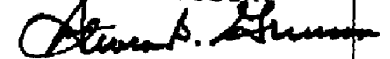
**RETURN THIS DOCUMENT WHEN YOU RESUBMIT THE DEFAULT**

If you have any questions, please contact Specialty Clerk at 671-0521

A-17-758321-C  
LSF  
Left Side Filing  
4681809



8 9



1 MOT

John H. Cotton, Esq.

2 Nevada Bar No. 5268

[jhcotton@jhcottonlaw.com](mailto:jhcotton@jhcottonlaw.com)

3 Adam A. Schneider, Esq.

Nevada Bar No. 10216

4 [aschneider@jhcottonlaw.com](mailto:aschneider@jhcottonlaw.com)

JOHN H. COTTON & ASSOCIATES

5 7900 W. Sahara Avenue, Suite 200

Las Vegas, Nevada 89117

6 Telephone: (702) 832-5909

Facsimile: (702) 832-5910

7 Attorneys for Defendant

American Medical Response, Inc.

8 erroneously sued and served as

"American Medical Responders"

9

DISTRICT COURT

10

CLARK COUNTY, NEVADA

11

LARRY PORCHIA,

12

Plaintiff,

13

vs.

14

AMERICAN MEDICAL RESPONDERS;  
15 JASON W. DRIGGARS, STEPHEN MASSA;  
and NICHOLAS PAVELKA,

16

Defendants.

17

Case No.: A-17-758321-C

Dept. No.: XXVI

**DEFENDANT AMERICAN MEDICAL  
RESPONSE, INC.'S MOTION AND  
NOTICE OF MOTION TO DISMISS PRO  
SE PLAINTIFF'S COMPLAINT**

18

19 Defendant American Medical Response, Inc. erroneously sued and served as "American  
20 Medical Responders" (Defendant or AMR herein) by and through their attorneys of record, the  
21 law firm of John H. Cotton & Associates, Ltd., hereby files the instant Motion to Dismiss. This  
22 Motion is made and based on all the papers and pleadings on file herein, the attached Memorandum

23 . . .

24 . . .

25

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 DFLT

2  
3 DISTRICT COURT

4 CLARK COUNTY, NEVADA

5  
6 Larry Porchia  
7 Plaintiff(s),

CASE NO. A-17-75834-C

8 -vs-

DEPT. NO. XXVI

9  
10 America medical  
11 Defendant(s).  
12 Respondent's


13 DEFAULT

14 It appearing from the files and records in the above entitled action that \_\_\_\_\_,  
15 Defendant(s) herein, being duly served with a copy of the Summons and Complaint on  
16 the 1 day of Aug, 2017; that more than 20 days, exclusive of the day of  
17 service, having expired since service upon the Defendant(s); that no answer or other  
18 appearance having been filed and no further time having been granted, the default of  
19 the above-named Defendant(s) for failing to answer or otherwise plead to Plaintiff's  
20 Complaint is hereby entered.

21 STEVEN D. GRIERSON, CLERK OF COURT

22 By: \_\_\_\_\_  
23 Deputy Clerk Date

24 Submitted By:

25  
26  Sept 7 2017  
27 Date

RECEIVED

SEP 13 2017

CLERK OF THE COURT

Default/4/5/2015

**CERTIFICATE OF SERVICE BY MAILING**

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I, Larry Porchia, hereby certify, pursuant to NRCP 5(b), that on this 7  
day of Sept, 2017, I mailed a true and correct copy of the foregoing, "notice  
of intention to enter default"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

A.M.R.  
7201 W. Post Rd.  
Las Vegas, NV 89113

Amel/Risk Management  
6363 S. Fiddler  
Green Cir. 14th Fl  
Greenwood Village, CO  
80111

CC:FILE

DATED: this 7 day of Sept, 2017

Larry Porchia # 83083  
/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

AFFIRMATION  
Pursuant to NRS 239B.030

---

The undersigned does hereby affirm that the preceding notice

of intention to enter default  
(Title of Document)

filed in District Court Case number \_\_\_\_\_

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific law)

-or-

B. For the administration of a public program or for an application  
for a federal or state grant.

[Signature]  
Signature

9-7-17  
Date

Larry Dorchy  
Print Name

PRD SC  
Title

JUDG

DISTRICT COURT  
CLARK COUNTY, NEVADA

Lamp Porch, Plaintiff(s),

-vs-

Amenaz medical  
Resport Defendant(s).

CASE NO. A-17-758321-C

DEPT. NO. XYV1

**JUDGMENT BY DEFAULT**  
(Entry by Clerk)

Defendant(s), \_\_\_\_\_, having been regularly served with Summons and Complaint, and having failed to appear, plead or answer thereto; the legal time therefore having expired, and not having been extended, the Default of the said Defendant(s) having been duly entered according to law, upon application of said Plaintiff(s) to the Clerk of the Court for the entry of judgment in accordance with the prayer of the Complaint and the Affidavit of the Plaintiff(s) on file herein, and good cause appearing, it is hereby ORDERED that the Plaintiff(s) have judgment against the Defendant(s) \_\_\_\_\_ in the sum of \$\_\_\_\_\_ with statutory interest from the date of Judgment, together with Plaintiff's costs and disbursements in the sum of \$\_\_\_\_\_.

STEVEN D. GRIERSON, CLERK OF THE COURT

---

By: \_\_\_\_\_  
Deputy Clerk Date

Submitted By:

\_\_\_\_\_

Larry Porchia 83088  
H.O.S.P. P.O. Box 656  
Indian Springs, Wv.

#3762

84070

Hasler FIRST-CLASS MAIL  
09/11/2017 PSRT  
USPS POSTAGE \$000.45 3

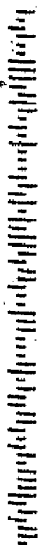


ZIP 89101  
01E12650764

CONFIDENTIAL

LEGAL MAIL

8910136300 C075



Clerk of the court  
200 Lewis Ave 2nd fl.  
L.V. Wv. 84155-116

INDIAN SPRINGS PRISON

INDIAN



1 NITD

2 Name: Larry Porchis

3 Address: P.O. Box 650

4 Indian Spring, NV 89070

5 Telephone: \_\_\_\_\_

6 Email Address: \_\_\_\_\_

7 In Proper Person

FILED

2017 SEP 13 P 4: 09

*Lillian B. Johnson*  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 Larry Porchis  
9 Plaintiff,

CASE NO.: A-17-758321-C  
DEPT: XXVI

10 vs.

11 America medical Responder  
Defendant.

12 **NOTICE OF INTENTION TO ENTER DEFAULT**

13 TO: (Defendant's Name) America medical Responder, Defendant herein;

14 PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's  
15 Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter  
16 Default, the Plaintiff will enter default against the Defendant and request the Court to enter  
17 judgment against the Defendant by default.

18 DATED this 7 day of September, 2017

19 Submitted By: (Signature) Larry Porchis

20 Printed Name: Larry Porchis

21 RECEIVED

22 SEP 13 2017

23 CLERK OF THE COURT

24 A-17-758321-C  
NOTC  
Notice  
4681810



JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

Electronically Filed  
9/15/2017 11:39 AM  
Steven D. Grierson  
CLERK OF THE COURT



1 NOS  
John H. Cotton, Esq.  
2 Nevada Bar No. 5268  
[jhcotton@jhcottonlaw.com](mailto:jhcotton@jhcottonlaw.com)  
3 Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
4 [aschneider@jhcottonlaw.com](mailto:aschneider@jhcottonlaw.com)  
JOHN H. COTTON & ASSOCIATES  
5 7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
6 Telephone: (702) 832-5909  
Facsimile: (702) 832-5910  
7 *Attorneys for Defendant*  
*American Medical Response, Inc.*  
8 *erroneously sued and served as*  
*"American Medical Responders"*

DISTRICT COURT  
CLARK COUNTY, NEVADA

LARRY PORCHIA,

Plaintiff,

vs.

AMERICAN MEDICAL RESPONDERS;  
JASON W. DRIGGARS, STEPHEN MASSA;  
and NICHOLAS PAVELKA,

Defendants.

Case No.: A-17-758321-C  
Dept. No.: XXVI

**DEFENDANT AMERICAN MEDICAL  
RESPONSE, INC.'S NOTICE OF  
SERVICE OF PLEADINGS UPON  
PLAINTIFF**

Defendant AMERICAN MEDICAL RESPONSE, INC., by and through its counsel of record, John H. Cotton, Esq. and Adam Schneider, Esq. of the law firm of JOHN H. COTTON & ASSOCIATES, LTD. hereby state that service was made upon Plaintiff, Larry Porchia in the following manner:

1. On September 11, 2017 Defendants placed Defendants' Motion and Notice of Motion to Dismiss Pro Se Plaintiff's Amended Complaint and Initial Appearance Fee Disclosure documents in a postage paid Certified Mail, Return Receipt Requested

**JOHN H. COTTON & ASSOCIATES**  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

- 1 envelope addressed to Plaintiff as follows: "LEGAL COMMUNICATION, Larry  
2 Porchia, #83088, HDSP, PO Box 650, Indian Springs, NV 89070-0650 (see Exhibit  
3 "A");
- 4 2. On September 13, 2017 the return receipt was signed by Jennifer Charys and returned  
5 to John H. Cotton & Associates, Ltd. (see Exhibit "B").

6  
7 Dated this 15<sup>th</sup> day of September 2017.

8 **JOHN H. COTTON & ASSOCIATES, LTD.**  
9 7900 West Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117

10 /s/ Adam Schneider  
11 JOHN H. COTTON, ESQ.  
12 ADAM A. SCHNEIDER, ESQ.  
13 *Attorneys for Defendant*  
14 *American Medical Response, Inc.*  
15 *erroneously sued and served as*  
16 *"American Medical Responders"*

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of September 2017, I served the foregoing ***DEFENDANT***  
***AMERICAN MEDICAL RESPONSE, INC.'S NOTICE OF SERVICE OF PLEADINGS***  
***UPON PLAINTIFF*** by filing a true and correct copy of the same through the Clerk of the Court  
using the Odyssey Electronic Filing and Service system upon all parties with an email address on  
record in this action

**AND VIA U.S. MAIL to:**

Larry Porchia, #83088  
HDSP  
P. O. Box 650  
Indian Springs, Nevada 89070  
*Plaintiff Pro Per*

/s/ Jody Foote  
An employee of John H. Cotton & Associates

---

# **EXHIBIT A**

# **EXHIBIT A**

0512 0202 1002 0522 E102

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**ORIGINAL USPS**

Postage	\$ 1.82	Postmark Here
Certified Fee	3.35	
Return Receipt Fee (Endorsement Required)	2.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 7.92	

Sent To: Larry Archia, HDSP # 83088  
 Street, Apt. No., or PO Box No.: P.O. Box 650  
 City, State, ZIP+4: Indian Springs, NV 89070

PS Form 3800, August 2006

See Reverse for Instructions



7013 2250 0002 1020 7190

1

\$7.92 US POSTAGE  
5 OZ FIRST-CLASS MAIL FLATS RATE

06ZS0009108708

FROM 89117



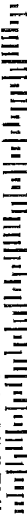
stamps.com  
09/11/2017

USPS FIRST CLASS MAIL®

John Cotton  
John H. Cotton & Associates  
7900 W. Sahara Ave. Ste 200  
Las Vegas NV 89117

B900

SHIP LEGAL COMMUNICATION  
TO: LARRY PORCHIA #83088  
HDSP  
PO BOX 650  
INDIAN SPRINGS NV 89070-0650



1626.51 (#2)

IAFD  
Motion to Dismiss

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Larry Porchia #83088  
 HDSP  
 P.O. Box 650  
 Indian Springs, NV  
 89070

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☒ Agent  
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail® ☐ Priority Mail Express™  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7013 2250 0002 1020 7190

PS Form 3811, July 2013

Domestic Return Receipt





## Shipping Label Receipt

**Delivery Confirmation™ Service Number:**

**9414 7118 9956 4627 0442 41**

First-Class Mail with USPS CERTIFIED MAIL \*

Electronic Service Fee: \$0.000

Additional Services: Certified, Return Receipt

Total Postage and Fees: \$7.92

Weight: 5 oz

Print Date: 09/11/2017

Mailing Date: 09/11/2017

**From:** John Cotton  
John H. Cotton & Associates  
7900 W. Sahara Ave. Ste 200  
Las Vegas NV 89117

**To:** LEGAL COMMUNICATION  
LARRY PORCHIA #83088  
HDSP  
PO BOX 650  
INDIAN SPRINGS NV 89070-0650

USPS  
Postmark  
Here

\*Regular First-Class Mail Service postage rates apply. USPS CERTIFIED MAIL service electronic fee is required. Postmark required if fee refund requested. Delivery information is not available by phone for the electronic option.

### Instructions:

1. Adhere shipping label to package with tape or glue - DO NOT TAPE OVER BARCODE. Be sure all edges are secured. Self-adhesive label is recommended.
2. Place the label so it does not wrap around the edge of the package.
3. This package may be deposited in any collection box, handed to your mail carrier, or presented to a clerk at your local Post Office.
4. Each confirmation number is unique and can be used only once - DO NOT PHOTOCOPY.
5. You must mail this package on the "mail date" that is specified on this label.

---

# EXHIBIT B

# EXHIBIT B

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail piece, or on the front if space permits.

1. Article Addressed to:

Larry Forchic #83088  
HDSP  
P.O. Box 650  
Indian Springs, NV  
89070

ELUX DES EI

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Larry Forchic*

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

Jennifer Charvis

C. Date of Delivery

9-13-17

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail® ☐ Priority Mail Express™

☐ Registered ☒ Return Receipt for Merchandise

☐ Insured Mail ☐ Collect on Delivery

☐ Yes

4. Restricted Delivery? (Extra Fee)

2. Article Number (Printed on label) 7013 2250 0002 1020 7170

PS Form 3811, July 2013

Domestic Return Receipt

Rec'd 9-14-17 JNC:CHN

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box •

John H. Cotton + Associates Ltd.  
7900 West Sahara Ave, Ste 200  
Las Vegas, NV 89117

#1626.51

#2





JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 **NONO**  
John H. Cotton, Esq.  
2 Nevada Bar No. 5268  
jhcotton@jhcottonlaw.com  
3 Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
4 aschneider@jhcottonlaw.com  
**JOHN H. COTTON & ASSOCIATES**  
5 7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
6 Telephone: (702) 832-5909  
Facsimile: (702) 832-5910  
7 *Attorneys for Defendant*  
*American Medical Response, Inc.*  
8 *erroneously sued and served as*  
*"American Medical Responders"*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

11 LARRY PORCHIA,

12 Plaintiff,

13 vs.

14 AMERICAN MEDICAL RESPONDERS;  
15 JASON W. DRIGGARS, STEPHEN MASSA;  
and NICHOLAS PAVELKA,

16 Defendants.

Case No.: A-17-758321-C

Dept. No.: XXVI

**NOTICE OF NO OPPOSITION TO  
DEFENDANT AMERICAN MEDICAL  
RESPONSE, INC.'S MOTION TO  
DISMISS PRO SE PLAINTIFF'S  
COMPLAINT**

Hearing date: 10/17/2017

Hearing time: 9:30a.m.

18 Defendant American Medical Response, Inc. erroneously sued and served as "American  
19 Medical Responders" (Defendant or AMR herein) by and through their attorneys of record, the  
20 law firm of John H. Cotton & Associates, Ltd., hereby files the instant Notice of No Pro Se  
21 Plaintiff's Opposition to Defendant's Motion to Dismiss.

22  
23  
24 //  
25

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**STATEMENT OF FACTS**

On September 11, 2017, Defendant filed the subject Motion to Dismiss. Defendant concurrently served the Motion via certified mail upon Plaintiff at his current residence of High Desert State Prison.

On September 13, 2017, Jennifer Charys of High Desert State Prison signed a return receipt proving service of the Motion upon the Plaintiff. (See Def.[’s] Notice of Service of Pleadings Upon Plaintiff, filed September 15, 2017.)

On or by September 27, 2017, Plaintiff needed to file an Opposition. Yet at the time of Defendant filing this Notice, Plaintiff has not filed any Opposition.<sup>1</sup> Plaintiff’s failure to do so is an admission that the Motion is meritorious and a consent to the Motion being granted. See EDCR 2.20(e).

**II.**

**LAW & ARGUMENT**

EDCR 2.20(e) states in relevant part:

Within 10 days after the service of the motion . . . the opposing party must serve and file written notice of nonopposition or opposition thereto . . . Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

EDCR 2.20(e).

---

<sup>1</sup> This court must not consider, and must affirmatively reject from the record, any hypothetical Plaintiff’s Opposition in response to this Notice. The court allowing an Opposition into the record on the eve of the hearing in violation of local rule will: 1) tacitly approve of Plaintiff’s strategic preclusion of Defendant’s ability to file any kind of substantive Reply; and 2) work an extreme unfair prejudice upon the Defendant.

**JOHN H. COTTON & ASSOCIATES**  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

There is no evidence to suggest Plaintiff has provided any good faith reason for why he violated EDCR 2.20(e), or sought an extension for an Opposition-filing deadline. In light of the above Statement of Facts, Plaintiff has admitted that Defendant's Motion is meritorious and consents to granting Defendant's Motion by operation of local rule. See id.; see also Polk v. State, 233 P. 3d 357, 126 Nev. 180 (2010) (holding "[A non-moving party] who fails to include and properly argue a contention in the [non-moving party's] brief takes the risk that the court will view the contention as forfeited" and granting an oral motion to exclude the non-moving party's oral argument.)

### III.

## CONCLUSION

This court must summarily grant Defendant's Motion to Dismiss, and accordingly vacate the hearing of October 17, 2017 at 9:30a.m. in the interests of judicial economy and mitigation of expenses to the parties.

Dated this 28<sup>th</sup> day of September 2017.

JOHN H. COTTON &amp; ASSOCIATES

By: /s/ Adam Schneider

John H. Cotton, Esq.  
Nevada Bar No. 5268  
Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
*Attorneys for Defendant  
American Medical Response, Inc.  
erroneously sued and served as  
American Medical Responders*

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of September 2017, I served the foregoing  
***DEFENDANTS' NOTICE OF NO PLAINTIFF OPPOSITION TO DEFENDANT'S  
MOTION TO DISMISS PRO SE PLAINTIFF'S COMPLAINT*** by filing a true and correct  
copy of the same through the Clerk of the Court using the Odyssey Electronic Filing and Service  
system upon all parties with an email address on record in this action **AND VIA CERTIFIED  
MAIL – RETURN RECEIPT REQUESTED** to:

Larry Porchia, Prisoner Number 83088  
HDSP  
P. O. Box 650  
Indian Springs, Nevada 89070  
*Plaintiff Pro Per*

/s/ Jody Foote  
An employee of John H. Cotton & Associates



**OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION**

56  
**FILED**

2017 OCT -9 A 10:19

LARRY PORCHIA )

PLAINTIFF )

Vs )

NICHOLAS PAVELKA )

DEFENDANT )

CASE No. A-17-758321-C  
SHERIFF CIVIL NO.: 17006980

*John L. Lombardo*  
CLERK OF THE COURT

**AFFIDAVIT OF SERVICE**

STATE OF NEVADA )

) ss:

COUNTY OF CLARK )

**ROBERT WYANT**, being first duly sworn, deposes and says: That he is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **9/14/2017**, at the hour of **12:45 PM**, affiant as such Deputy Sheriff sub served a copy of **SUMMONS AND COMPLAINT** issued in the above entitled action upon the defendant **NICHOLAS PAVELKA** named therein, by delivering to and leaving with **FRANCES GUTIERREZ (REG AGENT)** at **2215 RENAISSANCE DRIVE B LAS VEGAS, NV 89119** within the County of Clark, State of Nevada, a copy of **SUMMONS AND COMPLAINT**.

*I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.*

**DATED September 15, 2017.**

Joseph M. Lombardo, Sheriff

By: *Robert Wyant* 9573  
ROBERT WYANT  
Deputy Sheriff

A-17-758321-C  
AOS  
Affidavit of Service  
4688661



**RECEIVED  
OCT 05 2017  
CLERK OF THE COURT**

**301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400**

SUMM

DISTRICT COURT  
CLARK COUNTY, NEVADA

Larry Porchik

Plaintiff(s).

-vs-

Nicholas Pavellka

Defendant(s).

Advanced EMT

CASE NO. A-17-758321-C  
DEPT. NO. XXVI

SUMMONS - CIVIL

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
  - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
  - (b) Serve a copy of your response upon the attorney whose name and address is shown below.

SUMM Civil/7/23/2009

- 1 2. Unless you respond, your default will be entered upon application of the  
2 Plaintiff(s) and failure to so respond will result in a judgment of default  
3 against you for the relief demanded in the Complaint, which could result in  
4 the taking of money or property or other relief requested in the Complaint.  
5  
6 3. If you intend to seek the advice of an attorney in this matter, you should do  
7 so promptly so that your response may be filed on time.  
8  
9 4. The State of Nevada, its political subdivisions, agencies, officers,  
10 employees, board members, commission members and legislators each  
11 have 45 days after service of this Summons within which to file an Answer  
12 or other responsive pleading to the Complaint.

13 Submitted by:

14   
15 \_\_\_\_\_

STEVEN D. GRIERSON  
CLERK OF COURT

By: 

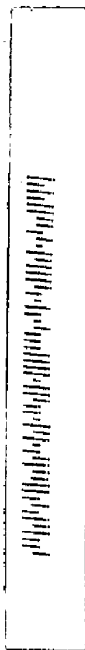
Deputy Clerk

Date

Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

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20 **NOTE: When service is by publication, add a brief statement of the object of the**  
21 **action. See Nevada Rules of Civil Procedure 4(b).**  
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Larry Porchia 83088  
H.D.S.P. P.O. Box 650  
Indian Springs, N.V.  
#3762 89070



Hasler

FIRST-CLASS MAIL

10/03/2017

US POSTAGE \$001.40



ZIP 89101  
011E12650516

Clerk of the court  
200 Lewis Ave 3rd fl.  
L.V. N.V. 89155

CONFIDENTIAL

LEGAL MAIL

RECEIVED

OCT 02 2017

0108100



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Brandi J. Wendel  
Court Division Administrator

---

October 09, 2017

Larry Porchia  
PO Box 650  
Indian Springs NV 89070

Re: A-17-758321-C  
Larry Porchia, Plaintiff(s)  
vs.  
American Medical Responders, Defendant(s)

Dear Larry Porchia,

This office is in receipt of your Motion for Enlargement of Time. We are unable to file the same for the reason(s) stated below:

☒ Other: Need original signatures on document and the notice of motion needs to be left blank so we can fill in the next available hearing date.

**TO ENSURE THAT THE DOCUMENTS ARE PROPERLY PROCESSED, PLEASE  
RETURN THIS LETTER WHEN THE REQUESTED ITEMS ARE RETURNED TO  
US.**

STEVEN D. GRIERSON, CEO/CLERK OF THE COURT  
#56

---

#56, Deputy

A-17-758321-C  
LSF  
Left Side Filing  
4888557



24

1 Larry Porchia # 83088

2 P.O. Box 650

3 Indian Springs, Nevada 89070

4

5 Plaintiff - In Pro Se

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DISTRICT COURT  
CLARK COUNTY, NEVADA

Larry Porchia,

Plaintiff,

vs.

American Medical Response et al.,  
NRS 12.105

Defendants

case no. A-17-758321-C

apt. no. XXVI

MOTION FOR ENLARGEMENT OF TIME

COMES NOW, Plaintiff, Larry Porchia, pro se and respectfully  
moves this Honorable Court for a (45) forty-five day enlargement of  
time from October 17, 2017 to December 1, 2017, within which to file  
Plaintiff's Opposition To Defendant American Medical Response, Inc.'s Motion  
And Notice Of Motion To Dismiss Pro Se Plaintiff's Complaint.

This motion is made and based Rule 6(b) of Nev. R. Civ. P., the  
supporting attached declaration, as well as all papers, pleadings and documents  
on file herein.

///

///

CLERK OF THE COURT

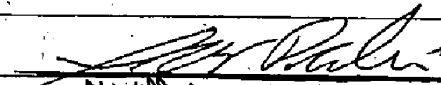
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CONCLUSION

WHEREFORE, all of the above stated reasons, Plaintiff respectfully requests this Court to grant the Plaintiff an enlargement of time from October 17, 2017, to December 1<sup>st</sup>, 2017.

Respectfully Submitted,

note: 9-22-17

  
Plaintiff - Larry Forchuck

CERTIFICATE OF SERVICE

I hereby certify, that, on the 22 day of Sept, 2017, I mailed my MOTION FOR ENLARGEMENT OF TIME to the following:

Stanley D. Ganssow

John H. Cotton

200 Lewis Ave, Suite 11

7900 W Sahara Ave, Suite 200

Las Vegas, Nevada 89155

Las Vegas, Nevada 89117

  
Plaintiff



PLAINTIFF'S DECLARATION IN SUPPORT OF MOTION

FOR ENLARGEMENT OF TIME

STATE OF NEVADA )

case no. A-17-758321-C

CLARK COUNTY )

Det. no. KKV1

Larry Porchia, the Declarant, being first duly sworn, deposes and

says:

1) That Declarant is the Plaintiff in the above-entitled cause of action;

2) That Declarant is over the age of (21) twenty-one years, of sound mind, and competent to swear to the within matters of the above listed cause of action;

3) That due to the Declarant not being provided adequate weekly access to the prison law library, here at the High Desert State Prison, impeding upon the Declarant's research and preparation of documents without the establishment of a psychological concern;

4) Declarant is unable to prepare and write his Opposition, within the statutory time, because the Declarant is unaware when he will be scheduled for the prison law library, here at the High Desert State Prison;

5) That, Declarant believes the necessary research and preparations can be accomplished within the additional 45 days, starting, October 17, 2017.

6) That, this request for enlargement of time is made in good faith and not for the purposes of delay.

Date: 9-21-17

LARRY PORCHIA - Declarant

UNDER PENALTY OF PERJURY T. He 285/746

FILED  
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Clerk of Court

NITD  
Name: Larry Porchis  
Address: P.O. Box 650  
Indian Springs, NV 89020  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
In Proper Person \_\_\_\_\_

DISTRICT COURT  
CLARK COUNTY, NEVADA

Larry Porchis  
Plaintiff,  
vs.  
Stephen Massy  
Defendant.

CASE NO.: A-17-758321-C  
DEPT: XXVI

**NOTICE OF INTENTION TO ENTER DEFAULT**

TO: (Defendant's Name) Stephen Massy, Defendant herein;

PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter Default, the Plaintiff will enter default against the Defendant and request the Court to enter judgment against the Defendant by default.

DATED this 17 day of Sept, 2017

Submitted By: (Signature) [Signature]

Printed Name: Larry Porchis

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A-17-758321-C  
NITD  
Notice of Intent to Take Default  
4688619



Clark County Family Law Section  
September 2014

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CLERK OF THE COURT

Notice of Intention to Enter Default  
ALL RIGHTS RESERVED

**CERTIFICATE OF SERVICE BY MAILING**

1  
2 I, Larry Porchis, hereby certify, pursuant to NRCP 5(b), that on this 13  
3 day of Sept, 2017, I mailed a true and correct copy of the foregoing, "Notice of  
4 intention to enter default/ Default"  
5 by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
6 addressed as follows:

7  
8 Reg Agent Frances Butierrez  
9 2215 Renaissance Dr.  
10 Ste B Las Vegas, N.V.  
11 89119  
12  
13  
14  
15  
16

17 CC:FILE

18  
19 DATED: this 13 day of Sept, 2017.

20  
21 Larry Porchis # 83088  
22 /In Propria Personam  
23 Post Office box 650 [HDSP]  
24 Indian Springs, Nevada 89018  
25 IN FORMA PAUPERIS:  
26  
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28

42

To: Larry Porchia October 9, 2017

Your Default/ Dismissal is being returned to you by the Clerk of the Court's office for the following reason(s):

- ☐ An appearance or Answer was filed on \_\_\_\_\_
- ☐ Dismissal must be directed for Judge to sign since defendant has filed appearance/answer in case.
- ☐ The required proof of service of the Summons and Complaint is not on file in the Clerk's office
- ☐ The Order for Service by Publication requires mailing of copy of summons and complaint. No proof of mailing has been file in the Clerk's office. Please file a certificate of mailing.
- ☐ The date of service on the Default does not match the date of service on file.
- ☐ No date of service on the Default.
- ☐ Not eligible for Default until \_\_\_\_\_; please resubmit at this date.  
Pursuant to NRCF 4(e) (1) (iii) due to mailing on \_\_\_\_\_.
- ☐ Defendant Name(s) on Default Caption does not match name(s) on the complaint. **Please correct Caption of Default to either reflect the First Defendant listed on Complaint or all of the Defendants listed on the Complaint. The party you wish to Default must also be listed on line #15.**
- ☐ Court filed Order closing case on \_\_\_\_\_. Need to contact Department to find out what needs to be done to have case Re-opened.
- ☐ Default needs to also state: 1) Date answer was filed 2) Date Order striking answer was signed.
- ☐ Default /Dismissal has already been signed/filed on \_\_\_\_\_
- ☐ The Affidavit of Service is insufficient. It must state that the address where service took place was the **Defendant's dwelling house or usual place of abode** and that the person who accepted service (\_\_\_\_\_) was also a resident of the home. (N.R.C.P. 4 (d) (6).) You must file an Amended Affidavit of Service.
- ☐ **Enclosed is a blank Default form that you may complete and resubmit for issuance, once all the corrections are completed.**

**RETURN THIS DOCUMENT WHEN YOU RESUBMIT THE DEFAULT**

If you have any questions, please contact Specialty Clerk at 671-0521

A-17-758321-C  
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CLERK OF THE COURT

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1 DFLT

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3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA  
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7 Larry Porchir Plaintiff(s),

8 -vs-

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10 Stephen massg  
11 Defendant(s).

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13 CASE NO. A-17-758321-C  
14 DEPT. NO. XXV1

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It appearing from the files and records in the above entitled action that \_\_\_\_\_  
Defendant(s) herein, being duly served with a copy of the Summons and Complaint on  
the 16 day of Aug, 20 17; that more than 20 days, exclusive of the day of  
service, having expired since service upon the Defendant(s); that no answer or other  
appearance having been filed and no further time having been granted, the default of  
the above-named Defendant(s) for failing to answer or otherwise plead to Plaintiff's  
Complaint is hereby entered.

STEVEN D. GRIERSON, CLERK OF COURT

By: \_\_\_\_\_  
Deputy Clerk Date

Submitted By:

Steph Pali 9-13-17  
Date

Default/4/5/2015



1 NOH

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 Larry Porchia, Plaintiff(s)  
6 vs.  
7 American Medical Responders,  
8 Defendant(s)

Case No.: A-17-758321-C  
Department 26

9 **NOTICE OF TELEPHONIC HEARING FOR ORAL ARGUMENT**

10 PLEASE TAKE NOTICE that this matter is set for Oral Argument on Deft's  
11 Motion to Dismiss Complaint on Tuesday, **October 17, 2017**, at the hour of **8:30AM**, in  
12 District Court Department 26 in the Regional Justice Center, 200 Lewis Avenue, 10<sup>th</sup> Floor,  
13 Courtroom 10D, Las Vegas, Nevada. Your presence is required.

14 Plaintiff's attendance through telephonic communication is ordered.

15 DATED: October 12, 2017



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20 GLORIA STURMAN  
21 DISTRICT JUDGE  
22 DEPARTMENT 26  
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**CERTIFICATE OF SERVICE**

I hereby certify that on or about the date e-filed, this document was copied through e-mail, placed in the attorney's folder in the Regional Justice Center or mailed to the proper person as follows:

Adam A. Schneider  
John H. Cotton & Associates, Ltd.  
c/o: Adam A. Schneider  
7900 W. Sahara Ave., Suite 200  
Las Vegas, NV 89117

Larry Porchia  
c/o Robin Hennequin  
PO Box 650  
Indian Springs, NV 89070

  
Linda Denman  
Judicial Executive Assistant  
Department 26

*Heather H. H. H.*  
CLERK OF THE COURT

1 LARRY PORCHIA 83088  
2 P.O. Box 650  
3 Indian Springs, N.V. 89070  
4 Plaintiff - IN PRO SE  
5

6 DISTRICT COURT  
7 Clark County, Nevada  
8

9 Larry Porchia	Case NO: A-17-758321-C
10 Plaintiff	Dept NO: XXVI
11 VS.	
12 American medical Responders;	Time
13 Jason W. Driggers; Stephen	Date
14 Massa; Nicholas Pavelka,	
15 Defendants	

16  
17 OPPOSITION TO DEFENDANT AMERICAN  
18 MEDICAL RESPONSE, INC.'S MOTION AND  
19 NOTICE OF MOTION TO DISMISS PRO SE  
20 PLAINTIFF'S COMPLAINT,  
21

22 COME'S NOW Plaintiff, PRO SE, LARRY PORCHIA  
23 move's this court to entertain the above  
24 mentioned and deny the relief sought of  
25 the Defendants.

26 This motion is made and based  
27 upon Nev. R. Civ. P 12(b) Plaintiff Declaration And  
28 Exhibits attached hereto.

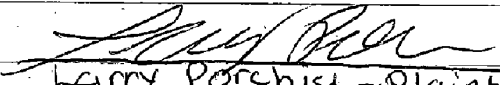
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CLERK OF THE COURT  
RECEIVED  
OCT 17 2017



Respectfully Submitted

1  
2 Date 10-5-17

3  
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5   
6 Larry Porchia - Plaintiff

7 NOTICE OF MOTION

8 STATE OF NEVADA)

9 COUNTY CLERK ) §

10  
11 To ALL parties and counsels  
12 of Record Please Take Notice That on  
13 ~~Oct 5~~ Nov. 21, 2017 2017 at 9:30AM a.m./p.m. or as  
14 Soon thereafter as the matter may be heard  
15 Plaintiff In Pro se will bring the foregoing  
16 Opposition motion to Dismiss before the  
17 Court

18  
19 Date Oct 5 2017  
20 Larry Porchia  
21 P.O. Box 650  
22 Indian Springs, N.V.  
23 89070  
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1 STATE OF NEVADA

2 CLARK COUNTY JS

3

4 Declaration in support of opposition  
5 to Defendant American medical Response, INC's  
6 motion and Notice of motion to Dismiss  
7 Pro SE Plaintiff's complaint.

8

9 I, LARRY PORCHIA, the DECLARANT,  
10 first duly SWORN says:

11

12 1) I, LARRY PORCHIA the Declarant, is  
13 over the age of 18 sound mind and will  
14 testify upon called to do so of the facts  
15 herein.

16 2) That, on or about, the 26th day of Aug.  
17 2015 A Clark county, Nevada Resident, M. Matthew  
18 525 E. St. Louis Ave #418 Las Vegas, Nevada, made  
19 A 911 Emergency call due to the Declarant  
20 (A.K.A. Lamont Ponds) suffering from excruciating  
21 abdominal stomach pain, hot flashes and vomiting;

22 3) That, the 911 Emergency operator dispatched  
23 Unit # R10 Rescue 10, Ground Ambulance, crew  
24 member's, Defendants Stephen Massa, EMT Paramedic  
25 (DOC) and Nicholas Pavlicka, Advanced EMT;

26 4) That, prior to Defendants Massa and Pavlicka  
27 arrival, to the 525 E. St. Louis Residence, both,  
28 Defendants were aware the clinical reason.

1 They were dispatched; 1 A-Abdomin 2A Abdomin-  
2 nal Pains/Problem;

3 5) That, upon Defendants massa and Pavellky  
4 arrival at the 525 E. St. Louis Ave. #418 residence  
5 the Defendants placed the Declarant on [A]  
6 gurney checking the Declarant's vitals while  
7 the Declarant laying unconscious;

8 6) That, upon the Declarant coming too,  
9 Declarant was able to provide the Defendants  
10 (EMTs) a brief description of the stomach  
11 pain and sought medical attention;

12 7) That, the Defendants Massa and Pavellky,  
13 disregarded the safety and or health concerns  
14 of the Declarant and began to question on  
15 "medical insurance" rather than, ensuring the  
16 Declarant receive prompt medical attention;

17 8) That, Once the Defendants massa and Pavellky,  
18 discovered the Declarant lacked (medical insurance)  
19 The Defendants Massa and Pavellky, refused to  
20 transfer the Declarant of the local facilities  
21 (medical) removing Declarant off the gurney,  
22 while misdiagnosing Declarant with gas problems, To  
23 avoid, providing Declarant transportation to A medical  
24 facility;

25 9) That, because the Declarant was not promptly  
26 transferred to the hospital, Declarant was  
27 required to under go [A] major surgery  
28 (Exploratory Laparotomy Release of Bowel Obstruction)

1 due to the Defendants massa and Paveiky  
2 refused to provide transportation.

3 10) That, Defendants massa and Paveiky can not  
4 escape liabilities due to the pain, suffering  
5 and blood lost (75cc) incurred by the Declarant.  
6 Declarant hereby incorporate paragraphs 1 thru 4 of  
7 count 1 of this complaint.

8 11) That, on the 4<sup>th</sup> day of May, 2017, Defendant  
9 Jason W. Driggers authored A Declaration, that  
10 impose fraud upon the court, when the Defendant  
11 stated; "That it was AMR's custom and practice  
12 in 8/2015 to document A dispatched call and  
13 or create patient care report in the event of  
14 on-scene patient interaction... it cannot be  
15 truthfully said, that AMR or its employees/EMTs  
16 provided care and refused transport of the Declarant  
17 because no such documents within AMR's data  
18 base simply do not exist by the name data or  
19 address listed in the Amended Complaint"

20 12) Defendant Drigger cannot escape liable, where  
21 the 911 Emergency operators has record, that on the  
22 26<sup>th</sup> day of August 2015, Defendants massa and  
23 Paveiky, were dispatched out to the 525 E. ST.  
24 Louis Ave #418 L.V. N.V. Residence, depriving  
25 the Declarant medical care, after discovering  
26 Declarant did not possess medical insurance,

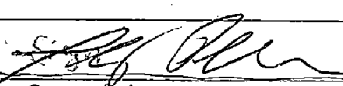
27 13) That this Declarant's second complaint against  
28 the correct named defendants Stemm's from

1 The 525 E. St Louis Ave #418 August 26<sup>th</sup>  
2 2015 See attached Exhibit A from case  
3 no: A-17-758321-C

4 14) Prior to the courts notice of entry  
5 of order Granting Defendants motion to  
6 Dismiss May 5<sup>th</sup> 2017, The Declarant filed  
7 A voluntary Dismissal motion pursuant to Rule  
8 41 of the Nev. R. Civ. P seeking dismissal, due  
9 to naming the incorrect defendants,

10 15) The Declarant has correctly asserted  
11 allegations of Gross Negligence against; America  
12 medical Responders, Jason W. Driggers Clinical  
13 manager of A.M.R., Stephen Massa (E.M.T.)  
14 paramedic of A.M.R., Nicholas Pavellka  
15 advanced E.M.T. of A.M.R. (See attached Exhibits  
16 B<sup>2</sup>), That occurred on Aug: 26 2015 at  
17 525 E. St Louis Ave #418 Las Vegas Nevada  
18 89104 (Notes - Spoke to Molly Breene A.M.R.'s  
19 Legal Dept; at the corporate office in Colorado  
20 303-495-1200 ON Aug 1 2017 @ 8:50 A.M. stated Def.  
21 NO Longer works for the company)

23 Date Oct: 5 2017

  
Harry Porchia Declarant  
under the penalty of perjury  
Nev 171.102(2)

26 STANDARD FOR MOTION TO DISMISS

28 To survive A motion to dismiss for failure

1 To state A claim, The complaint must set  
2 forth factual allegations sufficient to establish  
3 each element necessary to recover under some  
4 actionable legal Theory See NRC 12(b): See  
5 also Hampe v. Foote 118 Nev, 405, 408, 47 P3d,  
6 438, 439 (2002)

## 7 LAW & ARGUMENT

8  
9 A. Plaintiff's complaint does not violate  
10 NRC P 2. The plaintiff was misled do  
11 to wrongful misguides information by the  
12 Las Vegas fire and rescue call center  
13 500 N. casino center Las Vegas, Nevada,  
14 89101 due to 911 was called twice  
15 to the same address 525 E. St Louis Ave  
16 # 418 Las Vegas, Nevada 89104 when the correct  
17 call # 5262786 and booklet # 84753418 was giving  
18 The plaintiff corrected his complaint;

19 B: Plaintiff Larry Porchia has standing to file  
20 A complaint for Lamont Ponds because Plaintiff  
21 is Lamont Ponds Plaintiff Larry Porchia has used  
22 Lamont Ponds as A alias before. Due to being in  
23 and out of conscious Plaintiff was unaware  
24 that Plaintiff used A alias while being taken  
25 to Valley Hosp. med. center 620 Shadow Lane  
26 Las Vegas Nevada 89106 after receiving Plaintiff  
27 whole medical Report plus Ambulance report on  
28 May 17 2017 which shows Authorization to

1 Release Disclose Protected Health information to  
2 Plaintiff because Lamont Ponds and Plaintiff is  
3 the same person. See Exhibit C<sup>s</sup>  
4 C. Co - defendants massa and Pavelky where  
5 employess of American medical Responder according  
6 To Molly Brene A.M.R. Legal Dept. office of  
7 the sheriff clerk county Detention civil Process  
8 Section sheriff civil NO: 17005774 and civil NO:  
9 17005776 Deputy sheriff Enrique STiegelmeier  
10 made attempts to locate Defendants Stephen  
11 Massa and Nicholas Pavelky Deputy STiegelmeier  
12 spoke to Molly Brene (303-495-1200) AMR legal  
13 Department at the corporate office in Colorado  
14 Molly Brene state's that both defendants no  
15 longer works for the company so how does the  
16 defendants don't or never worked for A.M.R.  
17 See Exhibit B<sup>s</sup>;  
18 D; NRS 450.400 is applicable According to the  
19 inbox (Emergency Medical Services), NRS 450.400 reads  
20 Under Nevada Statutory scheme, indigency is A  
21 prerequisite to (A) counties obligation to provide charitable  
22 medical aid.

23 Here, The Defendants are eluding the court,  
24 that, NRS 450.400 does not apply, yet, the Defendants  
25 claims this court, that, Defendants Stephen Massa  
26 and Nicholas Pavelky are employees of the  
27 Las Vegas Fire Department, on behalf, of AMR and  
28 their subordinates.

1 AMR is A <sup>[sic]</sup> foreign corporation, operating out of  
2 Clark County, Nevada and is/are required to  
3 operate and comply with the laws of the  
4 State of Nevada governing Emergency medical  
5 Services, See Exhibit's B<sup>2</sup> Supra.

6 E. NRS. 239.330 is applicable we're Defendants  
7 Jason Driggy authored an affidavit on behalf  
8 of his superior respondent to cover-up Liability;

9 The judicial record clearly demonstrates that,  
10 on the 4<sup>th</sup> day of May 2017, Defendant Driggy  
11 authored an affidavit, that, indicated: "that it was  
12 AMR<sup>2</sup>" custom and practices in 8/2015 to document A  
13 dispatched call and/or create patient care report  
14 in the event of on-scene patient interaction...  
15 it cannot be truthful said that AMR or  
16 its employees/EMT<sup>2</sup> provided care and refused  
17 to transfer the Plaintiff... see Exhibit D  
18 (Declaration in support of Defendants motion  
19 to DISMISS; Sworn by Jason W. Driggy)

20 The clear material, disputed fact exist,  
21 where Exhibit A Prehospital care report summary  
22 indicates That A.M.R. was on scene the call  
23 received at 3:41:35 Dispatched at 3:44:02 to  
24 525 E. St Louis Ave #418 Las Vegas, Nevada 89104  
25 Exhibit A Demonstrates Defendant Driggy's  
26 imposed fraud upon the court when Driggy's  
27 submitted the sworn affidavit into the  
28 judicial record in this case at bar



1 Claimed AMR did not show up on the  
2 scene when Plaintiff was denied care.

3 Once Defendant Drigger authored the affidavit  
4 in support of the defendants motion to Dismiss,  
5 and it's to be found, The affidavit, has false  
6 statements contained in the affidavit, the litigation,  
7 is no longer protected by the litigation privilege,  
8 rather, the Defendant, Now become A criminal, because  
9 the Defendant Drigger knew or should have known the  
10 falsified affidavit, subjected Defendant Drigger to  
11 criminal liabilities. see Bloomfield v. State, (Nev) and  
12 NRS, 239, 330 reads;

13 "offering false instrument into record/filing" - emphasis  
14 added.

15 Note = NRS 239, 330 is a category C felony, removing  
16 any privileges the Defendants Drigger may had under  
17 the law also, John H. Cotton, esq, must be held liable as  
18 well, where counsel submitted the affidavit into the  
19 judicial record; Thus Defendant can not escape liability,  
20 where there is actual fraud upon the court, in this

21 "Tort Action"

22 F. NRS 41.505<sup>(1)</sup> is applicable

23 First, NRS. 41.505 reads;

24 "Any person in this state, who renders emergency care  
25 or assistance in an emergency, gratuitously and in good  
26 faith, shall not be held liable for any civil damages as  
27 A result of any act or omission, not amounting to  
28 gross negligence, by such person in rendering the

1 emergency care or assistance or as a result of  
2 any act or failure to act, Not amounting to  
3 gross negligence, to provide or arrange for further  
4 medical treatment for the injured person.

5 **Gross Negligence** — A conscious, voluntary act or omission in  
6 reckless disregard of a legal duty and of the consequences to  
7 another party, who may typically recover exemplary damages.

8  
9 Subsection (2) of NRS 41.505 states

10 Any person in this state who acts as an ambulance  
11 driver or attendant on an ambulance operated by a  
12 volunteer ambulance service or as a volunteer driver or  
13 attendant on an ambulance operated by a political  
14 subdivision of this state, or owned by the federal  
15 government and operated by a contractor of the  
16 federal government, and who in good faith renders  
17 emergency care or assistance to any injured or ill  
18 person, whether at the scene of an emergency or while  
19 transporting such injured or ill person to or from any  
20 health facility, clinic, doctor's office or other medical  
21 facility, shall not be held liable for any civil damages as a  
22 result of any act or omission, Not amounting to gross  
23 negligence, by such ambulance driver or attendant in  
24 rendering the emergency care or assistance, or as a  
25 result of any or failure to act, Not amounting to  
26 gross negligence, to provide or arrange for further  
27 medical treatment for the injured or ill person.

28 Subsection (3) of NRS. 41.505 states,

1 Any duly appointed member of A volunteer ambulance  
2 service or A duly appointed volunteer member of  
3 an ambulance service operated by A political subdivision  
4 of this state, other than an ambulance driver or  
5 attendant, shall not be held liable for any civil damages  
6 as A result of any act or omission, Not amounting  
7 to gross Negligence, by such member whenever he is  
8 performing his duties in good faith as A member  
9 of such volunteer service or ambulance service  
10 operated by A political subdivision.

11 Exhibit A (Prehospital care Report Summary)  
12 establishes the Defendants Massa and Pavelky conduct  
13 confirms the Defendants misconduct amounted to  
14 gross negligence, where the Defendants were required  
15 to render emergence care or assistance or as  
16 A result of any act or failure to act where there  
17 was [A] conscious, voluntary act or omission in  
18 reckless disregard of A legal duty, to take Plaintiff  
19 to the hospital, (NRS 474, 150, 244, 296 et s and 450(B)  
20 1985) does not obtain immunity pursuant to NRS  
21 41.500 et seq) because the plaintiff been provided prompt  
22 transfer to [A] medical facility (NRS 50.153 (5) and (6))  
23 (Duties), Plaintiff believe he would not have been  
24 subjected to (a) "Exploratory laparotomy/Release of  
25 bowel obstruction" Loss of 75 cc Blood Loss, because  
26 the Defendants had concluded the Plaintiff had no  
27 insurance, see Exhibit E (Valley Hospital medical center)  
28 The Plaintiff was entitled to Patient Safety... see NRS 439,

1 . 800-890

2 NRS 41.507 is inapplicable

3 Defendant's Drigger, Massa and Pavlka are not  
4 volunteer dispatcher's and medical director's and  
5 if they were, upon subjecting the plaintiff to a lack  
6 of health care by not providing transportation to a  
7 local hospital, because the Plaintiff could not produce  
8 medical insurance, would render, even (a) volunteer  
9 dispatcher and or a medical director liable, had  
10 either title subjected Plaintiff to a life preserving  
11 operation, besides, Plaintiff had not invoked NRS 41.507  
12 H. Plaintiff's layperson medical opinion is not baseless:

13 Plaintiff herein has priorly established with court  
14 Plaintiff was subjected to a life preserving hospital  
15 operation (exploratory laparotomy release of bowel obstruction)  
16 that, provided the Plaintiff (a) medical opinion based  
17 upon the Valley Hospital fact-finding, that, provides this  
18 Court medical evidence the Plaintiff was subjected  
19 to a major life preserving operation, a material  
20 fact in dispute see Exhibit E (exploratory laparotomy  
21 release of bowel obstruction)

22 I. Title 42 U.S.C. 1985(3) is applicable

23 upon Congress of the United States of America  
24 implementing title 42 U.S.C. 1985(3) (Klu Klux Klan<sup>act</sup>)  
25 was implemented to subject those who entered into  
26 conspiracies, that infringed upon the fundamental  
27 fairness of social norms.

28 It would be a corrupt court, to disregard

1 Defendants Massa and Pavelka openly conspired to  
2 deny the plaintiff health care, upon discovering  
3 the Plaintiff did not have health insurance, while,  
4 Defendant Driggan offered false Instrument for  
5 record/filing to cover-up, Massa and Pavelka's  
6 disregard for the Plaintiff's safety and welfare. See  
7 Title 18 U.S.C. section 241. Also, it has been long  
8 held, where the state laws that conflict with federal  
9 standards, (The supremacy clause) (Article 6 section  
10 2 of the U.S. const.) prompts any state laws that  
11 do not possess the spirits of protecting American  
12 citizens. NOTE: Should the court arbitrary disregard  
13 Defendants Massa and Pavelka were employees of  
14 AMR according to Exhibit B<sup>s</sup> (Civil Process section)  
15 Immunity is not available to neither defendant,  
16 because the Defendants Massa & Pavelka disregarded  
17 patient safety, because the Plaintiff lacked medical  
18 insurance, see MRS 439.800-890, see also McKay v. board  
19 of Supervisors, 730 P.2d 438 (1986) that held;  
20 "Plaintiff should have been given medical care" . . . , Emphatic  
21 added rendering all (3) three Defendants liable, where the  
22 judicial record establishes the Defendant - Driggan deceived  
23 the court, through the Defendant effort to cover-up  
24 Massa & Pavelka of the Klu Klux Klan act. See title  
25 42 § 1985(3) (Public Safety and Welfare Act)  
26 Also, Defendant Driggan can not rely upon the Good  
27 Samaritan Rule, where this Defendant committed A  
28 Category C felony, to trick the court of Defendants

1 Defendants massa and Pavelka gross negligence conduct,  
2 See Buck vs. Greyhound et al, 105 Nev. 756; 783 P.2d 477  
3 1984 Nev. Lexis 300

4 J. co-defendant Drigger can be A defendant in  
5 his individual capacity due to on may 4 2017  
6 Jason W. Driggers impose fraud upon the court  
7 When Defendant stated NO 911 was called to  
8 525 E. St Louis Ave #418 cause Driggers oversee  
9 all data

### 10 CONCLUSION

11 Wherefore, because the facts are in dispute herein,  
12 Defendant's Drigger, massa, Pavelka are not entitled  
13 to A dismissal of Plaintiff tort action complaint where  
14 it was established herein that Defendant's massa  
15 and Pavelka were employees of A.M.R. on  
16 Aug: 26 2015 upon denying the Plaintiff medical  
17 Treatment due to not having medical insurance  
18 which in cause the Plaintiff to suffer A major  
19 operation (Exploratory laparotomy Release of P bowel  
20 obstruction) at Valley Hospital Medical Center,  
21 only after unknown/Raymond Chavez number 103633  
22 on Michael Cornell number #104279, 3 hours from the  
23 time (3:52.34 seconds) the Defendants Massa & Pavelka left  
24 the Plaintiff to die, while their co-workers, Defendant  
25 Drigger enter into a conspiracy to elude this court,  
26 "Defendants Massa & Pavelka had not responded to  
27 the 525 E. St Louis Ave #418 Las Vegas, Nevada 89104,  
28 to cover up an attempt murder. on the plaintiff, See

1 A lack of medical insurance.

2 date: OCT 5 2017

3

4

LARRY BORCHIA - PLAINTIFF

5

6

### CERTIFICATE OF SERVICE

7

8

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I, hereby certify, that, On the 5 day of OCT  
2017, I mailed my OPPOSITION TO DEFENDANTS MOT. TO DISMISS  
ANA Exhibits A thru E to the following:

John H. COTTON

7900 W. Sahara Ave. Suite 200

Las Vegas Nevada 89117

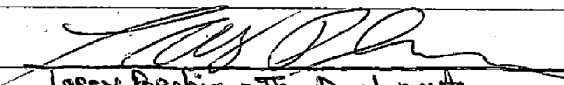
Witness

# EXHIBITS

Case No. A-17-758321-C

Dep't No. KKVI

I, Lacey Pechia, the Declarant, hereby authenticate Exhibits A  
thru E pursuant to Chapter 52 of the Nevada Revised Statutes  
under the penalty of perjury, that, each Exhibit A thru E is  
true and correct and can testify upon being called to do so.  
Date: OCT 5 2017

  
Lacey Pechia - The Declarant  
Under penalty of perjury - NRS 141.102(2)  
2831746



**EXHIBIT** A

**EXHIBIT** A

# Prehospital Care Report Summary

Las Vegas Fire and Rescue

Date:08/26/2015 Call #:5262786 Booklet:84753418 Branch: Station 10 Time Zone:America/Los\_Angeles

## Call Information:

Disposition: Other  
Unit #: R10 - Rescue 10, Ground-Ambulance Trip Type: N/A  
Run Type to Scene: Emergency Scheduled: No  
Incident Facility:  
Incident Location: 525 E St Louis Ave #418 - Las Vegas, NV 89104 (Clark County)  
Incident Type: N/A  
  
Receiving Facility: N/A -  
Facility Address:  
Destination Type: N/A  
Dest. Reason: N/A  
Registration #: N/A  
  
Loaded Mileage: N/A  
Crew Members: Stephen Massa, EMT Paramedic(DOC); Nicholas Pavelka, Advanced EMT

## # Patients Transported

In My Unit: N/A  
# Patients at Scene: N/A

Call Received: 03:41:35  
Dispatched: 03:44:02  
En Route: 03:45:09  
On Scene: 03:52:34  
Patient Contact: N/A  
Left Scene: N/A  
At Destination: N/A  
Transfer of Care: N/A  
In Service: 03:58:34

Time On Scene: N/A Min  
Time to Destination: N/A Min  
Total Time of Run: 15 Min

Moved to Amb By: Transport Position: From Amb By:

Other Units On Scene: AMR

Call Origin: N/A Lights/Siren: Scene-Not used / Destination-Not used

## Patient Information:

Name:  
Address:  
Phone:  
Email:  
SSN:  
Driver License:

DOB:  
Gender:No Data  
Age:  
Weight:  
Broselow:

## Other Contact Info

Name: Phone: Cell Phone:  
Relationship:

Current Meds: Comments:  
Env Allergies: Comments:  
Med Allergies: Comments:  
Patient Physician:  
Advanced Directives:  
PMH:  
Comment:  
Patient Physical Limitations:  
Comment:

## Payer Information:

--

## Clinical:

Onset Date/Time:  
Dispatch Reason (EMD): 1A-Abdomin 1A-Abdominal Pains/Problems  
Medical Need:

Provider Impression:  
Mechanism of Injury:  
Protocol 1:

Protocol 2:

**Assessments:**

Time	Employee	Type	Summary
------	----------	------	---------

**Vitals:**

Time	Employee	Summary
------	----------	---------

**Treatments/Medications:**

Time	Employee	Summary
------	----------	---------

**Supply**

Qty. Supply

**ECG Device Incident Number:**

**Narrative History Text:**

THIRD PARTY CALLER CITIZEN DID NOT WANT MEDICAL ASSISTANCE

Auth Signature: No Privacy Sig: No Unable to Sign: No Refused to Sign: No

**Signature Image(s):**

Authorization Signature



Privacy Notice Signature



Receiving RN / MD Signature



Technician Signature - Massa, Stephen J. - 08/26/2016 07:47

**Recommended Service Level: BLS / Dispatch Service Level: BLS**

**EXHIBIT B<sup>s</sup>**

**EXHIBIT B<sup>s</sup>**

OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

FILED  
AUG 25 2017

*Ann L. Blum*  
CLERK OF COURT

LARRY PORCHIA )

PLAINTIFF )

vs )

STEPHEN MASSA )

DEFENDANT )

CASE No. A-17-758321-C  
SHERIFF CIVIL NO: 17005774

NOT FOUND AFFIDAVIT

STATE OF NEVADA }  
COUNTY OF CLARK } ss:

ENRIQUE STIEGELMEYER, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: SUMMONS AND COMPLAINT TORT ACTION on 7/26/2017 at the hour of 2:16 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said **STEPHEN MASSA** Defendant within Clark County, Nevada.

**ATTEMPTS TO LOCATE:**

Date: 8/1/2017 @ 8:50 AM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS,  
NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: SUBJECT NOT EMPLOYED AT BUSINESS.

Notes: SPOKE TO MOLLY BREENE AMR LEGAL DEPARTMENT AT THE CORPORATE OFFICE IN  
COLORADO. DEF. NO LONGER WORKS FOR THE COMPANY. 303-495-1200.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE ON NEVADA THAT THE  
FOREGOING IS TRUE AND CORRECT.

Dated August 2, 2017

Joseph M. Lombardo, Sheriff

By: *Enrique Stiegelmeier*  
ENRIQUE STIEGELMEYER  
Deputy Sheriff

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400

OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

FILED

AUG 25 2017

*Adam S. Blum*  
CLERK OF COURT

LARRY PORCHIA

PLAINTIFF

vs.

NICHOLAS PAVELKA

DEFENDANT

CASE No. A-17-758321-C

SHERIFF CIVIL NO: 17005776

NOT FOUND AFFIDAVIT

STATE OF NEVADA }

} ss:

COUNTY OF CLARK }

ENRIQUE STIEGELMEYER, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: SUMMONS AND COMPLAINT TORT-ACTION on 7/26/2017 at the hour of 2:22 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said **NICHOLAS PAVELKA** Defendant within Clark County, Nevada.

**ATTEMPTS TO LOCATE:**

Date: 8/1/2017 @ 8:50 AM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS, NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: SUBJECT NOT EMPLOYED AT BUSINESS.

Notes: SPOKE TO MOLLY BREEN AMR LEGAL DEPARTMENT AT THE CORPORATE OFFICE IN COLORADO. DEF. NO LONGER WORKS FOR THE COMPANY. 303-495-1200.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE ON NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

Dated August 2, 2017

Joseph M. Lombardo, Sheriff

By: *Enrique Stiegelmeier*  
ENRIQUE STIEGELMEYER  
Deputy Sheriff

20000 THE 40 X 60

432 3 1 10V

CLARK

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400

**EXHIBIT C<sup>s</sup>**

**EXHIBIT C**

# AUTHORIZATION TO USE AND DISCLOSE PROTECTED HEALTH INFORMATION

Initial here if requesting information from Valley Hospital Medical Center.

Note: There will be a charge of \$.14 per page if source document is electronic or a charge of \$.16 per page if source document is paper for releases of PHI for all reasons other than continued patient care.

Initial here if requesting access to review original medical records.

Initial here if requesting patient record to be provided in electronic format (CD) or secure e-mail.

Patients are entitled to one (1) free Compact Disc (CD) containing radiology images/films/recordings. Any requests for additional copies will be subject to a \$10 fee per CD.

Patient Name at Time of Treatment: Lcomont Ponds Date of Birth: 12/13/1971 Social Security Number: N/A  
 Street Address: P.O. Box 650 Home Phone Number: \_\_\_\_\_  
 City: Indian Springs State: NV Zip Code: 89070 Work Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

This document authorizes Valley Hospital Medical Center to use and disclose Protected Health Information (PHI) as described below. Uses and disclosures of PHI will be consistent with Nevada and Federal law concerning the privacy of PHI. Failure to provide all information requested will delay action on this Authorization.

1. Person(s)/Organization(s) authorized to receive the PHI: ☐ Valley Hospital Medical Center ☒ Self

☐ Other: Larry Porchly 83088

2. Purpose of Requested Use or Disclosure: ☐ Cont. Care ☐ Insurance ☐ Attorney ☒ Personal

☐ Other: \_\_\_\_\_

3. Description of the information included in Use or Disclosure: Treatment date(s): Aug 2015 to Aug 2014

☒ Billing Record ☐ History and Physical ☐ Emergency Department  
☐ All PHI in Medical Record (Complete Chart Copy) ☐ Operative Report ☒ Other (please specify): Ambulance Report  
☐ Radiology Images CD ☐ Radiology Report  
☐ Discharge Summary ☐ Lab Reports/Pathology Reports

4. By signing my initials next to the specific category of highly confidential information, I am authorizing Valley Hospital Medical Center to release the indicated type of information next to my initials pursuant to this Authorization from the treatment date(s) listed above.

☐ HIV/AIDS ☐ Drug and Alcohol Information ☐ Genetic Information  
☐ Mental Health Information ☐ Sexually Transmitted Disease Information ☐ Tuberculosis Information

5. This authorization will expire 1 year from the date of request unless otherwise specified here: \_\_\_\_\_ (date of expiration)

## NOTICE OF RIGHTS AND OTHER INFORMATION:

- I understand that I have the right to revoke this authorization at any time. Such requests must be submitted in writing to the attention of Valley Hospital Medical Center, Health Information Management Department at 620 Shadow Lane, Las Vegas, Nevada, 89106. Phone: (702) 388-4591 Fax: (702) 388-4752. Cancellation of my authorization will be effective when Valley Hospital Medical Center receives my signed request, but it will not apply to the information that was used or disclosed prior to that date.
- I understand that refusal to sign this authorization will have no effect on my enrollment, eligibility for benefits, or the amount a third party payor pays for the health services I receive.
- I understand that the person or entity that receives this information may not be covered by the federal privacy regulations, in which case the information above may be redisclosed and no longer protected by these regulations. I also understand that the person I am authorizing to use and/or disclose the information may receive compensation for the use and/or disclosure.
- I have a right to receive a copy of this authorization. I may inspect or obtain a copy of the protected health information that I am being asked to use or disclose.

Signature of Patient: Lcomont Ponds Date: 5-17-17  
 Signature of Legal Representative: Larry Porchly Date: \_\_\_\_\_ Relationship To Patient: I'm the doctor

Witness: \_\_\_\_\_

Date: \_\_\_\_\_  
☐ I Will Pick Up PHI  
☒ Mail PHI  
☐ Please Fax PHI To Physician Indicated

Reason Patient Unable to Sign

☐ Patient received copy of authorization

Staff Initials: \_\_\_\_\_



RI1001

**Valley**  
 Hospital Medical Center  
 AUTHORIZATION TO USE AND  
 PROTECTED HEALTH INFOR  
 CLOSE  
 (PIN# 79275806) (R 2/16)

PATIENT IDENTIFICATION

MRO  
 MAY 22 2017  
 Initials: gentry



Exhibit C5

Hello my name is Larry and im writing  
you due to an over due bill and I am  
requesting my medical records Last Aug 2015  
I was brought to valley hospital emergency  
room by an ambulance due to me having  
bad abdominal pain. After being in valley  
hospital for 4 to 6 days it was brought  
to me by my nurse that I was poison  
and just had A major Surgery. I was  
later release after being able to use  
the bathroom. I was giving narcotics and  
antibiotic I was place into a  
tax and released to the suits on  
St. Louis #418. I had 26 staple in  
my abdominal area. I used my A.M.A  
Lamont Bonds 12-11-73 and im trying  
to get my medical records so my  
cog show my attorney can get this  
bill paid. Thank you for your cooperation  
Please send call info. To me at  
Larry Porchia 83088 P.O. Box 650  
Indian Springs, NV. 89070

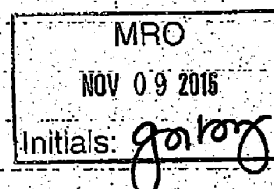


Exhibit C's

AUTHORIZATION TO USE AND DISCLOSE PROTECTED HEALTH INFORMATION	
Initial here if requesting information from Valley Hospital Medical Center.	
Note: There will be a charge of \$.14 per page if source document is electronic or a charge of \$.16 per page if source document is paper for releases of PHI for all reasons other than continued patient care.	
Initial here if requesting access to review original medical records.	
Initial here if requesting patient record to be provided in electronic format (CD) or secure e-mail.	
Patients are entitled to one (1) free Compact Disc (CD) containing radiology images/films/recordings. Any requests for additional copies will be subject to a \$10 fee per CD.	

<u>Lamont Bonds</u> Patient Name at Time of Treatment	<u>12-11-73</u> Date of Birth	<u>NA</u> Social Security Number
<u>P.O. Box 650</u> Street Address		
<u>Indian Springs</u> City	<u>N.V.</u> State	<u>89070</u> Zip Code
		Home Phone Number
		Work Phone Number
Email		

This document authorizes Valley Hospital Medical Center to use and disclose Protected Health Information (PHI) as described below. Uses and disclosures of PHI will be consistent with Nevada and Federal law concerning the privacy of PHI. Failure to provide all information requested will delay action on this Authorization.

- Person(s)/Organization(s) authorized to receive the PHI: ☒ Valley Hospital Medical Center  
Larry Porchia
- Purpose of Requested Use or Disclosure:  
Personal use and attorney
- Description of the information included in use or disclosure; Treatment date(s): Aug 2015 to Aug 2015  
☐ Billing Record ☐ History and Physical ☐ Emergency Department  
☐ All PHI in Medical Record (Complete Chart Copy) ☐ Operative Report ☐ Other (please specify):  
☐ Radiology Images CD ☐ X-Ray Report  
☒ Discharge Summary ☐ Lab Reports/Pathology Reports
- By signing my initials next to the specific category of highly confidential information, I am authorizing Valley Hospital Medical Center to release the indicated type of information next to my initials pursuant to this Authorization from the treatment date(s) listed above.  

<input type="checkbox"/> HIV/AIDS	<input type="checkbox"/> Drug and Alcohol Information	<input type="checkbox"/> Genetic Information
<input type="checkbox"/> Mental Health Information	<input type="checkbox"/> Sexually Transmitted Disease Information	<input type="checkbox"/> Tuberculosis Information
- Please list a date or event at which point this Authorization will expire (not to exceed 1 year):

**NOTICE OF RIGHTS AND OTHER INFORMATION:**

- I understand that I have the right to revoke this authorization at any time. Such requests must be submitted in writing to the attention of Valley Hospital Medical Center, Health Information Management Department at 620 Shadow Lane, Las Vegas, Nevada, 89106. Phone: (702) 388-4591 Fax: (702) 388-4752. Cancellation of my authorization will be effective when Valley Hospital Medical Center receives my signed request, but it will not apply to the information that was used or disclosed prior to that date.
- I understand that refusal to sign this authorization will have no effect on my enrollment, eligibility for benefits, or the amount a third party payor pays for the health services I receive.
- I understand that the person or entity that receives this information may not be covered by the federal privacy regulations, in which case the information above may be redisclosed and no longer protected by these regulations. I also understand that the person I am authorizing to use and/or disclose the information may receive compensation for the use and/or disclosure.
- I have a right to receive a copy of this authorization. I may inspect or obtain a copy of the protected health information that I am being asked to use or disclose.

<u>Lamont Bonds</u> Signature of Patient	<u>1-5-77</u> Date
<u>Larry Porchia</u> Signature of Legal Representative	<u>I'm the patient</u> Relationship To Patient
<u>Michael Lee</u> Witness	<u>1-5-17</u> Date
<u>I used a fake name so in the patient</u> Reason Patient Unable to Sign	<input type="checkbox"/> I Will Pick Up PHI <input checked="" type="checkbox"/> Mail PHI <input type="checkbox"/> Please Fax PHI To Physician Indicated

<input type="checkbox"/> Patient received copy of authorization	Staff Initials: _____
---	-----------------------



RH001

 AUTHORIZATION TO USE AND DISCLOSE PROTECTED HEALTH INFORMATION (PMM# 79275906) (R 8/16) (FOD)
---

PATIENT IDENTIFICATION

**EXHIBIT D**

---

**EXHIBIT D**

Tyson D

**DECLARATION IN SUPPORT OF**  
**DEFENDANTS' MOTION TO DISMISS**

STATE OF NEVADA )

) : ss.

COUNTY OF CLARK )

Jason W. Driggers, being duly sworn, deposes and states:

1. That I have read the Amended Complaint alleging AMR and its employees/EMTs interacted with and provided care to the Plaintiff on 8/25/2015 at Siegel Suites 2000 Paradise Rd. #418, Las Vegas, NV.

2. My official job title with AMR is Clinical Manager. My job duties consist of oversight of all healthcare provider training and education. Therefore, I am familiar with conducting electronic records searches within AMR's databases for prior alleged patient treatments and dispatching, and know the matters set forth herein of my own personal knowledge and am competent to testify thereto as forth below.

3. That I conducted a search of the name Larry Porschia, Larry Porchia, and Larry L. Porchia, Jr. AMR has no such records.

4. That I conducted a search of all calls on 8/25/2015 relative to the above names. AMR has no such records.

5. That I conducted a search of all calls to Siegel Suites 2000 Paradise Rd. #418, Las Vegas, NV relative to the above listed names and date. AMR has no such records.

6. That it was AMR's custom and practice in 8/2015 to document a dispatched call and/or create patient care report in the event of on-scene patient interaction. Therefore contrary to the

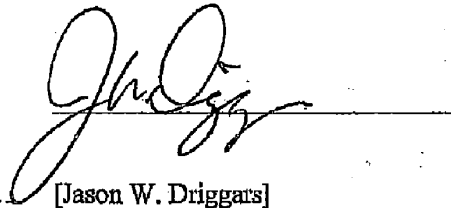
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Amended Complaint, it cannot be truthful said that AMR or its employees/EMTs provided care

and refused transport of the Plaintiff because such documents within AMR's databases simply do not exist by the name, date, or address listed in the Amended Complaint.

7. That the contents of this Declaration should fully satisfy any reasonable person's concerns establishing the above statements. That no amount of oral or written questions into AMR about this topic will change the above based upon my personal information and belief.

I declare under the penalty of perjury that the foregoing is true and correct on this 4<sup>th</sup> day of MAY 2017.

  
[Jason W. Driggers]

**EXHIBIT E**

**EXHIBIT E**

Exhibit E

VHM- Valley Hospital Medical Center

Patient: PONDS, LAMONT  
MRN: VHM63575808  
DOB/Sex: 12/13/1971 / Male  
Attending: Mckenzie MD, Mark E

Admit: 8/26/2015  
Disch: 8/30/2015

FIN: VHM0000114157100

Operative Record

DOCUMENT NAME:  
SERVICE DATE/TIME:  
RESULT STATUS:  
PERFORM INFORMATION:  
SIGN INFORMATION:

Operative Reports  
8/26/2015 19:10 PDT  
Auth (Verified)  
Schroer, Damon T MD (8/26/2015 19:15 PDT)  
Schroer, Damon T MD (8/26/2015 19:15 PDT)

Preoperative Diagnosis

Small bowel obstruction

Postoperative Diagnosis

Closed-loop obstruction

Operation

Exploratory laparotomy  
Release of bowel obstruction

Surgeon(s)

Damon Schroer

Anesthesia Type and Anesthesiologist

Adrangl

Estimated Blood Loss

75cc

Findings

Closed-loop obstruction

Specimen(s)

None

Complications

None

Technique

Patient was brought to the operating room lying in the supine position. Anesthesia administered by the anesthesia team and endotracheal intubation. Bilateral lower extremity SCD boots were applied and a proper timeout was performed. Abdomen was prepped and draped in a sterile fashion; incision was made with 10 blade through his prior midline incision. Incision was carried down through the subcutaneous tissue with electrocautery. Abdomen was entered sharply with Metzenbaum scissors. There was significant anterior abdominal wall adhesions which were taken down with electrocautery and Metzenbaum scissors. Upon entering the abdomen the small bowel loops in the right lower quadrant were distended and I could feel a thick band I was able to lyse the band with the Metzenbaum scissors. And then deliver the remaining portion of the bowel into the incision. Ran the bowel from the terminal ileum to ligament of Treitz lysing adhesions as we proceeded. There only appeared to be that one obstructing lesion. After revision of the bowel once more there was segment that had initially appeared ischemic but now viable. No bowel resection was performed. Abdomen was then irrigated till clear hemostasis assured with electrocautery and 3-0 Vicryl ties. A piece of Seprafilm was tied in the ventral incision. The abdomen was closed with a #1 PDS suture in a bidirectional fashion. All sponge and instrument counts were said to be correct. The skin was closed with skin staples and sterile dressings applied.

Electronically Signed By: Schroer, Damon  
On: 08.26.2015 19:15 PDT

Electronically Filed  
10/19/2017

*Heather L. Smith*  
CLERK OF THE COURT

**OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION**

LARRY PORCHIA )

PLAINTIFF )

Vs )

JASON DRIGGARS )

DEFENDANT )

CASE No. A-17-758321-C

SHERIFF CIVIL NO.: 17007413

**AFFIDAVIT OF SERVICE**

STATE OF NEVADA }

} ss:

COUNTY OF CLARK }

DAVID AMANI, being first duly sworn, deposes and says: That he is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 9/27/2017, at the hour of 9:20 AM. affiant as such Deputy Sheriff sub served a copy of SUMMONS AND COMPLAINT issued in the above entitled action upon the defendant JASON DRIGGARS named therein, by delivering to and leaving with THIRD PARTY-MOLLY BREEN (LEGAL DEPT) AMR CLINCIAL MGR 7201 WEST POST ROAD LAS VEGAS, NV 89113 within the County of Clark, State of Nevada, a copy of SUMMONS AND COMPLAINT.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED September 28, 2017.

Joseph M. Lombardo, Sheriff

By: *[Signature]*

DAVID AMANI  
Deputy Sheriff

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OCT 19 2017

CLERK OF THE COURT

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OCT 18 2017

CLERK OF THE COURT

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400



1 eJMM

Electronically Filed  
10/19/2017

*Heather A. Stein*  
CLERK OF THE COURT

2017 JUL 26 P 2:18

RECEIVED  
CLARK COUNTY SHERIFF

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 Larry Porchia

10 Plaintiff(s),

11 -vs-

12 Jason W. Driggers

13 Defendant(s).

14 (Clinical manager)

CASE NO.

A-17-758324-C

DEPT. NO.

XXVI

2017 SEP 25 P 2:33

RECEIVED  
CLARK COUNTY SHERIFF

SUMMONS - CIVIL

17 NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU  
18 WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.  
19 READ THE INFORMATION BELOW.

20 TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against  
21 you for the relief set forth in the Complaint.

- 22 1. If you intend to defend this lawsuit, within 20 days after this Summons is  
23 served on you, exclusive of the day of service, you must do the following:
- 24 (a) File with the Clerk of this Court, whose address is shown below, a  
25 formal written response to the Complaint in accordance with the rules  
26 of the Court, with the appropriate filing fee.
  - 27 (b) Serve a copy of your response upon the attorney whose name and  
28 address is shown below.

RECEIVED

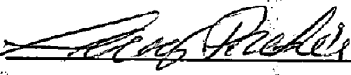
OCT 19 2017

CLERK OF THE COURT

SUMM Civil/7/23/2009

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2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
  3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
  4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted by:



STEVEN D. GRIERSON  
CLERK OF COURT

By:

Deputy Clerk

KADIRA BECKOM  
Date

Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).

Larry Porchia 83088  
H.D. St. P.O. Box 650  
Indian Spring, N.V.  
89070

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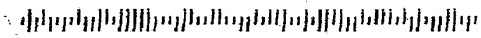


FIRST-CLASS MAIL  
ZIP 89101  
011E12650516

Clerk of the court  
200 Lewis Ave 3rd fl  
L.V. N.V. 89155

MSF 3763

89101-630000



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OCT 19 2017  
HIGH DESERT - LATE PERSON  
LAW LIBRARY

FILED  
OCT 24 2017  
CLERK OF COURT

1 Larry Porchia #83088  
2 P.O. Box 650  
3 Indian Springs, N.V.  
4 89070

5 Plaintiff - IN PRO SE

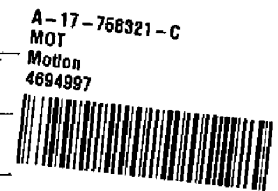
6  
7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA  
9

10 Larry Porchia  
11 Plaintiff

CASE NO. A-17-758321-C  
DEPT NO. XXVI

12 VS.

13 America Medical Responder et al.  
14 NRS. 12-105  
15 Defendants



16  
17 MOTION FOR ENLARGEMENT OF TIME  
18

19 Comes Now, Plaintiff, Larry Porchia, pro se and  
20 respectfully move's this Honorable court for a (60) sixty day  
21 enlargement of time from Nov 3 2017 to Jan 3 2018,  
22 within which to bring forth the true names of A.M.R.<sup>2</sup> drivers.

23 This motion is made and based Rule (6)(b) of  
24 Nev.R. Civ. P. The Supporting attached declaration, as well  
25 as all **RECEIVED** pleading and documents on file herein.

26 OCT 23 2017

27 CLERK OF THE COURT  
28

1 Conclusion

2 Wherefore, all of the above stated reasons,  
3 Plaintiff respectfully requests this court to grant  
4 the Plaintiff on enlargement of time from NOV 3 2017  
5 to Jan 3 2017

6 Respectfully Submitted,

7 Date = 10-19-17

8  
9 Certificate of Service

10 I hereby certify, that on the 19<sup>th</sup> day  
11 of Oct, 2017, I mailed my Motion For  
12 Enlargement of time to the following:

13  
14 Steven D. Grierson

15 200 Lewis Ave 3<sup>rd</sup> fl.

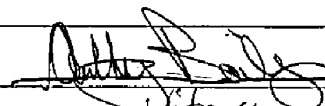
16 Las Vegas, Nevada 89155

John H. Cotton

7900 W. Sahara Ave.

Suite 200 Las Vegas, Nev

89117

17  
18  
19  
20  
21   
22 Witness

Plaintiff's Declaration in support  
of motion for enlargement of time

state?

clerk copy?

CASE NO A-17-758321-C

Dept NO XXV1

Larry Porchia, The Declarant, being first  
duly sworn, deposes and says:

1) That Declarant is the plaintiff in the above-entitled  
cause of action;

2) That Declarant is over the age of (21) Twenty-one years, of sound  
mind, and competent to swear to the within matter of the above  
listed cause of action;

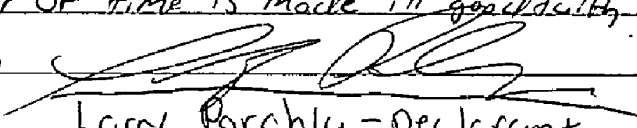
3) That due to the Declarant not being provide adequate weekly  
access to the prison library, here at the High Desert State Prison,  
impeding upon the declarant's research and preparation of  
documents without the establishment of a penological concern;

4) Declarant is unable to prepare the names of D.M.R.  
drivers within the statutory time, because the Declarant is  
unassure when he will be scheduled for the prison law library,  
here at the High Desert State Prison;

5) That, Declarant believes, the necessary research and preparation  
can be accomplished within the additional 60 days, starting, Nov  
3 2017

6) That, this request for enlargement of time is made in good faith  
and not for the purpose of delay

Date 10-19-17

  
Larry Porchia - Declarant  
under penalty of perjury. Title  
283.17.46

any Porch 83088  
H.O.S.P. B.O. Box 650  
Indian Springs, N.V.  
89070

#167036

LAS VEGAS  
NV 890  
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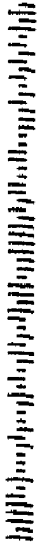


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011E12650516

Steven D. Grierson  
200 Lewis Ave 3rd fl.  
Las Vegas, NV 89155

REGISTERED MAIL  
LEGAL MAIL

89101-630000



RECEIVED  
OCT 19 2017  
HIGHTS

1 NITD  
2 Name: Larry Porchie  
3 Address: P.O. Box 650  
4 Indian Springs, NV 89070  
5 Telephone: \_\_\_\_\_  
6 Email Address: \_\_\_\_\_  
7 In Proper Person

29  
FILED  
OCT 26 2017  
CLERK OF COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 Larry Porchie  
9 Plaintiff,  
10 vs.  
11 Nicholas Pavelyk  
12 Defendant.

CASE NO.: A-17-758321-C  
DEPT: XXV

**NOTICE OF INTENTION TO ENTER DEFAULT**

13 TO: (Defendant's Name) Nicholas Pavelyk, Defendant herein;

14 PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's  
15 Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter  
16 Default, the Plaintiff will enter default against the Defendant and request the Court to enter  
17 judgment against the Defendant by default.

18 DATED this 19 day of OCT, 2017

19 Submitted By: (Signature) Larry Porchie

20 Printed Name: Larry Porchie

21 A-17-758321-C  
22 NITD  
23 Notice of Intent to Take Default  
24 4693151



25 RECEIVED

©Clark County Family Law Self-Help Center  
September 2014

OCT 23 2017

CLERK OF THE COURT

1  
Notice of Intention to Enter Default  
ALL RIGHTS RESERVED  
2



Larry Porchia 83088  
H. D. S. P. P.O. Box 650  
Indian Springs, N.V.  
89400

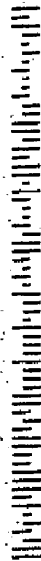
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Steven D. Grierson  
200 Lewis Ave 3rd fl  
Las Vegas 89155

NSF 3763

33 HFDGMP 83155



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29

FILED

OCT 26 2017

CLERK OF COURT

1 DFLT

2 (Your Name) Larry Porchik

3 (Address) P.O. Box 650

4 Indian Spring, NV 89070

5 (Telephone) \_\_\_\_\_

6 (Email Address) \_\_\_\_\_

7 In Proper Person

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

A-17-758321-C

DFLT

Default

4693162



9 Larry Porchik

10 Plaintiff,

11 vs.

12 Nicholas Pavelka

13 Defendant.

CASE NO.: A-17-758321-C

DEPT NO.: XXV

14 **DEFAULT**

15 It appearing from the files and records in the above entitled action that (name of  
16 Defendant), Nicholas Pavelka, Defendant herein, being duly served with a copy of  
17 the Summons and Complaint on the 14 day of Sept, 2017; that more than 20  
18 days, exclusive of the date of service, having expired since service upon the Defendant; that no  
19 answer or other appearance having been filed and no further time having been granted, the default  
20 of the above-named Defendant for failing to answer or otherwise plead to Plaintiff's Complaint is  
21 hereby entered.

22 STEVEN D. GRIERSON, CLERK OF COURT

23 MIRIAM MEJIA

24 OCT 26 2017

25 By: [Signature]  
26 Deputy Clerk

Date

27 Submitted By: [Signature]

28 ☒ (check one) ☒ Plaintiff ☐ Defendant in Proper Person

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Clark County Family Law Self-Help Center  
Rev. 9\_11

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CLERK OF THE COURT

**CERTIFICATE OF SERVICE BY MAILING**

I, Larry Porchie, hereby certify, pursuant to NRCP 5(b), that on this 19  
day of Oct, 2017, I mailed a true and correct copy of the foregoing, "NOTICE OF  
Intention to enter Default/Default"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

7215 Renaissance  
Drive B  
Las Vegas, NV 89114

CC:FILE

DATED: this 19 day of Oct, 2017.

Larry Porchie # 83088  
/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
**IN FORMA PAUPERIS:**

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice of

Intention to enter default  
(Title of Document)

filed in District Court Case number A-17-75834-C

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific law)

-or-

B. For the administration of a public program or for an application  
for a federal or state grant.

  
Signature

10-19-17  
Date

Larry Porch  
Print Name

Plaintiff pro se  
Title



JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 SUP  
John H. Cotton, Esq.  
2 Nevada Bar No. 5268  
jhcotton@jhcottonlaw.com  
3 Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
4 aschneider@jhcottonlaw.com  
JOHN H. COTTON & ASSOCIATES  
5 7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
6 Telephone: (702) 832-5909  
Facsimile: (702) 832-5910  
7 *Attorneys for Defendant*  
*American Medical Response, Inc.*  
8 *erroneously sued and served as*  
*"American Medical Responders"*

DISTRICT COURT

CLARK COUNTY, NEVADA

11 LARRY PORCHIA,

12 Plaintiff,

13 vs.

14 AMERICAN MEDICAL RESPONDERS;  
15 JASON W. DRIGGARS, STEPHEN MASSA;  
and NICHOLAS PAVELKA,

16 Defendants.

Case No.: A-17-758321-C  
Dept. No.: XXVI

**DEFENDANT AMERICAN MEDICAL  
RESPONSE, INC.'S SUPPLEMENTAL  
MOTION TO DISMISS PRO SE  
PLAINTIFF'S COMPLAINT**

18 Defendant American Medical Response, Inc. erroneously sued and served as "American  
19 Medical Responders" (Defendant or AMR herein) by and through their attorneys of record, the  
20 law firm of John H. Cotton & Associates, Ltd., hereby files the instant supplemental Motion to  
21 Dismiss.

22  
23  
24 //

25

1 This Supplement is made and based on all the papers and pleadings on file herein, the  
2 attached Memorandum of Points and Authorities, together with such other and further evidence  
3 and argument as may be presented and considered by this Court at any hearing of this Motion.

4 Dated this 27<sup>th</sup> day of October 2017.

5 **JOHN H. COTTON & ASSOCIATES, LTD.**  
6 7900 West Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117

7 */s/ Adam Schneider*  
8 JOHN H. COTTON, ESQ.  
ADAM A. SCHNEIDER, ESQ.  
9 *Attorneys for Defendant*  
*American Medical Response, Inc.*  
10 *erroneously sued and served as*  
*American Medical Responders*

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I.**

13 **STATEMENT OF FACTS**

14 On or about September 11, 2017, Defendant filed a Motion to Dismiss the instant matter  
15 on a number of bases. Defendant refers this court to the same in the interests of concision.

16 On October 17, 2017, this court heard Defendant's Motion. After entertaining oral  
17 argument from the parties, the court directed Defendant to supply supplemental information  
18 regarding:

19 1) records showing Defendant's interaction with Plaintiff "Lamont Ponds" on or about  
20 3:41 a.m. on August 26, 2015;

21 2) records clarifying Defendant's alleged employment of co-defendants Stephen Massa  
22 and Nicholas Pavelka; and

23 3) if the instant Complaint is barred under claim preclusion or issue preclusion principles  
24 given Department 22's Order dismissing Plaintiff's prior action (EJDC case no. A-17-749899)  
25 asserting the same set of facts against Defendant's corporate officers Gonzales and Wilton.

II.

STANDARD FOR MOTION TO DISMISS

Defendant supplied this court with the legal standard for a motion to dismiss. Defendant refers this court to the same in the interests of concision.

III.

LAW & ARGUMENT

Defendant will address each of the above three items in turn.

**A. Defendant never interacted with Plaintiff at 3:41a.m. August 26, 2015**

Plaintiff alleges Defendant is liable to him because as Defendant's alleged employees, co-defendants Mr. Massa and Mr. Pavelka refused to transport him at or about 3:41a.m. on August 26, 2015 due to a lack of health insurance. Plaintiff's argument has no factual merit. Defendant's actual employees never interacted with the patient at that time because Las Vegas Fire & Rescue canceled the call. (See Declaration of Jason Driggars with exhibits, attached as Exhibit A.)

**B. Co-defendants Massa and Pavelka are not Defendants' employees**

Plaintiff argues co-defendants Massa and Pavelka were employees of Defendant on August 26, 2015 because the Not Found Affidavits state those persons no longer work for Defendant. Regardless of how the process server chose how to write the Not Found Affidavits, this argument has no factual merit. (See Declaration of Molly Breen, attached as Exhibit B.)

**C. Department 22's dismissal of Plaintiff's prior Complaint precludes Plaintiff's instant Complaint**

**1. Procedural posture**

In January 2017, Plaintiff filed a Complaint against Defendant, EJDC case no. A-17-749899. In March 2017, Plaintiff filed an Amended Complaint naming "Janette Gonzalez" and

1 Mark Wilton as defendants in their “*official capacities*” as “Human resource” and “Admin,”  
2 respectively for Defendant (emphasis added). Janice Gonzales works for Defendant in human  
3 resources. Mark Wilton works for Defendant as operations administrator.

4 In June 2017, Department 22 issued an Order granting a Motion to Dismiss with  
5 prejudice. In the face of the Motion to Dismiss, Plaintiff attempted to file a Notice of Voluntary  
6 Dismissal, but Department 22 rejected as moot based upon its Order dismissing the Complaint.

7 In July 2017, Plaintiff filed the instant Complaint arising from the identical set of facts  
8 against Defendant. In fact, section D of Plaintiff’s instant Complaint regards “Previous Lawsuits  
9 and Administrative Relief.” Its subsection 3 asks if Plaintiff attempted to resolve the dispute in  
10 this action by seeking relief from the proper administrative officials.

11 Plaintiff mentions therein the prior action, and that he- “Provided *AMR* (10) ten days to  
12 remedy the matter, filed 6-14-17” (emphasis added). Thus even Plaintiff himself recognizes that  
13 with no success he already tried to sue Defendant in the past over the same set of facts.

14 The above procedural history implicates Plaintiff’s violations of claim preclusion and  
15 issue preclusion. See, e.g., Dubin v. Harrell, 79 Nev. 467, 386 P.2d 729 (1963) (“May a  
16 plaintiff, whose claim for relief has been dismissed for want of prosecution and who has failed to  
17 appeal from the dismissal order, commence another action against the same defendant on the  
18 same claim for relief? Our answer is no; he may not.”); Markoff v. New York Life Ins. Co., 92  
19 Nev. 268, 549 P.2d 330 (1976) (affirming summary judgment, holding Plaintiff was collaterally  
20 estopped from attacking prior judgment through a “virtually identical lawsuit,” and reasoning  
21 “[t]o hold otherwise would foster endless litigation, and any judgment would be forever and  
22 interminably subject to attack.”)

## 23 2. Plaintiff’s Complaint violates claim preclusion principles

24 Claim preclusion generally prevents a party from bringing later claims against an  
25 opposing party that could have been brought in the first action. The claim preclusion test in



1 Nevada requires the satisfaction of the following three factors: 1) the parties or their privies are  
2 the same; 2) the final judgment is valid; and 3) the subsequent action is based on the same claims  
3 or any part of them that were or could have been brought in the first case. Five Star Capital  
4 Corp. v. Ruby, 124 Nev. 1048, 1054–1055, 194 P.3d 709, 713 (2008) (citations omitted). Claim  
5 preclusion applies to all grounds for relief that could have been brought in the first case. Id.; see  
6 also Weddell v. Sharp, 131 Nev. Adv. Op. 28, 350 P.3d 80 (2015) (adopting non-mutual claim  
7 preclusion doctrine, meaning “the parties or their privies are the same in the instant lawsuit as  
8 they were in the previous lawsuit, *or* the defendant can demonstrate that he or she should have  
9 been included as a defendant in the earlier suit and the plaintiff fails to provide a ‘good reason’  
10 for not having done so.” (emphasis in original)).

11 In the January 2017 Complaint and March 2017 Amended Complaint, Larry Porchia sued  
12 over allegedly negligent EMT care, or there lack of, in August 2015. Plaintiff acknowledged that  
13 any false statement or answer to any question in his Complaint will subject him to the penalties  
14 of perjury.

15 Plaintiff’s instant Complaint regards those same events and actions/inactions. Clearly,  
16 Plaintiff’s instant Complaint violates claim preclusion principles. Consistent with Weddell,  
17 Defendant either should have been named explicitly in the Amended Complaint or already was  
18 implicitly named in the prior Complaint by virtue of Plaintiff naming its corporate officers in  
19 their “official capacities.” Therefore, the June 2017 Order applies to Defendant in full and equal  
20 force. Plaintiff has failed to provide a good reason for why Defendant was somehow not a part  
21 of the prior action, be it during oral argument or in any of his papers submitted to the court in the  
22 instant action.

23 Ms. Gonzales and Mr. Wilton as employees of Defendant are in privity with Defendant,  
24 Department 22’s Order is valid, and the instant Complaint is based on the same August 2015  
25 events. See, e.g., Airframe Systems, Inc. v. Raytheon Co., 601 F.3d 9 (1st Cir. 2010) (holding:

1) Plaintiffs cannot obtain a second chance at a different outcome by bringing related claims against closely related defendants at a later date; and 2) the doctrine applies when the new defendant is closely related to a defendant from the original action who was not named in the previous lawsuit and not merely when the two defendants are in privity.)

**3. Plaintiff's Complaint violates issue preclusion principles**

Issue preclusion, on the other hand, prevents re-litigation of an issue determined in a previous suit. Issue preclusion generally prevents a legal issue from being re-argued in a subsequent suit when the same issue was previously decided on the merits. The following factors are necessary for the application of issue preclusion: 1) the issue decided in the prior litigation must be identical to the issue presented in the current action; 2) the initial ruling must have been on the merits and have become final; 3) the party against whom the judgment is asserted must have been a party or in privity with a party to the prior litigation; and 4) the issue was actually and necessarily litigated. *Id.*, 124 Nev. at 1055, 194 P.3d at 713.

The Motion to Dismiss case no. A749899 already addressed that: 1) corporate officers of a Defendant-corporation are not liable to a putative Plaintiff unless they were personally involved in the alleged tortious conduct; 2) Department 22's Order/Notice of Entry is final, with no Motion for Reconsideration or appeal ever being filed; 3) Defendant was privy to the prior action based upon it being named in that Complaint and two of its employees were named in the Amended Complaint in their official capacities for Defendant; and 4) by virtue of the Motion to Dismiss and the court's Order granting it, the issue was actually and necessarily litigated.

Plaintiff has zero evidence to suggest any of Defendant's corporate officers ever authorized, directed, or participated in the conduct of Mr. Massa and Mr. Pavelka. This is especially true given those two individuals were simply not Defendant's employees in August 2015.

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

IV.

CONCLUSION

For all the reasons asserts in Defendant's Motion to Dismiss and this Supplement, Plaintiff's instant Complaint must be dismissed.

Dated this 27<sup>th</sup> day of October 2017.

JOHN H. COTTON & ASSOCIATES

By: /s/ Adam Schneider

John H. Cotton, Esq.  
Nevada Bar No. 5268  
Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
*Attorneys for Defendant  
American Medical Response, Inc.  
erroneously sued and served as  
American Medical Responders*

CERTIFICATE OF SERVICE

I hereby certify that on this 27<sup>th</sup> day of October 2017, I served the foregoing  
**DEFENDANTS' SUPPLEMENTAL MOTION TO DISMISS PRO SE PLAINTIFF'S  
COMPLAINT** by filing a true and correct copy of the same through the Clerk of the Court using  
the Odyssey Electronic Filing and Service system upon all parties with an email address on  
record in this action **AND VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED** to:

Larry Porchia, Prisoner Number 83088  
HDSP  
P. O. Box 650  
Indian Springs, Nevada 89070  
*Plaintiff Pro Per*

/s/ Jody Foote

An employee of John H. Cotton & Associates

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# EXHIBIT A

# EXHIBIT A

**DECLARATION IN SUPPORT OF**  
**DEFENDANTS' MOTION TO DISMISS**

STATE OF NEVADA )

) : ss.

COUNTY OF CLARK )

Jason W. Driggers, being duly sworn, deposes and states:

1. That I have read the Complaint alleging AMR and its alleged employees Steven Massa and Nickolas Pavelka refused to transport the Plaintiff on 8/26/2015 at 525 E. St. Louis Ave., Las Vegas, NV due to a lack of medical insurance.
2. My official job title with AMR is Clinical Manager. My job duties consist of oversight of all healthcare provider training and education. Therefore, I am familiar with conducting electronic records searches within AMR's databases for prior alleged patient treatments and dispatching, and know the matters set forth herein of my own personal knowledge and am competent to testify thereto as forth below.
3. That based upon Plaintiff's prior Complaint, I submitted a declaration regarding his allegations involving a different date (8/25/2015), different aliases (Larry Porschia, Larry Porschia, and Larry L. Porschia, Jr.), and a different address (2000 Paradise Rd., Las Vegas, NV). My prior declaration remains true and correct that AMR has no such records with that combination of information. I therefore wholly reject the Plaintiff's allegations that I committed fraud or created a false instrument for filing.
4. That I conducted a search of all calls on 8/26/2015 relative to Lamont Ponds at 525 E. St. Louis Ave., Las Vegas, NV. AMR has: 1) a Patient Care Report (PCR) timed at 1100 hours demonstrating patient contact, assessment, and transport; and 2) a Patient Care Report timed at

0345 hours demonstrating no patient contact, no patient assessment, and no patient transport due to Las Vegas Fire & Rescue's cancellation. I am attaching the 1100 hours PCR as Exhibit 1. I am attaching the 0345 hours PCR as Exhibit 2.

5. That regarding the 0345 hours PCR, the disposition of the call is cancelled on scene and no patient contact due to cancellation by ALS Fire. The Narrative section further states "Canceled on scene by LVFR." This logically explains why nearly all of the PCR's sections are blank, e.g., Patient Demographics, date of birth, sex, History of Present Illness, Medical History, Vital Signs, Physical Findings, Treatments, and Run Completion. There would be no information for the patient to provide to the AMR medics because the patient never encountered the AMR medics. The signators of the PCR are AMR Advanced EMT William Headlee and AMR Paramedic Marina Clark, and not Steven Massa and/or Nickolas Pavelka.

6. That it was AMR's custom and practice in 8/2015 to document a dispatched call and/or create a patient care report in the event of on-scene patient interaction. Therefore contrary to the Complaint, it cannot be truthful said that AMR medics refused transport of the Plaintiff because: 1) the 0345 hours PCR shows no patient encounter; and 2) the 1100 hours PCR shows AMR medics assessed the patient, rendered care, and transported the patient to the hospital.

7. That the contents of this Declaration should fully satisfy any reasonable person's concerns establishing the above statements. That no amount of oral or written questions into AMR about this topic will change the above based upon my personal information and belief.

I declare under the penalty of perjury that the foregoing is true and correct on this 23 day of October 2017.

  
JASON W. DRIGGS

---

# **EXHIBIT 1**

# **EXHIBIT 1**



## CLARK AMR (NV) PATIENT CARE REPORT

**PONDS, LAMONT**  
**DOB:** 12/13/1971 (43)  
**SEX:** MALE  
**CASE #:** 4996242  
**DOS:** 08/26/2015

SERVICE MODEL AGENCY AMR	DISPATCH INFORMATION	TIMES
<b>FROM:</b> 525 E ST LOUIS AVE N LAS VEGAS, NV 89030 (HOME/RESIDENCE) <b>TO:</b> VALLEY HOSP MED CNTR 620 SHADOW LANE LAS VEGAS, NV 89106 (HOSPITAL) ROOM/DEPT: ER <b>DESTINATION DECISION:</b> PATIENT/FAMILY REQUEST	<b>CALLER:</b> FIRE ALARM OFFICE <b>UNIT:</b> A106 <b>RESPONSE MODE:</b> NO LIGHTS AND SIREN <b>TRANSPORT MODE:</b> NO LIGHTS AND SIREN <b>ALS ASSESSMENT:</b> AMR PARAMEDIC <b>DISPOSITION:</b> TRANSPORTED - TO HOSPITAL  <b>RESPONDER(S) ON SCENE:</b> LAS VEGAS FIRE AND RESCUE <b>NATURE OF CALL:</b> ABD PAIN/PROB	<b>CALL RECEIVED:</b> 11:00:35 <b>DISPATCHED:</b> 11:00:54 <b>ENROUTE:</b> 11:01:11 <b>AT SCENE:</b> 11:12:29 <b>AT PT SIDE:</b> 11:15:00 <b>TRANSPORT:</b> 11:19:48 <b>ARRIVAL:</b> 11:35:00 <b>AVAILABLE:</b> 12:05:00  <b>SCENE MILES:</b> 0.0 <b>DESTINATION MILES:</b> 3.9 <b>TOTAL MILES:</b> 3.9

### PATIENT DEMOGRAPHICS

**NAME:** PONDS, LAMONT  
**ADDRESS:** 525 E ST LOUIS AVE  
 GENERAL DELIVERY PER HFS  
**CITY, STATE ZIP:** N LAS VEGAS, NV 89030  
**PHONE:** (999)999-9999  
**CELL PHONE:** (999)999-9999  
**SSN:** XXX-XX-9999

**DOB:** 12/13/1971  
**AGE:** 43  
**GENDER:** MALE  
**ETHNICITY:** BLACK/AFRICAN AMERICAN

**INSURANCE:** NO INSURANCE AVAILABLE **POLICY:** **GROUP:**

**RESPONSIBLE PARTY:** PONDS, LAMONT  
**PHONE:** (999)999-9999

### NARRATIVE

#### NARRATIVE

ARRIVED ON SCENE; SIEGEL SUITES ON ST LOUIS/PARADISE. LVFR ON SCENE PRIOR TO AMR ARRIVAL, CONDUCTING INITIAL PT ASSESSMENT ON A 43 Y/O/M, COMPLAINING OF 10/10 CONSTANT SHARP ABDOMINAL PAIN THAT RADIATES TO HIS BACK. PT FURTHER STATED HADS NOT HAD A BOWEL MOVEMENT FOR 4 DAYS.

PT DENIED ANY SOB/CP/DIZZINESS/WEAKNESS/NVD, NOR HAD ANY OTHER MEDICAL COMPLAINTS.

PT REQUESTED AMBULANCE TRANSPORT TO H-9 FOR FURTHER MEDICAL CARE/EVALUATION.

PT SPOKE IN FULL/CLEAR/AUDIBLE SENTENCES, WAS WARM/PINK/DRY, HAD A GCS OF 15, A&OX4, FULL PMS ON ALL EXTREMITIES, LUNG SOUNDS: CLEAR/EQUAL BILATERAL, AND ALL PT VITAL SIGNS STABLE, INCLUDING BGL: 125.

ESTABLISHED A 20G IV ON PT'S RIGHT HAND, AND TRANSPORTED PT IN A POSITION OF COMFORT/SEMI FOWLERS POSITION.

CONTINUALLY MONITORED/REASSESSED PT MEDICAL CONDITION EN ROUTE TO HOSPITAL WITHOUT ANY NEGATIVE CHANGES.

TRANSFERRED PT CARE TO E.R. RN.

ALL TIMES APPROXIMATE.

PT SIGNATURE OBTAINED ON PCR.



**IMPRESSION**

**PRIMARY IMPRESSION:** PAIN - ABDOMINAL (UPPER QUADRANT)  
**SECONDARY IMPRESSION:** OTHER - NO SECONDARY IMPRESSION

**HISTORY OF PRESENT ILLNESS****CHIEF COMPLAINT(S):**

**CHIEF COMPLAINT CATEGORY:** ABDOMINAL PAIN/DISCOMFORT

**MEDICAL HISTORY**

**HISTORY OBTAINED FROM:** PATIENT

**MEDICAL HISTORY:** HYPERTENSION

**ALLERGIES:** NONE

**MEDICATIONS:** LISINAPRIL

**DOES THE PATIENT DISPLAY/COMPLAIN OF ANY OF THE FOLLOWING SYMPTOMS?**

NO

- FEVER/CHILLS
- HEADACHE, JOINT OR MUSCLE ACHES
- WEAKNESS OR FATIGUE
- STOMACH PAIN, DIARRHEA, OR VOMITING
- ABNORMAL BLEEDING

**VITAL SIGNS**

TIME	BLOOD PRESSURE	PULSE	RESP	GLASGOW COMA SCALE				EKG	SPO2	BLOOD GLUCOSE	PAIN SCALE
				E	V	M	TOTAL				
11:15	164 / 110 (128)	60	18	4	5	6	15				10/10
11:30	166 / 110 (129)	60	18	4	5	6	15				10/10

**PHYSICAL FINDINGS**

**WEIGHT:** 82 KG; 180 LBS

**PHYSICAL ASSESSMENT**

**HEAD:** SYMMETRICAL

**NECK:** NO JVD

**CHEST:** SYMMETRIC WITH BILATERAL CHEST RISE

**ABDOMEN:** SOFT, NON-TENDER

**PELVIS:** STABLE

**BACK:** SYMMETRIC

**EXTREMITIES:** FULLY INTACT, PURPOSEFUL MOVEMENT

**TREATMENTS**

PTA	TIME	CAREGIVER	PROCEDURE
	11:15:00	CHAVEZ, RAYMOND,AMR	<b>VITAL SIGNS -</b>  <b>GLASGOW COMA SCALE - GCS EYES: 4; GCS VERBAL: 5; GCS MOTOR: 6; GCS SCORE: 15</b>

9/10/2017

<https://medsviewer.amr.net/#/report?hipaaReason=Legal%20Request&isInternalUser=true&pcrIds=2015082611222478332>

PTA	TIME	CAREGIVER	PROCEDURE
			VITALS - BP: 164/110; PULSE: 60; PULSE REGULARITY: REGULAR; PULSE STRENGTH: NORMAL; PULSE TAKEN AT: RADIAL; RESPIRATORY RATE: 18; RESPIRATORY DEPTH: NORMAL; RESPIRATORY EFFORT: NORMAL; MEAN ARTERIAL PRESSURE: 128
	11:15:00	CHAVEZ, RAYMOND,AMR	PAIN SCALE - 10 ON A SCALE OF 10
	11:30:00	CHAVEZ, RAYMOND,AMR	VITAL SIGNS -  GLASGOW COMA SCALE - GCS EYES: 4; GCS VERBAL: 5; GCS MOTOR: 6; GCS SCORE: 15
			VITALS - BP: 166/110; PULSE: 60; PULSE REGULARITY: REGULAR; PULSE STRENGTH: NORMAL; PULSE TAKEN AT: RADIAL; RESPIRATORY RATE: 18; RESPIRATORY DEPTH: NORMAL; RESPIRATORY EFFORT: NORMAL; MEAN ARTERIAL PRESSURE: 129
	11:30:00	CHAVEZ, RAYMOND,AMR	PAIN SCALE - 10 ON A SCALE OF 10
RUN COMPLETION			
PRIVACY PRACTICES: I, THE PATIENT OR PATIENT'S REPRESENTATIVE, RECEIVED AMR'S NOTICE OF PRIVACY PRACTICES			

PCR ID: 2015082611222478332

DEVICE:

PRINTED: 9/10/2017 12:36:44

9/10/2017

<https://medsvviewer.amr.net/#/report?hipaaReason=Legal%20Request&isInternalUser=true&pcrlds=2015082611222478332>


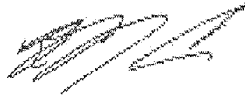


**CLARK AMR (NV)**  
**PRE-HOSPITAL CARE REPORT SIGNATURES**

**CASE #:** 4996242

**UNIT ID:** A106

**DATE:** 08/26/2015

CLARK AMR (NV) CREW MEMBERS	
<b>CREW 1</b> <b>NAME:</b> CHAVEZ, RAYMOND,AMR <b>NUMBER:</b> 103633 <b>CERTIFICATION:</b> EMT INTERMEDIATE	
<b>CREW 2</b> <b>NAME:</b> CORNELLA, MICHAEL,AMR <b>NUMBER:</b> 104279 <b>CERTIFICATION:</b> PARAMEDIC	


**PCR ID:** 2015082611222478332

**DEVICE:**

**PRINTED:** 9/10/2017 12:36:44

**American Medical Response****Run Number:** 4996242**Patient Name:** LAMONT PONDS**Destination:** VALLEY HOSP MED CNTR, 620 SHADOW LANE, LAS VEGAS, NV 89106**Date and Time of Transport:** 8/26/2015 11:19:48

I acknowledge that I am legally responsible for the ambulance services provided to me. I request and assign payment of authorized Medicare benefits and/or other insurance benefits be made on my behalf to AMR directly for any ambulance services and supplies furnished to me by AMR whether in the past, now, or in the future. I authorize any holder of medical information about me or other relevant documentation about me to release to the Centers for Medicare and Medicaid Services and its agents and contractors, any and all appropriate third party payers and their respective agents and contractors, as well as AMR, any information or documentation in their possession needed to determine these benefits and /or the benefits payable for related services whether in the past, now or in the future. I agree to cooperate with AMR or its agent in collecting any such benefits. I acknowledge that I have been provided with a copy of AMR's Notice of Privacy Practices. I expressly authorize AMR or its agents or associates to contact me or any responsible party at any phone number provided, including any cellular phone number provided, for the purpose of resolving any unpaid balances or other pertinent issues. Patient or Guarantor agrees that such contact may be made to any mailing address, telephone number, cellular phone number, e-mail address, or any other electronic address that Patient or Guarantor has provided, or may in the future provide, to AMR. Patient or Guarantor agrees and acknowledges that any e-mail address or any other electronic address that Patient or Guarantor provides to AMR is Patient's or Guarantor's private address and cannot be accessed by unauthorized third parties. Patient or Guarantor agrees that in addition to individual persons' attempting to communicate directly with Patient or Guarantor, any type of contact described above may be made using, among other methods, pre-recorded or artificial voice messages delivered by an automatic telephone dialing system, pre-set e-mail messages delivered by an automatic e-mailing system, or any other pre-set electronic messages delivered by any other automatic electronic messaging system. Patient or Guarantor also authorizes AMR or its agents or associates to obtain a credit report to assist in the collection of any unpaid balances. Nothing herein shall relieve me from the direct financial responsibility for any charges not paid by an insurer. I further agree to send promptly to AMR any payments that an insurer forwards to me.

  
 Signature of Patient

08/26/2015

Date

**REPRESENTATIVE SIGNATURE****Reason Patient could not Sign :**

Signature of Representative

Printed Name of Representative

Date

**FACILITY SIGNATURE**

Complete this section only if you are unable to obtain the signature of the patient or authorized representative listed above.

**Reason Patient could not Sign:**

By signing below, I certify that the above named patient was physically or mentally incapable of signing at the time of transport and that none of the individuals listed in 42 C.F.R. §424.36(b)(1)-(3) was available or willing to sign the claim on behalf of the beneficiary.

Crew Signature

Crew Date

This section is to be complete by a representative of the receiving facility, whenever you are unable to obtain the signature of the patient or an authorized representative. Note: The crew must also complete the "Crew Signature" Section above.

**Name and Location of Facility ,**

The above named patient, as described by AMR, was received by our facility, which provided care or assistance to the patient, on the date and time set forth above.

Signature of Receiving Representative

Date

Printed Name of Receiving Facility Representative

Title

**AMR is required to obtain this form in order to submit a claim for payment to Medicare or other third party payer. This Signature is not an acceptance of financial responsibility for the patient.**

9/10/2017

<https://medsviewer.amr.net/#/report?hipaaReason=Legal%20Request&isInternalUser=true&pcrlds=2015082611222478332>**CHECKPOINT AUDIT TRAIL**

SITE: CLARK AMR

PCR ID: 2015082611222478332

Date Entered CheckPoint	Case Number	DOS	Total Age(hrs)	Is Trip In CheckPoint
2015-08-26T13:03:26.9	4996242	2015-08-26T00:00:00	6	No

Queue Name	Timer Entered Queue	Time Submitted	Hours Present	Submitted/Moved by	Submitted Method
Private Pay 96 Hr	2015-08-26T13:03:26.9	2015-08-26T19:16:55.003	6	19994193	Process

Field Name	Old Value	New Value	Time Modified	Modified by
PAT_AD DR2		GENERAL DELIVERY PER HFS	2015-08-26T19:15:02.137	19994193
Notes		~14650~O~RO~N~NN~N~08/26/15~HFS VERIFIED AND SHOWS PT AS A GENERAL DELIVERY.. MDC SHOWS NO RECORD OF PT...AT	2015-08-26T19:16:52.457	19994193

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9/10/2017

<https://medsviewer.amr.net/#/report?hipaaReason=Legal%20Request&isInternalUser=true&pcrIds=2015082611222478332>

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# **EXHIBIT 2**

# **EXHIBIT 2**



**CLARK AMR (NV)  
PATIENT CARE REPORT**

DOB:  
SEX:  
CASE #: 4996102  
DOS: 08/26/2015

SERVICE MODEL AGENCY AMR	DISPATCH INFORMATION	TIMES
<b>FROM:</b> 525 E ST LOUIS AV LAS VEGAS, NV 89104 (HOME/RESIDENCE)	<b>CALLER:</b> FIRE ALARM OFFICE <b>UNIT:</b> A173 <b>RESPONSE MODE:</b> NO LIGHTS AND SIREN <b>DISPOSITION:</b> CANCEL ON SCENE-NO PT CONTACT - CANG BY ALS FIRE  <b>RESPONDER(S) ON SCENE:</b> LAS VEGAS FIRE AND RESCUE <b>NATURE OF CALL:</b> ABD PAIN/PROB	<b>CALL RECEIVED:</b> 03:45:21 <b>DISPATCHED:</b> 03:45:49 <b>ENROUTE:</b> 03:47:08 <b>AT SCENE:</b> 03:51:57 <b>AVAILABLE:</b> 04:14:00

**PATIENT DEMOGRAPHICS**

<b>NAME:</b>	<b>DOB:</b>
<b>ADDRESS:</b>	<b>AGE:</b>
<b>CITY, STATE ZIP:</b>	<b>GENDER:</b>
<b>COUNTRY:</b>	<b>ETHNICITY:</b>
<b>PHONE:</b>	
<b>CELL PHONE:</b>	
<b>SSN:</b>	
<b>INSURANCE:</b> NO INSURANCE AVAILABLE	
<b>RESPONSIBLE PARTY:</b>	
<b>PHONE:</b>	

**NARRATIVE**

**NARRATIVE**  
 CANCELED ON SCENE BY LVFR

**IMPRESSION**

NO INFORMATION DOCUMENTED.



DOB:  
SEX:  
CASE #: 4996102  
DOS: 08/26/2015

**HISTORY OF PRESENT ILLNESS**

NO INFORMATION DOCUMENTED.

**MEDICAL HISTORY**

NO INFORMATION DOCUMENTED.

**VITAL SIGNS**

NO VITALS TO DISPLAY.

**PHYSICAL FINDINGS**

NO INFORMATION DOCUMENTED.

**TREATMENTS**

NO TREATMENTS DOCUMENTED.

**RUN COMPLETION**

NO INFORMATION DOCUMENTED.

PCR ID: 2015082604030986282

DEVICE:

PRINTED: 10/19/2017 16:59:52



**CLARK AMR (NV)**  
**PRE-HOSPITAL CARE REPORT SIGNATURES**

**CASE #:** 4996102

**UNIT ID:** A173

**DATE:** 08/26/2015

**CLARK AMR (NV) CREW MEMBERS**

**CREW 1**

**NAME:** HEADLEE, WILLIAM,AMR

**NUMBER:** 104394

**CERTIFICATION:** ADVANCED EMT

**CREW 2**

**NAME:** CLARK, MARINA,AMR

**NUMBER:** 58733

**CERTIFICATION:** PARAMEDIC

**PCR ID:** 2015082604030986282

**DEVICE:**

**PRINTED:** 10/19/2017 16:59:52

## CHECKPOINT AUDIT TRAIL

SITE: CLARK AMR

PCR ID: 2015082604030986282

Date Entered CheckPoint		Case Number	DOS	Total Age(hrs)	Is Trip In CheckPoint
Queue Name	Timer Entered Queue	Time Submitted	Hours Present	Submitted/Moved by	Submitted Method
Field Name	Old Value	New Value	Time Modified	Modified by	


---

# EXHIBIT B

# EXHIBIT B

STATE OF COLORADO )  
 ) : ss.  
COUNTY OF ARAPAHOE )

1. That I am an associate litigation paralegal for AMR's corporate office in Greenwood Village, CO.
2. That I have read the Complaint, and the Not Found Affidavits pertaining to Stephen Massa and Nicholas Pavelka, filed in Clark County, NV on August 25, 2017.
3. That I do not have any specific memories of an August 2, 2017 phone call with process server Deputy Sheriff Enrique Stieglmeyer. But based upon my custom and practice, I would have looked up those names in an electronic database based upon how those names were spelled to me. I would have then told the process server based upon my review of the database that Nicholas Pavelka is not listed as ever being an employee, and that Stephen Massa ended his employment with AMR on July 12, 2009.
4. That the contents of this Declaration should fully satisfy any reasonable person's concerns establishing the above statements. That no amount of oral or written questions into me about this topic will change the above based upon my personal information and belief.

  
MOLLY BREEN



JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 NTC  
John H. Cotton, Esq.  
2 Nevada Bar No. 5268  
[jhcotton@jhcottonlaw.com](mailto:jhcotton@jhcottonlaw.com)  
3 Adam A. Schneider, Esq.  
Nevada Bar No. 10216  
4 [aschneider@jhcottonlaw.com](mailto:aschneider@jhcottonlaw.com)  
JOHN H. COTTON & ASSOCIATES  
5 7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
6 Telephone: (702) 832-5909  
Facsimile: (702) 832-5910  
7 *Attorneys for Defendant*  
*American Medical Response, Inc.*  
8 *erroneously sued and served as*  
*"American Medical Responders"*

DISTRICT COURT  
CLARK COUNTY, NEVADA

LARRY PORCHIA,

Plaintiff,

vs.

AMERICAN MEDICAL RESPONDERS;  
JASON W. DRIGGARS, STEPHEN MASSA;  
and NICHOLAS PAVELKA,

Defendants.

Case No.: A-17-758321-C  
Dept. No.: XXVI

**DEFENDANT AMERICAN MEDICAL  
RESPONSE, INC.'S NOTICE OF  
SERVICE OF PLEADINGS UPON  
PLAINTIFF**

19 Defendant AMERICAN MEDICAL RESPONSE, INC., by and through its counsel of  
20 record, John H. Cotton, Esq. and Adam Schneider, Esq. of the law firm of JOHN H. COTTON &  
21 ASSOCIATES, LTD. hereby states that service was made upon Plaintiff, Larry Porchia in the  
22 following manner:

- 23 1. On October 27, 2017 Defendant placed Defendant American Medical Response, Inc.'s  
24 Supplemental Motion to Dismiss Pro Se Plaintiff's Complaint in a postage paid  
25 Certified Mail, Return Receipt Requested envelope addressed to Plaintiff as follows:

Page 1 of 3

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 "LEGAL COMMUNICATION, Larry Porchia, #83088, HDSP, PO Box 650, Indian  
2 Springs, NV 89070-0650 (see Exhibit "A").

3 Dated this 21 day of October 2017.

4 **JOHN H. COTTON & ASSOCIATES, LTD.**  
5 7900 West Sahara Avenue, Suite 200  
6 Las Vegas, Nevada 89117

7 /s/ Adam Schneider

8 JOHN H. COTTON, ESQ.  
9 ADAM A. SCHNEIDER, ESQ.  
10 *Attorneys for Defendant*  
11 *American Medical Response, Inc.*  
12 *erroneously sued and served as*  
13 *"American Medical Responders"*  
14  
15  
16  
17  
18  
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24  
25

JOHN H. COTTON & ASSOCIATES  
7900 W. Sahara Avenue, Las Vegas, Nevada 89117  
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of October 2017, I served the foregoing **DEFENDANT**  
**AMERICAN MEDICAL RESPONSE, INC.'S NOTICE OF SERVICE OF PLEADINGS**  
**UPON PLAINTIFF** by filing a true and correct copy of the same through the Clerk of the Court  
using the Odyssey Electronic Filing and Service system upon all parties with an email address on  
record in this action

**AND VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED to:**

Larry Porchia, Prisoner Number 83088  
HDSP  
P. O. Box 650  
Indian Springs, Nevada 89070  
*Plaintiff Pro Per*

/s/ Jody Foote  
An employee of John H. Cotton & Associates



---

# **EXHIBIT A**

# **EXHIBIT A**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <b>X</b> <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span>	
1. Article Addressed to: Legal Communication Larry Porchia #83088 NDSP P.O. Box 650 Indian Springs, NV 89070-0650		B. Received by (Printed Name)	C. Date of Delivery
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
7014 1820 0000 4033 1039		3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
PS Form 3811, July 2013		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
<b>OFFICIAL USE</b>	
Postage \$	1.40
Certified Fee	3.35
Return Receipt Fee (Endorsement Required)	2.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <del>7.50</del> 7.50
Sent To: Legal Communication Larry Porchia #83088 Street & Apt. No. or PO Box No. NDSP, P.O. Box 650 City, State, ZIP+4 Indian Springs, NV 89070-0650	
PS Form 3800, July 2014 See Reverse for Instructions	

UNITED STATES POSTAL SERVICE



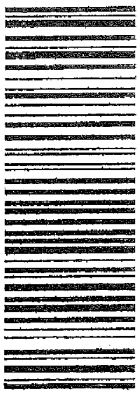
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

John W. Cotton & Associates, Ltd.  
4900 W. Sahara Ave., Ste. 200  
Las Vegas, NV 89117

Attn: Jody  
#1626, 51

**CERTIFIED MAIL®**



7014 1620 0000 4033 1039

**\$7.50 0**  
US POSTAGE  
FIRST-CLASS  
06250009108708  
FROM 89117



B9065408

JOHN H. COTTON & ASSOCIATES, LLC



7900

WEST

SAHARA

SUITE 200

LAS VEGAS,

NEVADA

89117

**LEGAL COMMUNICATION**

Larry Porchia #83088

HDSP, P. O. Box 650

Indian Springs, NV 89070-0650

1 Larry Porchia 83088  
2 P.O. Box 656  
3 Indian Springs, NV  
4 89070

FILED

OCT 31 2017

~~CLERK OF COURT~~

5 Plaintiff - In Pro se

6  
7 District Court  
8 Clark County, Nevada  
9

A-17-758321-C  
NOTICE  
Notice  
4693981



10 Larry Porchia

Case No A-17-758321-C

11 Plaintiff

Dept No xxvi

12 vs.

13 America Medical Responder et al.,  
14 NRS, 12.105

Defendants

15  
16  
17 Judicial Notice Pursuant to  
18 NRS. 47.130 A.M.R. Admitted  
19 MASSA And PAVELKA No Longer  
20 Work For Them  
21

22 Comes Now, Larry Porchia, Plaintiff, Pro se  
23 hereby request the court to acknowledge The  
24 Judicial Notice Pursuant to NRS. 47.130 AMR  
25 Admitted Massa and Pavelka No Longer work  
26 for them,

27 This motion is made and based Rule  
28 6(B) of Nev. R. C.V.P. The supporting attached

RECEIVED  
OCT 30 2017  
CLERK OF THE COURT

1 Declaration, as well as all papers, pleading and documents  
2 on file herein.

3 Conclusion

4 Wherefore, all of the above stated reason, Plaintiff  
5 respectfully request the court to acknowledge  
6 this Judicial Notice Pursuant to NRS. 47.130  
7 AMR admitted massu and Pavelek NO Longer  
8 work for them.

9 OCT 25 2017

10   
11 Plaintiff - Larry Porcher

12 Certificate of Service

13 I hereby certify, That on the 25<sup>th</sup> day of  
14 Oct, 2017, I mailed my Judicial Notice  
15 Pursuant to 47.130 A.M.R. Admitted massu  
16 Carol Pavelek NO Longer work for them

17  
18 Steven Grierson

19 200 Lewis Ave 3<sup>rd</sup> fl

20 Las Vegas, N.V. 89155

John H. Cotton

7900 W Sahara Ave #200

Las Vegas, N.V. 89117

1 PLAINTIFF'S Declaration In Support  
2 OF Judicial Notice Pursuant to  
3 NRS. 47,130 A.M.R. Admitted Massa  
4 And Pavelka NO Longer Work for them  
5

6 State of Nevada,

Case No A-17-758321-C

7 Clark County }  
8 }

Dept No XXV.1

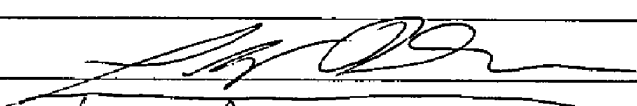
9 Larry Porchly, The Declarant, being first duly  
10 Sworn, deposes and says;

11 1) That Declarant is the plaintiff in the above-entitled  
12 Cause of action;

13 2) That Declarant is over the age of (21) Twenty-one years  
14 sound mind and competent to swear to the within matters  
15 of the above listed cause of action;

16 3) That the Declarant believes Massa and Pavelka uses  
17 to work for A.M.R. due to Molly Breen AMR  
18 Legal Dept! At the Corporate Office stated  
19 they NO Longer work for them.

20 4) That, this request for Judicial Notice Pursuant  
21 to NRS 47,130 AMR Admitted Massa and Pavelka  
22 NO Longer work for them, is made in good faith  
23 Date OCT 25 2017

24  
25   
26 Larry Porchly - Declarant  
27 Under Penalty of Perjury see  
28 Title 298.1746

OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

FILED

AUG 25 2017

*Alfonso J. Blum*  
CLERK OF COURT

LARRY PORCHIA )

PLAINTIFF )

VS )

NICHOLAS PAVELKA )

DEFENDANT )

CASE No. A-17-758321-C  
SHERIFF CIVIL NO: 17005776

NOT FOUND AFFIDAVIT

STATE OF NEVADA )

SS: )

COUNTY OF CLARK )

ENRIQUE STIEGELMEYER, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: SUMMONS AND COMPLAINT TORT-ACTION on 7/26/2017 at the hour of 2:22 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said NICHOLAS PAVELKA Defendant within Clark County, Nevada.

**ATTEMPTS TO LOCATE:**

Date: 8/1/2017 @ 8:50 AM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS, NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: SUBJECT NOT EMPLOYED AT BUSINESS.

Notes: SPOKE TO MOLLY BREEN AMR LEGAL DEPARTMENT AT THE CORPORATE OFFICE IN COLORADO. DEF. NO LONGER WORKS FOR THE COMPANY. 303-495-1200.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

Dated August 2, 2017

Joseph M. Lombardo, Sheriff

By: *Enrique Stiegelmeier*  
ENRIQUE STIEGELMEYER  
Deputy Sheriff

ALFONSO J. BLUM

AUG 2 2017  
CLERK OF COURT

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400



OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

FILED

AUG 25 2017

*John L. Lombardo*  
CLERK OF COURT

LARRY PORCHIA

PLAINTIFF

vs

STEPHEN MASSA

DEFENDANT

CASE No. A-17-758321-C  
SHERIFF CIVIL NO: 17005774

NOT FOUND AFFIDAVIT

STATE OF NEVADA

COUNTY OF CLARK

ss:

ENRIQUE STIEGELMEYER, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: SUMMONS AND COMPLAINT TORT ACTION on 7/26/2017 at the hour of 2:16 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said **STEPHEN MASSA** Defendant within Clark County, Nevada.

**ATTEMPTS TO LOCATE:**

Date: 8/1/2017 @ 8:50 AM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS, NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: SUBJECT NOT EMPLOYED AT BUSINESS.

Notes: SPOKE TO MOLLY BREENE AMR LEGAL DEPARTMENT AT THE CORPORATE OFFICE IN COLORADO. DEF. NO LONGER WORKS FOR THE COMPANY. 303-495-1200.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

Dated August 2, 2017

Joseph M. Lombardo, Sheriff

By: *Enrique Stiegelmeier*  
ENRIQUE STIEGELMEYER  
Deputy Sheriff

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400

any Porch 14 83088  
t.O.S.P. P.O. Box 650  
Indian Springs, N.V.  
89070

#1670385

LAS VEGAS  
NV 890  
26 OCT '17  
PM 4 L

Masler FIRST CLASS MAIL  
10/26/2017  
US POSTAGE \$600.46-9

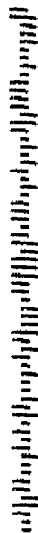


ZIP 89101  
011E12650516

**GOVERNMENT  
LEGAL MAIL**

Clerk of the Court:  
200 Lewis Ave 3<sup>rd</sup> fl.  
L.V. N.V. 89155

95101-630000



Each Bill  
LAW LIBRARY  
STATE PRISON

OCT 25 2017

**RECEIVED**

28

1 Larry Porchia 83088  
2 P.O. Box 650  
3 Indian Springs, NV 89070  
4 Plaintiff - *IN PRO SE*

FILED

2017 NOV 16 P 2:44

*Debra L. Johnson*  
CLERK OF THE COURT

6 DISTRICT COURT  
7 Clark County, Nevada

9 Larry Porchia  
10 Plaintiff

CASE NO. A-17-758321-C  
DEPT NO. XXVI

11 VS.  
12 American Medical Responders,  
13 Jason W. Drigger; Stephen Massa;  
14 Nicholas Pavlka;  
15 Defendants

A-17-758321-C  
OPPS  
Opposition  
4098488



HEARING REQUIRED  
DATE: 12/19/17  
TIME: 9:00 AM

CMC

17 OPPOSITION TO Defendant American  
18 medical Response, INC.'s Supplemental motion  
19 To Dismiss Pro se Plaintiff's complaint

21 Comes now Plaintiff, Pro se, Larry Porchia  
22 move's this court to entertain the above  
23 mentioned and deny the relief sought  
24 of Defendants.

25 This motion is made and based  
upon Nev. R. CIV P. 12(b) Plaintiff Declaration  
and Exhibits attached hereto.

CLERK OF THE COURT  
NOV 16 2017  
RECEIVED  
CMC

RECEIVED  
NOV 13 2017

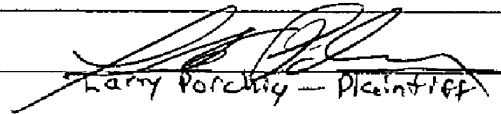
(1)

25

CURT

Respectfully Submitted


Date 11-8-17

  
Larry Porchig - Plaintiff

Notice of motion

State of Nevada:

Clark County : E

To All Parties and Counsel of 

Record Please take notice that on 12-19-17 @ 9:00 AM

am/pm or as soon thereafter as the matter may be

heard Plaintiff In Prose will bring the foregoing

Opposition motion to Dismiss before the court

Date Nov. 8 2017

Larry Porchig

P.O. Box 650

Indian Springs, NV

89070

(2)

1 State of Nevada,

2 Clark County

3

4

Declaration in support of opposition

5 to Defendants American medical Response, INC

6 motion and notice of motion to Dismiss Pro SE

7 Plaintiff's complaint

8

9

I, Larry Porchia, the Declarant, first duly

10 Sworn Says:

11

12 ① I, Larry Porchia the Declarant, is over the age  
13 of 18 sound mind and will testify upon called to do  
14 so of the facts herein.

15 ② That, on or about, the 26<sup>th</sup> day of Aug. 2015  
16 A Clark County, Nevada resident M. Matthew 525 E.  
17 St Louis Ave #418 Las Vegas, N.V. made A 911  
18 Emergency call due to the Declarant (A.K.A. Lomont  
19 Ponds) suffering from excoriating abdominal stomach  
20 pain, hot flashes and vomiting;

21 ③ That, the 911 Emergency operator dispatched  
22 Unit #R10 Rescue 10, Ground Ambulance, crew  
23 member's Defendants Stephen Massa, Emt paramedic (DOC)  
24 and Nicholas Pavelyk, Advanced EMT;

25 ④ That, prior to Defendants Massa and Pavelyk  
26 arrival, to the 525 E. St Louis residence, both  
27 Defendants were aware the clinical reason.

28

③

1 They were dispatched; 1 A-abdomin 2A abdominal  
2 Pains/Problem;

3 5) That, upon Defendants massa and Pavelky arrival  
4 at the 525 E. St Louis Ave, #418 residence the defendants  
5 placed the declarant on (A) gurney checking the  
6 declarant's vitals while the Declarant lying unconscious;

7 6) That, upon the Declarant coming too, Declarant was  
8 able to provide the Defendants (EMT) A brief  
9 description of the Stomach pain and sought  
10 medical attention;

11 7) That, the Defendants massa and Pavelky disregarded  
12 the safety and health concerns of the Declarant  
13 and began to question on "medical insurance"  
14 rather than, ensuring the declarant receive prompt  
15 medical attention;

16 8) That, once the defendants massa and Pavelky  
17 discovered the declarant lacked (medical insurance)  
18 the defendants massa and Pavelky, refused to transfer  
19 the declarant to a local facilities (medical)  
20 removing Declarant off the gurney, while misdiagnosing  
21 declarant with gas problems, to avoid providing  
22 declarant transportation to a medical facility

23 9) That, because the Declarant was not promptly  
24 transferred to the hospital, Declarant was required  
25 to under go [A] major surgery (Exploratory Laparotomy  
26 Release of Bowel obstruction)

27

28

(4)

1 due to the Defendants massa and Pavelky refused  
2 to provide transportation.

3 10) That, Defendants massa and Pavelky can not  
4 escape liability due to the pain and suffering and  
5 blood lost incurred by the Declarant. Declarant  
6 hereby incorporate paragraph<sup>s</sup> 1 thru 9 of count 2  
7 of this complaint.

8 11) That, on the 4<sup>th</sup> day of May, 2017, Defendant  
9 Jason W. Driggers authored A Declaration, that imposed  
10 fraud upon the court, when the Defendant stated, "That  
11 it was AMR's custom and practice in 8/2015 to document  
12 A dispatched call and create patient interaction.... it  
13 cannot be truthfully said, that AMR or its employees/  
14 EMT provided care and refused transport of the  
15 Declarant because NO such documents within AMR's  
16 database simply do not exist by the name date  
17 or address listed in the Amended complaint

18 12) Defendant Drigger cannot escape liable, where  
19 the 911 emergency operators has record, that on  
20 the 26<sup>th</sup> day of August 2015, Defendants massa and  
21 Pavelky, were dispatched out to the 525 E. St Louis  
22 Ave #418 L.V. N.V. residence, depriving the ~~not~~  
23 Declarant medical care, after discovering declarant  
24 did not posses medical insurance,

25 13) That this Declarant's second complaint against  
26 the correct named defendants stem<sup>s</sup> from the  
27 525 E, St Louis Ave #418 August 26<sup>th</sup> 2015 see attached  
28 Exhibit A from case NO: A-17-758321-C

14) Prior to the courts notice of entry of order granting Defendants motion to Dismiss may 2017, The Declarant filed a voluntary Dismiss on Pursant to rule 41 of the Nev. R. Civ. P. Seeking dismissal, due to naming the incorrect defendants.

15) The Declarant has correctly asserted allegations of Gross negligence against; America medical Responders Jason W. Drigger Clinical manager of AMR, Nicholas Pavelyk advan. E.M.T. Stephen massa paramatic E.M.T. That occurred on Aug. 26 2015 at 525 E. St Louis Ave #419 Las Vegas Nevada, 89104.

Date Nov. 8 2017

Lamy Parchia Declarant  
under the penalty of perjury  
NRS. 171, 102 (1)

## Standard for motion To Dismiss

To survive A motion to dismiss for failure to state A claim, The complaint must set forth factual allegations sufficient to establish each element necessary to recover under some actionable legal theory see N.R.C.P 12 (b); See also Hampe v. foote 118 Nev. 405, 408, 47 P3d, 438, 439, (2002)

## LAW AND ARGUMENT

A Plaintiff did interact with Defendant's employees on Aug 26 2015 if this is not true then why



1 did A.M.R. Sign A Pre-hospital report and  
2 if the call was canceled by Las Vegas fire and  
3 rescue why did A.M.R. even show up to file out  
4 the (PCR) and prehospital report MR. Drigger is  
5 liable for trying to cover up <sup>saying</sup> ~~that~~ AMR was never  
6 called MR. Drigger may 4<sup>th</sup> Declaration in support  
7 stated that he did A conducted search of all calls  
8 for the month of Aug. 2015 and no dispatched call  
9 was ever made AMR has no such record. Plaintiffs  
10 amended complaint gives the correct address being  
11 525 E. St Louis Ave #418 and MR. Drigger says AMR  
12 database simply do not have NO record (see exhibit  
13 B that was provided by Jason W. Driggers being duly sworn  
14 That NO record exist now see Jason Driggers new exhibit  
15 A provided in this motion clearly saying A.M.R. shows  
16 TWO calls was dispatched to 525 E. St Louis Ave #418  
17 MR. Driggers also states the Signatures on the (PCR)  
18 are from A.M.R. Advanced E.M.T. William Heddlee  
19 an AMR Paramedic marina clark and NOT MR. Massa  
20 and MR. Pavellka. MR. Driggers still say no interaction  
21 was ever made so if the call was canceled where is  
22 my refuse form I should of signed.  
23 B Co-Defendants massa and Pavellka where  
24 Defendants employees. ON Aug. 1 2017 at 8:50 AM  
25 Molly Breen being an associate litigation paralegal  
26 for A.M.R.'s corporate office recived A phone call  
27 from an out of state Deputy Sheriff of Clark  
28 County Nevada.

1 Molly Breen clearly stated to Deputy Sheriff  
2 Stiegemeyer that both MR. Massy and MR. Pavlik  
3 no longer work's for them. In A Sworn Declaration  
4 Date Oct 26 2017. MS. Breen say's she do not have  
5 any specific memories of talking to A out of  
6 state Deputy Sheriff. In order to try and cover  
7 up the statement made during the phone call made  
8 to 303-495-1200 MS Breen stated she would look  
9 up the defendants in an electronic database based  
10 on how the name's was spelled (see exhibit C<sup>2</sup> for  
11 the notes and correct spelling of names) Now MS  
12 Breen Declaration can not be true. I respectfully  
13 ask the court to please locate the phone call.  
14 Department 22 dismissal of Plaintiff's prior  
15 complaint precludes Plaintiff's instant complaint.  
16 1) Plaintiff filed A motion request to voluntary Dismiss  
17 Pursuant to Rule 41 of N.R.C.P. (see exhibit D for A  
18 copy of the motion) Plaintiff retains the right to  
19 dismiss A complaint voluntary while the motion  
20 to dismiss is pending Rule's Civ. P. Rule 12(B)  
21 41(A) Gellen V. Eighth judicial Dist. court In and  
22 for County of Clark 1996, 911 P.2<sup>nd</sup> 858, 112 Nev  
23 209 Pretrial Procedure 506.1 On May 14, 2017  
24 Plaintiff sent A motion to dismiss the complaint  
25 so before the order was giving the motion was filed  
26 an it was never dismiss with prejudice.

27

28

1 2) Plaintiff's complaint does not violate claim  
2 preclusion principles Nevada requires the satisfaction  
3 of the following three factors ① The parties or their privies  
4 are the same ② the final judgment is valid; and ③ The  
5 subsequent action is based on the same claims or any  
6 part of them that we're or could have been brought in  
7 the first case none of the following 3 we're violate

8 3) Plaintiff's complaint does not violate issue preclusion  
9 principles the issue being argued are actually fact to  
10 the current issue in this complaint two of the employees  
11 we're named in the amended complaint There attorney's  
12 admits the employees worked there when Molly Breen  
13 (see exhibit's C<sup>2</sup>) spoke with A Clark County Duty Sheriff  
14 and admit that the Defendants no longer work's for the  
15 company and now is trying to cover up her statement by  
16 saying she have any specific memorie of talking to A  
17 out of state Deputy creating A false disputed fact  
18 that prohibits the granting of their motion, where the  
19 fact's show there in dispute.


## 20 Conclusion

21 For all the reason shown by the Defendants own motion  
22 and exhibits the court should clearly see that their trying  
23 to cover up what they already admitted in MR. Driggard's  
24 first Declaration on may 4 2017 line 6 he stated that  
25 it was AMR's custom and practice in 8/2015 to document  
26 A dispatched call and/or create patient care report  
27 in the event of on-scene Patient interaction, therefore  
28 Contrary to the amended complaint

1 (which clearly shows 525 E. St Louis Ave #418 this)  
2 cannot be truthfully said that A.M.R. or it's employees/  
3 EMT provided care and refused transport of the plaintiff  
4 because documents within A.M.R.'s database simply do  
5 not exist. Now MR. Driggars Oct. 23 2017 (see exhibit A  
6 in this motion to dismiss) Declaration in support Line 41  
7 states he did A conducted search of calls on 8/26/2015  
8 and MR. Driggars now finds Two calls to 525 E. St Louis  
9 Ave #418 from AMR (1) timed at 1100 hrs and the  
10 second timed at 0345 but the call was canceled so  
11 no interaction was needed see Line 5 MR. Driggars  
12 admits the signator's of the (PCR) is from AMR  
13 Advance EMT William Heudlee and AMR Paramedic  
14 Mariny Clark not Massa/Pareika plus a Pre-  
15 hospital care report case # 4996102 Unit ID A173.  
16 So clearly there was some interaction, second  
17 Molly Breen being duly sworn in her Oct 26 2017  
18 Declaration in support states she has no  
19 memories of an Aug! 2 2017 phone call. Well  
20 she's right because Aug! 1 2017 at 8:50 Am  
21 (see exhibit C) at the corporate office #303-  
22 485-1700 Ms. Breen spoke with Deputy Sheriff  
23 Enrique Stieglmeyer in his Note: Spoke to Molly  
24 Breen an AMR legal Department in Colorado.  
25 Defendants Nicholas Pareika and Stephen Massa  
26 NO Longer work's for the company. Now Ms. Breen  
27 states based upon her custom and practice  
28 she would of looked up the Defendants.

1 in an electronic database base upon how the  
2 name's were spelled to her. On the not found  
3 affidavit Sheriff Stiggelmeyer spelled both names  
4 correct. Now ms. Breen states she would have told  
5 the process server based upon her review of the  
6 database Nicholas Pavellka is not listed as ever  
7 being an employee and that Stephen massy ended  
8 his employment with A.M.R. on July 12 2009.  
9 There's nothing showing this is correct on behalf  
10 of her statement with all the incorrect information  
11 giving by Mr. Driggers and ms. Breen have any  
12 merits. It's clearly there trying to cover up the  
13 truth that was already given by both Defendants  
14 wherefore, because the facts are in dispute herein,  
15 Defendant MR. Drigger and ms. Breen are not entitle  
16 to A dismissal of plaintiff tort action complaint  
17 where it was established that massy and Pavellka  
18 where employees of Amr and their database  
19 show's Amr's employees on Aug 26 2015  
20 at 0345 upon denying the plaintiff medical  
21 treatment due to not having medical insurance  
22 which in cause the plaintiff to suffer a major  
23 operation (Exploratory laparotomy, release of  
24 bowel obstruction) at valley hospital medical  
25 center only after unknown/Raymond Chavez  
26 #103633 sin Michael Cornelly #104274 8 hours  
27 from the time (0345.34). The Defendants massy  
28 & Pavellka & Headlee & Clark left the plaintiff

1 their suffering for 8 hours, while their  
2 co-worker's Defendant MR. Orlyger and  
3 MS. Breen enter into A conspiracy to elude  
4 this court. Defendants massu & Paveiky had  
5 not responded to the 525 E St Louis Ave #418  
6 Las Vegas Nevada 89104 to cover up an  
7 attempt murder on the plaintiff for A  
8 lack of medical insurance  
9 Date Nov. 8 2017

10  
11  
12  
13   
Larry Porchtz

14 Certificate of Service

15 I, hereby certify, that on the 8 day of  
16 Nov. 2017 I mailed my opposition to  
17 Defendants MTN to Dismiss Supplemental motion  
18 and Exhibit A thru D to the following

19  
20 John Cotton  
21 7900 W. Sahara Ave Suite 200  
22 Las Vegas Nevada 89117

23  
24  
25  
26 Witness

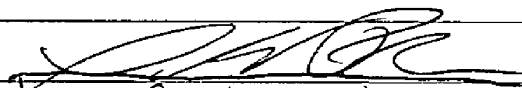
# EXHIBIT - S

Case # A-17-758321-

Dept # XXVI

I, Larry Porchia, the Declarant hereby  
authenticate Exhibits A thru D pursuant  
to chapter 52 of the Nevada Revised  
Statute under the penalty of perjury,  
that, each Exhibit A thru D is true and correct  
and will testify upon being called to do so.

Date Nov. 8 2017

  
Larry Porchia - The Declarant  
under penalty of perjury  
NRS, 171, 102 (1)  
28E1746

**EXHIBIT A**

**EXHIBIT A**



# Prehospital Care Report Summary

Las Vegas Fire and Rescue

Date: 08/26/2015 Call #: 5262786 Booklet: 84753418 Branch: Station 10 Time Zone: America/Los\_Angeles

## Call Information:

Disposition: Other  
Unit #: R10 - Rescue 10, Ground-Ambulance Trip Type: N/A  
Run Type to Scene: Emergency Scheduled: No  
Incident Facility:  
Incident Location: 525 E St Louis Ave #418 - Las Vegas, NV 89104 (Clark County)  
Incident Type: N/A

Receiving Facility: N/A -  
Facility Address:  
Destination Type: N/A  
Dest. Reason: N/A  
Registration #: N/A

Loaded Mileage: N/A  
Crew Members: Stephen Massa, EMT Paramedic(DOC); Nicholas Pavelka, Advanced EMT

Moved to Amb By: Transport Position: From Amb By:

Other Units On Scene: AMR

Call Origin: N/A Lights/Siren: Scene-Not used / Destination-Not used

## # Patients Transported

In My Unit: N/A

# Patients at Scene: N/A

Call Received: 03:41:35  
Dispatched: 03:44:02  
En Route: 03:45:09  
On Scene: 03:52:34  
Patient Contact: N/A  
Left Scene: N/A  
At Destination: N/A  
Transfer of Care: N/A  
In Service: 03:58:34

Time On Scene: N/A Min  
Time to Destination: N/A Min  
Total Time of Run: 15 Min

## Patient Information:

Name: DOB:  
Address: Gender: No Data  
Phone: Age:  
Email: Weight:  
SSN: Broselow:  
Driver License:

## Other Contact Info

Name: Phone: Cell Phone:  
Relationship:

Current Meds: Comments:  
Env Allergies: Comments:  
Med Allergies: Comments:  
Patient Physician:  
Advanced Directives:  
PMH:  
Comment:  
Patient Physical Limitations:  
Comment:

## Payer Information:

--

## Clinical:

Onset Date/Time:  
Dispatch Reason (EMD): 1A-Abdomin 1A-Abdominal Pains/Problems  
Medical Need:

Provider Impression:  
Mechanism of Injury:  
Protocol 1:

Protocol 2:

**Assessments:**

Time	Employee	Type	Summary
------	----------	------	---------

**Vitals:**

Time	Employee	Summary
------	----------	---------

**Treatments/Medications:**

Time	Employee	Summary
------	----------	---------

**Supply**

**Qty Supply**

**ECG Device Incident Number:**

**Narrative History Text:**

THIRD PARTY CALLER CITIZEN DID NOT WANT MEDICAL ASSISTANCE

Auth Signature: No Privacy Sig: No Unable to Sign: No Refused to Sign: No

**Signature Image(s):**

Authorization Signature



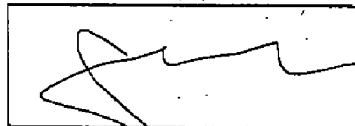
Privacy Notice Signature



Receiving RN / MD Signature



Technician Signature - Massa, Stephen J. - 08/26/2015 07:47



**Recommended Service Level: BLS / Dispatch Service Level: BLS**

**EXHIBIT B<sup>s</sup>**

**EXHIBIT B<sup>s</sup>**

**DECLARATION IN SUPPORT OF**  
**DEFENDANTS' MOTION TO DISMISS**

STATE OF NEVADA                     )

): ss.

COUNTY OF CLARK                     )

Jason W. Driggars, being duly sworn, deposes and states:

1. That I have read the Amended Complaint alleging AMR and its employees/EMTs interacted with and provided care to the Plaintiff on 8/25/2015 at Siegel Suites 2000 Paradise Rd. #418, Las Vegas, NV.

2. My official job title with AMR is Clinical Manager. My job duties consist of oversight of all healthcare provider training and education. Therefore, I am familiar with conducting electronic records searches within AMR's databases for prior alleged patient treatments and dispatching, and know the matters set forth herein of my own personal knowledge and am competent to testify thereto as forth below.

3. That I conducted a search of the name Larry Porschia, Larry Porchia, and Larry L. Porchia, Jr. AMR has no such records.

4. That I conducted a search of all calls on 8/25/2015 relative to the above names. AMR has no such records.

5. That I conducted a search of all calls to Siegel Suites 2000 Paradise Rd. #418, Las Vegas, NV relative to the above listed names and date. AMR has no such records.

6. That it was AMR's custom and practice in 8/2015 to document a dispatched call and/or create patient care report in the event of on-scene patient interaction. Therefore contrary to the Amended Complaint, it cannot be truthful said that AMR or its employees/EMTs provided care

and refused transport of the Plaintiff because such documents within AMR's databases simply do not exist by the name, date, or address listed in the Amended Complaint.

7. That the contents of this Declaration should fully satisfy any reasonable person's concerns establishing the above statements. That no amount of oral or written questions into AMR about this topic will change the above based upon my personal information and belief.

I declare under the penalty of perjury that the foregoing is true and correct on this 4<sup>th</sup> day of MAY 2017.

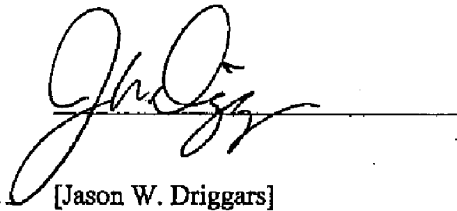
  
[Jason W. Driggers]

EXHIBIT C<sup>s</sup>

EXHIBIT C

OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

FILED

AUG 25 2017

*[Signature]*  
CLERK OF COURT

LARRY PORCHIA

PLAINTIFF

vs

STEPHEN MASSA

DEFENDANT

CASE No. A-17-758321-C  
SHERIFF CIVIL NO: 17005774

NOT FOUND AFFIDAVIT

STATE OF NEVADA }

} ss:

COUNTY OF CLARK }

ENRIQUE STIEGELMEYER, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: SUMMONS AND COMPLAINT TORT ACTION on 7/26/2017 at the hour of 2:16 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said **STEPHEN MASSA** Defendant within Clark County, Nevada.

**ATTEMPTS TO LOCATE:**

Date: 8/1/2017 @ 8:50 AM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS,  
NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: SUBJECT NOT EMPLOYED AT BUSINESS.

Notes: SPOKE TO MOLLY BREENE AMR LEGAL DEPARTMENT AT THE CORPORATE OFFICE IN  
COLORADO. DEF. NO LONGER WORKS FOR THE COMPANY. 303-495-1200.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE ON NEVADA THAT THE  
FOREGOING IS TRUE AND CORRECT.

Dated August 2, 2017

Joseph M. Lombardo, Sheriff

By:

*[Signature]*  
ENRIQUE STIEGELMEYER  
Deputy Sheriff

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400

OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

FILED

AUG 25 2017

*John J. Lombardo*  
CLERK OF COURT

LARRY PORCHIA

PLAINTIFF

vs

NICHOLAS PAVELKA

DEFENDANT

CASE No. A-17-758321-C

SHERIFF CIVIL NO: 17005776

NOT FOUND AFFIDAVIT

STATE OF NEVADA

COUNTY OF CLARK

ss:

ENRIQUE STIEGELMEYER, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: SUMMONS AND COMPLAINT TORT ACTION on 7/26/2017 at the hour of 2:22 PM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said **NICHOLAS PAVELKA** Defendant within Clark County, Nevada.

**ATTEMPTS TO LOCATE:**

Date: 8/1/2017 @ 8:50 AM - AMERICAN MEDICAL RESPONDERS 7201 WEST POST ROAD LAS VEGAS, NV 89113

Attempted By: ENRIQUE STIEGELMEYER

Service Type: SUBJECT NOT EMPLOYED AT BUSINESS.

Notes: SPOKE TO MOLLY BREEN AMR LEGAL DEPARTMENT AT THE CORPORATE OFFICE IN COLORADO. DEF. NO LONGER WORKS FOR THE COMPANY. 303-495-1200.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

Dated August 2, 2017

Joseph M. Lombardo, Sheriff

By:

*Enrique Stiegelmeier*  
ENRIQUE STIEGELMEYER

Deputy Sheriff

CLERK OF THE COURT

AUG 2 2017

RECEIVED

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400



EXHIBIT D

EXHIBIT D

48

1 Larry Porchia  
2 P.O. Box 650-83088  
3 Indian Springs, Nevada  
4 89070  
5 Plaintiff - In Person

FILED

JUN 21 2017

CLERK OF COURT

6  
7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA  
9

10 Larry Porchia,  
11 Plaintiff,  
12 vs.  
13 Jannett Gonzales et al.,  
14 Defendants.

case no. A-17-749899-C

apt. no. XXII

A-17-749899-C  
MOT  
Motion  
4659601

15  
16  
17 MOTION REQUEST OF VOLUNTARY DISMISSAL  
18 PURSUANT TO RULE 41 OF NRCF  
19

20 COMES NOW, Larry Porchia, Plaintiff, Also hereby  
21 request dismissal Complaint in the above-mentioned case  
22 number.

23 The request is made and based upon the Rules  
24 that governs Voluntary Dismissal.

25 Respectfully Submitted,

26 note: RECEIVED

27 JUN 19 2017

28 Larry Porchia

CLERK OF THE COURT

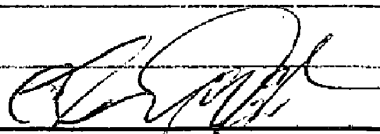
1 of 2

200 in  
1 CERTIFICATE OF SERVICE

2 I, hereby certify, that, On the 6 day of June  
3 2014, I mailed my MOTION REQUEST OF VOLUNTARY  
4 DISMISSAL PURSUANT TO RULE 41 OF THE NRCJ to the  
5 following:

6  
7 Steven D. Driverson  
8 2000 Lewis Ave., 3rd fl.  
9 Las Vegas, Nevada 89155

John Cottaro  
Atty. at Law  
7000 W. Sahara Ave. Suite 900  
Las Vegas, Nevada 89117

10  
11  
12  
13 

14 WITNESS  
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2 of 2

51

FILED

NOV 29 2017

*John J. Blum*  
CLERK OF COURT

OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

LARRY PORCHIA )

PLAINTIFF )

Vs )

NICHOLAS PAVELKA )

DEFENDANT )

CASE No. A-17-758321-C

SHERIFF CIVIL NO.: 17008476

AFFIDAVIT OF SERVICE

A-17-758321-C  
AOS  
Affidavit of Service  
4700743



STATE OF NEVADA }

COUNTY OF CLARK }

ss:

KENNETH ROSS, being first duly sworn, deposes and says: That he is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 11/9/2017, at the hour of 7:10 AM, affiant as such Deputy Sheriff served a copy of SUMMONS AND COMPLAINT issued in the above entitled action upon the defendant NICHOLAS PAVELKA named therein, by delivering to and leaving with said defendant NICHOLAS PAVELKA, personally, at LV FIRE DEPT 500 NORTH CASINO CENTER DRIVE LAS VEGAS, NV 89104 within the County of Clark, State of Nevada, a copy of SUMMONS AND COMPLAINT.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED November 13, 2017.

Joseph M. Lombardo, Sheriff

By:

*Kenneth Ross*  
KENNETH ROSS  
Deputy Sheriff

CLERK OF THE COURT

NOV 27 2017

RECEIVED

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400

OFFICE OF THE SHERIFF  
CLARK COUNTY DETENTION  
CIVIL PROCESS SECTION

54  
FILED  
NOV 29 2017

*John J. Blum*  
CLERK OF COURT

LARRY PORCHIA )

PLAINTIFF )

Vs )

STEPHEN MASSA )

DEFENDANT )

CASE No. D-17-758321-C  
SHERIFF CIVIL NO.: 17008477

AFFIDAVIT OF SERVICE

A-17-758321-C  
AOS  
Affidavit of Service  
4700746



STATE OF NEVADA }  
COUNTY OF CLARK } ss:

JEFFREY BERGSTROM, being first duly sworn, deposes and says: That he is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 11/9/2017, at the hour of 8:20 AM, affiant as such Deputy Sheriff served a copy of SUMMONS AND COMPLAINT issued in the above entitled action upon the defendant STEPHEN MASSA named therein, by delivering to and leaving with said defendant STEPHEN MASSA, at 1680 S TORREY PINES WORK ADDRESS LAS VEGAS, NV within the County of Clark, State of Nevada, a copy of SUMMONS AND COMPLAINT.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED November 13, 2017.

Joseph M. Lombardo, Sheriff

By: *Jeffrey Bergstrom*  
JEFFREY BERGSTROM  
Deputy Sheriff

CLERK OF THE COURT

RECEIVED  
NOV 27 2017

301 E. Clark Ave. #100 Las Vegas NV 89101 (702) 455-5400

1 Larry Porchia #83088  
 2 P.O. Box 650  
 3 Indian Springs, N.V.  
 4 89070

FILED

NOV 29 2017

*John T. Hines*  
 CLERK OF COURT

6 District Court  
 7 Clark County, Nevada

A-17-759321-C  
 NOTC  
 Notice  
 4700747



9 Larry Porchia  
 10 Plaintiff  
 11 VS  
 12 America Medical Responder  
 13 NRS 12,105 et al  
 14 Defendants

Case # A-17-759321-C  
 Dept # XXVI

16 Judicial Notice Pursuant NRS  
 17 47.130 Plaintiff Served upon the  
 18 Fire and Rescue summons and complaint.

20 Come's Now, Larry Porchia, Plaintiff, Pro SE  
 21 hereby send A motion to the court showing Plaintiff  
 22 Served upon the Fire and Rescue summons and  
 23 Complaint,

25 This motion is made and base on the rules that  
 26 governs NRCD Rule  
 27 Nov 18 2017

Respectfully submitted

*Larry Porchia*  
 Larry Porchia

CLERK OF THE COURT

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**