

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jun 28 2019 10:12 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 3

ATTORNEY FOR APPELLANT
LARRY PORCHIA #1481565,
PROPER PERSON
330 S. CASINO CENTER BLVD.
LAS VEGAS, NV 89101

ATTORNEY FOR RESPONDENT
BRADFORD R. JERDIC, ESQ.
495 S. MAIN ST., 6TH FLOOR
LAS VEGAS, NV 89101

I N D E X

| <u>VOLUME:</u> | <u>PAGE NUMBER:</u> |
|-----------------------|----------------------------|
| 1 | 1 - 230 |
| 2 | 231 - 460 |
| 3 | 461 - 664 |

I N D E X

| <u>VOL</u> | <u>DATE</u> | <u>PLEADING</u> | <u>PAGE NUMBER:</u> |
|-------------------|--------------------|---|--------------------------------|
| 2 | 03/30/2018 | (AMENDED COMPLAINT) NRS CONCURRENT TORT FEASOR LAWSUIT "PUBLIC SERVICE NEGLECT" GROSS NEGLIGENCE | 342 - 356 |
| 1 | 08/25/2017 | AFFIDAVIT OF SERVICE | 33 - 33 |
| 1 | 08/31/2017 | AFFIDAVIT OF SERVICE | 38 - 39 |
| 1 | 10/09/2017 | AFFIDAVIT OF SERVICE | 105 - 109 |
| 1 | 10/19/2017 | AFFIDAVIT OF SERVICE | 152 - 152 |
| 1 | 11/29/2017 | AFFIDAVIT OF SERVICE | 228 - 228 |
| 1 | 11/29/2017 | AFFIDAVIT OF SERVICE | 229 - 229 |
| 2 | 01/20/2018 | AFFIDAVIT OF SERVICE | 284 - 285 |
| 2 | 01/20/2018 | AFFIDAVIT OF SERVICE | 286 - 287 |
| 2 | 01/25/2018 | AFFIDAVIT OF SERVICE | 291 - 292 |
| 3 | 02/19/2019 | AMENDED COMPLAINT CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. 1983 | 572 - 579 |
| 3 | 02/19/2019 | APPLICATION TO PROCEED IN FORMA PAUPERIS FOR INMATE (CONFIDENTIAL) | 580 - 582 |
| 1 | 07/06/2017 | APPLICATION TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL) | 1 - 5 |
| 3 | 06/18/2018 | APPOINTMENT OF ARBITRATOR | 491 - 493 |
| 3 | 06/27/2018 | ARBITRATION FILE | 509 - 517 |
| 3 | 06/04/2019 | CASE APPEAL STATEMENT | 646 - 648 |
| 3 | 03/19/2019 | CERTIFICATE OF SERVICE | 605 - 605 |
| 3 | 06/28/2019 | CERTIFICATION OF COPY AND TRANSMITTAL OF RECORD | |
| 3 | 08/01/2018 | CHANGE OF ADDRESS AND MOTION TO SEND PLAINTIFF ALL UPDATED MOTION IN CASE #758321 | 518 - 520 |

I N D E X

| <u>VOL</u> | <u>DATE</u> | <u>PLEADING</u> | <u>PAGE NUMBER:</u> |
|-------------------|--------------------|--|--------------------------------|
| 2 | 04/18/2018 | CITY DEFENDANTS' ANSWER TO PLAINTIFF LARRY PORCHIA'S AMENDED COMPLAINT | 383 - 388 |
| 3 | 05/10/2018 | CITY DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS | 484 - 488 |
| 3 | 01/28/2019 | CITY DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT | 556 - 557 |
| 3 | 05/24/2019 | CIVIL ORDER TO STATISTICALLY CLOSE CASE | 632 - 632 |
| 3 | 09/04/2018 | COURT DOCKET | 521 - 522 |
| 1 | 09/11/2017 | DEFAULT | 51 - 52 |
| 1 | 10/26/2017 | DEFAULT | 162 - 164 |
| 2 | 12/13/2017 | DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S OBJECTION TO PLAINTIFF'S "JUDICIAL NOTICE PURSUANT TO NRS 47.130 AMR ADMITTED MASSA AND PAVELKA NO LONGER WORK FOR THEM" | 234 - 239 |
| 1 | 09/11/2017 | DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S MOTION AND NOTICE OF MOTION TO DISMISS PRO SE PLAINTIFF'S COMPLAINT | 53 - 77 |
| 1 | 09/15/2017 | DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S NOTICE OF SERVICE OF PLEADINGS UPON PLAINTIFF | 90 - 100 |
| 1 | 10/27/2017 | DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S NOTICE OF SERVICE OF PLEADINGS UPON PLAINTIFF | 190 - 196 |
| 2 | 01/19/2018 | DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S NOTICE OF SERVICE OF PLEADINGS UPON PLAINTIFF | 278 - 283 |
| 2 | 02/23/2018 | DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S NOTICE OF SERVICE OF PLEADINGS UPON PLAINTIFF | 316 - 320 |
| 2 | 03/16/2018 | DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S NOTICE OF SERVICE OF PLEADINGS UPON PLAINTIFF | 336 - 341 |
| 2 | 01/19/2018 | DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S REPLY | 270 - 277 |

I N D E X

| <u>VOL</u> | <u>DATE</u> | <u>PLEADING</u> | <u>PAGE NUMBER:</u> |
|-------------------|--------------------|---|--------------------------------|
| | | RE: DEFENDANT'S SUPPLEMENTAL MOTION TO DISMISS PRO SE PLAINTIFF'S COMPLAINT | |
| 1 | 10/27/2017 | DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S SUPPLEMENTAL MOTION TO DISMISS PRO SE PLAINTIFF'S COMPLAINT | 165 - 189 |
| 2 | 02/23/2018 | DEFENDANT AMERICAN MEDICAL RESPONSE, INC., 'S COUNTERMOTION TO STRIKE PLAINTIFF'S "JUDICIAL NOTICE PURSUANT TO NRS 47.130," "RESPONSE TO DEFENDANTS REPLY TO PLAINTIFFS' VOLUNTARY DISMISSAL IN CASE A-17-749899-C," AND "SUPPLEMENTAL COMPLAINT | 301 - 309 |
| 2 | 12/13/2017 | DEFENDANT AMERICAN MEDICAL RESPONSE, INC., 'S NOTICE OF SERVICE OF PLEADINGS UPON PLAINTIFF | 240 - 245 |
| 2 | 02/23/2018 | DEFENDANT HEADLEE'S JOINDER TO AMERICAN MEDICAL RESPONSE, INC.'S MOTION TO DISMISS, SUPPLEMENTAL MOTION TO DISMISS, AND REPLY RE: SUPPLEMENTAL MOTION TO DISMISS IN THE ALTERNATIVE | 310 - 312 |
| 2 | 04/25/2018 | DEFENDANTS AMERICAN MEDICAL RESPONSE, INC. AND HEADLEE'S MOTION AND NOTICE OF MOTION TO DISMISS PRO SE PLAINTIFF'S AMENDED COMPLAINT ON ORDER SHORTENING TIME (CONTINUED) | 389 - 460 |
| 3 | 04/25/2018 | DEFENDANTS AMERICAN MEDICAL RESPONSE, INC. AND HEADLEE'S MOTION AND NOTICE OF MOTION TO DISMISS PRO SE PLAINTIFF'S AMENDED COMPLAINT ON ORDER SHORTENING TIME (CONTINUATION) | 461 - 483 |
| 3 | 02/13/2019 | DEFENDANTS AMERICAN MEDICAL RESPONSE, INC. ERRONEOUSLY SUED AND SERVED AS "AMERICAN MEDICAL RESPONDERS AND WILLIAM HEADLEE'S NOTICE OF SERVICE OF ENTRY OF ORDER RE: PLAINTIFF'S "MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT" | 565 - 571 |
| 2 | 12/21/2017 | DEFENDANTS MASSA AND PAVELKA'S MOTION TO DISMISS | 246 - 250 |
| 2 | 02/22/2018 | DEFENDANTS MASSA AND PAVELKA'S REPLY IN SUPPORT | 298 - 300 |

I N D E X

| <u>VOL</u> | <u>DATE</u> | <u>PLEADING</u> | <u>PAGE NUMBER:</u> |
|-------------------|--------------------|---|--------------------------------|
| | | OF THEIR MOTION TO DISMISS | |
| 3 | 03/18/2019 | DEFENDANTS' MOTION TO DISMISS | 596 - 601 |
| 3 | 03/28/2019 | DENY MOTION TO DISMISS COMPLAINT | 606 - 612 |
| 3 | 10/09/2018 | DENY MOTION TO DISMISS COMPLAINT (42 U.S.C. 1983) | 532 - 539 |
| 3 | 06/28/2019 | DISTRICT COURT MINUTES | 649 - 664 |
| 1 | 09/11/2017 | INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19) | 78 - 80 |
| 2 | 02/23/2018 | INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19) | 313 - 315 |
| 1 | 11/29/2017 | JUDICIAL NOTICE PURSUANT NRS 47.130 PLAINTIFF SERVED UPON THE FIRE AND RESCUE SUMMONS AND COMPLAINT. (CONTINUED) | 230 - 230 |
| 2 | 11/29/2017 | JUDICIAL NOTICE PURSUANT NRS 47.130 PLAINTIFF SERVED UPON THE FIRE AND RESCUE SUMMONS AND COMPLAINT. (CONTINUATION) | 231 - 231 |
| 2 | 12/04/2017 | JUDICIAL NOTICE PURSUANT TO NRS 47.130 PLAINTIFF SERVED UPON THE AMERICA MEDICAL RESPNDER SUMMON AND COMPLAINT | 232 - 233 |
| 1 | 10/31/2017 | JUDICIAL NOTICE PURSUANT TO NRS. 47.130 A.M.R. ADMITTED MASSA AND PAVELKA NO LONGER WORK FOR THEM | 197 - 202 |
| 2 | 04/09/2018 | MOTION FOR A PRETRIAL CONFERENCE. | 362 - 381 |
| 2 | 02/01/2018 | MOTION FOR CLARIFICATION | 293 - 296 |
| 3 | 10/02/2018 | MOTION FOR CLARIFICATION AND PETITION FOR CORAM NOBIS AND CONTINUANCE PETITION FOR WRIT OF CORAM NORIS AND MOTION FOR CLARIFICATION | 526 - 530 |
| 2 | 01/22/2018 | MOTION FOR CONSIDERATION | 288 - 290 |
| 3 | 11/05/2018 | MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT | 540 - 545 |

I N D E X

| <u>VOL</u> | <u>DATE</u> | <u>PLEADING</u> | <u>PAGE NUMBER:</u> |
|-------------------|--------------------|---|--------------------------------|
| 3 | 12/27/2018 | MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT | 546 - 552 |
| 1 | 10/24/2017 | MOTION FOR ENLARGEMENT OF TIME | 156 - 159 |
| 3 | 06/03/2019 | MOTION FOR FUNDS | 642 - 645 |
| 3 | 04/15/2019 | MOTION FOR SUMMARY JUDGMENT | 614 - 618 |
| 3 | 05/16/2019 | MOTION TO REQUEST FINAL JUDGMENT AND FINAL TRANSCRIPT | 625 - 627 |
| 1 | 08/25/2017 | NOT FOUND AFFIDAVIT | 34 - 34 |
| 1 | 08/25/2017 | NOT FOUND AFFIDAVIT | 35 - 37 |
| 1 | 09/06/2017 | NOT FOUND AFFIDAVIT | 40 - 42 |
| 2 | 01/12/2018 | NOT FOUND AFFIDAVIT | 265 - 265 |
| 2 | 01/12/2018 | NOT FOUND AFFIDAVIT | 266 - 268 |
| 2 | 01/12/2018 | NOT FOUND AFFIDAVIT | 269 - 269 |
| 3 | 06/03/2019 | NOTICE OF APPEAL | 633 - 641 |
| 2 | 04/09/2018 | NOTICE OF CHANGE OF ADDRESS | 357 - 358 |
| 3 | 06/25/2018 | NOTICE OF ENTRY OF ORDER | 500 - 503 |
| 2 | 03/15/2018 | NOTICE OF ENTRY OF ORDER DENYING DEFENDANTS MASSA AND PAVELKA'S MOTION TO DISMISS | 332 - 335 |
| 3 | 05/16/2019 | NOTICE OF ENTRY OF ORDER GRANTING CITY DEFENDANTS' MOTION TO DISMISS | 628 - 631 |
| 2 | 03/14/2018 | NOTICE OF ENTRY OF ORDER RE: DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S MOTION TO DISMISS PRO SE PLAINTIFF'S COMPLAINT, SUPPLEMENTAL MOTION TO DISMISS, AND COUNTERMOTIONS TO STRIKE | 327 - 331 |
| 3 | 06/26/2018 | NOTICE OF ENTRY OF ORDER RE: DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S MOTION TO DISMISS PRO SE | 504 - 508 |

I N D E X

| <u>VOL</u> | <u>DATE</u> | <u>PLEADING</u> | <u>PAGE NUMBER:</u> |
|-------------------|--------------------|--|--------------------------------|
| | | PLAINTIFF'S AMENDED COMPLAINT | |
| 3 | 02/13/2019 | NOTICE OF ENTRY OF ORDER RE: PLAINTIFF'S "MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT" | 560 - 564 |
| 3 | 03/19/2019 | NOTICE OF HEARING | 604 - 604 |
| 3 | 04/17/2019 | NOTICE OF HEARING | 619 - 619 |
| 1 | 09/11/2017 | NOTICE OF INTENTION TO ENTER DEFAULT | 49 - 50 |
| 1 | 09/13/2017 | NOTICE OF INTENTION TO ENTER DEFAULT | 89 - 89 |
| 1 | 10/09/2017 | NOTICE OF INTENTION TO ENTER DEFAULT | 114 - 115 |
| 1 | 10/26/2017 | NOTICE OF INTENTION TO ENTER DEFAULT | 160 - 161 |
| 2 | 02/01/2018 | NOTICE OF MOTION | 297 - 297 |
| 2 | 04/09/2018 | NOTICE OF MOTION | 361 - 361 |
| 2 | 04/09/2018 | NOTICE OF MOTION | 382 - 382 |
| 1 | 09/28/2017 | NOTICE OF NO OPPOSITION TO DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S MOTION TO DISMISS PRO SE PLAINTIFF'S COMPLAINT | 101 - 104 |
| 3 | 06/25/2018 | NOTICE OF RECUSAL | 496 - 497 |
| 2 | 02/28/2018 | NOTICE OF TELEPHONIC HEARING | 321 - 322 |
| 3 | 06/11/2018 | NOTICE OF TELEPHONIC HEARING | 489 - 490 |
| 1 | 10/12/2017 | NOTICE OF TELEPHONIC HEARING FOR ORAL ARGUMENT | 118 - 119 |
| 1 | 10/16/2017 | OPPOSITION TO DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S. MOTION AND NOTICE OF MOTION TO DISMISS PRO SE PLAINTIFF'S COMPLAINT | 120 - 151 |
| 1 | 11/16/2017 | OPPOSITION TO DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S SUPPLEMENTAL MOTION TO DISMISS PRO SE PLAINTIFF'S COMPLAINT | 203 - 227 |

I N D E X

| <u>VOL</u> | <u>DATE</u> | <u>PLEADING</u> | <u>PAGE NUMBER:</u> |
|-------------------|--------------------|--|--------------------------------|
| 2 | 03/13/2018 | ORDER DENYING DEFENDANTS MASSA AND PAVELKA'S MOTION TO DISMISS | 323 - 324 |
| 3 | 06/20/2018 | ORDER GRANTING CITY DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS | 494 - 495 |
| 3 | 05/15/2019 | ORDER GRANTING CITY DEFENDANTS' MOTION TO DISMISS | 623 - 624 |
| 3 | 06/25/2018 | ORDER RE: DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S MOTION AND NOTICE OF MOTION TO DISMISS PRO SE PLAINTIFF'S AMENDED COMPLAINT ON ORDER SHORTENING TIME | 498 - 499 |
| 2 | 03/14/2018 | ORDER RE: DEFENDANT AMERICAN MEDICAL RESPONSE, INC.'S MOTION TO DISMISS PRO SE PLAINTIFF'S COMPLAINT, SUPPLEMENTAL MOTION TO DISMISS, AND COUNTERMOTIONS TO STRIKE | 325 - 326 |
| 3 | 02/11/2019 | ORDER RE: PLAINTIFF'S "MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT" | 558 - 559 |
| 1 | 07/13/2017 | ORDER TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL) | 6 - 8 |
| 3 | 03/07/2019 | ORDER TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL) | 588 - 589 |
| 3 | 01/14/2019 | PROOF OF SERVICE | 554 - 555 |
| 3 | 03/18/2019 | PROOF OF SERVICE | 602 - 603 |
| 3 | 09/24/2018 | REQUEST AND MOTION FOR REQUEST | 523 - 525 |
| 2 | 04/09/2018 | REQUEST FOR LEAVE FOR A TELEPHONE CONFERENCE ON A STATUS CHECK ON AN ORDER TO AMEND COMPLAINT | 359 - 360 |
| 3 | 10/02/2018 | REQUEST FOR SERVICE | 531 - 531 |
| 3 | 01/14/2019 | REQUEST FOR TRANSPORTATION | 553 - 553 |
| 3 | 03/28/2019 | REQUEST FOR TRANSPORTATION | 613 - 613 |
| 3 | 04/26/2019 | REQUEST FOR TRANSPORTATION | 620 - 622 |

I N D E X

| <u>VOL</u> | <u>DATE</u> | <u>PLEADING</u> | <u>PAGE NUMBER:</u> |
|-------------------|--------------------|--|--------------------------------|
| 2 | 01/12/2018 | RESPONSE TO DEFENDANT'S OBJECTION TO PLAINTIFF'S JUDICIAL NOTICE PURSUANT TO NRS 47.130 A.M.R. ADMITTED MUSSA AND PARELKA NO LONGER WORK FOR THEM. | 251 - 261 |
| 2 | 01/12/2018 | RESPONSE TO DEFENDANTS MOTION TO DISMISS | 262 - 264 |
| 1 | 09/06/2017 | SUMMONS - CIVIL | 43 - 44 |
| 1 | 09/06/2017 | SUMMONS - CIVIL | 45 - 46 |
| 1 | 09/06/2017 | SUMMONS - CIVIL | 47 - 48 |
| 1 | 10/19/2017 | SUMMONS - CIVIL | 153 - 155 |
| 1 | 07/13/2017 | TORT ACTION CONCURRENT TORT FEASOR LAWSUIT "PUBLIC SERVICE NEGLECT" GROSS NEGLIGENCE | 9 - 32 |
| 3 | 03/08/2019 | UNFILED DOCUMENT(S) DEFAULT REJECTION SLIP W/COPY OF UNFILED AFFIDAVIT OF SERVICE | 590 - 595 |
| 1 | 10/09/2017 | UNFILED DOCUMENT(S) DEFAULT REJECTION SLIP W/COPY OF UNFILED MOTION FOR ENLARGMENT OF TIME | 110 - 113 |
| 3 | 02/21/2019 | UNFILED DOCUMENT(S) DEFAULT REJECTION SLIP W/COPY OF UNFILED SUMMONS IN A CIVIL ACTION | 583 - 587 |
| 1 | 10/09/2017 | UNFILED DOCUMENT(S) DEFAULT REJECTION SLIP W/COPY OF UNSIGNED DEFAULT | 116 - 117 |
| 1 | 09/13/2017 | UNFILED DOCUMENT(S) DEFAULT REJECTION SLIP W/COPY OF UNSIGNED DEFAULT, JUDGMENT BY DEFAULT (ENTRY BY CLERK) | 81 - 88 |

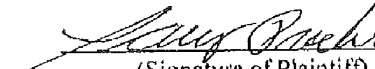
E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

punitive damages \$2,500,000⁰⁰ dollars U.S. currency; Pain
and suffering surgery and denial of medical aid; Compensatory
damages 2,500,000⁰⁰ dollars U.S. currency expense of
medical incurred denying hospitalization; Declaratory damage
1,200,000⁰⁰ dollars U.S. currency to delist AMA and
their subordinate from placing financial stakes 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.

Harry Porchiri
(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)


(Signature of Plaintiff)

11-8-17
(Date)

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

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Supplement Complaint
(Title of Document)

filed in District Court Case number A-17-758321-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]
Signature

11-8-17
Date

Larry Porchis
Print Name

Pro se
Title

amy Porchia 83088
P.O. Box 650
Indian Springs, N.V.
89070

~~166970~~
166970



LEGAL MAIL

LEGAL MAIL

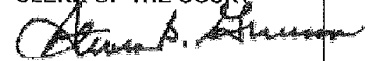
Clerk of the Court
200 Lewis Ave 3rd Fl.
Las Vegas, N.V.
89155

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ZIP 89101

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EXHIBIT E

EXHIBIT E



1 NEOJ
2 John H. Cotton, Esq.
3 Nevada Bar No. 5268
4 jhcotton@jhcottonlaw.com
5 Adam A. Schneider, Esq.
6 Nevada Bar No. 10216
7 aschneider@jhcottonlaw.com
8 JOHN H. COTTON & ASSOCIATES
9 7900 W. Sahara Avenue, Suite 200
10 Las Vegas, Nevada 89117
11 Telephone: (702) 832-5909
12 Facsimile: (702) 832-5910
13 *Attorneys for Defendant*
14 *American Medical Response, Inc.*
15 *erroneously sued and served as*
16 *"American Medical Responders" and*
17 *William Headlee*

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

11 DISTRICT COURT

12 CLARK COUNTY, NEVADA

13 LARRY PORCHIA,

14 Plaintiff,

15 vs.

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

19 Defendants.

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

NOTICE OF ENTRY OF ORDER RE:
DEFENDANT AMERICAN MEDICAL
RESPONSE, INC.'S MOTION TO
DISMISS PRO SE PLAINTIFF'S
COMPLAINT, SUPPLEMENTAL
MOTION TO DISMISS, AND
COUNTERMOTIONS TO STRIKE

20
21 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:
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 YOU WILL PLEASE TAKE NOTICE that an Order was entered in the above-entitled
2 matter on the 14th day of March 2019, a copy of which is attached hereto.

3
4 Dated this 14th day of March 2018.

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

8 */s/ Adam Schneider*

9 JOHN H. COTTON, ESQ.

10 ADAM A. SCHNEIDER, ESQ.

11 *Attorneys for Defendant*

12 *American Medical Response, Inc.*

13 *erroneously sued and served as*

14 *"American Medical Responders" and*

15 *William Headlee*
16
17
18
19
20
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

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March 2018, I served the foregoing *NOTICE OF ENTRY OF ORDER RE: DEFENDANT AMERICAL MEDICAL RESPONSE, INC.'S MOTION TO DISMISS PRO SE PLAINTIFF'S COMPLAINT, SUPPLEMENTAL MOTION TO DISMISS, AND COUNTERMOTIONS TO STRIKE* 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

Las Vegas City Attorney
c/o Bradford Jerbic, Esq., Jeffry M. Dorocak, Esq.
495 South Main Street, Sixth Floor
Las Vegas, NV 89101

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

Electronically Filed
3/14/2018 8:23 AM
Steven D. Grierson
CLERK OF THE COURT



1 **ORD**

2 John H. Cotton, Esq.
3 Nevada Bar No. 5268
4 jhcotton@jhcottonlaw.com
5 Adam A. Schneider, Esq.
6 Nevada Bar No. 10216
7 aschneider@jhcottonlaw.com
8 **JOHN H. COTTON & ASSOCIATES**
9 7900 W. Sahara Avenue, Suite 200
10 Las Vegas, Nevada 89117
11 Telephone: (702) 832-5909
12 Facsimile: (702) 832-5910
13 *Attorneys for Defendants*
14 *American Medical Response, Inc.*
15 *erroneously sued and served as*
16 *"American Medical Responders" and*
17 *William Headlee*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 **LARRY PORCHIA,**

13 **Plaintiff,**

14 **vs.**

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

18 **Defendants.**

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

**ORDER RE: DEFENDANT AMERICAN
MEDICAL RESPONSE, INC.'S MOTION
TO DISMISS PRO SE PLAINTIFF'S
COMPLAINT, SUPPLEMENTAL
MOTION TO DISMISS, AND
COUNTERMOTIONS TO STRIKE**

Date of hearing: 3/1/2018
Time of hearing: 9a.m.

19 Defendant American Medical Response, Inc., erroneously sued and served as "American
20 Medical Responders" (Defendant or AMR herein), having filed a Motion to Dismiss Pro Se
21 Plaintiffs' Complaint, supplemental Motion to Dismiss to Pro Se Plaintiff's Complaint, and
22 Countermotions to Strike Plaintiffs' "Judicial Notice Pursuant to NRS 47.130," "Response to
23 Defendants' Reply to Plaintiffs' Voluntary Dismissal in Case A-17-749889-C" and
24 "Supplemental Complaint," with William Headlee filing a Joinder, and those Motions and
25 Countermotions coming on for hearing on March 1, 2018 at 9:00a.m., the Honorable Judge

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

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

1 Gloria Sturman presiding, with Defendants represented by Adam A. Schneider, Esq. of the law
2 firm of John H. Cotton & Associates, Ltd., and the Plaintiff being pro se and appearing
3 telephonically, the issues being fully argued by counsel, the Court being fully advised in the
4 premises, and for good cause appearing therefor,


5 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

6 1) the instant Motion to Dismiss, supplemental Motion to Dismiss, Countermotions,
7 to Strike, and Joinder thereto, are GRANTED.

8 2) Defendant AMR and co-defendant Headlee are dismissed without prejudice.


9 3) Plaintiffs' "Motion for Clarification" set for hearing on March 6, 2018, is vacated
10 as moot.

11 Dated this 7th day of March 2018.

12 
13 DISTRICT COURT JUDGE
A-17-758321-C

14 Prepared and Submitted by:

15 JOHN H. COTTON & ASSOCIATES, LTD.

16 
ADAM A. SCHNEIDER

17 Nevada Bar No. 10216

18 7900 West Sahara Avenue, Suite 200

19 Las Vegas, Nevada 89117

20 *Attorneys for Defendants*

21 *American Medical Response, Inc.*

22 *erroneously sued and served as*

23 *"American Medical Responders" and*

24 *William Headlee*
25

EXHIBIT F

EXHIBIT F

Larry Porchia
Name
P.O. Box 650
Indian Springs, NV
89070
83088
Prison Number

1600 51
7863
FILED

MAR 29 2018

John J. [unclear]
CLERK OF COURT

DISTRICT COURT
Clark COUNTY, NEVADA

Larry Porchia
Plaintiff,

vs.

America medical Responder

City of Las Vegas

Stephen massa

Nicholas Pavelka

William Headlee

Maring Clark

Jason W. Driggers

LYER/risk management

Defendant(s).

(Amended complaint)

CASE NO. A-17-758321-C
(To be supplied by the Clerk)

DEPT. NO. XXV

NRS Concurrent tortfeasor
lawsuit "Public Service
Neglect" 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 were

violated by the actions of the below named individuals which
were directed against

Plaintiff at 525 E. St. Louis Ave. on the following dates
(institution/city where violation occurred)

Aug. 26 2017, May 4 2017, and _____
(Count I) (Count II) (Count III)

RECEIVED

MAR 23 2018

CLERK OF THE COURT

A-17-758321-C
ACOM
Amended Complaint
4739876



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

1.3) Defendant America medical Response resides at 7201 W. Post Rd. L.V.N.V. 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 corporate capacity

under color of law: upheld their subordinates employment neglect of plaintiff safety and welfare as a citizen of the state of Nevada Clark County

2.3X) Defendant City of Las Vegas resides at Las Vegas
(full name of first defendant) (address if first defendant)
and is employed as entity of city of Las Vegas. 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: Not properly training their employees to follow the correct duties of EMTs as Las Vegas fire and rescue

3.3X) Defendant Stephen murray resides at 500 N. Casino Center L.V.N.V. 89101
(full name of first defendant) (address if first defendant)
and is employed as EMT paramedic. 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: refused the plaintiff medical assistance that caused the plaintiff to suffer hospitalization and a major surgery that may have been avoided

4.3X) Defendant Michael Doreilly resides at 500 N. Casino Center L.V.N.V. 89101
(full name of first defendant) (address if first defendant)
and is employed as Advanced E.M.T.. 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: conspired with defendant murray to deprive plaintiff medical assistance by refusing to provide medical care

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

6X) Defendant William Headlee resides at 7201 W. Post Rd. L.A. 89113.
(full name of first defendant) (address if first defendant)
and is employed as Advanced E.M.T.. 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: Refused the plaintiff medical CSST. They caused the plaintiff
to suffer and a major surgery that may have been avoided

6X) Defendant Marlene Clark resides at 7201 W. Post Rd. L.A. 89113.
(full name of first defendant) (address if first defendant)
and is employed as A.M.E. Paramedic. 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: conspired with defendant Headlee to deprive plaintiff
medical CSST by refusing to provide medical care

7X) Defendant LVPR / Risk Management resides at 500 CLINTON CENTER L.A. 89113.
(full name of first defendant) (address if first defendant)
and is employed as Risk Management. 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: Obelid their subordinates unprofessional neglect of plaintiff
safety and welfare as a citizen of the State of Nevada

5) 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: _____

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 Amulance NRS 512-105, 41,030.1, 41,745 (1) and
(2) NRS 450,400; 450,420 (3) 439,800-840

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Count 1. Defendants Massa, Doreika, Headlee and
Clark Gross negligence pursuant NRS 450,400, NRS.
Patient safety 439,800-840

Count 2. Defendant Ollgers offering false
instrument for filing records 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, Pavetta, Hendlee, Clark are liable for Gross negligence pursuant to NRS 41.505, 41.501 and 41.500, 41.0(3) Defendants refused plaintiff medical aid

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 Aug. 2015, A dark female Nevada Resident Linanthan, 525 E ST. Louis Ave #418 Las Vegas Nevada made a 911 emergency call due to plaintiff Porchie (A.K.A. Lemon Pock) suffering from excruciating abdominal stomach pain hot flashes.

2) That, the 911 emergency operator dispatched Unit #10 reserve ground ambulance crew members Stephen Massa Nicholas Pavetta along with A.M.R. members William Hendlee Adrian EMT #104394 and Marina Clark A.M.R. paramedic #55733 all defendants were aware of the clinical reason they were dispatched i.e. Abdominal & abdominal pain.

3) That upon defendants Massa, Pavetta, Hendlee and Clark arrived at the 525 E ST. Louis Ave #418 residence the defendants placed the plaintiff on a gurney, while checking the plaintiff vitals while the plaintiff layed unconscious.

4) That, upon the plaintiff coming too, Plaintiff coming too plaintiff was able to provide the defendants [EMT]

COUNT I

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].

5) That the defendants messer, Paveika, Heedlee and Clark disregarded the safety or health concerns of the plaintiff and began to question an "medical insurance" rather than ensuring the plaintiff receive prompt medical attention;

6) That, once the defendants discovered the plaintiff lacked "medical insurance" the defendants refused to transfer the plaintiff to the local facilities removing plaintiff off the journey, while misdiagnosing plaintiff with gas problems to avoid providing plaintiff transportation to a medical facility;

7) That because the plaintiff was not promptly transferred to the hospital, Plaintiff was required to undergo full major surgery [exploratory laparotomy release of bowel obstruction] due to the defendants refusal to provide transportation.

8) That, defendants messer, Paveika, Heedlee and Clark can not escape liabilities due to the pain and suffering plus blood lost [55cc] incurred by the plaintiff.

9) The City of Las Vegas is responsible.

COUNT I

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].

for not properly training there employees to follow the regulation and duties as Las Vegas fire and rescue. The city of Las Vegas failed to supervise the fire department.

10) A.M.P. is responsible for upholding LVEF neglect towards plaintiff safety and welfare as E.M.T. They should of known the plaintiff was in a dangerous area and not do be dangerous.

COUNT II

The following civil rights has been violated: Plaintiff believes Defendant
Trisa Diggs is liable when it conspired (Title 42 § 1985))
on behalf AMO corporation to covering its Substandard deprivation of
medical assistance covering false information in the Record/History Nos. 204, 370

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 incorporate paragraph 1 through 6 of Count I of
This complaint.

1) That, on the 4th day of May 2017, Defendant MR. Diggs
authored A Declaration, that impose financial upon the court when
The Defendant stated that it was AMO custom and practice in
8/10's to document a dispatched call and create patient care
report in the event of on-scene patient interaction. It can't
be trusted since that AMO or its employees/EMT provided care and
refused transport of the plaintiff because such documents
within AMO database simply do not exist by name, date or address
listed in the amended complaint.

2) Defendant Diggs cannot escape liable where the 911 emergency
operator's has record that on the 26th day of Aug. 2015
Defendant mason, Davella, Heather, clerk were dispatched out to
525 E. St. Louis Ave #418 Liv. N.W. residence claiming
The plaintiff medical care after, discovering plaintiff
did not possess medical insurance.

outline).

- a) Defendants: Porchia vs. Gonzales
- b) Name of court and docket number: A-17-7954-L
- 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: Jan 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 Am and wife (10) day to
remedy the matter filed

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

punitive damages: \$2,500,000⁰⁰ dollars U.S. currency; Pain
and suffering surgery and denial of medical and company
damages: 2,500,000⁰⁰ dollars U.S. currency expense of
medical incurred during hospitalization; Declaratory damages
1,200,000⁰⁰ dollars U.S. currency to A.M. and Ther
Subcontractor from Plaintiff, financial damage 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.

Larry Porcher

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

[Signature]

(Signature of Plaintiff)

3-13-18

(Date)

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

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Amended complaint
(Title of Document)

filed in District Court Case number A-17-75374-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]
Signature

7-17-18
Date

Larry Porch
Print Name

Pro SE
Title



MJUD
BRADFORD R. JERBIC
City Attorney
Nevada Bar No. 1056
JEFFRY M. DOROCAC
Deputy City Attorney
Nevada Bar No. 13109
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629 (office)
(702) 386-1749 (fax)
Email: jdorocak@lasvegasnevada.gov
Attorneys for CITY OF LAS VEGAS

DISTRICT COURT

CLARK COUNTY, NEVADA

LARRY PORCHIA,

Plaintiff,

vs.

AMERICAN MEDICAL RESPONDERS,
CITY OF LAS VEGAS, STEPHEN MASSA,
NICHOLAS PAVELKA, WILLIAM
HEADLEE, MARINA CLARK, JASON W.
DRIGGARS, LVFR/RISK MANGMENT,

Defendants.

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

**CITY DEFENDANTS' MOTION
FOR JUDGMENT ON THE PLEADINGS**

Pursuant to N.R.C.P. 12(c), Defendants CITY OF LAS VEGAS, STEPHEN MASSA and
NICHOLAS PAVELKA (hereinafter, "City Defendants") through their attorneys of record,
BRADFORD R. JERBIC, City Attorney, by JEFFRY M. DOROCAC, Deputy City Attorney, hereby
move the Court for an order dismissing Plaintiff LARRY PORCHIA's Amended Complaint.

....

....

....

....

....

1 This motion is made and based on the following memorandum of points and authorities,
2 the papers and pleadings already on file herein, and any oral argument the Court may permit at a
3 hearing of this matter.

4 DATED this 10th day of May, 2018.

5 BRADFORD R. JERBIC
6 City Attorney

7 By: 

8 JEFFERY M. DOROCAK
9 Deputy City Attorney
10 Nevada Bar No. 13109
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY DEFENDANTS

11 **NOTICE OF MOTION**

12 TO: LARRY PORCHIA, Plaintiff in Proper Person:

13 YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the above and
14 foregoing CITY DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS on for
15 hearing before the above-entitled Court, on the 12th day of June, 2018, at the
16 hour of 9:30 a.m. ~~xxx~~, or as soon thereafter as counsel may be heard in the Regional Justice
17 Center, Department No. XXVI, Courtroom 10D, 200 Lewis Avenue, Las Vegas, Nevada, 89101.

18 DATED this 10th day of May, 2018.

19 BRADFORD R. JERBIC
20 City Attorney

21 By: 

22 JEFFERY M. DOROCAK
23 Deputy City Attorney
Nevada Bar No. 13109

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 **I.**

26 **INTRODUCTION**

27 The factual allegations in Plaintiff's Amended Complaint—even if accepted as true—fail,
28 as a matter of law, to state a negligence claim against City Defendants. Indeed, City Defendants

1 did not owe Plaintiff an individual duty to transport as alleged in the Amended Complaint.
2 What's more, Plaintiff failed to allege any affirmative conduct by, or specific promise from, City
3 Defendants that caused Plaintiff's purported injuries. Thus, City Defendants move to dismiss
4 Plaintiff's Amended Complaint.

5 Plaintiff's factual allegations identify two employees of Las Vegas Fire & Rescue and
6 allege purported "gross negligence" by the two firefighter-paramedics. (See Pl.'s Am. Compl. at
7 5: Count I citing NRS 41.505 and 41.507.) Plaintiff, however, failed to allege any affirmative
8 conduct by City Defendants that can pierce the immunity provided to such first responders under
9 the public duty doctrine. See NRS 41.0336. Instead, Plaintiff only claims that he was suffering
10 stomach pains, called 9-1-1, City Defendants responded, City Defendants diagnosed Plaintiff
11 with "gas problems" that did not require emergency transport, and—without legal support—City
12 Defendants owed Plaintiff an individual duty to transport. (See Pl.'s Am. Compl. at 5-6: Count
13 I.) In all, even if the factual allegations are accepted as true, no allegation sets forth affirmative
14 conduct by, or a specific promise from, City Defendants that would create a duty to transport
15 Plaintiff—a necessary prerequisite to a negligence claim.

16 II.

17 LEGAL ARGUMENT

18 A. APPLICABLE LEGAL STANDARD FOR RULE 12(c) MOTION TO DISMISS

19 Rule 12(c) of the Nevada Rules of Civil Procedure authorizes the Court to grant judgment
20 on the pleadings when material facts are not in dispute and the movant is entitled to judgment as
21 a matter of law. *Bonicamp v. Vazquez*, 120 Nev. 377, 379, 91 P.3d 584, 585 (2004). A motion
22 under Rule 12(c) "has utility only when all material allegations of fact are admitted in the
23 pleadings and only questions of law remain." *Duff v. Lewis*, 114 Nev. 564, 568, 958 P.2d 82, 85
24 (1998) citing *Bernard v. Rockhill Development Co.*, 103 Nev. 132, 136, 734 P.2d 1238, 1241
25 (1987).

26 Here, even assuming *arguendo* that the material allegations of Plaintiff's Amended
27 Complaint are true, no allegation gives rise to a duty owed individually to Plaintiff by City
28 Defendants. Absent a duty owed specifically to him—rather than the duty owed by City

1 Defendants to the public—Plaintiff cannot sustain a negligence claim against City Defendants as
2 a matter of law, and judgment on the pleadings in favor of City Defendants is required.

3 **B. PLAINTIFF’S NEGLIGENCE CLAIM FAILS AS A MATTER OF LAW**
4 **BECAUSE CITY DEFENDANTS DID NOT OWE PLAINTIFF AN INDIVIDUAL**
5 **DUTY TO TRANSPORT**

6 The public duty doctrine bars Plaintiff’s negligence claim. NRS 41.0336 codifies the
7 common law public duty doctrine, which provides that fire and law enforcement agencies owe
8 duties to the public generally, not to particular individuals. *See Coty v. Washoe County*, 108
9 Nev. 757, 758-61, 839 P.2d 97, 98-99 (1992) (recognizing NRS 41.0336 as a codification of
10 *Frye v. Clark County*, 97 Nev. 632, 637 P.2d 1215 (1981), which articulated the common law
11 exceptions to the public duty doctrine). Under NRS 41.0336, a fire or law enforcement agency
12 and its officers are not liable for the officer’s negligent acts or omissions unless the officer made
13 a promise to a plaintiff who relied on the promise, or unless the officer affirmatively caused the
14 plaintiff’s injury. *Coty*, 108 Nev. at 757, 839 P.2d at 97.

15 Here, Plaintiff does not allege either exception to the public duty doctrine, which—
16 consequently—renders City Defendants immune to Plaintiff’s negligence claim. (*See* Pl.’s Am.
17 Compl. at 5-6: Count I.) City Defendants never promised to transport Plaintiff after arriving at
18 the scene. (*Id.*) Moreover, City Defendants did not affirmatively cause Plaintiff’s “stomach
19 pain” or “hot flashes.” (*Id.*)

20 On the contrary, Plaintiff simply alleges that City Defendants “refused to transfer” him,
21 and this “refusal to provide transportation” damaged Plaintiff. (*Id.* at ¶¶ 6-7.) These conclusory
22 allegations, nevertheless, do not give rise to a legally cognizable duty. Indeed, an individual
23 duty to transport Plaintiff would run in contravention to the public duty doctrine and NRS
24 41.0336.

25 Because Plaintiff cannot show that City Defendants owed him an individualized duty,
26 Plaintiff’s negligence claim against City Defendants must fail as a matter of law. In order for
27 Plaintiff to prevail on his negligence claim, four elements must be met: (1) duty, (2) breach,
28 (3) legal causation, and (4) damages. *Estate of Smith ex rel. Smith v. Mahoney’s Silver Nugget,*
Inc., 127 Nev. 855, 857, 265 P.3d 688, 690 (2011). As noted *supra*, however, Plaintiff failed to

1 allege any duty owed to him by City Defendants—a necessary requirement of a negligence
2 claim.

3 **III.**

4 **CONCLUSION**

5 Pursuant to the public duty doctrine, City Defendants did not owe Plaintiff an individual
6 duty to transport. Therefore, City Defendants respectfully request a Rule 12(c) judgment on the
7 pleadings in their favor.

8 DATED this 10th day of May, 2018.

9 BRADFORD R. JERBIC
10 City Attorney

11 By: 

12 JEFFERY M. DOROCAK
13 Deputy City Attorney
14 Nevada Bar No. 13109
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY DEFENDANTS

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on May 10, 2018, I served a true and correct copy of the foregoing
17 CITY DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS through the
18 electronic filing system of the Eighth Judicial District Court of the State of Nevada, pursuant to
19 Nevada Electronic Filing and Conversion Rules, (or, if necessary, by United States Mail at Las
20 Vegas, Nevada, postage fully prepaid) upon the following:

21 Larry Porchia
22 2701 Kline Circle, #2
23 Las Vegas, NV 89121
Pro Per Plaintiff

24 
25 AN EMPLOYEE OF THE CITY OF LAS VEGAS
26
27
28



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
10 **NOTICE OF TELEPHONIC HEARING**

11 PLEASE TAKE NOTICE that this matter is set for Oral Argument on the Motion
12 for Pretrial Conference; Request for Leave for Telephone Conference, and City Defendant's
13 Motion for Judgment on the Pleading on **June 14, 2018**, at the hour of **9:00AM**, in District
14 Court Department 26 at the Regional Justice Center, 200 Lewis Avenue, 10th Floor,
15 Courtroom 10D, Las Vegas, Nevada.

16 Plaintiff's attendance through telephonic communication is required.

17 DATED: June 11, 2018



21 GLORIA STURMAN
22 DISTRICT JUDGE
23 DEPARTMENT 26
24
25
26
27
28

1
2
3 CERTIFICATE OF SERVICE

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


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

11 Jason W Driggers

12 Jeffry M. Dorocak
13 City Attorney's Office

14 John H. Cotton
15 John H. Cotton & Associates, LTD.

16 Alexandra Ruby; Danyele Sipes
17 c/o Larry Porchia, #83088
PO Box 650
18 Indian Springs, NV 89070

19 
20 Linda Denman
21 Judicial Executive Assistant
22 Department 26
23
24
25
26
27
28



1 APPA

2 DISTRICT COURT

3 CLARK COUNTY, NEVADA

4 Larry Porchia, Plaintiff(s)

5 vs.

CASE NO: A-17-758321-C

DEPT. NO: XXVI

6 American Medical Responders,

7 Defendant(s)

8
9 **APPOINTMENT OF ARBITRATOR**

10 **TO:** Larry Porchia, Plaintiff in Proper Person; and

11 **TO:** Jeffry M. Dorocak, Esq., Deputy City Attorney, OFFICE OF THE CITY
12 ATTORNEY, attorney for Defendants, City of Las Vegas, Nicholas Pavelka and
Stephen Massa.

13 **TO:** Adam A. Schneider, Esq., JOHN H. COTTON & ASSOCIATES, attorney for
14 Defendants, American Medical Response, Inc., (*erroneously sued and served as American
Medical Responders*) and William Headlee.

15 Robert A. Goldstein has been appointed as arbitrator in the above entitled matter.

16 If for any reason the arbitrator cannot act in this case, you must file a Notice of
17 Recusal with the Clerk of the Court within ten (10) days so a new arbitrator can be selected
18 without prejudice to the parties.

19 Within thirty (30) days after the appointment of the arbitrator the parties must meet
20 with the arbitrator to confer, exchange documents, identify witnesses known to the parties
21 which would otherwise be required pursuant to N.R.C.P. 16.1, and to formulate a discovery
22 plan, if necessary.

1 All arbitrations shall take place and awards filed no later than six (6) months from
2 the date of the arbitrator's appointment, unless otherwise provided by the rules.

3 The arbitrator shall give immediate written notification of the arbitration date and
4 any change thereof, any settlement or any change of counsel.

5 Awards shall be in writing, signed by the Arbitrator and filed with the Clerk of the
6 Court within the time guidelines set by the rules.

7 DATED this 18th of June, 2018.

8
9 
10 ADR COMMISSIONER

NOTICE

A copy of the foregoing Appointment of Arbitrator was:

Electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program on the 18th day of June, 2018.

AND mailed to the Arbitrator at their last known address on the 19th day of June, 2018.

Robert A. Goldstein
8329 West Sunset Road, Suite 260
Las Vegas, NV 89113

If indicated below, a copy of the foregoing Appointment of Arbitrator was also:

☐ Placed in the folder of counsel maintained in the Office of the Clerk of Court on the _____ day of June, 2018.

☐ Mailed to Plaintiff's/Defendant's counsel at their last known address(es) on the _____ day of June, 2018.

☒ Mailed to Plaintiff/Defendant at the following address(es) on the 19th day of June, 2018.


Larry Porchia
2701 Kline, #2
Las Vegas, NV 89121
(Plaintiff in Proper Person)

/S/ Sandy Gerety

ADR COMMISSIONER'S DESIGNEE

**NOTE: THE ARBITRATOR'S APPOINTMENT DATE IS THE DATE OF
FILING OF THE APPOINTMENT OF ARBITRATOR.**

<http://www.clarkcountycourts.us/departments/adr/>



OGM
BRADFORD R. JERBIC
City Attorney
Nevada Bar No. 1056
By: JEFFRY M. DOROCAK
Deputy City Attorney
Nevada Bar No. 13109
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629 (office)
(702) 386-1749 (fax)
Email: jdorocak@lasvegasnevada.gov
Attorneys for CITY OF LAS VEGAS,
STEPHEN MASSA and NICHOLAS PAVELKA

DISTRICT COURT
CLARK COUNTY, NEVADA

LARRY PORCHIA,

Plaintiff,

vs.

AMERICAN MEDICAL RESPONDERS,
CITY OF LAS VEGAS, STEPHEN MASSA,
NICHOLAS PAVELKA, WILLIAM
HEADLEE, MARINA CLARK, JASON W.
DRIGGARS, LVFR/RISK MANGMENT,

Defendants.

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

**ORDER GRANTING CITY DEFENDANTS'
MOTION FOR JUDGMENT ON THE PLEADINGS**

City Defendants' Motion for Judgment on the Pleadings having come on for hearing June 14, 2018; Plaintiff in Proper Person Larry Porchia did not appear, Defendants City of Las Vegas, Stephen Massa and Nicholas Pavelka appearing through Jeffry M. Dorocak, Deputy City Attorney; the Court having reviewed the pleadings and papers on file herein and having heard the arguments of counsel, the Court finds that Plaintiff's claims contained in the Amended Complaint filed March 29, 2018, are barred by NRS 41.0336 (the "Public Duty Doctrine").

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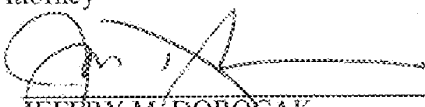
1 IT IS HEREBY ORDERED that City Defendants' Motion for Judgment on the Pleadings
2 is granted and the Amended Complaint is dismissed without prejudice.

3 DATED this 18 day of June, 2018.

4
5 
6 DISTRICT COURT JUDGE
7 22

8 SUBMITTED BY:

9 BRADFORD R. JERBIC
10 City Attorney

11 By: 
12 JEFFERY M. DOROCAK
13 Deputy City Attorney
14 Nevada Bar No. 13109
15 495 South Main Street, Sixth Floor
16 Las Vegas, NV 89101
17 Attorneys for CITY OF LAS VEGAS,
18 STEPHEN MASSA and NICHOLAS PAVELKA
19
20
21
22
23
24
25
26
27
28



1 ROBERT A. GOLDSTEIN, ESQ.
2 Nevada Bar No.: 5001
3 10161 Park Run Drive, Suite 150
4 Las Vegas, NV 89145
5 Telephone:(702) 582-7890

6 Arbitrator

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 Larry Porchia,

10 Plaintiff,

11 v.

12 American Medical Responders

13 Defendants

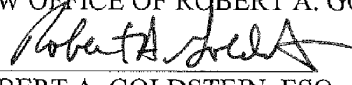
CASE NO. A-17- 758321-C
DEPT NO. XXVI

14 NOTICE OF RECUSAL

15
16 Please be advised the undersigned must recuse from the arbitration of the above entitled
17 matter, as a conflict exists regarding one of the parties in this action. This recusal and notice thereof
18 is done in accordance with Nevada Arbitration Rule 7(E). An alternate arbitrator shall be
19 appointed pursuant to Nevada Arbitration Rules 6(C) and 6(F).

20 DATED this 25th day of June 2018.

21
22 LAW OFFICE OF ROBERT A. GOLDSTEIN

23 By 
24 ROBERT A. GOLDSTEIN, ESQ.
25 10161 Park Run Drive, Suite 150
26 Las Vegas, NV 89145
27 Arbitrator
28

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of June 2018 a true and correct copy of the above and forgoing **Notice of Recusal** was served Electronically pursuant to N.E.F.C.R. Rule 9 to all registered parties in the Eight Judicial District Court Electronic Filing Program, and mailed to:

Larry Porchia
2701 Kline #2
Las Vegas, NV 89121


Robert A. Goldstein

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

Electronically Filed
6/25/2018 4:40 PM
Steven D. Grierson
CLERK OF THE COURT



1 **ORD**

2 John H. Cotton, Esq.
3 Nevada Bar No. 5268
4 jhcotton@jhcottonlaw.com
5 Adam A. Schneider, Esq.
6 Nevada Bar No. 10216
7 aschneider@jhcottonlaw.com
8 JOHN H. COTTON & ASSOCIATES
9 7900 W. Sahara Avenue, Suite 200
10 Las Vegas, Nevada 89117
11 Telephone: (702) 832-5909
12 Facsimile: (702) 832-5910
13 *Attorneys for Defendants*
14 *American Medical Response, Inc.*
15 *erroneously sued and served as*
16 *"American Medical Responders" and*
17 *William Headlee*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 LARRY PORCHIA,

13 Plaintiff,

14 vs.

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

18 Defendants.

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

**ORDER RE: DEFENDANT AMERICAN
MEDICAL RESPONSE, INC.'S MOTION
AND NOTICE OF MOTION TO DISMISS
PRO SE PLAINTIFF'S AMENDED
COMPLAINT ON ORDER
SHORTENING TIME**

**Date of hearing: 6/14/2018
Time of hearing: 9:00 A.M.**

19 Defendant American Medical Response, Inc., erroneously sued and served as "American
20 Medical Responders" (Defendant or AMR herein), having filed a Motion to Dismiss Pro Se
21 Plaintiffs' Amended Complaint on Order Shortening Time coming on for hearing on June 14,
22 2018 at 9:00a.m., the Honorable Judge Gloria Sturman presiding, with Defendants represented
23 by Adam A. Schneider, Esq. of the law firm of John H. Cotton & Associates, Ltd., and the
24 Plaintiff being pro se and not appearing nor filing any Opposition, the issues being fully argued
25 by counsel, the Court being fully advised in the premises and finding Plaintiff's cause of action



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

1 under NRS 450.400 which applies to hospitals and medical facilities does not apply to
2 Defendant, Plaintiff's cause of action under NRS 293.300 is a criminal fraud statute and not
3 applicable in a civil damages case, no negligence on behalf of Defendant given the facts of the
4 case, that Plaintiff did not ask for authority to file the instant Amended Complaint in violation of
5 NRCP 15(a), and for good cause appearing therefor,

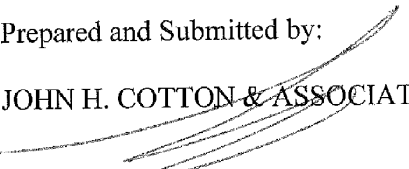
6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:


- 7 1) the instant Motion to Dismiss is GRANTED.
8 2) Defendant AMR and co-defendant Headlee are dismissed with prejudice.
9 3) Plaintiffs' "Request for Leave for a Telephone Conference on a Status Check on
10 an Order to Amend Complaint" and "Plaintiffs' Motion for a Pretrial Conference" set for hearing
11 on June 14, 2018, are vacated as moot.

12 Dated this 22 day of June 2018.

13
14 
15 DISTRICT COURT JUDGE
A-17-758321-C 

16 Prepared and Submitted by:
17 JOHN H. COTTON & ASSOCIATES, LTD.

18 
19 ADAM A. SCHNEIDER
20 Nevada Bar No. 10216
7900 West Sahara Avenue, Suite 200
21 Las Vegas, Nevada 89117
Attorneys for Defendants
22 *American Medical Response, Inc.*
erroneously sued and served as
23 *"American Medical Responders" and*
24 *William Headlee*
25



1 NEOJ
2 BRADFORD R. JERBIC
3 City Attorney
4 Nevada Bar No. 1056
5 By: JEFFRY M. DOROCAK
6 Deputy City Attorney
7 Nevada Bar No. 13109
8 495 South Main Street, Sixth Floor
9 Las Vegas, NV 89101
10 (702) 229-6629 (office)
11 (702) 386-1749 (fax)
12 Email: jdorocak@lasvegasnevada.gov
13 Attorneys for CITY OF LAS VEGAS,
14 STEPHEN MASSA and NICHOLAS PAVELKA
15

16 DISTRICT COURT
17 CLARK COUNTY, NEVADA

18 LARRY PORCHIA,

19 Plaintiff,

20 vs.

21 AMERICAN MEDICAL RESPONDERS,
22 CITY OF LAS VEGAS, STEPHEN MASSA,
23 NICHOLAS PAVELKA, WILLIAM
24 HEADLEE, MARINA CLARK, JASON W.
25 DRIGGARS, LVFR/RISK MANGMENT,

26 Defendants.

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

27 **NOTICE OF ENTRY OF ORDER**

28 TO: LARRY PORCHIA, Plaintiff in Proper Person, and

TO: AMERICAN MEDICAL RESPONSE, Defendant, and

TO: ADAM A. SCHNEIDER, ESQ., its attorney:

PLEASE TAKE NOTICE that an ORDER GRANTING CITY DEFENDANTS'
MOTION FOR JUDGMENT ON THE PLEADINGS was filed in the above-entitled matter on

....

....

....


....

1 June 20, 2018, a copy of which is attached hereto.

2 DATED this 25th day of June, 2018.

3 BRADFORD R. JERBIC
4 City Attorney

5 By:

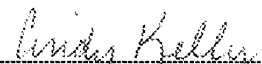

6 JEFFERY M. DOROCAK
7 Deputy City Attorney
8 Nevada Bar No. 13109
9 495 South Main Street, Sixth Floor
10 Las Vegas, NV 89101
11 Attorneys for CITY OF LAS VEGAS,
12 STEPHEN MASSA and NICHOLAS PAVELKA

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on June 25, 2018, I served a true and correct copy of the foregoing
15 NOTICE OF ENTRY OF ORDER through the electronic filing system of the Eighth Judicial
16 District Court of the State of Nevada, pursuant to Nevada Electronic Filing and Conversion
17 Rules, (or, if necessary, by United States Mail at Las Vegas, Nevada, postage fully prepaid) upon
18 the following:

19 Larry Porchia
20 2701 Kline Circle, #2
21 Las Vegas, NV 89121
22 Pro Per Plaintiff

Adam A. Schneider, Esq.
JOHN H. COTTON & ASSOCIATES, LTD.
7900 West Sahara Avenue, #200
Las Vegas, NV 89117
Attorneys for Defendants AMERICAN MEDICAL
RESPONSE & WILLIAM HEADLEE

23 
24 AN EMPLOYEE OF THE CITY OF LAS VEGAS
25
26
27
28



OGM
BRADFORD R. JERBIC
City Attorney
Nevada Bar No. 1056
By: JEFFRY M. DOROCAC
Deputy City Attorney
Nevada Bar No. 13109
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629 (office)
(702) 386-1749 (fax)
Email: jdorocak@lasvegasnevada.gov
Attorneys for CITY OF LAS VEGAS,
STEPHEN MASSA and NICHOLAS PAVELKA

DISTRICT COURT
CLARK COUNTY, NEVADA

LARRY PORCHIA,

Plaintiff,

vs.

AMERICAN MEDICAL RESPONDERS,
CITY OF LAS VEGAS, STEPHEN MASSA,
NICHOLAS PAVELKA, WILLIAM
HEADLEE, MARINA CLARK, JASON W.
DRIGGARS, LVFR/RISK MANGMENT,

Defendants.

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

**ORDER GRANTING CITY DEFENDANTS'
MOTION FOR JUDGMENT ON THE PLEADINGS**

City Defendants' Motion for Judgment on the Pleadings having come on for hearing June 14, 2018; Plaintiff in Proper Person Larry Porchia did not appear, Defendants City of Las Vegas, Stephen Massa and Nicholas Pavelka appearing through Jeffry M. Dorocak, Deputy City Attorney; the Court having reviewed the pleadings and papers on file herein and having heard the arguments of counsel, the Court finds that Plaintiff's claims contained in the Amended Complaint filed March 29, 2018, are barred by NRS 41.0336 (the "Public Duty Doctrine").

1 IT IS HEREBY ORDERED that City Defendants' Motion for Judgment on the Pleadings
2 is granted and the Amended Complaint is dismissed without prejudice.

3 DATED this 18 day of June, 2018.

4
5 
6 DISTRICT COURT JUDGE
7 

8 SUBMITTED BY:

9 BRADFORD R. JERBIC
10 City Attorney

11 By: 

12 JEFFERY M. DOROCÁK
13 Deputy City Attorney
14 Nevada Bar No. 13109
15 495 South Main Street, Sixth Floor
16 Las Vegas, NV 89101
17 Attorneys for CITY OF LAS VEGAS,
18 STEPHEN MASSA and NICHOLAS PAVELKA
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JOHN H. COTTON & ASSOCIATES
7900 W. Sahara Avenue, Las Vegas, Nevada 89117
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 **NEOJ**
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" and
9 *William Headlee*

10
11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 LARRY PORCHIA,

14 Plaintiff,

15 vs.

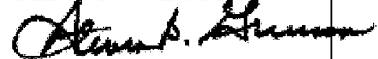
16 AMERICAN MEDICAL RESPONDERS;
17 JASON W. DRIGGARS, STEPHEN MASSA;
and NICHOLAS PAVELKA,

18 Defendants.
19
20

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

**NOTICE OF ENTRY OF ORDER RE:
DEFENDANT AMERICAN MEDICAL
RESPONSE, INC.'S MOTION TO
DISMISS PRO SE PLAINTIFF'S
AMENDED COMPLAINT**

21 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:
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 YOU WILL PLEASE TAKE NOTICE that an Order was entered in the above-entitled
2 matter on the 25th day of June 2018, a copy of which is attached hereto.

3
4 Dated this 25th day of June 2018.

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

8 /s/ Adam Schneider

9 JOHN H. COTTON, ESQ.
10 ADAM A. SCHNEIDER, ESQ.
11 *Attorneys for Defendant*
12 *American Medical Response, Inc.*
13 *erroneously sued and served as*
14 *"American Medical Responders" and*
15 *William Headlee*
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JOHN H. COTTON & ASSOCIATES
7900 W. Sahara Avenue, Las Vegas, Nevada 89117
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

CERTIFICATE OF SERVICE

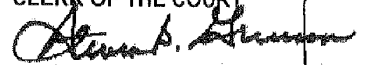
I hereby certify that on this ____ day of June 2018, I served the foregoing ***NOTICE OF ENTRY OF ORDER RE: DEFENDANT AMERICAL MEDICAL RESPONSE, INC.'S MOTION TO DISMISS PRO SE PLAINTIFF'S AMENDED COMPLAINT*** by filing a true and correct copy of the same through the Clerk of the Court using the Odyssey Electronic Filing and Service system upon all parties with an email address on record in this action

Las Vegas City Attorney
c/o Bradford Jerbic, Esq., Jeffry M. Dorocak, Esq.
495 South Main Street, Sixth Floor
Las Vegas, NV 89101

AND VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED to:

Larry Porchia
2701 Kline Circle, #2
Las Vegas, NV 89121
Plaintiff Pro Per

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



1 **ORD**

2 John H. Cotton, Esq.
3 Nevada Bar No. 5268
4 jhcotton@jhcottonlaw.com
5 Adam A. Schneider, Esq.
6 Nevada Bar No. 10216
7 aschneider@jhcottonlaw.com
8 **JOHN H. COTTON & ASSOCIATES**
9 7900 W. Sahara Avenue, Suite 200
10 Las Vegas, Nevada 89117
11 Telephone: (702) 832-5909
12 Facsimile: (702) 832-5910
13 *Attorneys for Defendants*
14 *American Medical Response, Inc.*
15 *erroneously sued and served as*
16 *"American Medical Responders" and*
17 *William Headlee*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 **LARRY PORCHIA,**

13 **Plaintiff,**

14 **vs.**

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

18 **Defendants.**

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

**ORDER RE: DEFENDANT AMERICAN
MEDICAL RESPONSE, INC.'S MOTION
AND NOTICE OF MOTION TO DISMISS
PRO SE PLAINTIFF'S AMENDED
COMPLAINT ON ORDER
SHORTENING TIME**

Date of hearing: 6/14/2018
Time of hearing: 9:00 A.M.

19 Defendant American Medical Response, Inc., erroneously sued and served as "American
20 Medical Responders" (Defendant or AMR herein), having filed a Motion to Dismiss Pro Se
21 Plaintiffs' Amended Complaint on Order Shortening Time coming on for hearing on June 14,
22 2018 at 9:00a.m., the Honorable Judge Gloria Sturman presiding, with Defendants represented
23 by Adam A. Schneider, Esq. of the law firm of John H. Cotton & Associates, Ltd., and the
24 Plaintiff being pro se and not appearing nor filing any Opposition, the issues being fully argued
25 by counsel, the Court being fully advised in the premises and finding Plaintiff's cause of action

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


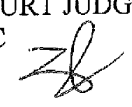
JOHN H. COTTON & ASSOCIATES
7900 W. Sahara Avenue, Las Vegas, Nevada 89117
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

1 under NRS 450.400 which applies to hospitals and medical facilities does not apply to
2 Defendant, Plaintiff's cause of action under NRS 293.300 is a criminal fraud statute and not
3 applicable in a civil damages case, no negligence on behalf of Defendant given the facts of the
4 case, that Plaintiff did not ask for authority to file the instant Amended Complaint in violation of
5 NRCF 15(a), and for good cause appearing therefor,

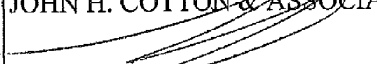
6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:**

- 7 1) the instant Motion to Dismiss is GRANTED.
8 2) Defendant AMR and co-defendant Headlee are dismissed with prejudice.
9 3) Plaintiffs' "Request for Leave for a Telephone Conference on a Status Check on
10 an Order to Amend Complaint" and "Plaintiffs' Motion for a Pretrial Conference" set for hearing
11 on June 14, 2018, are vacated as moot.

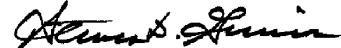
12 Dated this 22 day of June 2018.

13
14 
15 DISTRICT COURT JUDGE
A-17-758321-C 

16 Prepared and Submitted by:

17 JOHN H. COTTON & ASSOCIATES, LTD.
18 

19 ADAM A. SCHNEIDER
20 Nevada Bar No. 10216
7900 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
Attorneys for Defendants
American Medical Response, Inc.
erroneously sued and served as
22 "American Medical Responders" and
23 William Headlee
24
25


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

Larry Porchia, Plaintiff(s)

vs.

American Medical Responders,

Defendant(s)

CASE NO. A-17-758321-C

Department 26

ARBITRATION FILE

1 **ABSELL**

2

DISTRICT COURT

3

CLARK COUNTY, NEVADA

4

Larry Porchia, Plaintiff(s)

5

vs.

CASE NO: A-17-758321-C

DEPT. NO: XXVI

6

American Medical Responders,

7

Defendant(s)

8

9

ARBITRATION SELECTION LIST

10

TO: Larry Porchia, Plaintiff in Proper Person; and

11

TO: Jeffry M. Dorocak, Esq., Deputy City Attorney, OFFICE OF THE CITY ATTORNEY, attorney for Defendants, City of Las Vegas, Nicholas Pavelka and Stephen Massa.

12

13

TO: Adam A. Schneider, Esq., JOHN H. COTTON & ASSOCIATES, attorney for Defendants, American Medical Response, Inc., (*erroneously sued and served as American Medical Responders*) and William Headlee.

14

15

Pursuant to Rule 6 of the Nevada Arbitration Rules, the following persons have been randomly selected as potential arbitrators in the above-entitled case:

16

17

- 1.) Richard R. Reed
- 2.) Robert A. Goldstein
- 3.) Robert S. Qualey
- 4.) Jessica K. Peterson
- 5.) Marjorie L. Hauf
- 6.) John H. Howard, Jr.
- 7.) Stephen F. Smith

18

19

20

21

Each party shall, within ten (10) days, file with the ADR Commissioner a signed copy of this list with no more than two (2) names stricken.

22

If one or both parties respond, the ADR Commissioner will appoint an arbitrator from among those names not stricken. If neither party files within ten (10) days, the ADR Commissioner will appoint one of the above arbitrators.

If there are more than two (2) adverse parties, two (2) additional arbitrators per each additional party shall be added to the list with the above method of selection to apply. If several parties are represented by one attorney, they shall be considered as one party.

DATED 23rd of May, 2018.



ADR COMMISSIONER

I choose to strike the names as designated.

DATED this _____ day of _____, 2018.

ATTORNEY

NOTICE

Pursuant to Nevada Arbitration Rule 6(C), you are hereby notified you have ten (10) days from the date you are served with this document within which to strike no more than two (2) names from the arbitration list and file it with the ADR Commissioner at the ADR Office. The Arbitration Selection List is deemed served three (3) days after the Commissioner's designee deposits a copy of the list in the U.S. Mail.

A copy of the foregoing Arbitration Selection List was:

- ☒ Mailed to Plaintiff's/Defendant's counsel at their last known address(es) on the 25th of May, 2018.
- ☒ Mailed to Plaintiff/Defendant at the following address(es) on 25th of May, 2018.

Larry Porchia
2701 Kline #2
Las Vegas, NV 89121
(Plaintiff in Proper Person)

/S/ Monica Silvas

ADR COMMISSIONER'S DESIGNEE

1 ABSELL

2 DISTRICT COURT

FILED

3 CLARK COUNTY, NEVADA

2018 MAY 30 P 4: 18

4 Larry Porchia, Plaintiff(s)

ADR

5 vs.

CASE NO: A-17-758321-C

DEPT. NO: XXVI

6 American Medical Responders,

7 Defendant(s)

8
9 ARBITRATION SELECTION LIST

10 TO: Larry Porchia, Plaintiff in Proper Person; and

11 TO: Jeffry M. Dorocak, Esq., Deputy City Attorney, OFFICE OF THE CITY
12 ATTORNEY, attorney for Defendants, City of Las Vegas, Nicholas Pavelka and
Stephen Massa.

13 TO: Adam A. Schneider, Esq., JOHN H. COTTON & ASSOCIATES, attorney for
14 Defendants, American Medical Response, Inc., (*erroneously sued and served as American
Medical Responders*) and William Headlee.

15 Pursuant to Rule 6 of the Nevada Arbitration Rules, the following persons have
16 been randomly selected as potential arbitrators in the above-entitled case:

- 17 ~~1.) Richard R. Reed~~
2.) Robert A. Goldstein
18 3.) Robert S. Qualey
4.) Jessica K. Peterson
19 ~~5.) Marjorie L. Hauf~~
6.) John H. Howard, Jr.
7.) Stephen F. Smith

20 Each party shall, within ten (10) days, file with the ADR Commissioner a signed
21 copy of this list with no more than two (2) names stricken.
22

If one or both parties respond, the ADR Commissioner will appoint an arbitrator from among those names not stricken. If neither party files within ten (10) days, the ADR Commissioner will appoint one of the above arbitrators.

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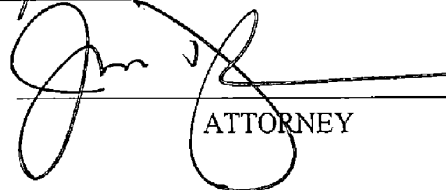
DATED 23rd of May, 2018.



ADR COMMISSIONER

I choose to strike the names as designated.

DATED this 30th day of May, 2018.



ATTORNEY

① 1626.31
AB/FF
6.8

1 ABSELL

2 DISTRICT COURT

FILED

3 CLARK COUNTY, NEVADA

2010 MAY 30 P 3:10

4 Larry Porchia, Plaintiff(s)

ADR

5 vs.

CASE NO: A-17-758321-C

DEPT. NO: XXVI

6 American Medical Responders,

7 Defendant(s)

9 ARBITRATION SELECTION LIST

10 TO: Larry Porchia, Plaintiff in Proper Person; and

11 TO: Jeffry M. Dorocak, Esq., Deputy City Attorney, OFFICE OF THE CITY
12 ATTORNEY, attorney for Defendants, City of Las Vegas, Nicholas Pavelka and
Stephen Massa.

13 TO: Adam A. Schneider, Esq., JOHN H. COTTON & ASSOCIATES, attorney for
14 Defendants, American Medical Response, Inc., (*erroneously sued and served as American
Medical Responders*) and William Headlee.

15 Pursuant to Rule 6 of the Nevada Arbitration Rules, the following persons have
16 been randomly selected as potential arbitrators in the above-entitled case:

- 17 1.) Richard R. Reed
2.) Robert A. Goldstein
18 ~~3.) Robert S. Qualey~~
4.) Jessica K. Peterson
19 ~~5.) Marjorie L. Hauf~~
6.) John H. Howard, Jr.
7.) Stephen F. Smith

20 Each party shall, within ten (10) days, file with the ADR Commissioner a signed
21 copy of this list with no more than two (2) names stricken.
22

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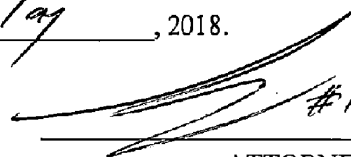
DATED 23rd of May, 2018.



ADR COMMISSIONER

I choose to strike the names as designated.

DATED this 30th day of May, 2018.



#10216
ATTORNEY

NOTICE

Pursuant to Nevada Arbitration Rule 6(C), you are hereby notified you have ten (10) days from the date you are served with this document within which to strike no more than two (2) names from the arbitration list and file it with the ADR Commissioner at the ADR Office. The Arbitration Selection List is deemed served three (3) days after the Commissioner's designee deposits a copy of the list in the U.S. Mail.

A copy of the foregoing Arbitration Selection List was:

☒ Mailed to Plaintiff's/Defendant's counsel at their last known address(es) on the 25th of May, 2018.

☒ Mailed to Plaintiff/Defendant at the following address(es) on 25th of May, 2018.

Larry Porchia
2701 Kline #2
Las Vegas, NV 89121
(Plaintiff in Proper Person)

/S/ Monica Silvas

ADR COMMISSIONER'S DESIGNEE

Larry Porchia #1481565
330 Casino Ctr. C.C.D.C.
L.V.N.V. 89155

A-17-758321-C
COA
Change of Address
4787601



28

FILED

| | |
|-----------------------------------|--|
| 1 LARRY PORCHIA PROSE | |
| 2 Plaintiff | District court of Nevada 8th judicial district |
| 3 vs. | |
| 4 AMERICA MEDICAL RESOURCES ET AL | |
| 5 Headlice, clerk | CLERK OF THE COURT |
| 6 Defendant | Case # 758321 |
| 7 | Change of Address and |
| 8 | Motion To Send Plaintiff all |
| 9 | updated motion in case # 758321 |
| 10 | |

11 The motion to send Plaintiff Mr Porchia "758321"
12 all and current stat on the mention above case.
13 Mr. Porchia the plaintiff asks the court to please take
14 into consideration his currently housed at C.C.D.C. on
15 a unrelative case and lost all Documents to any motion
16 or paperwork sent to 2701 Kline and respectfully ask the
17 court to please consider sending the needed motion to
18 Mr. Porchia at the provided address at 330 Casino
19 Center L.V.N.V. 89155 Inmate # 1481565 and if needed please
20 reconsideration if the case was closed to reopen due to
21 Plaintiff unable to get the mail or even have it
22 sent to him.

23
24 The Plaintiff is unaware of any missed court dates
25 or any **RECEIVED** that needs to be filed. The Plaintiff
26 respectfully **W/ 30 2018** the court to please provide plaintiff
27 with **CLERK OF THE COURT** paperwork to allow Mr. Porchia to refile
28 or send motion to the court (1)

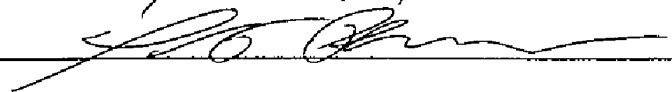
1 MR. Porchly has very little education when it comes to
2 law and having a very hard time while in custody and
3 The Clark County Jail has everyone working off a computer
4 which makes things more harder. It's shown that all information
5 is correct and true Plaintiff full name is Larry Porchly
6 D-OB- is. Jan 4 1972 SS is 566-23-4483 and is
7 housed at C.C.D.C. unit 5A room 81X Thank you for
8 your time and consideration I hope to hear from the
9 clerk of the court soon Thank you

10

11

12 Sent to the Court
13 of the Court
14 200 Lewis Ave 3rd Fl.
15 Lm Mr. 89155

Respectfully Submit by
Larry Porchly PRO SE



16

17

18 Can you please forward a
19 copy to all parties due
20 to no copy's are provided
21 at the jail Thank you.

22

23


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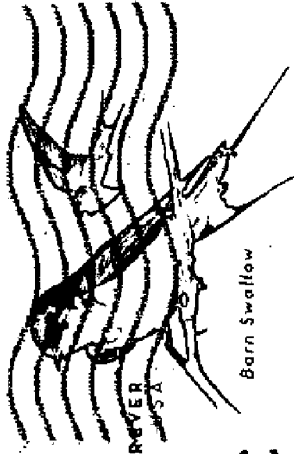
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27

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July 16 2018
July 16th 2018 

any Porch 1481565
330 S. Casino Center
N.M. 89101 C.C.D.C.



LAS VEGAS NV 890

27 JUL 2018 PM 5:1 FOREVER

CENT FROM CCDC

Steven D. Grierson
Clerk of the Court
200 Lewis Ave 3rd fl

Las Vegas, NV 89155-1160

89101-830000

Larry Porchia 1481565 PRO SE
330 S. Casino Center
Las Vegas, NV. 89101

A-17-758321-C

Larry Porchia PRO SE
Plaintiff

FILED

SEP 04 2018

District Court

CLERK OF COURT

Clark County, Nevada

VS.

A.M.R. FTAI

L.V.R., Marina Clark

CASE NO: 17-758321-C

William Headlee

Dept NO:

Defendants

COURT DOCKET

Comes Now: The Plaintiff Larry Porchia, PRO SE, is respectfully requesting a copy of the court's Docket on case number 17-758321-C. The Plaintiff is asking the Honorable court to include any information on motion if one needs to be filed to keep case 17-758321 moving forward.

This motion is filed by A PRO SE inmate with very little law education and is respectfully asking the court to take this in to consideration please. I enlist any motions that need to be filed.

RECEIVED
SEP 04 2018
CLERK OF THE COURT

A-17-758321-C
MISC
Miscellaneous Filing
4778207



Date Aug 30 2018

Larry Porchia PRO SE

#1481565 C.C.D.C.

330 S. Casino Center

Las Vegas 89101

any Porch 1481565
130 S. Casino Center
Las Vegas, N.V.
89101

SENT FROM CDD

69101-630000

LAS VEGAS, NV 890

30 AUG 2018 PM 3 FOREVER
USA

Barn Swallow

Steven Grierson
Clerk of the Court
200 Lewis Ave 3rd fl
Las Vegas, NV 89101-6300

51

FILED

SEP 24 2018

John A. Bell
CLERK OF COURT

Larry Porchia #1481565
CLARK COUNTY DETENTION CENTER
330 S. Casino Center Blvd
Las Vegas, NV 89101

EIGHT JUDICIAL DISTRICT COURT
COUNTY OF CLARK, NEVADA

| | | |
|-------------------------------------|---|-------------------------|
| Larry Porchia, |) | |
| Plaintiff(s), |) | Case No.: A-17-758321-C |
| v. |) | Dept. No.: XXVI |
| American Medical Responders, et al, |) | REQUEST AND MOTION FOR |
| Defendants |) | REQUEST |

REQUEST

On July 6, 2017, named Plaintiff, in the above titled case filed a petition and APPLICATION TO PROCEED IN FORMA PAUPERIS. On July 13, 2017, this court granted said application and named Plaintiff filed a CIVIL COMPLAINT FOR ACTION against Defendants in this a case, for relief for Tort committed by Defendants against Plaintiff.

On March 14, 2018, this court entered an ~~an~~ ORDER OF DISMISSAL WITHOUT PREJUDICE, dismissing the action against American Medical Responders. On March 30, 2018, named Plaintiff entered an AMENDED COMPLAINT to this action. Said action was dismissed with prejudice on June 25, 2018 by this court.

On June 20, 2018, this court also entered an ORDER OF DISMISSAL WITHOUT PREJUDICE granting dismissal of this action against ~~de~~ Defendants STEPHEN MASSA, NICHOLAS PAVELKA, and CITY OF LAS VEGAS, also known as CITY DEFENDANTS'.

RECEIVED
SEP 24 2018
CLERK OF THE COURT

A-17-758321-C
REQT
Request
4783413



NAMED Plaintiff in this matter duly requests this court provides a copy of the following:

- 1) CIVIL ACTION COMPLAINT filed on July 13, 2017;
- 2) ORDER OF DISMISSAL entered on March 14, 2018;
- 3) AMENDED COMPLAINT filed on March 30, 2018;
- 4) ORDER OF DISMISSAL entered on June 25, 2018; and
- 5) ORDER OF DISMISSAL entered on June 20, 2018;

For for this a case and be sent via USPS to the following:

LARRY PORCHIA #1481565
CLARK COUNTY DETENTION CENTER
330 S. Casino Center Blvd.
Las Vegas, NV 89101

MOTION FOR REQUEST

NAMED Plaintiff in the above captioned case, moves this court to grant the above request, and provides said list of documents for Plaintiff's file.

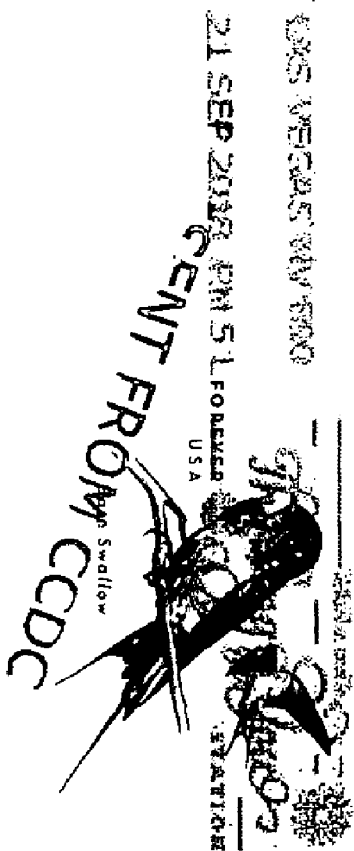
Dated 9-19-18

Respectfully, Larry Porchia ^{PROSE}

Lenny Porchia 1481568
330 S. Casino Center
Lin. nr. 84101

89101-630000

STERN ERICSON
Chick of the corn
200 Lewis Ave 3rd fl.
Lin. nr. 84155-1160



1481565
Larry Porchia (~~2551565~~)
330 S. Casino Center Blvd
Las Vegas, NV 89101

24
FILED
OCT 02 2018
John J. [unclear]
CLERK OF COURT

EIGHT JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

A-17-758321-C
MOT
Motion
4785013



LARRY PORCHIA,

Plaintiff,

v.

AMERICAN MEDICAL RESPONDERS,
et al.

Defendants.

) CASE NO: A-17-758321-C

) DEPT NO: 26

) MOTION FOR CLARIFICATION

) AND WRIT PETITION FOR

) CORAM NOBIS AND CONTINUANCE

PETITION FOR WRIT OF CORAM NOBIS

AND MOTION FOR CLARIFICATION

COMES now, named Plaintiff LARRY PORCHIA¹, in the above action, and duly petition this court to issue a WRIT OF CORAM NOBIS and ~~return~~ vacate order entered on June 25, 2018, dismissing with prejudice action against Defendants AMERICAN MEDICAL RESPONDERS, herein after "AMR"; and WILLIAM Headlee HEADLEE, herein after "Mr. Headlee"; according to this court's opinion "it appeared the cause of action Plaintiff cited NRS 450.400 which applied to hospitals and medical facilities and it does not apply to paramedics, that Plaintiff cited NRS 293.300 was criminal fraud; and therefore it was not applicable in a civil damages case. There was also no negligence given the facts of the case and the Plaintiff did not ask for authority to file this complaint, causing a procedural problem." (See ORDER GRANTING MOTION TO DISMISS WITH PREJUDICE).

1. LARRY PORCHIA, Plaintiff, herein after will be addressed as "Mr. Porchia" or "Plaintiff."

RECEIVED
OCT 02 2018
CLERK OF THE COURT

FACTS

Mr. Porchia initiated this action against several Defendants² on July 13, 2017 seeking relief for injury caused due to the negligence of said Defendants, whose duty was to transport to a hospital Mr. Porchia due to an ~~em~~ medical emergency on August 26, 2015, but Defendants neglected.

POINTS IN SUPPORT OF CLARIFICATION AND WRIT OF ERROR FOR CONTINUANCE

Plaintiff's action is valid and was dismissed in error because Mr. Porchia failed to reply to ~~motion~~ Defendants motion to dismiss ~~on~~ pending for June 14, 2018 due to the fact Mr. Porchia being 'out of town in family matters'. Court also stated that "it was unclear what the Plaintiff was seeking and THEREFORE ORDERED, request for Leave MOOT," therefore appointing an arbitrator. On June 20, 2018, the court entered an ORDER granting motion to Dismiss without prejudice from "City Defendants" because court stated "Plaintiff hasn't plead a cause of action that would invoke exception to the governmental duty doctrine as it appears it was about the transport of an individual. COURT FURTHER FINDS this claim fails as a party cannot recover on these grounds," the government has very specific protections, they statutory and limited."

Plaintiff's action is valid because ~~and and in~~ and must be re-opened and reinstated and writ of CORAM NOBIS (Writ of Error) in motion to dismiss with prejudice for ~~Defendants~~ City Defendants because in (Merluzzi v. Larson, 96 Nev. 409, 610 P.2d 739 (1980)) "on a motion to dismiss for failure to state a claim for relief, the trial court, and the Supreme court must construe the pleadings liberally and draw every fair

2- Defendants in this action are "AMR", "Mr. Headlee"; JASON W. DRIGGERS who hereinafter will be mentioned as "Mr. Driggers"; and LVER RISK MANAGEMENT, STEPHEN MASSA, and NICHOLAS PAUELKA, who hereinafter will be mentioned as "City Defendants"

pg 2 of 3

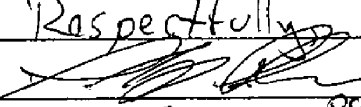
intendment in favor of the plaintiff. Also see (*Smith v. Clough*, 106 Nev. 568, 796 P. 2d 592 (1990)). Since facts presented here, for which Mr. Porchia was not able to respond or appear for the notice of Defendant's motions to dismiss, are clearly valid because in (*Tahoe Village Homeowners Ass'n v. Douglas County*, 106 Nev. 660, 799, P. 2d 556 (1990)) "the district court's failure to recognize a viable cause of action constituted plain error and reversal was therefore warranted."

Conclusion

Therefore, based on the facts above and supportive points established, Plaintiff's Petition for Coram Nobis (Writ of Error) and Motions for Clarification and Continuance, must be granted, where Plaintiff ~~seek can~~ seeks justifiable relief against Defendants in this a case.

Dated this 28th day of September, 2018

Respectfully


by: Larry Porchia

PRO SE



CENT FROM CCPC

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT ♻️

© USPS 2016

FILED 24

OCT 02 2018

CLERK OF COURT

Larry Porchia (1481565)

330 S. Casino Center Blvd.

Las Vegas, NV 89101

EIGHT JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

LARRY PORCHIA,

Plaintiff,

v.

AMERICAN MEDICAL RESPONDERS,

et al,

Defendants,

)

)

)

)

)

)

CASE NO: A-17-758321-C

DEPT NO: XXVI

REQUEST FOR SERVICE

AND MOTION FOR REQUEST

REQUEST FOR SERVICE

NAMED Plaintiff in the above captioned case duly requests that this court serves ALL Defendants in the above matter a copy of this REQUEST and PETITION FOR CORAM NOBIS AND CLARIFICATION AND CONTINUANCE, due to the fact that Plaintiff's current status is PRETRIAL DETAINEE in the CLARK COUNTY DETENTION CENTER's custody.

MOTION FOR REQUEST

NAMED Plaintiff in above captioned case moves this court to grant said request REQUEST in this matter.

Dated this 28th day of September, 2018.

Respectfully,

by: Larry Porchia

PRO SE

pg 1 of 1

CLERK OF THE COURT

OCT 02 2018

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A-17-758321-C
REQ
Request
4786014



Prose

Larry Porchia (1481565)

FILED

11

CLARK COUNTY DETENTION CENTER

OCT 09 2018

330 S. Casino Center Blvd.

CLERK OF COURT

Las Vegas, NV 89101

EIGHT JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

LARRY PORCHIA,

Prose

Hearing Date

Plaintiff(s),

CASE NO: A-17-758321-C

v.

DEPT NO: XXVI

AMERICAN MEDICAL RESPONDERS,

DENY MOTION TO DISMISS

et. al.,

COMPLAINT

Defendant(s).

(42 U.S.C. § 1983)

CAUSE OF ACTION

This action is for my property and my money against defendants under 42 U.S.C. § 1983, Civil Rights Act of 1871, because on the 26th day of August, 2015, I suffered a stomach pain which led I to calling 911 so I could be taken to see a doctor. Upon arrival of the public servants I gave them my statement and told them that I was homeless and they said all I had was gas so they left I in the street with my pain. Then my stomach pain worsened, therefore I called 911 which led to public servants to transporting I to a hospital where their employee said that I would have died if I would have been left in the street and not received medical care. I am aware that the law in this State provides that anyone has the privilege of being taken immediately to a hospital. NRS 450B.015.

A-17-758321-C
MDGM
Motion to Dismiss
4788413



RECEIVED
OCT 09 2018

CLERK OF THE COURT

JURISDICTION AND VENUE

This court has jurisdiction under 42 U.S.C. § 1983 because every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, or the District of Columbia, subjects, or causes to be

Pg 1 of 6

subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities ^{secured} ~~of~~ by the Constitution and Laws, shall be liable to the party injured in any action...; because Plaintiff is a party who incurred loss by defendants, NRS 41.1395; because two defendants in this a case are employers, NRS 288.060; because ~~five~~ defendants in this a case are employees, NRS 288.050;

PARTIES

I, Larry Porchia, my Person; LARRY PORCHIA, the Plaintiff, am a United States citizen and a resident of Las Vegas, Nevada,

Defendant, Jason W. Driggers, his Person; JASON W. DRIGGERS, is a resident of Las Vegas, Nevada; defendant, Stephen Massa, his Person; STEPHEN MASSA, is a resident of Las Vegas, Nevada; defendant, Nicholas Pavelka, his Person; NICHOLAS PAVELKA; is a resident of Las Vegas, Nevada; and defendant, Marina Clark; her Person; MARINA CLARK, is a resident of Las Vegas, Nevada; ~~therefore all defendants are United States Citizens,~~ and defendant, William Headlee; his Person; WILLIAM HEADLEE is a resident of Las Vegas, Nevada; therefore ALL defendants are United States ~~FACTS~~ citizens.

FACTS

ON August 26th, 2015, 911 was called to 525 St. Louis #418, Las Vegas, Nevada because I was suffering hot flashes and abnormal stomach pain. Upon arrival of the Emergency Response Employees, they were already aware of the situation by dispatch. William Headlee herein after, "Mr. Headlee" and Marina Clark, herein after "Ms. Clark", placed me on a stretcher while the employees were taking my vitals while I was going in and out of consciousness. I was seeking to be transported to a medical facility and I informed Mr. Headlee and Ms. Clark that I

pg 2 of 6

had no medical insurance. I also informed both employees, Mr. Headlee and Ms. Clark, who are employed by ~~Las~~ LVER Risk Management, ~~that~~ that I was homeless and that I wanted to be transported to a hospital. Both employees refused because they said all I had was gas, and they left me there at the scene. Hours passed and my pains worsened and I called 911 for my safety so that I could be transported to a hospital, because Mr. Headlee and Ms. Clark, together with employees¹ of AMERICAN MEDICAL RESPONDERS, had left me there at the scene, all because they said all I had was gas. A second team of LVER Risk Management (not Mr. Headlee or Ms. Clark) arrived and immediately took me to Valley Hospital where I immediately was rushed into surgery to save my life. Employees and Doctor attending to my medical care said, I would not have needed to go to the surgery if the first team² of Emergency Response Employees would have transported me immediately to the hospital, and should medical care would have been delayed, I would have died. Jason W. Driggers, who is the Manager that oversees Patient Care Reports lied under oath stating that Employees of American Medical Responders were never at the scene. This is all I can remember to the best of my first-hand knowledge and belief. Therefore, this caused me to owe hospital money which could have been avoided.

IMMUNITIES FROM SUIT BARRED & DENIED

Plaintiff cited previously URS 450.400 which clearly

1- Employees of AMERICAN MEDICAL RESPONDERS who arrived at the scene during the 1st

911 call are Stephen Massa & Nicholas Pavelka, ~~Jason W. Driggers~~

2- First Team of Emergency Response Employees are Mr. Headlee, Ms. Clark, Stephen Massa & Nicholas Pavelka.

provides that the same privileges of NRS 450.439 which provides for any person in county(ies), who fall sick or being injured or being maimed within its limits, shall be extended the privileges of medical care under NRS 450B.015, because said services are paid by public money as well under NRS 450.010 by United States citizens; because employees, who this action is being brought up against, use the same money for licensing and training provided by the ~~Taxpayers~~, said employees in this a case, are employees under NRS 450B.0703 ~~who~~ and NRS 450B.095 who are employed by the hospitals ~~until~~ under NRS 450.480 to render said emergency services under sections (1), (2) and (3) of this statute when a 911 call is placed for the benefit of the community, but said employees did not. NRS 12.105 provides that state and local governmental agencies may be sued without naming members of their governing bodies; therefore employers ~~if~~ this a case who contract with the State Board of Health, and who employ the employees ~~is~~ this mentioned in this a case, as well as such employees, are not immune nor barred from suit and action taken against them when seeking damages for injury incurred for their acts, but in fact, may be imprisoned for torts committed against injured parties when personal property NRS 10.045 is taken for public use.

CONSTITUTIONAL VIOLATIONS

COMMITTED BY DEFENDANTS

- NRS 10.045 ~~state that~~ provides that imprisonment for torts is constitutional, and;

Ar-

- Article 1 Section 14 of the local constitution ~~for the~~ State of Nevada provides that debtors enjoy certain privileges except for when in cases involving torts and;

- Fifth amendment to the American constitution provides that... nor private property shall be taken for public use without just compensation; in fact, defendants have taken my money over the years.

DEFENDANTS ADMIT GUILT AND COURT AGREES

Defendants in this case admitted to committing violations and injury, in fact, counsel for defendants, Jeffery M. Dorocak in Defendants Motion for Judgement on the Pleading that "the Plaintiff claimed the firefighters responded but did not transport", and that "the statute was clear", and said counsel admitted that these services are in fact owed to the public at large and that plaintiff claim to ~~breach of~~ negligent breach of duty stands as true. (See Defendants Motion for Judgement),

The court finds stated that plaintiff has not stated a cause of action that would invoke an exception to the governmental duty doctrine and therefore dismissed the case without prejudice; but accordingly, the court agrees that local government entities may be sued, and here, employees in this a case have contracts with the local government entities, which are funded by the United States citizens, therefore, action against defendants is just, and from this point, vantage point ^{or} a complaint will not be dismissed

for failure to state a claim unless it appears beyond a doubt that the plaintiff could prove no set facts which, if accepted by the trier of fact, would entitle him or her to relief." ~~Simp~~ See Simpson v. Mars Inc., 113 Nev. 188, 929 P. 2d 966 (1997). Also, "although the trial court dismissed a former [plaintiff's]³ claims that were derivative, the trial court erred in dismissing the [Plaintiff's] remaining claims involving wrongful conduct in approving the a merger and in denying the [plaintiff's] request to amend the complaint." See Cohen v. Mirage Resorts Inc., 119 Nev. 1, 62 P. 3d 720 (2003).

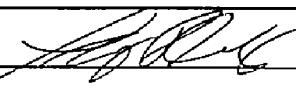
REMEDY

I, Larry Porchia, state that the facts and claims stated here, are true and correct to the best of my first-hand knowledge and belief; and pray this court grants the following remedies and relief:-

1.- Award monetary relief of \$5,000,000.00 for injury, or;

2.- To have defendants imprisoned; and any other remedies for relief that this court finds just and appropriate.

Dated this 3rd day of Oct, , 2018

Respectfully,  PROSE

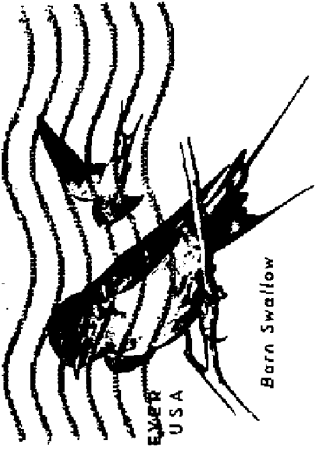
By: Larry Porchia PROSE

3- Case law originally replacement by insertion is "Shareholders".

any porch 1481565
330 S. Casino Cte, Blvd
Las Vegas 89101

LAS VEGAS NV 890

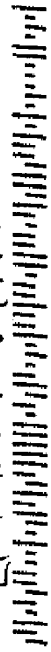
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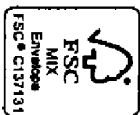


Steven D. Grieson
clerk of the court
200 Lewis Ave 3rd fl

Las Vegas 89158-1160

89101-630000





SENT FROM CCDC

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330 S. Casino Center
Las Vegas, N.V. 89101

27
FILED
NOV - 5 2018
CLERK OF COURT

Eighth Judicial District Court
Clark County, Nevada

A-17-758321-C

Larry Porchia Pro SE

Plaintiff

Case # 17-758321-C

Dept # 26

vs

American medical Responder
et al

Defendant

Hearing Date:

Hearing Time:

Motion for Determination
of Good Faith Settlement

Pursuant to NRCP 56, Plaintiff Larry Porchia appearing Pro SE, submits this motion to demonstrate to the court that there is no genuine issue of material fact in this case and that plaintiff is entitled to Good Faith Settlement as a matter of law.

This motion is based upon and supported by the following memorandum of points and Authorities, The pleadings and papers on file, and any argument that the court may allow at the time of hearing.

Dated 30th day of Oct 2018

Respectfully submitted

X *Larry Porchia*

PRO SE

RECEIVED

NOV 05 2018

CLERK OF THE COURT

A-17-758321-C
MOGF
Motion for Determination of Good Faith Se
4798548



Notice of motion

You and each of you, will please take notice, that
The undersigned will bring the foregoing Motion for Determination
of Good Faith Settlement on for hearing before the above
entitled court on the 18th day of December, 2018 9:00 AM
of said date, in Department XXVI

Dated this, 30th day of Oct. 2018

Respectfully Submitted by

PROSE

Memorandum of Points and Authorities

I. Statement of facts

The following facts are not in dispute;

On August 26th 2015, 911 was called to 525 St. Louis Ave. #418
Las Vegas, Nevada, because I was suffering hot flashes and abnormal
stomach pain. Upon arrival of the Emergency Response Employees
They were already aware of the situation by the dispatch. William
Headlee herein after "Mr. Headlee" and "Maring Clark, herein after
"Ms. Clark" placed me on a stretcher while taking my vitals. I
was going in and out of consciousness. I was seeking to be
transported to a medical facility and I informed LVPR EMTs
MR. Headlee and Ms. Clark that I had no medical insurance.
I also informed both employees Mr. Headlee and Ms. Clark
who are employed by the city of Las Vegas fire and rescue
Risk management that I was homeless and I wanted to
be transported to a hospital. Both EMTs refused me because
They said call I had was gas, and they left me there at
the scene.

Hours passed and my pain had worsened and I called 911 for my safety a second time so that I could be transported to a hospital, because Mr. Hadlee and Ms. Clark together with employees of A.M.B. had left me there at the scene, all because they said I had gas. A second team of LVEE risk management (not Mr. Hadlee or Ms. Clark) arrived and immediately took me to Valley Hospital where I immediately was rushed into surgery to save my life. Employees and doctor attending to my medical care said my insides was distended and I would not have needed to go to surgery if the first EMTs would have transported me immediately to the hospital, Defendants... admit Guilt and the court accepted.

II. Standard for Good Faith Settlement

Civil cases only has to prove a defendants liable by a preponderance of the evidence. The judgement sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories and admissions on file. The plaintiff is entitled to a Good Faith settlement as a matter of law. "Schmidt vs. Washoe County, 159 P.3d 1099, 1103" The settlement is appropriate cause of the pleading and other evidence on file plus the Defendants admitted Guilt. the plaintiff should be entitled to a Good Faith settlement.

III. Argument

In the present case, There is no genuine issue of material fact, as discussed below, and Plaintiff is entitled to a settlement as a matter of law because:

Under 42 U.S.C. § 1983 every person who under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, or the District of Columbia, subjects or cause to be subjected, any citizen of the United States or other person within the jurisdiction thereof, to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in any action... because plaintiff is A party who incurred loss by defendants' NRS 41,135; because defendants in this case are employers, NRS 288,060 the same privilege of NRS 450,439 which provides for any person in county, who fall sick or being injured or being maimed within its limits, shall be extended the privileges of medical care under NRS 450B,015, because said services are paid by public money as well under NRS 450,010 by the United States citizens; because employees, who this action is being brought up against, use the same money for licensing and training provided by the "taxpayers" said employees in this case, are employed under NRS 450B,0703 and NRS 450B,095 who are employed by the hospitals under NRS 450,480 to render said emergency services under section (1) (2) and (3) of the statute when a 911 call is placed for the benefit of the community; but said employees did not NRS 12,105 provide that state and local governmental agencies may be sued without naming member of their governing bodies; Therefore employees of this case who ~~contact~~^{contact} with the state board of Health, and who employ the employees mentioned in this case, as well as such employees, are not immune nor barred from suit and action taken against them

(4)

When seeking damages for injury incurred for their acts, but in fact may be imprisoned for torts committed against injured parties when personal property NRS 10,045 is taken for public use! Defendants in this case admitted to committing violations and injury, In fact the counsel for defendants MR Dorocak admitted that LVPR responded but did not transport, These services are in fact owed to the public at large and that plaintiff claim to. A negligent breach of duty stands as true "see defendant motion for judgment" It appears beyond doubt that the plaintiff can prove the set facts which would entitle him to relief see Simpson vs. Mars Inc 117, Nev. 188, 929 P.2d 966 (1997).

Conclusion

This Honorable court should grant this motion due to fact and on 8-15-2018 the court was ready to move forward on A Good Faith Settlement. Accordingly, Plaintiff is entitled to the settlement in his favor in the amount of \$5,000,000⁰⁰

Dated this 30th day of Oct 2018

Respectfully submitted by

Certificate of mailing

PROSE
Plaintiff

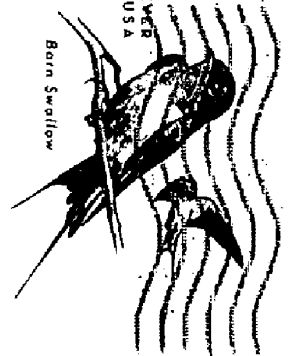
I hereby certify that on the 30th day of Oct, 2018, I placed A true and correct copy of The foregoing Motion for Determination of Good Faith Settlement in the United States mail at Las Vegas, Nevada with first class postage addressed to the following
City of Las Vegas Attorney Jeffrey Dorocak
495 S. Main st 6th fl. Las Vegas, Nevada 89101

any Porchia 1481565
330 S. Casino Center
Las Vegas, NV 89101

LAS VEGAS NV 890

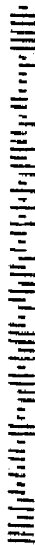
31 OCT 2018 PM 4 L

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SENT FROM CCDC

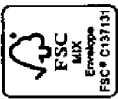
63101-630000



Clerk of the Court
Steven Grierson
200 Lewis Ave 3rd fl
L.V., N.V. 89155-1160

USPS 2018

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



Larry Porchia 1481563
Pro SE
530 S. Casino Center
Las Vegas, NV 89101

FILED
DEC 27 2018

1) Larry Porchia PRO SE
2) Plaintiff
3) Eighth Judicial District Court
4) Clark County, Nevada
5) VS.
6) Case # A-17-758321-C
7) Dept # XXVI
8) American Medical Responder
9) et. Al. Defendants.
10) Motion for determination
11) of Good faith Settlement

12) Pursuant to NRCP 56, Plaintiff Larry Porchia PRO SE,
13) Submits this motion to demonstrate to the court that there
14) is no genuine issue of material fact in this case and that
15) Plaintiff is entitled to A Good faith Settlement as A
16) matter law,

17) This motion is based upon and supported by the
18) following memorandum of points and Authorities, the Pleading
19) and papers on file and any argument that the court may
20) allow at the time of hearing.

21) Dated this Dec day of 23rd 2018

22) RECEIVED
23) DEC 27 2018
24) CLERK OF THE COURT

A-17-758321-C
MDGF
Motion for Determination of Good Faith Se
4806486



Respectfully Submitted by
sign [Signature]
Plaintiff PRO SE

1) Notice of motion

2) You and each of you, will please take notice, that
3) The undersigned will bring the foregoing motion for Determination
4) of Good Faith Settlement on the hearing before the above
5) entitled court on the 5th day of February 2019, 9:00am
6) of said date, in Department XXVI

Dated this Dec 23rd day 2018

8) Please check with one: Telephonic — appearance in person —

Respectfully Submitted by

sgn [Signature] Pro SE.

2) Memorandum of points and Authorities

13) 1. Statement of facts:

14) The following facts are not in dispute;

5) ① On Aug: 26th 2015 911 was called to 525 E. St. Louis Ave #418
6) Las Vegas, Nevada because Plaintiff was suffering hot flashes and
7) excruciating stomach pain.

18) ② Upon arrival L.V.E.R, EMTs were already aware of the
19) situation by the 911 dispatcher, William Headlee and marlene Clark
20) Placed me on A stretcher while taking my vitals — I was in and
21) out of consciousness.

12) ③ I informed L.V.E.R, MR. Headlee and MS. Clark I was seeking to be
13) transported to A hospital. I informed the EMT I had NO insurance
14) and was homeless

15) ④ MR. Headlee and MS. Clark refused to transport me by stating I
16) only had gas. They took me off the stretcher and left me at
27) the scene,

1) ⑤ Hours later still in the same excruciating stomach pain 911
2) was called to 525 St Louis Ave #418 Las Vegas, Nevada for A second
3) time. The second EMT² (not Headce or clare) immediately rushed me to
4) Valley Hospital
5) ⑥ I immediately had to have A excruciating obstruction release of
6) the bowel surgery to ease the pain on save my life. My insides was
7) distended on A 10 blade was used to shave down my stomach tissues
8) before the surgery could start. I was later closed back up with 28 skin
9) staples to close the ~~rest~~ stomach
10) ⑦ I was told by the Dr. and nurse I wouldn't have needed this
11) surgery if Mr. Headce and Mrs. clare would of transported me hours early
12) when they were dispatched.
13) ⑧ Due to there Public Serv³ neglect along with Breach of
14) duty I incurred A \$98,700 dollar medical bill owed to valley
15) hospital.

16) 11. Standard for Good Faith Settlement

17) A civil case only has to prove A defendants liable
18) by A preponderance of the evidence. NRCP 56(C) states in relevant
19) part that the Judgement Sought shall be rendered forthwith if the
20) pleadings, depositions, answers and admissions on file. The Plaintiff is
21) entitled to A "Good Faith Settlement as A matter of law" Schmid v.
22) Washoe County 159 P.3d 1099, 1103 (Nev 2007) Good Faith Settlement is
23) only appropriate if the pleadings and other evidence on file,
24) viewed in the light most favorable to the nonmoving party, demonstrate
25) that no genuine issue of material fact remains in dispute the counsel
26) of the defendants admitted guilt. There for the Plaintiff should
27) be entitled to A settlement.

28) pg 3

III. ARGUMENT:

1 In the present case there is no genuine issue of
2 material fact, as discussed below, and Plaintiff is entitled to
3 judgement as A matter of law because: This is A public service
4 neglect along with A Breach of duty, Defendants in this case
5 admitted to committing the violations and cause of injury to
6 the plaintiff. In fact the counsel for the defendants, Jeffery M.
7 Dorocak in defendants motion for judgement on the pleadings
8 stated "The plaintiff claimed the EMT's responded but did not
9 transport" The 911 dispatch call proves the fact also that "The statute
10 was clear" and counsel admitted that these services are in fact
11 owed to the public at large and the plaintiff's claim to
12 negligent breach of duty and public service neglect stands as
13 true. (see defendants motion for judgement) Under 42 U.S.C. § 1983
14 every person who under any color of any statute, ordinance, regulation,
15 custom, or usage, of any state or territory, or the District of
16 Columbia, subjects or cause to be subjected, any citizen of the
17 United States or other person within the jurisdiction therefore, to
18 the deprivation of any rights, privileges, or immunities secured
19 by the constitution and law, shall be liable to the party injured
20 in any action... because plaintiff is A person who incurred loss
21 by defendant; NRS 41.1395; because defendants in this case are
22 employers NRS 288.060; The same privilege of NRS 450.439
23 which provides for any person in county, who fall sick or been
24 injured or been maimed within its limits, shall be extended
25 the privilege of medical care under NRS ~~450.440~~^{450.015} because
26 said services are paid by public money as well under
27 NRS 450.010 by the United States citizens.

1) Employees who this action is being brought up against use
2) the same money for licensing and training provided by the "Taxpayer"
3) employees in this case, are employed under NRS 450B, 0703 and
4) NRS 450B, 095 who are employed by the hospitals under NRS 450,
5) 480 to render said emergency services under section 0203 of
6) the statute when A 911 call is placed for the benefit of the
7) community; but said employees did not NRS 12.105 provide that
8) state and local governmental agencies may be sued without naming
9) member of their governing bodies; Therefore employees of this
10) case who contract with the state board of Health, and who employ
11) the employees mentioned in this case, as well as such employees,
12) are not immune nor barred from suit and act taken against them.
13) When seeking damages for injury incurred for their acts, but in fact
14) may be imprisoned for torts committed against injured parties when
15) personal property NRS 10,045 is taken for public use. It appears
16) beyond doubt that the plaintiff can prove the set facts which
17) would entitle him to relief see Simpson v. Mars, Inc. 113, Nev, 88
18) 929 P2d 960 (1997)

19) Remedy

20) I, Larry Porchig state that the facts and claims stated here are
21) true and correct to the best of my first hand knowledge and belief.
22) I pray this court grants the following Remedy and relief:
23) ① Award monetary relief of \$3,000,000.00 for injury of A for amount
24) The court see fit. Plaintiff incurred A outstanding medical bill to valley
25) Hospital for \$98,300 along with the pain and suffering all caused by the
26) defendants.

1) Conclusion: Accordingly, Plaintiff is entitled to judgement in
2) his favor in the amount of \$1,000,000⁰⁰. This Honorable court should
3) grant this motion due to the element and facts. Due to refusing to
4) transport Plaintiff he had A major surgery and had to deal with alot of
5) Pain and Suffering and still has A outstanding medical bill to valley hospital
6) for the amount of \$98,700.

7) Dated Dec. day of 23rd 2018

8)
9) I hereby certify that on the _____ day of _____ 20
10) I placed A true and correct copy of the foregoing motion for
11) Good faith Settlement in the united States mail at Las Vegas, Nevada
12) with first-class postage prepaid addressed to the following once
13) the Court stamped-filled on gave A court hearing date this
14) was sent to

15) City of Las Vegas Attorney

16) Jeffrey M. Dorocuk

17) 495 S. Main St 6th Fl

18) Las Vegas, N.V. 89101

Harry Porchia 1481565
330 S. Casino Center
L.V. N.V. 89101

SENT FROM CCDC

LAS VEGAS NV 89001
24 DECEMBER 1964

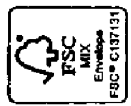


Send me two copies back please
8910186300 COTS

Clare of the court
200 Lewis Ave 3rd Fl,
L.V. N.V. 89155-1160

USPS 2016

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT



Larry Porchia 1481568
330 S. Casino Center
L.M.N.V. 89101

29

FILED
JAN 14 2019

CLERK OF COURT

District court
Clark County, Nevada

Case # A-17-758321-C

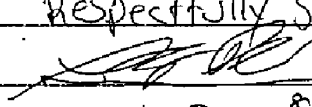
Dept # XXVI

1 Larry Porchia PROSE
2 Plaintiff
3 VS.
4
5 American Medical Responders
6 et al Defendants

Request for Transportation

9 Comes now, Plaintiff, Larry Porchia, PROSE request for
10 Transportation to appear in person for A Determination of Good
11 faith Settlement on the 5th day of February 2019 9:00am in
12 Department XXVI

14 I pray that this request be granted Plaintiff Larry
15 Porchia is PROSE can represent his self in this matter There is A good
16 chance both parties may come to agreement to bring this case
17 to a closer Larry Porchia would like to attend cause i'm willing
18 to make A offer to settle this matter

Respectfully Submitted by
 PROSE
Dated Jan 8th 2019

RECEIVED
JAN 14 2019
CLERK OF THE COURT

A-17-758321-C
REQT
Request
4808768



Lamy Porchia 1491565
330 S, Casino Center
Las Vegas, Nv. 89101
Pro SE

23

FILED
JAN 14 2019
CLERK OF COURT

1. Lamy Porchia Pro SE
2. Plaintiff
3. VS
4.
5. American Medical Response
6. et al
7. Defendant

District Court
Clark County, Nevada


Case # A-17-758321-C
Dept # XXVI

Proof of Service

8.
9.
10. I
11. I
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16. I
17. I
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21. I
22. I
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26. I
27. I
28. I
I hereby certify that on the 8th day of Jan, 2019
I placed a true and correct filed copy of the foregoing Good
faith Settlement, along with a notice of motion with the correct
hearing date, time and department of the hearing. This was mailed
at the United States mail in Las Vegas, Nevada with first class postage
prepared to the following: City of Las Vegas Attorney Jeffrey M. Dorocak
495 S. Main St. 6th fl. L.V. Nv. 89101

Respectfully Submitted by
[Signature] Pro SE
Dated Jan 8th 2019
Witness *[Signature]* Date 1/8/19

RECEIVED
JAN 14 2019
CLERK OF THE COURT

A-17-758321-C
PSER
Proof of Service
4808780


25. Also See C.C.D.C. outgoing mail
26. for proof of mail to Defendants
27. Attorney
28.

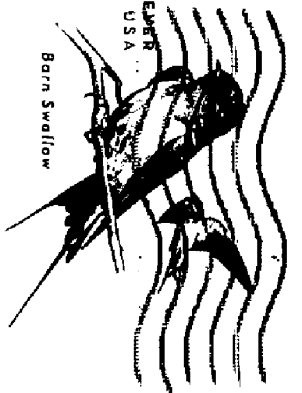
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Kamy Porchia 1481565
330 S. Casino Center
MM 89101

LAS VEGAS NV 890

09 JAN 2019 PM 5 L

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USA

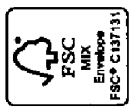


SENT FROM CCDC

Steven Grison
Clerk of the Court
200 Lewis Ave 3rd fl
Las Vegas, NV 89158-1166

USPS 2016

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT





1 OPPM
2 BRADFORD R. JERBIC
3 City Attorney
4 Nevada Bar No. 1056
5 JEFFRY M. DOROCAC
6 Deputy City Attorney
7 Nevada Bar No. 13109
8 495 South Main Street, Sixth Floor
9 Las Vegas, NV 89101
10 (702) 229-6629 (office)
11 (702) 386-1749 (fax)
12 Email: jdorocak@lasvegasnevada.gov
13 Attorneys for CITY DEFENDANTS

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 LARRY PORCHIA,

11 Plaintiff,

12 vs.

13 AMERICAN MEDICAL RESPONDERS,
14 CITY OF LAS VEGAS, STEPHEN MASSA,
15 NICHOLAS PAVELKA, WILLIAM
16 HEADLEE, MARINA CLARK, JASON W.
17 DRIGGARS, LVFR/RISK MANGMENT,

18 Defendants.

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

18 **CITY DEFENDANTS' OPPOSITION TO PLAINTIFF'S**
19 **MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT**


20 Defendants CITY OF LAS VEGAS, STEPHEN MASSA and NICHOLAS PAVELKA
21 (hereinafter, "City Defendants") through their attorneys of record, BRADFORD R. JERBIC, City
22 Attorney, by JEFFRY M. DOROCAC, Deputy City Attorney, hereby oppose Plaintiff LARRY
23 PORCHIA's Motion for Determination of Good Faith Settlement (filed December 27, 2018).
24 After a June 14, 2018, hearing on City Defendants' Rule 12(c) Motion for Judgment on the
25 Pleadings, the Court ordered Plaintiff's Complaint dismissed, without prejudice, on June 18,
26 2018, because the claims contained within Plaintiff's Complaint were barred by NRS 41.0336
27 (the "Public Duty Doctrine"). Thus, Plaintiff's Complaint is presently dismissed, there is no
28 good faith settlement, and Plaintiff's instant Motion is improper.

1 Moreover, to the extent Plaintiff's Motion is construed as an attempt to resuscitate his
2 dismissed Complaint against City Defendants, his Motion fails to do so. Of note, Plaintiff now
3 plainly alleges that "Mr. Headlee and Ms. Clark refused to transport me by stating I only had
4 gas." (Pl.'s Mot., already on file herein, at 2:5-7). Neither Mr. Headlee nor Ms. Clark are
5 employees of the City of Las Vegas. Therefore, this allegation does not attach to City
6 Defendants.

7 DATED this 29th day of January, 2019.

8 BRADFORD R. JERBIC
9 City Attorney

10 By:


11 JEFFERY M. DOROCAK
12 Deputy City Attorney
13 Nevada Bar No. 13109
14 495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY DEFENDANTS

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on January 28, 2019, I served a true and correct copy of the
17 foregoing CITY DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR
18 DETERMINATION OF GOOD FAITH SETTLEMENT through the electronic filing system of
19 the Eighth Judicial District Court of the State of Nevada, pursuant to Nevada Electronic Filing
20 and Conversion Rules, (or, if necessary, by United States Mail at Las Vegas, Nevada, postage
fully prepaid) upon the following:

21 Larry Porchia, #1481565
22 330 South Casino Center Boulevard
23 Las Vegas, NV 89101
24 Pro Per Plaintiff

Adam A. Schneider, Esq.
JOHN H. COTTON & ASSOCIATES, LTD.
7900 West Sahara Avenue, #200
Las Vegas, NV 89117
Attorneys for Defendants AMERICAN MEDICAL
RESPONSE & WILLIAM HEADLEE

25 
26 AN EMPLOYEE OF THE CITY OF LAS VEGAS
27
28

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

Electronically Filed
2/11/2019 1:29 PM
Steven D. Grierson
CLERK OF THE COURT



1 **ORD**

2 John H. Cotton, Esq.
3 Nevada Bar No. 5268
4 jhcotton@jhcottonlaw.com
5 Adam A. Schneider, Esq.
6 Nevada Bar No. 10216
7 aschneider@jhcottonlaw.com
8 JOHN H. COTTON & ASSOCIATES
9 7900 W. Sahara Avenue, Suite 200
10 Las Vegas, Nevada 89117
11 Telephone: (702) 832-5909
12 Facsimile: (702) 832-5910
13 *Attorneys for Defendants*
14 *American Medical Response, Inc.*
15 *erroneously sued and served as*
16 *"American Medical Responders" and*
17 *William Headlee*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 LARRY PORCHIA,

13 Plaintiff,

14 vs.

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

17 Defendants.

Case No.: A-17-758321-C

Dept. No.: XXVI

**ORDER RE: PLAINTIFF'S "MOTION
FOR DETERMINATION OF GOOD
FAITH SETTLEMENT"**

Date of hearing: 2/5/2019

Time of hearing: 8:30 A.M.

18 Plaintiff, pro se, having filed a "Motion for Determination of Good Faith Settlement"
19 coming on for hearing on February 5, 2019 at 8:30a.m., the Honorable Judge Gloria Sturman
20 presiding, with Defendants American Medical Response, Inc. (hereinafter AMR) and William
21 Headlee represented by Adam A. Schneider, Esq. of the law firm of John H. Cotton &
22 Associates, Ltd., and the City of Las Vegas, Stephen Massa, Nicholas Pavelka (hereinafter City
23 Defendants) represented by Deputy City Attorney Jeffry M. Dorocak and filing an Opposition,
24 the issues being fully argued by the parties, the Court advising Plaintiff that the instant Motion
25

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

1 was being read as a Motion for Summary Judgment and as such the Court finding genuine issues
2 of material fact as to which persons worked for the City of Las Vegas, the Court advising
3 Plaintiff that Plaintiff's reference to the Public Duty Doctrine was not a duty to a person but
4 rather to the public and therefore it fails in the instant matter, and for good cause appearing
5 therefor,

6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

7 1) the instant Motion is DENIED, whether viewed as a traditional Motion for
8 Determination of Good Faith Settlement or as an implicit Motion for Summary Judgment.


9 2) AMR and William Headlee remain dismissed with prejudice.

10 3) Plaintiff has 30 days to file a Second Amended Complaint.

11 4) Plaintiff must effectuate proper service of the Second Amended Complaint upon
12 the City Defendants.


13 5) Plaintiff must file a new In Forma Pauperis application.


14 Dated this 7th day of February 2019.

15
16 
17 DISTRICT COURT JUDGE
A-17-758321-C

18 Prepared and Submitted by:

19 JOHN H. COTTON & ASSOCIATES, LTD.

20 
21 ADAM A. SCHNEIDER
22 Nevada Bar No. 10216
23 7900 West Sahara Avenue, Suite 200
24 Las Vegas, Nevada 89117
25 *Attorneys for Defendants*
American Medical Response, Inc.
erroneously sued and served as
"American Medical Responders" and
William Headlee



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

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

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 LARRY PORCHIA,

13 Plaintiff,

14 vs.

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

18 Defendants.

Case No.: A-17-758321-C

Dept. No.: XXVI

NOTICE OF ENTRY OF ORDER RE:
PLAINTIFF'S "MOTION FOR
DETERMINATION OF GOOD FAITH
SETTLEMENT"

20 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

21 ///

22 ///

23 ///

24 ///

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

1 YOU WILL PLEASE TAKE NOTICE that an Order was entered in the above-entitled
2 matter on the 11th day of February 2019, a copy of which is attached hereto.

3 Dated this 13th day of February 2019.

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

5 By: /s/ Adam Schneider
6 John H. Cotton, Esq.
7 Adam Schneider, Esq.
8 7900 W. Sahara Avenue, Suite 200
9 Las Vegas, Nevada 89117
10 *Attorneys for Defendants*
11 *American Medical Response, Inc.*
12 *erroneously sued and served as*
13 *"American Medical Responders" and*
14 *William Headlee*
15
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JOHN H. COTTON & ASSOCIATES
7900 W. Sahara Avenue, Las Vegas, Nevada 89117
Telephone: (702) 832-5909 | Facsimile: (702) 832-5910

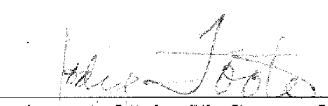
CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of February 2019, I served the foregoing ***NOTICE OF ENTRY OF ORDER RE: PLAINTIFF'S "MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT"*** 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

Las Vegas City Attorney
c/o Bradford Jerbic, Esq., Jeffry M. Dorocak, Esq.
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for City Defendants

AND VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED to:

Larry Porchia, #1481565
330 South Casino Center Blvd
Las Vegas, NV 89101
Plaintiff Pro Per


An Employee of John H. Cotton & Associates



1 **ORD**

2 John H. Cotton, Esq.
3 Nevada Bar No. 5268
4 jhcotton@jhcottonlaw.com
5 Adam A. Schneider, Esq.
6 Nevada Bar No. 10216
7 aschneider@jhcottonlaw.com
8 JOHN H. COTTON & ASSOCIATES
9 7900 W. Sahara Avenue, Suite 200
10 Las Vegas, Nevada 89117
11 Telephone: (702) 832-5909
12 Facsimile: (702) 832-5910
13 *Attorneys for Defendants*
14 *American Medical Response, Inc.*
15 *erroneously sued and served as*
16 *"American Medical Responders" and*
17 *William Headlee*

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 LARRY PORCHIA,

13 Plaintiff,

14 vs.

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

18 Defendants.

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

**ORDER RE: PLAINTIFF'S "MOTION
FOR DETERMINATION OF GOOD
FAITH SETTLEMENT"**

Date of hearing: 2/5/2019
Time of hearing: 8:30 A.M.

18 Plaintiff, pro se, having filed a "Motion for Determination of Good Faith Settlement"
19 coming on for hearing on February 5, 2019 at 8:30a.m., the Honorable Judge Gloria Sturman
20 presiding, with Defendants American Medical Response, Inc. (hereinafter AMR) and William
21 Headlee represented by Adam A. Schneider, Esq. of the law firm of John H. Cotton &
22 Associates, Ltd., and the City of Las Vegas, Stephen Massa, Nicholas Pavelka (hereinafter City
23 Defendants) represented by Deputy City Attorney Jeffry M. Dorocak and filing an Opposition,
24 the issues being fully argued by the parties, the Court advising Plaintiff that the instant Motion
25

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


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

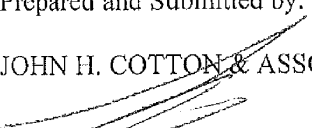
1 was being read as a Motion for Summary Judgment and as such the Court finding genuine issues
2 of material fact as to which persons worked for the City of Las Vegas, the Court advising
3 Plaintiff that Plaintiff's reference to the Public Duty Doctrine was not a duty to a person but
4 rather to the public and therefore it fails in the instant matter, and for good cause appearing
5 therefor,

6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

- 7 1) the instant Motion is DENIED, whether viewed as a traditional Motion for
8 Determination of Good Faith Settlement or as an implicit Motion for Summary Judgment.
9 2) AMR and William Headlee remain dismissed with prejudice.
10 3) Plaintiff has 30 days to file a Second Amended Complaint.
11 4) Plaintiff must effectuate proper service of the Second Amended Complaint upon
12 the City Defendants.
13 5) Plaintiff must file a new In Forma Pauperis application.

14 Dated this 7th day of February 2019.


15
16 
17 DISTRICT COURT JUDGE
A-17-758321-C

18 Prepared and Submitted by:
19 JOHN H. COTTON & ASSOCIATES, LTD.
20 

21 ADAM A. SCHNEIDER
22 Nevada Bar No. 10216
23 7900 West Sahara Avenue, Suite 200
24 Las Vegas, Nevada 89117
25 *Attorneys for Defendants*
American Medical Response, Inc.
erroneously sued and served as
"American Medical Responders" and
William Headlee

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

Electronically Filed
2/13/2019 3:40 PM
Steven D. Grierson
CLERK OF THE COURT



1 NSERV
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*
American Medical Response, Inc.
8 *erroneously sued and served as*
"American Medical Responders" and
9 *William Headlee*

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 LARRY PORCHIA,

13 Plaintiff,

14 vs.

15 AMERICAN MEDICAL RESPONDERS,
CITY OF LAS VEGAS, STEPHEN MASSA,
16 NICHOLAS PAVELKA, WILLIAM
HEADLEE, MARINA CLARK, JASON W.
17 DRIGGARS, LVFR/RISK MANAGEMENT,

18 Defendants.

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

**DEFENDANTS AMERICAN MEDICAL
RESPONSE, INC. ERRONEOUSLY SUED
AND SERVED AS "AMERICAN
MEDICAL RESPONDERS AND
WILLIAM HEADLEE'S NOTICE OF
SERVICE OF ENTRY OF ORDER RE:
PLAINTIFF'S "MOTION FOR
DETERMINATION OF GOOD FAITH
SETTLEMENT"**

20 Defendants, by and through their counsel of record, John H. Cotton, Esq. and Adam
21 Schneider, Esq. of the law firm of JOHN H. COTTON & ASSOCIATES, LTD. hereby state that
22 service was made upon Plaintiff, Larry Porchia in the following manner:

- 23 1. On February 13, 2019 Defendants placed a stamped copy of the NOTICE OF ENTRY
24 OF ORDER RE PLAINTIFF'S "MOTION FOR DETERMINATION OF GOOD
25 FAITH SETTLEMENT" documents in a postage paid envelope addressed to Plaintiff

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

1 as follows: "LEGAL COMMUNICATION, Larry Porchia, #1481565, 330 Casino
2 Center Boulevard, Las Vegas, Nevada 89101-6102 via "Certified Mail, Return Receipt
3 Requested (see Exhibit "A");

4 Dated this 13th day of February 2019.

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

6 By: /s/ Adam Schneider
7 John H. Cotton, Esq.
8 Adam Schneider, Esq.
9 7900 W. Sahara Avenue, Suite 200
10 Las Vegas, Nevada 89117
11 *Attorneys for Defendants*
12 *American Medical Response, Inc.*
13 *erroneously sued and served as*
14 *"American Medical Responders" and*
15 *William Headlee*
16
17
18
19
20
21
22
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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 13th day of February 2019, I served the foregoing
***DEFENDANTS AMERICAN MEDICAL RESPONSE, INC. ERRONEOUSLY SUED AND
SERVED AS "AMERICAN MEDICAL RESPONERS: AND WILLIAM HEADLEE'S
NOTICE OF SERVICE OF ENTRY OF ORDER RE: PLAINTIFF'S "MOTION FOR
DETERMINATION OF GOOD FAITH SETTLEMENT"*** 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

Las Vegas City Attorney
c/o Bradford Jerbic, Esq., Jeffry M. Dorocak, Esq.
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for City Defendants

AND VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED to:

Larry Porchia, #1481565
330 South Casino Center Blvd
Las Vegas, NV 89101
Plaintiff Pro Per


An Employee of John H. Cotton & Associates

EXHIBIT A

EXHIBIT A

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$ 3.50

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ 2.80

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$ 1.50

Total Postage and Fees \$ 6.80

Sent To Larry Porchia #1481565

Street and Apt. No., or P.O. Box No. 330 S. Casino Mr Blvd

City, State, ZIP+4[®] Las Vegas, NV 89101-6102

PS Form 3800, April 2015 Edition. See instructions.

Electronically Filed
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 Steven D. Grierson
 CLERK OF THE COURT
Steven D. Grierson

Postmark
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2-13-19

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

7 Attorneys for Defendants
 American Medical Response, Inc.
 8 erroneously sued and served as
 "American Medical Responders" and
 9 William Headlee

DISTRICT COURT
 CLARK COUNTY, NEVADA

12 LARRY PORCHIA,
 13
 Plaintiff,
 14
 vs.
 15 AMERICAN MEDICAL RESPONDERS;
 JASON W. DRIGGARS, STEPHEN MASSA;
 16 and NICHOLAS PAVELKA,
 17 Defendants.

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

NOTICE OF ENTRY OF ORDER RE:
 PLAINTIFF'S "MOTION FOR
 DETERMINATION OF GOOD FAITH
 SETTLEMENT"

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

21 ///
 22 ///
 23 ///
 24 ///

7900 WEST SAHARA SUITE 200 LAS VEGAS, NEVADA 89117

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☒ 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 #1481565
3303 Casino Ctr Blvd.
Las Vegas, NV 89101-6102

5590 9402 3612 7305 5021 90



2. Article Number (transfer from service label)

7017 3380 0000 8128 2923

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ X

☐ Agent

B. Received by (Printed Name)

☐ Addressee

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

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9058

Domestic Return Receipt

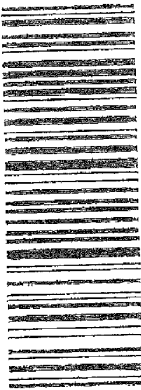
32S0009108708



US POSTAGE
FIRST-CLASS
FROM 89117
02/13/2019
stamps
endicia



CERTIFIED MAIL®



7017 3380 0000 6128 2923



Larry Porchia #1481565
Legal Communication
330 S Casino Center Blvd
Las Vegas NV 89101-6102

FILED

FEB 19 2019

CLERK OF COURT

Larry Porchia
Name

330 S. Casino Ct.

LV NV 89101

1481565
Prison Number

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Larry Porchia
Plaintiff

vs.

American Medical Response

City of Las Vegas

LVPR/Risk Management

Stephen Massy

Nicholas Pavlovsky
Defendant(s).

Amended Complaint

CASE NO. A-17-758321-C
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, Larry Porchia,
(Print Plaintiff's name)

who presently resides at 330 S. Casino Center, were

violated by the actions of the below named individuals which were directed against

Plaintiff at 525 St. Louis #418 LV NV 89101, on the following dates
(institution/city where violation occurred)

Aug 26th 2015, and _____
(Count I) (Count II) (Count III)

RECEIVED

FEB 19 2019

CLERK OF THE COURT

Revised 10-7-16

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

1/2) Defendant City of Las Vegas resides at 495 S. Main St, 6th fl. 89101.
(full name of first defendant) (address if first defendant)
and is employed as City of Vegas. 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: City of Las Vegas acted against their
code of ethics required by Nevada Law

2) Defendant L.V.F.R. Risk Management resides at 500 N. Casino Center Blvd. 89101.
(full name of first defendant) (address if first defendant)
and is employed as L.V.F.R. Risk Management. 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: L.V.F.R. Risk Management unethical follow
suit of the City of Las Vegas denying me medical attention

3) Defendant Stephen Massucci resides at 500 N. Casino Center.
(full name of first defendant) (address if first defendant)
and is employed as E.M.T.S. 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: ~~As a trained EMT~~ Mr. Massucci acted against
his obligations as a Certified EMT

4) Defendant Nicholas Pavluky resides at 500 N. Casino Center Blvd. 89101.
(full name of first defendant) (address if first defendant)
and is employed as E.M.T.S. 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: Mr. Pavluky acted against his
obligations as a Certified EMT

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.

NRS 450.439, NRS 450B.015, NRS 450.010, NRS 450B.095, NRS 450.480
NRS 12.105, NRS 10.045

B. NATURE OF THE CASE

1) Briefly state the background of your case.

A 911 was called L.V.F.R EMTS was dispatched
to 525 E. St. Louis Ave #4181 MR Massa and MR Pavlik
upon arrival was clear of the situation. under
450.480 states emergency services under section 100(1)
of statute when a 911 call is placed any person
is allowed the privilege of medical care. EMTs
refused plaintiff's request for transportation is a negligence
breach of duty or a violation in the performance
of or failure to perform an obligation created by
a promise of duty. The plaintiff was justifiably came
to rely on the EMTs job duty which they both
neglect which led to a \$98,300 owed medical bills.

C. CAUSE OF ACTION

Count one

The following civil rights negligence of Breach of duty been violated:
A violation in the performance of or failure to perform an obligation
by a Promise of duty.

Supporting facts: On Aug 26th 2015 911 was called to 525 E. St Louis Ave #418 Las Vegas, NV because Plaintiff was suffering hot flashes and excruciating stomach pain. Upon arrival L.V.F.R. EMTs were already aware of the situation by the 911 dispatcher, MR. Massa & MR. Paveika placed me on a stretcher while taking my vitals. I was in and out of consciousness. I informed L.V.F.R. EMTs I was seeking to be transported to a hospital. I informed the EMTs I had no insurance and was homeless. MR. Massa & MR. Paveika refused to transport me by stating I only had stomach gas. They took me off the stretcher and left me at the scene. Which is a violation in the performance to obligate a promise of duty. Still in the same excruciating stomach pain 911 was called to 525 E. St Louis Ave #418 for a second time. The second EMTs immediately rushed me to Valley hospital. I immediately had to have a obstruction release of the bowel surgery. My inside was distended and a 10 blade was used to shave down my stomach tissues before the surgery could begin. I was later closed up with 28 skin staples to my stomach. I was told by the DR. & nurse I wouldn't have needed this surgery if MR. Massa & MR. Paveika would have transported me. In this case are employees under NRS 450B.0703 & 450B.095 who are employed by the hospitals under NRS 450.480 to render said emergency services under sections (1) (2) and (3) of this statute when a 911 call is placed for the benefit of the community, but said employees did not. NRS 12.105 provide that state and local government agencies may be sued without naming members of their governing bodies.

pg 4

1 of 2

CON: COUNT ONE

Therefore employers in this case who contract with the state board of health and who employ the employees mentioned in this case are not immune nor barred from suit and action taken against them when seeking damages for injury incurred for their actions. NRS 450.400 which clearly provides that the same privileges of NRS 450.439 which provides for any person in county who fall sick or been injured or maimed within its limits, shall be extended the privileges of medical care. The special duty doctrine exception applies when the duty owed to the plaintiff arises by statute or when the plaintiff has justifiably come to rely on the governments assumption of their duty. It is clear by the cause of action of MR. Massa & MR. Pavetka negligence of breach of duty. The plaintiff incurred a \$98,300⁵⁰ dollar medical bill for a surgery that could have been prevented if the L.V.F.R. EMT's would have performed the oath and duty they swear to carry out in their position. The action is for my property and my money against MR. Massa & MR. Pavetka under 42 U.S.C. § 1983 Civil Rights Act of 1871, because on the 26th day of Aug. 2015 I suffered stomach pain I called 911 which led to public servants to transport me to a hospital. Where the employee said the neglect of not being transported the first time I called now I have to under go surgery which could have been prevented if MR. Massa & MR. Pavetka would have served out their sworn duty as EMT's.

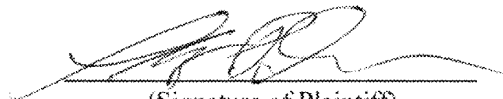
E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

\$3,000,000⁰⁰ U.S. dollars for the Direct and punitive
damages. A ~~comparative~~ negligence of Breach
of duty caused the plaintiff great and
unusual punishments. The plaintiff incurred A
Outstanding medical bill of \$98,300⁰⁰. If MR.
Massa & MR. PAVLIK would of upheld there duty
This could of been prevented.

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.

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


(Signature of Plaintiff)

2-13-2019
(Date)

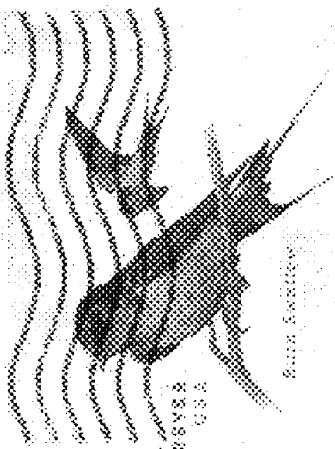
(Additional space if needed; identify what is being continued)

Larry Porchia 1481565
330 S. Casino Center
L.V. NV 89101

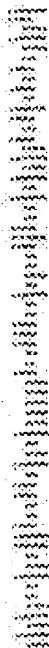
LAS VEGAS NV 890

14 FEB 2019 PM 5 L

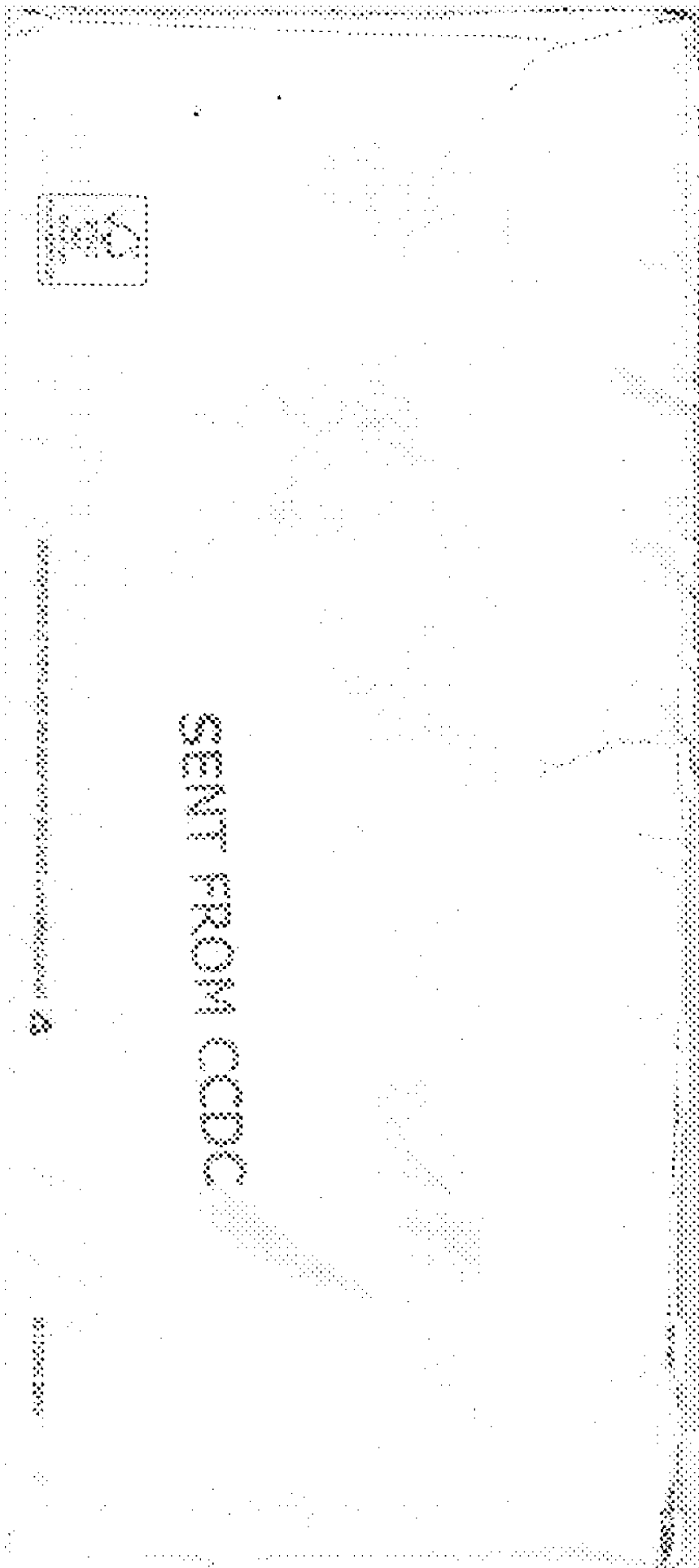
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USA



Clark of the Court
200 Lewis Ave 3rd fl.
L.V. NV 89155-1160



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NUMBERED PAGE(S)
580 - 582
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**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3RD FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

February 21, 2019

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 SUMMONS. We are unable to process Summons as it is not in District Court format. Enclosed is summons in proper format. Please sign and resubmit to our office for issuing.

Thank you,
#11 Deputy Clerk

UNITED STATES DISTRICT COURT

for the
District of Nevada

Larry Porchia

Plaintiff(s)

v.

PRO SE

Civil Action No. A-17-758321-C

Defendant(s)

City of Las Vegas, LVE 2/12/18 K. M. 9-11-18
Stephen Messa, Nicholas
Pavelka

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

City of Las Vegas Attorney

Jeffery M. Dorocak

495 S. Main ST, 6th fl.

L.V. N.V. 89101

Complaint 1983

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Larry Porchia PRO SE
330 S. Casino Center
L.V. N.V. 89101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

FEB 19 2019

CLERK OF THE COURT

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

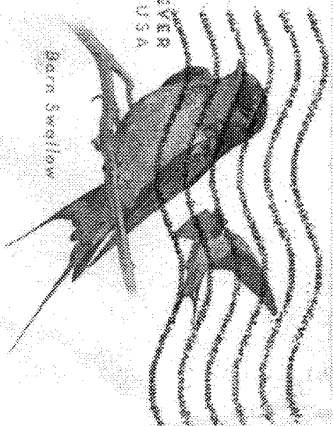
Additional information regarding attempted service, etc:

Larry Porch 1481565
330 S. Casino Center
L.V. N.V. 89101

LAS VEGAS NV 890

24 FEB 2019 PM 3:1

FOREVER
USA



Clerk of the court
200 Lewis Ave 3rd fl
L.V. N.V. 89155 - 1160

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588 - 589
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**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 571-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

INMATE CORRESPONDENCE

March 08, 2019

Re: A-17-758321-C / Department 26

Larry Porchia, Plaintiff(s)

vs.

American Medical Responders, Defendant(s)

- ☐ A court order is required to complete the request.
- ☐ Documents are sealed. A court order is required to reproduce. (PSI)
- ☐ Documents requested are not in the court file at this time.
- ☐ Transcripts have not been filed. A court order is required.
- ☐ Copies are \$.50 per page or by court order.
- ☐ Consult your law library for this information.
- ☐ District Court does/does not show any outstanding warrants under the above referenced defendant name.
- ☒ Other: Our office cannot file the document as submitted. A District Court Caption Page has been included. Pursuant to Nevada Statute we are not able to provide legal advice or assistance filling out your forms. For help with your pleadings, please contact an attorney or one of the Legal Aid organizations in town.

Cordially yours,

DC Criminal Desk #36

Deputy Clerk of the Court

This is A Affidavit of Service Showing A amended return
complaint was served in #758321-C to defendant's
Attorney

AFFIDAVIT OF SERVICE

STATE OF

COUNTY OF

ss:

I, being duly sworn, says: That at all times herein affiant was and is over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received 2 copy(ies) of the Summons and Complaint, on the 1st day of MARCH 20 19 and served the same on the 4th day of MARCH 20 19 by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant at (state address) 495 S. MAIN ST #600
2. Serving the Defendant by personally delivering and leaving a copy with a person of suitable age and discretion residing at the Defendant's usual place of abode located at (state address)

[Use paragraph 3 for service upon agent, completing (a) or (b)]

3. Serving the Defendant by personally delivering and leaving a copy at (state address) 495 S. MAIN ST 6th FLOOR LAS VEGAS, NV 89101
(a) With "BOYANA FUERTZ" as an agent lawfully designated by statute to accept service of process;
- (b) With pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):


- ☐ Ordinary mail
- ☐ Certified mail, return receipt requested
- ☐ Registered mail, return receipt requested

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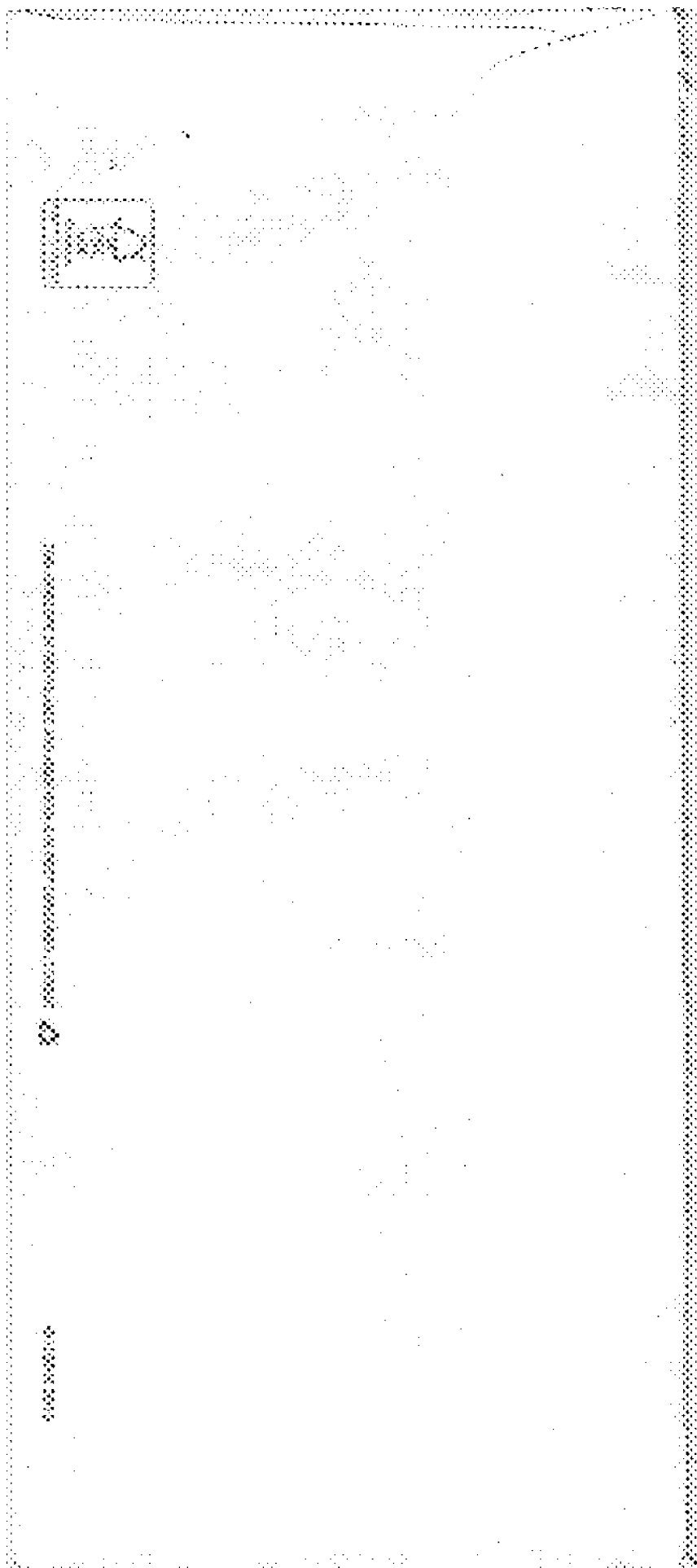
addressed to the Defendant _____ at Defendant's last known address which is
(state address) _____


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

EXECUTED this 4th day of March, 2019.



Signature of person making service





1 MDSM
2 BRADFORD R. JERBIC
3 City Attorney
4 Nevada Bar No. 1056
5 JEFFRY M. DOROCAK
6 Deputy City Attorney
7 Nevada Bar No. 13109
8 495 South Main Street, Sixth Floor
9 Las Vegas, NV 89101
10 (702) 229-6629 (office)
11 (702) 386-1749 (fax)
12 Email: jdorocak@lasvegasnevada.gov
13 Attorneys for CITY OF LAS VEGAS DEFENDANTS

14 DISTRICT COURT
15 CLARK COUNTY, NEVADA

16 LARRY PORCHIA,

17 Plaintiff(s),

18 vs.

19 AMERICAN MEDICAL RESPONDERS,
20 CITY OF LAS VEGAS, STEPHEN MASSA,
21 NICHOLAS PAVELKA, WILLIAM
22 HEADLEE, MARINA CLARK, JASON W.
23 DRIGGARS, LVFR/RISK MANGMENT,

24 Defendant(s).

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

25 **DEFENDANTS' MOTION TO DISMISS**

26 Pursuant to Rule 12(b)(5) of the Nevada Rules of Civil Procedure, Defendants CITY OF
27 LAS VEGAS, STEPHEN MASSA and NICHOLAS PAVELKA (hereinafter, "Defendants")
28 through their attorneys of record, BRADFORD R. JERBIC, City Attorney, by JEFFRY M. DOROCAK,
Deputy City Attorney, hereby move the Court for an order dismissing Plaintiff LARRY
PORCHIA's Amended Complaint.

1 This motion is made and based on the following memorandum of points and authorities,
2 the papers and pleadings already on file herein, and any oral argument the Court may permit at a
3 hearing of this matter.

4 DATED this 18th day of March, 2019.

5 BRADFORD R. JERBIC
6 City Attorney

7 By:

8 JEFFRY M. DOROCAK
9 Deputy City Attorney
10 Nevada Bar No. 13109
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for DEFENDANTS

11 **NOTICE OF MOTION**

12 TO: LARRY PORCHIA, Plaintiff in Proper Person:

13 YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the above and
14 foregoing CITY DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS on for
15 hearing before the above-entitled Court, on the _____ day of _____, 2019, at the
16 hour of _____ a.m./p.m., or as soon thereafter as counsel may be heard in the Regional Justice
17 Center, Department No. XXVI, Courtroom 10D, 200 Lewis Avenue, Las Vegas, Nevada, 89101.

18 DATED this 18th day of March, 2019.

19 BRADFORD R. JERBIC
20 City Attorney

21 By:

22 JEFFRY M. DOROCAK
23 Deputy City Attorney
Nevada Bar No. 13109

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 I.

26 **INTRODUCTION**

27 The factual allegations in Plaintiff's (second) Amended Complaint—even if accepted as
28 true—fail state a negligence claim upon which relief can be granted by the Court. Indeed,

1 Defendants are immune from liability under NRS 41.500(5) and do not owe Plaintiff an
2 individual duty to transport as alleged in the Amended Complaint. Furthermore, Plaintiff failed
3 to allege any affirmative conduct by, or specific promise from, Defendants that caused Plaintiff's
4 purported injuries. Thus, Defendants move to dismiss Plaintiff's Amended Complaint (filed
5 February 19, 2019).

6 Plaintiff's factual allegations identify two employees of Las Vegas Fire & Rescue and
7 allege purported negligence by the two firefighter-paramedics for failing to perform an
8 obligation. (See Pl.'s Am. Compl. at 4: Count One.) Plaintiff, however, failed to allege any
9 affirmative conduct by Defendants that can pierce the immunity provided to such first responders
10 under both the "good Samaritan" statute and the public duty doctrine. See NRS 41.500(5) and
11 NRS 41.0336. Instead, Plaintiff only claims that he was suffering stomach pains, called 9-1-1,
12 Defendants responded, Defendants diagnosed Plaintiff with "stomach gas" that did not require
13 emergency transport, and this failure to transport caused Plaintiff's subsequent surgery. (See
14 Pl.'s Am. Compl. at 4: Count One.) In all, even if the factual allegations are accepted as true, no
15 allegation sets forth affirmative conduct by, or a specific promise from, Defendants that would
16 pierce their immunity under NRS 41.500(5) or create a duty to transport Plaintiff.

17 II.

18 LEGAL ARGUMENT

19 A. APPLICABLE LEGAL STANDARD FOR RULE 12(b)(5) MOTION TO DISMISS

20 Rule 12(b)(5) of the Nevada Rules of Civil Procedure authorizes the Court to dismiss a
21 complaint for failure "to state a claim upon which relief can be granted." When considering a
22 motion to dismiss for failure to state a claim, a court is to presume all factual allegations in the
23 complaint as true and is to draw all reasonable inferences in favor of the non-moving party.
24 *Vacation Village, Inc. v. Hitachi America, Ltd.*, 110 Nev. 481, 484, 874 P.2d 744, 746 (1994)
25 (citing *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957)).

26 Plaintiff's negligence claim against Defendants—even if *not* stripped of their legal
27 conclusions, conclusory allegations, unreasonable inferences, and unwarranted deductions—fail
28 to state a cognizable tort claim under Nevada law because Defendants are immune from liability

1 under NRS 41.500 and not obligated to transport Plaintiff under the public duty doctrine.
2 Therefore, Plaintiff has failed to state any claim against Defendants upon which relief can be
3 granted, and dismissal of all claims—with prejudice—against Defendants is requested and
4 necessary pursuant to Rule 12(b)(5).

5 **B. DEFENDANTS ARE NOT LIABLE FOR ANY CIVIL DAMAGES AS A RESULT**
6 **OF AN ACT OR OMISSION IN THE RENDERING OF EMERGENCY**
7 **MEDICAL CARE**

8 Las Vegas Fire & Rescue is a “fire-fighting agency” under NRS 450B. (See NRS
9 450B.072 “Fire-fighting agency” means a fire department or fire protection district of the State
10 or a political subdivision which holds a permit used pursuant to this Chapter.) Pursuant to NRS
11 41.500(5):

12 Any person who is employed by . . . a fire-fighting agency and
13 who is authorized pursuant to [NRS] 450B to render emergency
14 medical care at the scene of an emergency is not liable for any civil
15 damages as a result of any act or omission . . . by that person in
16 rendering that care or as a result of any act or failure to act . . . to
17 provide or arrange for further medical treatment for the injured or
18 ill person.

19 Defendants Massa and Pavelka—like all members of Las Vegas Fire & Rescue—are
20 certified paramedics or emergency medical technicians (EMTs) and are authorized to render
21 emergency medical care under NRS 450B. Because Defendants render emergency care on
22 behalf of a fire-fighting agency, they are protected by NRS 41.500(5). Thus, Defendants are not
23 liable for any civil damages resulting from alleged acts or omissions during the rendering of
24 emergency care, and relief cannot be granted to Plaintiff’s Amended Complaint.

25 **C. PLAINTIFF’S NEGLIGENCE CLAIM FAILS AS A MATTER OF LAW**
26 **BECAUSE DEFENDANTS DID NOT OWE PLAINTIFF AN INDIVIDUAL DUTY**
27 **TO TRANSPORT**

28 The public duty doctrine bars Plaintiff’s negligence claim. NRS 41.0336 codifies the
common law public duty doctrine, which provides that fire and law enforcement agencies owe
duties to the public generally, not to particular individuals. See *Coty v. Washoe County*, 108
Nev. 757, 758-61, 839 P.2d 97, 98-99 (1992) (recognizing NRS 41.0336 as a codification of
Frye v. Clark County, 97 Nev. 632, 637 P.2d 1215 (1981), which articulated the common law

1 exceptions to the public duty doctrine). Under NRS 41.0336, a fire or law enforcement agency
2 and its officers are not liable for the officer's negligent acts or omissions unless the officer made
3 a promise to a plaintiff who relied on the promise, or unless the officer affirmatively caused the
4 plaintiff's injury. *Coty*, 108 Nev. at 757, 839 P.2d at 97.

5 Plaintiff does not allege either exception to the public duty doctrine, which—
6 consequently—renders Defendants immune to Plaintiff's negligence claim. (*See* Pl.'s Am.
7 Compl. at 4; Count One.) Defendants never promised to transport Plaintiff after arriving at the
8 scene. (*Id.*) Moreover, Defendants did not affirmatively cause Plaintiff's "excruciating stomach
9 pain" or "hot flashes." (*Id.*)

10 On the contrary, Plaintiff simply alleges that Defendants "refused to transport" him, and
11 Plaintiff "wouldn't have needed this surgery if Mr. Massa & Mr. Pavelka would have transported
12 [him]." (*Id.*) These conclusory allegations, nevertheless, do not give rise to a legally cognizable
13 duty. Indeed, an individual duty to transport Plaintiff would run in contravention to the public
14 duty doctrine and NRS 41.0336.

15 Because Plaintiff cannot show that Defendants owed him an individualized duty,
16 Plaintiff's negligence claim against Defendants must fail as a matter of law. In order for Plaintiff
17 to prevail on his negligence claim, four elements must be met: (1) duty, (2) breach, (3) legal
18 causation, and (4) damages. *Estate of Smith ex rel. Smith v. Mahoney's Silver Nugget, Inc.*, 127
19 Nev. 855, 857, 265 P.3d 688, 690 (2011). As noted *supra*, however, Plaintiff failed to allege any
20 duty owed to him by Defendants—a necessary requirement of a negligence claim.

21 III.

22 CONCLUSION

23 Pursuant to the "good Samaritan" statute and the public duty doctrine, Defendants did not
24 owe Plaintiff an individual duty to transport and are not liable for damages. Therefore,

25 ...

26 ...

27 ...

28 ...

1 Defendants respectfully request dismissal of Plaintiff's (second) Amended Complaint for failure
2 to state a claim upon which relief can be granted.

3 DATED this 18th day of March, 2019.

4 BRADFORD R. JERBIC
5 City Attorney


6 By:

7 JEFFREY M. DOBOCAK
8 Deputy City Attorney
9 Nevada Bar No. 13109
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY OF LAS VEGAS

10
11 CERTIFICATE OF SERVICE

12 I hereby certify that on March 18, 2019, I served a true and correct copy of the foregoing
13 DEFENDANTS' MOTION TO DISMISS through the electronic filing system of the Eighth
14 Judicial District Court of the State of Nevada, pursuant to Nevada Electronic Filing and
15 Conversion Rules, (or, if necessary, by United States Mail at Las Vegas, Nevada, postage fully
16 prepaid) upon the following:

17 Larry Porchia
18 2701 Kline Circle, #2
19 Las Vegas, NV 89121
Attorneys for Pro Per Plaintiff

20
21 
22 AN EMPLOYEE OF THE CITY OF LAS VEGAS
23
24
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26
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28

Larry Porchia PRO SE
330 Casino Ct. 1481565
M.M.V. 89101

FILED

MAR 18 2019

CLERK OF COURT

Larry Porchia PRO SE
Plaintiff } District Court
Clark County, Nevada

VS.

Case #A-17-758321-C

Dept #XXVI

American Medical Response
ET AL Defendant

Proof of Service

Comes Now Plaintiff, Larry Porchia, PRO SE, had
One correct and filed amended complaint hand
delivered to The City of Las Vegas Attorney's Jeffrey
M. Dorocak 495 S. Main ST. 6TH FL. Las Vegas, Nevada
89101 office. ON March 4TH "Bryanna FULTZ"
excepted This hand delivered copy on behalf of MR.
DOROCAK This Service was handle by Ken Hardy who
over the age of 18 and has nothing to do with
This case, MR. Hardy is a ~~simon~~
MR. Porchia Pray That This Court except this Proof
of Service Thank You

Submitted by
Larry Porchia PRO SE

Dated 3-12-19

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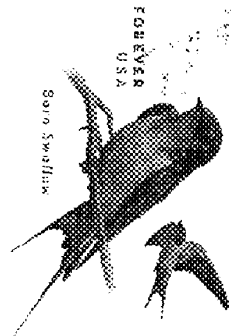
MAR 18 2019

CLERK OF THE COURT

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Larry Porchly 1481565
330 S. Casino Center
L.V. NV 89101

LAS VEGAS
NV 890
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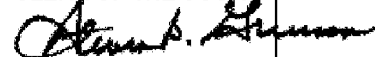
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Clerk of the Court
L.V. NV 89155-1160

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**DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
3/19/2019 9:31 AM
Steven D. Grierson
CLERK OF THE COURT



Larry Porchia, Plaintiff(s)
vs.
American Medical Responders,
Defendant(s)

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

NOTICE OF HEARING

Please be advised that the above-entitled matter has been scheduled for Defendants' Motion to Dismiss, to be heard in Department 26, at the Regional Justice Center, 200 Lewis Ave, Las Vegas, Nevada 89101, on the 23rd day of April, 2019, at the hour of 9:30 AM.


STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Joshua Raak
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that this 19th day of March, 2019, a copy of this Notice of Hearing was electronically served to all registered parties in the Eighth Judicial District Court Electronic Filing Program and/or placed in the attorney's folder maintained by the Clerk of the Court and/or mailed, postage prepaid, by United States mail to the proper parties as follows:

By: /s/ Joshua Raak
Deputy Clerk of the Court



1 CSERV
2 BRADFORD R. JERBIC
3 City Attorney
4 Nevada Bar No. 1056
5 By: JEFFERY M. DOROCAK
6 Deputy City Attorney
7 Nevada Bar No. 13109
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629 (office)
(702) 386-1749 (fax)
Email: jdorocak@lasvegasnevada.gov
Attorneys for CITY OF LAS VEGAS

DISTRICT COURT

CLARK COUNTY, NEVADA

LARRY PORCHIA,

Plaintiff(s).

vs.

AMERICAN MEDICAL RESPONDERS,
CITY OF LAS VEGAS, STEPHEN MASSA,
NICHOLAS PAVELKA, WILLIAM
HEADLEE, MARINA CLARK, JASON W.
DRIGGARS, LVFR/RISK MANGMENT,

Defendant(s).


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

Date of Hearing: 04/23/19
Time of Hearing: 9:30 a.m.

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2019, I served a true and correct copy of the Defendants' Motion to Dismiss and Notice of Hearing through the electronic filing system of the Eighth Judicial District Court of the State of Nevada, pursuant to Nevada Electronic Filing and Conversion Rules, (or, if necessary, by United States Mail at Las Vegas, Nevada, postage fully prepaid) upon the following:

Larry Porchia, #1481565
330 South Casino Center Boulevard
Las Vegas, NV 89101
Pro Per Plaintiff


AN EMPLOYEE OF THE CITY OF LAS VEGAS

Larry Porchia 1481568
330 S. Casino Center
L.V.N.V. 89101

Electronically Filed
03/28/2019

Heather J. Smith
CLERK OF THE COURT

1) Larry Porchia } District Court
2) Plaintiff } Clark County, Nevada
3) }
4) VS. } Case #A-17-758321-C
5) } Dept # xxvi
6) American Medical Responder
7) et al } Defendants } Deny motion to Dismiss complaint
8) }

9)
10) Comes now, named Plaintiff Larry Porchia
11) Pro SE deny's motion to dismiss Plaintiff's amended
12) complaints. City of Las Vegas, Stephen Massa and
13) Nicholas Pavellka motion should not be upheld by this
14) Court. This action is against the defendants under
15) 42 U.S.C. & 1983 Civil Rights act of 1871. I am aware
16) that the law in this state provides that anyone has
17) the privilege of being taken immediately to a hospital
18) under NRS. 450B.015

19) 20) Cause of Actions

21) On Aug. 26th 2015 I suffered excruciating
22) stomach pain which led to a 911 call so I could
23) be taken to a hospital to be seen by a doctor.
24) Upon arrival of the public servants I stated
25) I wish to be transported to a hospital.
26) I was refused by MR. Massa and MR. Pavellka
27)
28)

1) They both misdiagnosed The Plaintiff by stating
2) it's only gas which is something only A Doctor
3) can determine. Mr. Massa and Mr. Pavelyk left me
4) in the streets with no medical attend. My Stomach
5) pain worsened so 911 was called for A Second time
6) and I was rushed to Valley hospital but the
7) Second EMTs. did why didn't the first EMTs do.
8) NRS 450B.015 states anyone has the privilege of
9) being taken immediately to A hospital.

10) A. Legal Argument

11) The defendants in this case simply relies
12) on the public duty doctrine however the exception
13) to the public duty doctrine is the special duty doctrine
14) that imposes liability for injury on a government entity
15) when there is A special duty owed to the plaintiff
16) but not to the public. The special duty exception applies
17) when the duty owed to the plaintiff arise by statute
18) or when the plaintiff has justifiably come to rely on
19) the government assumption of the duty. A violation
20) in the performance of or failure to perform an
21) obligation created by A ~~person~~ promise of duty. A
22) failure to exercise even the slightest care in protecting
23) someone is A willful indifference to one's rights under
24) NRS 12.105 which prove that state and local governmental
25) agencies may be sued without naming member of
26) their governing bodies. The deprivation of any
27) rights, privileges, or immunities

28) Pg 2

1} Secured by the constitution and laws, shall be liable
2} to the party injured in any action... Plaintiff is A
3} party who incurred loss by defendants NRS 41.1395:
4} because two defendants in this case are employers
5} NRS. 288, 060 plaintiff cited NRS 450.400 which clearly
6} provides that the same privileges of NRS. 450.434
7} which provides for any person in county who fall sick or
8} being injured or being married within it's limits, shall be
9} extended the privileges of medical care under NRS. 450B.
10} 015 because said services are paid for by public money
11} as well under NRS 450, 010 by United States citizens,
12} because employees, who this action is being brought up
13} against the same money for licensing and training provide
14} by "Taxpayer". Employees in this case are employees
15} under NRS 450B, 0703 and NRS 450B, 095- who are employed
16} by the hospital under NRS 450, 400 to render said
17} emergency services under Section ①② and ③ of this
18} statute when a 911 call is placed for the benefit of
19} the community but said employees did not. NRS 12.105
20} provides that state and local government agencies
21} may be sued without naming members of their governing
22} bodies: Therefore employees of this case who
23} contract with state Board of Health and who
24} employ the employees mentioned in this case, as well
25} as such employees are not immune nor barred
26} from suit. An action taken against them when seeking
27} damages for injury incurred for their acts.

Page 3

1) but in fact may be imprisoned for torts committed
2) against injured parties when personal property NRS 10,045
3) is taken for public use.

4) B: Defendants are liable for civil Damages

5) Mr. Massa and Pavella are certified paramedics
6) or emergency medical technicians and are authorized
7) to render emergency medical care under NRS 450,480
8) Section (1) (2) and (3) of this statute when a 911
9) call is placed. The Plaintiff should have been taken
10) to a hospital not misdiagnosed by L.V.F.R EMTs
11) when only a Doctor can truly determine such
12) problems.

13) C: Plaintiff negligence claim is true

14) Mr. Massa and Pavella responded but didn't
15) transport the defendants in this case admitted to
16) committing violations and caused injury in fact
17) Counsel for defendants Jeffery M. Dorocak admitted
18) they showed up but didn't transport and the
19) Statute is clear. Every person who under color of
20) any statute, ordinance, regulation, custom or usage, of
21) any State or territory, of the District of Columbia, subject
22) or causes to be subjected any citizen of the United
23) States within the jurisdiction thereof, to the deprivation
24) of any rights, privileges or immunities by the Constitution
25) and laws. Shall be liable for the party injured in any
26) action. The special duty doctrine applies here. A doctrine
27) rule or method of

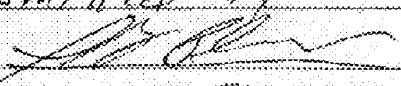
1) Liability and damages in tort law. Negligence
2) and damages are determined by reference to the
3) fault of the defendants.

4) Conclusion

5) Pursuant to the exception to the public
6) duty doctrine. The special duty doctrine applies
7) when the duty owed to the plaintiff arises by statute
8) which in this case it does. The defendants request should
9) not be granted. The second amended complaint
10) should stand as true and the relief should be
11) granted to the plaintiff.

12) Certificate of Service

13) I hereby certify that on March 24th 2019 mailed
14) A true copy of the deny to dismiss Complaint,
15) was mail with prepaid United State Postage to The
16) City of Las Vegas Attorney at 495 S. Main St. 6th Fl
17) Las Vegas Nevada 89101

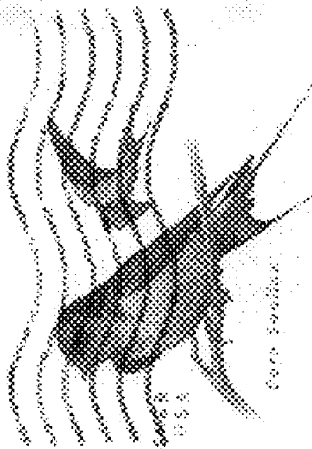
18) Submitted by
19) Sign: 
20) Date March 26th 2019

Harry Porcchia 1481565
330 S. Casino Center
L.V. NV. 89101

LAS VEGAS NV 8900

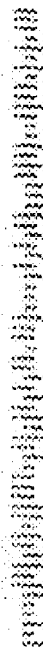
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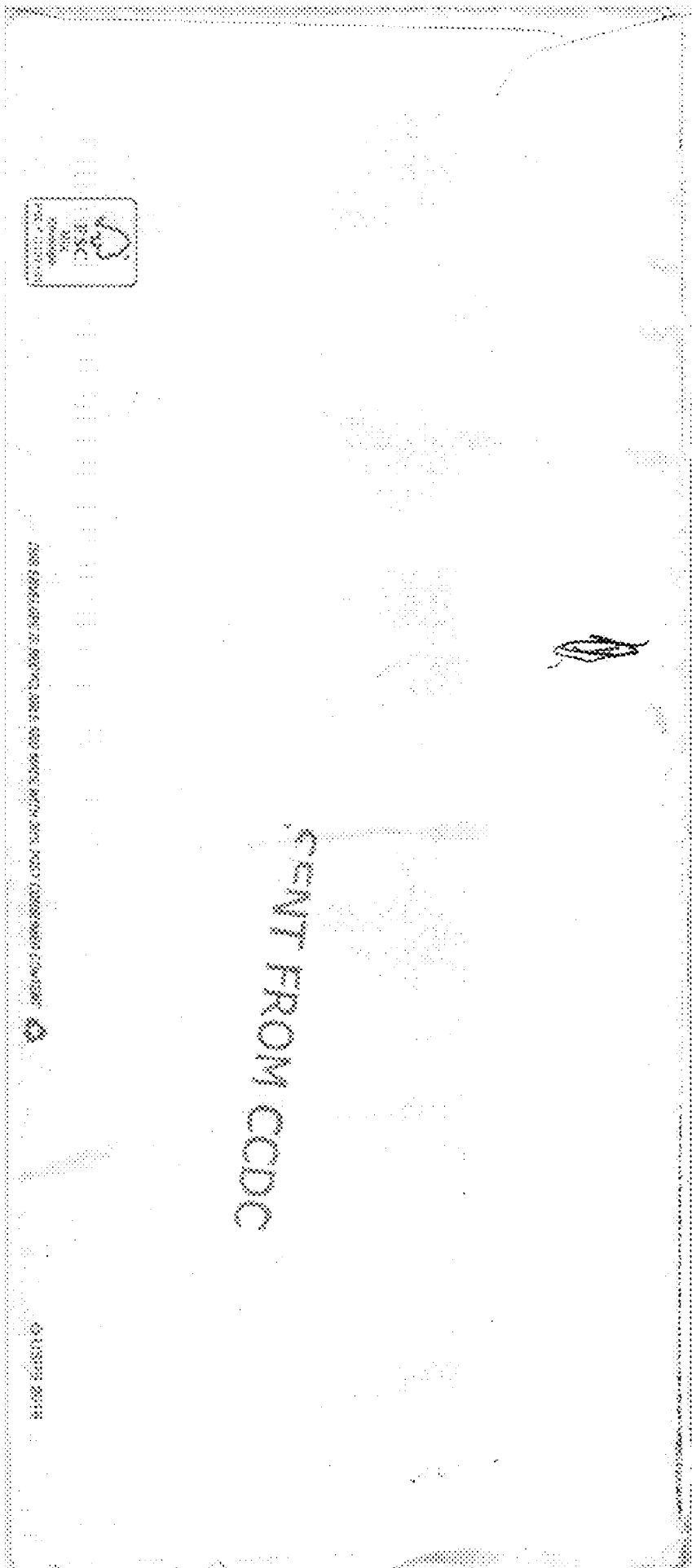
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Clerk of the court
200 Lewis Ave 3rd fl.
L.V. NV. 89155 - 1/60

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Larry Porchia 1481565
330 S. Casino Center
LV, N.V. 89101

Electronically Filed
03/28/2019

Heather L. Smith
CLERK OF THE COURT

1) Larry Porchia ^{Pro SE}
2) Plaintiff } District Court
3) } County of Nevada

4) VS.
5) } Case # A-17-758321-C
6) } Dept # XXVI

6) American Medical Responders
7) Et, Al

8) Defendant } Request for Transportation

9) }
10) Comes now, Plaintiff Larry Porchia, Pro SE
11) request for Transportation to appear in person for
12) A deny to dismiss amended complaint. This motion
13) is heard on April 23rd at 9:30 Am Department 26
14) at 200 Lewis Ave Las Vegas, Nevada 89101

Submitted by
Sign *[Signature]*
Date: March 24th 2019

RECEIVED

MAR 28 2019

CLERK OF THE COURT

0054

1 Larry Porchia

(NAME)

2 330 S. Casino Ct.

(ADDRESS)

3 L.V. N.V. 89101

(CITY, STATE, ZIP)

4 N/A

(TELEPHONE)

5 [☒] Plaintiff [] Defendant, *Pro Se*

FILED

APR 15 2019

CLERK OF COURT

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 Larry Porchia

10 Plaintiff,

11 vs.

12 America medical Responder
13 ET. Al

Defendant.

) Case No.: A-17-758321-C
) Dept. No.: XXV

) Hearing Date:
) Hearing Time:

14
15 **MOTION FOR SUMMARY JUDGMENT**

16 Pursuant to NRCP 56, [☒] Plaintiff [] Defendant, Larry Porchia,
17 appearing *pro se*, submits this motion to demonstrate to the Court that there is no genuine issue
18 of material fact in this case and that [☒] Plaintiff [] Defendant is entitled to summary judgment
19 as a matter of law.

20 This Motion is based upon and supported by the following Memorandum of Points and
21 Authorities, the pleadings and papers on file, the affidavits and exhibits attached hereto, and any
22 argument that the Court may allow at the time of hearing.

23 DATED this 9th day of Apr., 2019.

24 Respectfully submitted by:

25
26 [Signature]
27 [☒] Plaintiff [] Defendant, *Pro Se*

A-17-758321-C
MSJD
Motion for Summary Judgment
4829830

Page 1



CLERK OF THE COURT

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APR 15 2019

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NOTICE OF MOTION

YOU AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing **MOTION FOR SUMMARY JUDGMENT** on for hearing before the above-entitled Court on the _____ day of _____, 20____, _____m. of said date, in Department _____.

DATED this 9th day of Apr, 2019.

Respectfully submitted by:


[☒] Plaintiff [☐] Defendant, Pro Se

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

The following facts are not in dispute:

On Aug 26th 2018 911 was called to 525 E. ST Louis Ave #418 Las Vegas, NV because Plaintiff was suffering hot flashes and excruciating stomach pain. Upon arrival L.V.F.R., EMT² MR. Massa and MR. Pavelyk was aware of the situation by the 911 dispatcher I was placed on a stretcher while my vitals was taken I was in and out of consciousness. I informed MR. Massa and MR. Pavelyk I was seeking to be transported to a hospital. The pre-hospital report was prepared once I informed the EMTs I had no insurance and I was homeless. MR. Massa and MR. Pavelyk refused to transport me stating I only had gas they took me off the stretcher and left me at the scene. Hours later still in the same pain 911 was called a second time I was rushed to Valley hospital where I had to have a exploratory laparotomy release of bowel obstruction. If taken to hospital the first time this could of been prevented.

II. STANDARD FOR SUMMARY JUDGMENT

NRCP 56(c) states in relevant part that "[t]he judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." (Emphasis added.) *Schmidt v. Washoe County*, 159 P.3d 1099, 1103 (Nev. 2007) ("Summary judgment is only appropriate if the pleadings and other evidence on file, viewed in the light most favorable to the nonmoving party, demonstrate that no genuine issue of material fact remains in dispute and the moving party is entitled to judgment as a matter of law.").

III. ARGUMENT

In the present case, there is no genuine issue of material fact, as discussed below, and [✓] Plaintiff [] Defendant is entitled to judgment as a matter of law because:

Under 42 U.S.C. § 1983 every person who under any color of any statute, custom, regulations subjects or cause to be subjected to any citizen of the U.S. the deprivation of any right, privileges or immunities secured by the Constitution and law shall be liable to the party injured in any action. Plaintiff is a person who incurred loss by defendants. NRS 41,134.5 defendants in this case are employers NRS, 298, 060. The same privilege of NRS, 450, 434 which provides for any person in county who fall sick or being injured within its limits shall be extended. The privilege of medical care under NRS, 450B, 015 under NRS 450B, 0703 and 450B, 095 employed by the hospitals under NRS 450, 480 to render said emergency services under section 12(2) § 6 of the statute when a 911 call is placed for the benefit of the community. Employees did not under NRS 12,105 provide their contracts with state board. It appears beyond doubt that plaintiff can prove the set facts which entitled him to relief see *Simpson v. Mar's Inc* 113 Nev 88 929 P.2d 960 (1997) Plus has a outstanding medical bill of \$97878.02

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CONCLUSION

Accordingly, ☒ Plaintiff ☐ Defendant is entitled to judgment in his/her favor
in the amount of \$ 3,000,000⁰⁰.

DATED this 8th day of Apr, 2019.

Respectfully submitted by:


☒ Plaintiff ☐ Defendant, *Pro Se*

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the _____ day of _____, 20____, I
placed a true and correct copy of the foregoing **MOTION FOR SUMMARY JUDGMENT** in
the United States Mail at Las Vegas, Nevada, with first-class postage prepaid, addressed to the
following:

City of Las Vegas Attorney
AT. Jeffery M. Dorocak
495 S. Main St. 6th fl.
L.V. N.V. 89101

Respectfully submitted by:

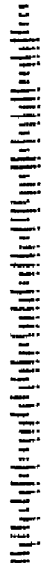

☒ Plaintiff ☐ Defendant, *Pro Se*

Larry Forebich 1481565
330 S. Casino CT.
N. N.Y. 84101



Clerk of the Court
New Lewis Ave 2nd fl
N. N.Y. 84155-1160

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Steven D. Grierson

Larry Porchia, Plaintiff(s)

Case No.: A-17-758321-C

vs.

American Medical Responders,
Defendant(s)

Department 26

NOTICE OF HEARING

Please be advised that the Motion for Summary Judgment in the above-entitled matter is set for hearing as follows:

Date: May 28, 2019

Time: 9:30 AM

Location: RJC Courtroom 10D
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

Larry Porchia 1481568
330 S. Casino Ct.
L.M.N.V. 89601

Electronically Filed
04/26/2019

W

Heather Shuman
CLERK OF THE COURT

| | | |
|--|---|---|
| Larry Porchia Plaintiff | } | District Court Clark County, Nevada A-17-758321-C |
| VS. | | Case # 17-758321-C |
| American medical Responder Defendants | | Dept # |
| Request for transportation | | |

Come's now, Plaintiff, Larry Porchia Pro SE
request for Transportation to appear in person for
Summary Judgment on May 28, 2019 in Dept 26th

I pray that this request be granted
Plaintiff Larry Porchia B Pro SE can represent himself
in this matter. There's A good chance both party's
may want come to agreement to bring this case
to A close. I Larry Porchia would like to attend
case i'm willing to make A offer to settle this
matter.

RECEIVED
APR 26 2019
CLERK OF THE COURT

Respectfully Submitted
[Signature]
April 27th 2019

Amy Porchia 1481565
330 S. Cassin CT.
Las Vegas, N.M. 89101

Amy Porchia } District Court
Plaintiff } Clark County, Nevada

(S. }
} CSe #A-17-75834-C
} Dept

American Medical Response }
Defendants } Proof of Service

I Hereby certify that on the 22nd day of Apr. 2019, I placed a true and correct filed copy of the foregoing Summary Judgement along with a notice of motion with the correct hearing date, time and Dept. of the hearing. This was mailed at the United States mail in Las Vegas, Nevada with first class postage prepaid to the following: City of Las Vegas Attorney Jeffrey M. Dorocak, 495 S. Main ST, 6th Fl, 89101

Respectfully Submitted

[Signature]

APR. 22nd 2019

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APR 26 2019
CLERK OF THE COURT

Harry Porchia 1481565
330 S. Casino CT.
L.V. N.V. 89101

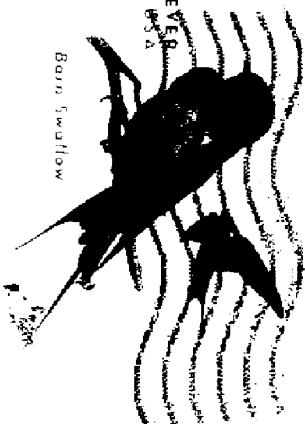
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LAS VEGAS NV 890

24 APR 2019 PM 3 FOREVER

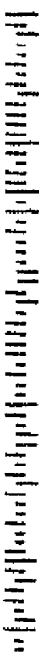
USA

Barn Swallow



Clerk of the Court
200 Lewis Ave 3rd Fl.
L.V. N.V. 89155-1160

89101-630000





1 OGM
2 BRADFORD R. JERBIC
3 City Attorney
4 Nevada Bar No. 1056
5 By: JEFFRY M. DOROCAC
6 Deputy City Attorney
7 Nevada Bar No. 13109
8 495 South Main Street, Sixth Floor
9 Las Vegas, NV 89101
10 (702) 229-6629 (office)
11 (702) 386-1749 (fax)
12 Email: jdorocak@lasvegasnevada.gov
13 Attorneys for CITY OF LAS VEGAS,
14 STEPHEN MASSA and NICHOLAS PAVELKA
15

16 DISTRICT COURT
17 CLARK COUNTY, NEVADA

18 LARRY PORCHIA,

19 Plaintiff,

20 vs.

21 AMERICAN MEDICAL RESPONDERS,
22 CITY OF LAS VEGAS, STEPHEN MASSA,
23 NICHOLAS PAVELKA, WILLIAM
24 HEADLEE, MARINA CLARK, JASON W.
25 DRIGGARS, LVFR/RISK MANGMENT,

26 Defendants.

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


27 **ORDER GRANTING CITY**
28 **DEFENDANTS' MOTION TO DISMISS**

City Defendants' Motion to Dismiss having come on for hearing April 30, 2019; Plaintiff in Proper Person Larry Porchia appeared, Defendants City of Las Vegas, Stephen Massa and Nicholas Pavelka appeared through Jeffry M. Dorocac, Deputy City Attorney; the Court having reviewed the pleadings and papers on file herein and having heard the arguments of counsel, the Court finds that pursuant to the "good Samaritan" statute (NRS 41.500(5)) and the public duty doctrine (NRS 41.0336), Defendants, as a matter of law, did not owe Plaintiff an individual duty to transport and are not liable for damages.

....

1 IT IS HEREBY ORDERED that City Defendants' Motion to Dismiss is granted with
2 prejudice.

3 DATED this 16th day of May, 2019.

4
5 
6 DISTRICT COURT JUDGE

7 SUBMITTED BY:

8 BRADFORD R. JERBIC
9 City Attorney

10 By: 

11 JEFFREY M. DOROCAK
12 Deputy City Attorney
13 Nevada Bar No. 13109
14 495 South Main Street, Sixth Floor
15 Las Vegas, NV 89101
16 Attorneys for CITY OF LAS VEGAS,
17 STEPHEN MASSA and NICHOLAS PAVELKA
18
19
20
21
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Larry Porchia 1481565
330 S. Casino Center
Las Vegas, NV 89101

FILED

MAY 16 2019

98

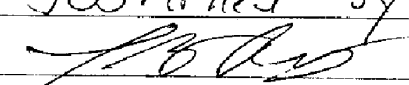
CLERK OF COURT

1) Larry Porchia ^{PRO SE}
2) Plaintiff
3) } District Court
4) } Clark County, Nevada
5) }
6) vs. } Case # A-17-758321-C
7) } Dept # XXVI
8) American Medical Response
9) Et, Al Defendants } Motion to Request final Judgment
10) } and final transcript,
11) }
12) }
13) }
14) }
15) }
16) }
17) }
18) }
19) }
20) }
21) }
22) }
23) }
24) }
25) }
26) }
27) }
28) }

Comes now Plaintiff PRO SE Larry Porchia
is respectfully requesting April 30th 2019 final
Judgment and Court Transcript from A 9:30 A.M.
hearing in Dept 26 case # A-17-758321.

The plaintiff is praying that the court sends
these request in A Timely matter. Thank you
for you time.

Dated May 9th 2019.

Submitted by

Larry Porchia ^{PRO SE}

RECEIVED
MAY 13 2019
CLERK OF THE COURT

626

Larry Porchia 1481868
330 S. Casino Center
L.V. N.V. 89101

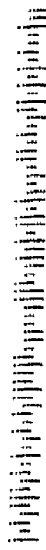
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L.V. N.V. 89185-1160


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1 NEOJ
2 BRADFORD R. JERBIC
3 City Attorney
4 Nevada Bar No. 1056
5 By: JEFFRY M. DOROCAC
6 Deputy City Attorney
7 Nevada Bar No. 13109
8 495 South Main Street, Sixth Floor
9 Las Vegas, NV 89101
10 (702) 229-6629 (office)
11 (702) 386-1749 (fax)
12 Email: jdorocak@lasvegasnevada.gov
13 Attorneys for CITY OF LAS VEGAS,
14 STEPHEN MASSA and NICHOLAS PAVELKA
15

9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

11 LARRY PORCHIA,

12 Plaintiff,

13 vs.

14 AMERICAN MEDICAL RESPONDERS,
15 CITY OF LAS VEGAS, STEPHEN MASSA,
16 NICHOLAS PAVELKA, WILLIAM
17 HEADLEE, MARINA CLARK, JASON W.
18 DRIGGARS, LVFR/RISK MANGMENT,

19 Defendants.

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

NOTICE OF ENTRY
OF ORDER GRANTING CITY
DEFENDANTS' MOTION TO DISMISS

19 TO: LARRY PORCHIA, Plaintiff in Proper Person:

20 PLEASE TAKE NOTICE that an ORDER GRANTING CITY DEFENDANTS'
21 MOTION TO DISMISS was filed in the above-entitled matter on May 15, 2019, a copy of which
22 is attached hereto.

23 DATED this 16th day of May, 2019.

24 BRADFORD R. JERBIC
25 City Attorney

26 By:

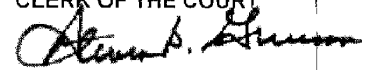
27 JEFFRY M. DOROCAC
28 Deputy City Attorney
Nevada Bar No. 13109
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY DEFENDANTS

1 CERTIFICATE OF SERVICE

2 I hereby certify that on May 16, 2019, I served a true and correct copy of the foregoing
3 NOTICE OF ENTRY OF ORDER GRANTING CITY DEFENDANTS' MOTION TO
4 DISMISS through the electronic filing system of the Eighth Judicial District Court of the State of
5 Nevada, pursuant to Nevada Electronic Filing and Conversion Rules, (or, if necessary, by United
6 States Mail at Las Vegas, Nevada, postage fully prepaid) upon the following:

7 Larry Porchia, #1481565
8 330 South Casino Center Boulevard
9 Las Vegas, NV 89101
Attorneys for Pro Per Plaintiff

10 
11 AN EMPLOYEE OF THE CITY OF LAS VEGAS



OGM
BRADFORD R. JERBIC
City Attorney
Nevada Bar No. 1056
By: JEFFRY M. DOROCAC
Deputy City Attorney
Nevada Bar No. 13109
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629 (office)
(702) 386-1749 (fax)
Email: jdorocak@lasvegasnevada.gov
Attorneys for CITY OF LAS VEGAS,
STEPHEN MASSA and NICHOLAS PAVELKA

DISTRICT COURT
CLARK COUNTY, NEVADA

LARRY PORCHIA,

Plaintiff,

vs.

AMERICAN MEDICAL RESPONDERS,
CITY OF LAS VEGAS, STEPHEN MASSA,
NICHOLAS PAVELKA, WILLIAM
HEADLEE, MARINA CLARK, JASON W.
DRIGGARS, LVFR/RISK MANGMENT,

Defendants.

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


**ORDER GRANTING CITY
DEFENDANTS' MOTION TO DISMISS**

City Defendants' Motion to Dismiss having come on for hearing April 30, 2019; Plaintiff in Proper Person Larry Porchia appeared, Defendants City of Las Vegas, Stephen Massa and Nicholas Pavelka appeared through Jeffry M. Dorocak, Deputy City Attorney; the Court having reviewed the pleadings and papers on file herein and having heard the arguments of counsel, the Court finds that pursuant to the "good Samaritan" statute (NRS 41.500(5)) and the public duty doctrine (NRS 41.0336), Defendants, as a matter of law, did not owe Plaintiff an individual duty to transport and are not liable for damages.

....

1 IT IS HEREBY ORDERED that City Defendants' Motion to Dismiss is granted with
2 prejudice.


3 DATED this 16th day of May, 2019.

4
5 
6 DISTRICT COURT JUDGE

7 SUBMITTED BY:

8 BRADFORD R. JERBIC
9 City Attorney

10 By:


11 JEFFERY M. DOROCAK
12 Deputy City Attorney
13 Nevada Bar No. 13109
14 495 South Main Street, Sixth Floor
15 Las Vegas, NV 89101
16 Attorneys for CITY OF LAS VEGAS,
17 STEPHEN MASSA and NICHOLAS PAVELKA
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OSCC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LARRY PORCHIA, PLAINTIFF(S)
VS.
AMERICAN MEDICAL
RESPONDERS, DEFENDANT(S)

CASE NO.: A-17-758321-C

DEPARTMENT 26

CIVIL ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,
IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to
statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Default Judgment
- ☐ Judgment on Arbitration
- ☐ Stipulated Judgment
- ☐ Summary Judgment
- ☐ Involuntary Dismissal
- ☒ Motion to Dismiss by Defendant(s)
- ☐ Stipulated Dismissal
- ☐ Voluntary Dismissal
- ☐ Transferred (before trial)
- ☐ Non-Jury – Disposed After Trial Starts
- ☐ Non-Jury – Judgment Reached
- ☐ Jury – Disposed After Trial Starts
- ☐ Jury – Verdict Reached
- ☐ Other Manner of Disposition

DATED this 23rd day of May, 2019.



GLORIA STURMAN
DISTRICT COURT JUDGE

Larry Porchia 1481565
330 S. Casino CT,
Las Vegas, N.V. 89101

Electronically Filed
6/3/2019 10:44 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1) Larry Porchia ^{Pro SE}
2) Plaintiff
3)
4) vs.
5)
6) American medical Responders
7) Et, Al
8) Defendants
9) Case # A-17-758321-C
10) Dep # 26

RECEIVED

JUN 03 2019

CLERK OF THE COURT

Notice of Appeal

11) Notice is hereby given that Larry
12) Porchia Plaintiff above-named hereby appeals to
13) the Supreme Court of Nevada from A Judgment
14) of entry for an civil suit under Pursuant to
15) the time constraints set forth in N.R.A.P. 4 (A)

16)
17) Pursuant to N.R.A.P. appeal statement,
18) the following concerning the party (respondent) etc,
19) follows: Case Appeal Statement

20) 1) Larry Porchia Pro SE
21) 2) Judge Gloria Sturman issue Judgment
22) 3) City of Las Vegas, L.V.F.R, Risk mangment, Stephen
23) massa, Nicholas Parelka, Counsel Jeffrey M. Dolocak
24) 495 S. main ST. 6th fl. Las Vegas, Nevada 89101
25) 4) Larry Porchia Pro SE 330 S. Casino Center
26) Las Vegas, Nevada 89101 is his one counsel,
27)

28)

- 5) N/A
- 6) NO The appellant is PRO SE
- 7) NO The appellant needs to have counsel appointed or at least funds to help with his appeal
- 8) Yes appellant was granted in forma pauperis
- 9) appeal on March 2nd 2019
- 10) This case has been on going since 2017 I had to do a second amended Feb 2019
- 11) 911 was called due to distended stomach and exercising
Stomach pain upon arrival EMT's seen my stomach was distended since I couldn't provide insurance and stated I was homeless. MR. MASSA & MR. PAVELKY took me off the stretcher District court granted motion to dismiss due to public duty doctrine however overlooked the Special Duty doctrine. I'm appealing under Special Duty Doctrine exception see statement of fact and legal arguments
- 12) NO it's just been heard in District court
- 13) NONE
- 14) In this case Plaintiff ask for \$3,000,000⁰⁰ U.S. dollars.

Notice of Appeal

You and each of you will please take notice that the undersigned will bring foregoing Notice of Appeal on the hearing before the above court on the _____ day of _____ 20____, Am in Dept. Number _____

[Signature] Dist

1) Statement of Fact:

2) The following facts are not in dispute:

3) ① ON Aug: 26th 2015 911 was called to 525 E. ST,
4) LOUIS Ave #418 Las Vegas Nevada because Plaintiff
5) WAS suffering from Hot Flashes and crying from
6) excruciating stomach pain.

7) ② Upon arrival L.V.F.R. E.M.T's were already aware
8) of the situation by the 911 dispatcher. Stephen Masse
9) & Nicholas Pavelsky placed me on a stretcher while
10) taking my vitals. It was plan to see my stomach.
11) was distended.

12) ③ I was crying from cell the pain → informed
13) L.V.F.R. I was seeking to be transported to a
14) hospital. I informed the E.M.T's I had no insurance
15) and was homeless.

16) ④ MR. Masse and MR. Pavelsky refused to transport my
17) by stating → only had gas problem which only a
18) Doctor can determine this. They took me off the
19) stretcher and left me in the streets at the scene.

20) ⑤ Still in the same excruciating stomach pain
21) 911 was called to the same address 525 E ST 1000
22) Ave #418 for the second time. Upon arrival
23) The second E.M.T's immediately ~~not~~ notice

1) My stomach was distended and rushed me
2) to Valley Hospital ER.

1) b) I immediately had to have A excruciating
2) Obstruction release of the bowel surgery to save
3) my life. My insides was distended on it to black
4) was used to shave down my stomach tissues before
5) the surgery could start. I was later closed back
6) up with 28 skin staples to close my stomach.

1) 7) Dr. Mark McKenzie A Valley Hospital Medical
2) Surgeon told me if I was brought to the hospital
3) hours early I would not have needed the surgery.

1) 8) Due to L.V.H. failure to train the EMTs and
2) the public serves neglect along with there breach
3) of duty I incurred a \$ 97,828⁰² medical bill
4) owed to valley hospital.

1) 9) A legal Argument;

2) The defendants in this case simply relies on

1) The public duty doctrine however the exception

2) to the public duty doctrine states, The special

3) duty doctrine does imposes liability for injury

4) on A government entity when there is A special

5) duty owed to the plaintiff not the public.

6) The special duty exception applies when the

7) duty owed to the plaintiff arise

1) by Statute or when the Plaintiff has justifiably
2) come to rely on the government assumption
3) of their duty. A violation in the performance
4) or failure to perform an obligation created by
5) a promise of duty. A failure to exercise
6) even the slightest care in protecting someone is
7) a willful indifference to one's right. Under NRS 12.
8) 105 which prove that state and local government
9) agencies may and can be sued without naming
10) member of their governing bodies. The deprivation
11) of any rights, privileges or immunities secured by
12) the constitution and laws, shall be liable to
13) the party injured in any action... Plaintiff
14) is a party who incurred loss by defendants
15) NRS 41.1325, because two defendants in this case
16) are employers NRS 288.060 Plaintiff cited
17) previously NRS 450.400 which clearly provides
18) that the same privileges of NRS 450.439 which
19) provides for any person in county or state who
20) fall sick or being injured or being injured
21) within its limits, shall be extended the same
22) privileges of medical care under NRS 450B.015
23) because social service are paid by public money
24) as well under NRS 450.010 by United States
25) citizens, because employees who this action is
26) being brought up against use the same money
27) for licensing and training provided by (tax payer)
28)

Employees in this case are employees under
NRS 450B, 0703 and 450B, 098. NRS 450, 480 to
render such emergency services under Section
① ② and ③ of this Statute when a 911
call is placed for the benefit of the community
but said employees did not. NRS 12.105 provides
that state and local governmental agencies
may be sued without naming member of their
governing bodies. NRS 450B, 130 (F) treatment of
patients who are critically ill or in urgent need
of treatment. The employees of this case who
contract with state board of health shall not
be barred from suit. NRS 450B, 580 ② (A) unlawful
acts. A person who administers emergency
medical services to feel willfully to transfer
a qualified patient in accordance with the
provisions of NRS 450B, 550, NRS 450B, 040
ambulance is a motor vehicle which is specially
designed, constructed equipped and staffed to
provide emergency care for one. NRS 450B, 065
Emergency medical technician means a person certified
by the health office as having satisfactorily completed
a program of training for certification as an
emergency medical technician pursuant to NRS 450B, 1905

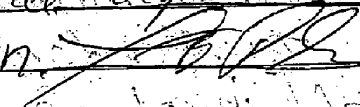
- 1) NRS 450B, 095 paramedic defined means A person
- 2) certified by the health officer as having satisfactorily
- 3) completed a program of training for certification as
- 4) A paramedic pursuant to NRS 450B, 195 added to
- 5) NRS by 1981, 277 A 1993, 2838 2013, 978 NRS 450B, 105
- 6) trauma defined means any acute injury which
- 7) according to standardized criteria for triage
- 8) in the field involves a significant risk of
- 9) death or the precipitation of complicating or
- 10) disabilities NRS 450B, 130 establishment of minimum
- 11) standards and additional requirements 1 (F) treatment
- 12) of patients who are critically ill or in urgent need
- 13) of treatment. 5 as used in this section A person
- 14) who provides emergency medical care means an
- 15) emergency medical technician advanced EMT
- 16) paramedic attended at an ambulance or an fire-
- 17) fighting agency, NRS 450B, 140 sources for standards
- 18) and regulations: Standard may differ for different
- 19) categories. The United States public Health Service (b)
- 20) The United States Department of transportation,
- 21) NRS 450B, 1905 program of training for certification
- 22) as an EMT must follow the curriculum or education of
- 23) standards prepared by the United States Department
- 24) of transportation as a national standard for emergency
- 25) medical technician as a national standard for E.M.T.
- 26)
- 27)
- 28)

Court

CONCLUSION

According to the Special Duty doctrine along with the WRS provided in this appeal. The judgment should be overturned and plaintiff should be awarded relief in this matter.

Dated May 29th 2019

Sign. 

I hereby certify that on the 29th day of May 2019 I placed a true and correct copy of this Notice to appeal Judgment in the United States mail at Las Vegas Nevada with first-class postage to the addressed Attorney.

City of Las Vegas Attorney

Jeffrey M. Borocak

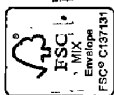
495 S. Main St 6th Fl.

Las Vegas NV 89101

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Larry Porchia 1481565
330 S. Casino CT.
Las Vegas, NV 89101

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JUN 03 2019

CLERK OF COURT

Larry Porchia Pro SE
Plaintiff
VS.
American medical responder
ET AL.
Defendants
8th Judicial District
Court clerk county Nevada
Case # A-17-758321-2
Dept # 26
Motion for funds

Comes now Larry Porchia Pro SE is
respectfully requesting the court to provide the
plaintiff with \$500⁰⁰ U.S. dollars for legal material.
Such As books law library copies self-help litigation.
Evidence principles of Law EMT rules and regulations
material. Consultation with various experts e.g. consultation
with legal advocates.

MR. Porchia Pro SE prays this court will
grant funds to help with his case.

Date May 29th 2019

Submitted by
Larry Porchia Pro SE

RECEIVED

JUN 03 2019

CLERK OF THE COURT

A-17-758321-G
MOT
Motion
4840484



Da 1

Form 2. Case Appeal Statement

No. 17-758321-6

Dept. No. XXVI

IN THE 8th JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF LINCOLN

A. B., Plaintiff }
v. }
C. D., Defendant }

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
2. Identify the judge issuing the decision, judgment, or order appealed from:
3. Identify each appellant and the name and address of counsel for each appellant:
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):
6. Indicate whether appellant was represented by appointed or retained counsel in the district court:
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:
11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:
12. Indicate whether this appeal involves child custody or visitation:
13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

Dated this 29 day of May, 2019.

[Signature]
(Signature of Attorney)

PRO SE
(Nevada Bar Identification No.)

[Signature]
(Law Firm)

[Signature]
(Address)

[Signature]
(Telephone Number)

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Tort

COURT MINUTES

April 30, 2019

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

April 30, 2019 08:30 AM Motion to Dismiss

HEARD BY: Sturman, Gloria COURTROOM: RJC Courtroom 10D

COURT CLERK: Shell, Lorna

RECORDER: Esparza, Kerry

REPORTER:

PARTIES PRESENT:

Jeffrey M. Dorocak

Attorney for Defendant, Other Defendant

Larry Porchia

Plaintiff

JOURNAL ENTRIES

Mr. Dorocak argued the Public Duty Doctrine granted immunity to the public not the individual, that there was no specific promise made, and that there were no allegations that the Deft.'s caused what they were there to treat. Mr. Dorocak argued the Pltf. stated he would not have needed surgery if he had been transported the first time he called and if his claim was regarding care, then NRS 41.500(5) would make the responders immune from damages, that it would also take the negligence claim off too.

Mr. Porchia argued there was an exception to the Public Duty Doctrine which was the Special Duty Doctrine and that the responders could be sued under both. Mr. Porchia argued if a party believes they should be transported, then they had a duty to transport, that he was seeking to go to the hospital, and that they were EMT's and they can't diagnose, rather that was for the doctors to do. Mr. Porchia argued when he called the second time they saw how large his stomach was and they transported him, that the EMT's were to uphold their duty to take him to the hospital, and that just because he was homeless and didn't have insurance doesn't mean they don't have to transport. Mr. Porchia argued the surgery could have been avoided if he had been transported the first time he called.

Court stated there was no denial of the bowel obstruction needing surgery and further inquired if the Pltf.'s position was that if he'd been transported sooner there would have been no need for the surgery.

Mr. Porchia agreed and argued the doctors and nurses both said that.

Court stated the Deft.'s did not cause the bowel obstruction and inquired if Pltf. was saying an earlier transport would have made it easier and noted the EMT's didn't diagnose him, rather they stabilized and transported. Court further inquired if Pltf. was claiming the EMT's were improperly trained or there was some sort of breach of licensure.

Mr. Porchia agreed and argued that at the last hearing they admitted they should have transported him.

Court ADVISED government entities have certain immunities.

Mr. Porchia argued there was a breach of duty by the EMT's under NRS 450(b).

Court stated the Public Duty Doctrine does not shield for failure to train; however the Pltf. must get past

the ability to sue a public agency and further noted there were limits to what a public agency could be sued for.

Following further arguments by counsel, COURT FINDS public agencies were protected by statute and that government entities and their employees cannot be sued for doing their job. COURT THEREFORE ORDERED, Motion to Dismiss GRANTED; Mr. Doracak to prepare the order and include the Findings of Fact and Conclusions of Law.



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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 LARRY PORCHIA,

10 Plaintiff(s),

11 vs.

12
13 CITY OF LAS VEGAS; STEPHEN MASSA;
14 NICHOLAS PAVELKA; MARINA CLARK;
15 JASON W. DRIGGERS; LVER RISK
16 MANAGEMENT,

17 Defendant(s),

Case No: A-17-758321-C

Dept No: XXVI

18 **CASE APPEAL STATEMENT**

19 1. Appellant(s): Larry Porchia

20 2. Judge: Gloria Sturman

21 3. Appellant(s): Larry Porchia

22 Counsel:

23
24 Larry Porchia #1481565
25 330 S. Casino Center Blvd.
26 Las Vegas, NV 89101

27 4. Respondent (s): City of Las Vegas; Stephen Massa; Nicholas Pavelka

28 Counsel:

Bradford R. Jerbic, Esq.,
495 S. Main St., 6th Floor
Las Vegas, NV 89101

Respondent (s): Marina Clark; Jason W. Driggers; LVER Risk Management

Counsel:

Unknown

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, March 7, 2019
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: N/A
Date Application(s) filed: N/A

9. Date Commenced in District Court: July 13, 2017

10. Brief Description of the Nature of the Action: TORT - Other

Type of Judgment or Order Being Appealed: Judgment

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 4 day of June 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601

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Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Larry Porchia

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****August 30, 2017**

A-17-758321-C

Larry Porchia, Plaintiff(s)

vs.

American Medical Responders, Defendant(s)

August 30, 2017**3:00 AM****Minute Order****HEARD BY:** Sturman, Gloria**COURTROOM:** RJC Courtroom 10D**COURT CLERK:** Lorna Shell**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- The Court is in receipt of an un-filed ex-parte request Re: Notice And Demand from Plaintiff, Larry Porchia. The Court having reviewed the documents submitted hereby finds that the document appears to seek relief in the form of direction to Chief Judge Gonzales and/or Attorney General Adam Laxalt to seek, commence, and criminally prosecute the Defendants in the civil case A-17-758321-C for the actions alleged in the civil Complaint. The relief sought in this ex-parte request is not available pursuant to the Nevada Revised Statutes as the District Court does not initiate criminal proceedings sua sponte, therefore this request is not properly before this Court. COURT THEREFORE ORDERED, Ex-parte Request Re: Notice And Demand DENIED.

CLERK'S NOTE: A copy of this minute order was mailed to: Larry Porchia, P.O. Box 650 83088, Indian Springs, NV 89070./ ls 8-30-17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****October 17, 2017**

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

October 17, 2017 8:30 AM Motion to Dismiss

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Porchia, Larry Plaintiff
 Schneider, Adam A. Attorney

JOURNAL ENTRIES

- Mr. Schneider argued the Pltf. had no standing, the patient name was Lamont Ponds, and the statutes Pltf. cited do not apply. Mr. Schneider argued the Pltf. was suing American Medical Responders (AMR) for failure to transport him because he does not have insurance; however his exhibits were from a different entity, Las Vegas Fire and Rescue, and that was not Deft.'s client. Upon inquiry by the Court, Mr. Porchia stated Lamont Ponds was an alias and stated his correct address. Mr. Porchia argued he obtained a run report that indicated Stephon and Nicholas responded to his emergency, that the Sheriff's department said they did not work there any more. Upon inquiry by the Court, Mr. Porchia further stated the hospital records indicated AMR was present. Colloquy regarding the affidavit, clarification of the complaint, and the original complaint filed by the Pltf. that was dismissed. COURT STATED FINDINGS AND ORDERED, Motion CONTINUED to the Chambers calendar; Parties have until October 31, 2017 to supplement their information, Deft.'s to further supplement their affidavit to clarify the corporate entity.

CONTINUED TO: 11/03/17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

December 19, 2017

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

December 19, 2017 9:00 AM Opposition

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT FINDS the Pltf. to be incarcerated and acting in pro se status, that he provided additional information; however he did not notice this hearing to all parties; AND THEREFORE ORDERED, Opposition to Defendant American Medical Response, Inc.'s Supplemental Motion to Dismiss Pro Se Plaintiff's Complaint CONTINUED TO CHAMBERS.

01/26/18 3:00 AM Opposition to Defendant American Medical Response, Inc.'s Supplemental Motion to Dismiss Pro Se Plaintiff's Complaint

CLERK'S NOTE: A copy of this minute order was faxed or placed in the attorney folder(s) of: Adam Schneider, Esq. (702-832-5910 Cotton and Assoc.) and mailed to Larry Porchia #83088, P.O. Box 650, Indian Springs, NV 89090./ ls 12-27-17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****January 26, 2018**

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

January 26, 2018 3:00 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT FINDS Defendant American Medical Response (AMR), Inc.'s Motion and Notice of Motion to Dismiss Pro Se Plaintiff's Complaint was heard on October 17, 2017 and CONTINUED TO CHAMBERS for the parties to supplement the record regarding whether it was AMR or LV Fire & Rescue who responded to Pltf. s emergency. The Pltf. supplemented his motion and filed an Opposition to Defendant American Medical Response, Inc.'s Supplemental Motion to Dismiss Pro Se Plaintiff's Complaint which was to be heard on December 19, 2017. However, the Pltf.'s motion was not argued as Pltf. did not notice the hearing and it was therefore CONTINUED TO CHAMBERS. COURT NOW FINDS Defendant's Massa and Pavelka's Motion to Dismiss calendared for February 20, 2017 AND THEREFORE ORDERED, Deft. AMR's Motion to Dismiss CONTINUED; Pltf.'s Opposition CONTINUED; Deft's Massa and Pavelka's Motion to Dismiss CONTINUED to all be heard together.

CONTINUED TO: 03/01/18 9:00 AM

CLERK'S NOTE: A copy of this minute order was faxed or placed in the attorney folder(s) of: Adam Schneider, Esq. (702-832-5910 Cotton and Assoc.) and mailed to Larry Porchia #83088, P.O. Box 650, Indian Springs, NV 89090./ ls 1-26-18

PRINT DATE: 06/28/2019

Page 4 of 16

Minutes Date: August 30, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****March 01, 2018**

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

March 01, 2018 9:00 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Porchia, Larry Plaintiff
 Schneider, Adam A. Attorney

JOURNAL ENTRIES

- Also present was Seth Floyd, Esq. representing the City of Las Vegas.

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

and

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

DEFENDANT AMERICAN MEDICAL RESPONSE, INC., 'S COUNTERMOTION TO STRIKE
PLAINTIFF'S "JUDICIAL NOTICE PURSUANT TO NRS 47.130," "RESPONSE TO DEFENDANTS
REPLY TO PLAINTIFFS' VOLUNTARY DISMISSAL IN CASE A-17-749899-C," AND
"SUPPLEMENTAL COMPLAINT

and

DEFENDANT HEADLEE'S JOINDER TO AMERICAN MEDICAL RESPONSE, INC., 'S
COUNTERMOTION TO STRIKE PLAINTIFF'S "JUDICIAL NOTICE PURSUANT TO NRS 47.130,"
"RESPONSE TO DEFENDANTS REPLY TO PLAINTIFFS' VOLUNTARY DISMISSAL IN CASE A-17-
749899-C," AND "SUPPLEMENTAL COMPLAINT:

PRINT DATE: 06/28/2019 Page 5 of 16 Minutes Date: August 30, 2017

Mr. Schneider argued when his clients were in route to Mr. Porchia's location they were called off and this his clients did not reject his claim regarding lack of insurance.

Mr. Porchia argued his Personal Care Report was blank except for the insurance box and inquired why they would have a report when there was no interaction. Mr. Porchia argued the report indicated they were in route and then it was noted "cancel on scene" and that there was no patient contact. Mr. Porchia argued the refused to transport him because he did not have insurance.

Mr. Schneider argued Jason Diggers, the Person Most Knowledgeable, indicated in the report stated there was no transport due to the direction of the City and that is did not make sense for American Medical Response (AMR) to refuse service at 3:00 AM when they transported him at 11:00 PM.

COURT ORDERED, American Medical Response's relief GRANTED; AMR DISMISSED WITHOUT PREJUDICE; Joinder GRANTED.

DEFENDANTS MASSA AND PAVELKA'S MOTION TO DISMISS:

Mr. Floyd argued when the Pltf. filed the Motion he did not serve the City of Las Vegas and therefore the requirements of NRS 41.0037(1) were not met. Mr. Floyd stated the Pltf. named the individuals but not the City.

Mr. Porchia argued the City treated him at the first call but did not transport him.

Court stated Mr. Porchia named the wrong parties AND THEREFORE ORDERED, Massa and Pavelka's Motion to Dismiss CONTINUED 30 days to allow Mr. Porchia the opportunity to file an amended complaint naming the proper parties; Motion CONTINUED to the Chambers Calendar to confirm the necessary documentation has been filed.

CONTINUED TO: 03/30/18 3:00 AM Chambers Calendar

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****May 15, 2018**

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

May 15, 2018 9:00 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Dorocak, Jeffry M. Attorney
 Schneider, Adam A. Attorney

JOURNAL ENTRIES

- REQUEST FOR LEAVE FOR A TELEPHONE CONFERENCE ON A STATUS CHECK ON AN ORDER TO AMEND COMPLAINT .. MOTION FOR A PRETRIAL CONFERENCE .. DEFENDANTS AMERICAN MEDICAL RESPONSE INC AND HEADLEE'S MOTION AND NOTICE OF MOTION TO DISMISS PRO SE PLAINTIFF'S AMENDED COMPLAINT ON ORDER SHORTENING TIME

Court ADVISED Mr. Porchia had filed a request for telephonic appearance, along with various other motions, and that the Court was inclined to grant the request.

Colloquy regarding rescheduling.

COURT ORDERED, all Motions on calendar today CONTINUED; City Defendants Motion for Judgment on the Pleading currently on calendar for June 12, 2018 CONTINUED.

CONTINUED TO: 06/14/18 9:00 AM

CLERK'S NOTE: A copy of this minute order was mailed: Larry Porchia a/k/a Lamont Ponds, 2071

PRINT DATE: 06/28/2019 Page 7 of 16 Minutes Date: August 30, 2017

Kline Cir., #2, Las Vegas, NV 89121 ./ls 05-15-18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****June 14, 2018**

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

June 14, 2018 9:00 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Court stated she was informed by the Court's state prison contact that Mr. Porchia was released from prison to a halfway house. It appeared he did receive notice and he did not respond to any of the motions.

Request for Leave for a Telephone Conference on a Status Check on an Order to Amend Complaint: COURT FINDS there was no pending motion and it was unclear what the Pltf. was seeking AND THEREFORE ORDERED, Request for Leave MOOT.

Motion for a Pretrial Conference:

COURT FINDS it appeared the Pltf. was seeking a 16.1 conference and since he was no longer incarcerated he can just set the hearing. If the Pltf. wishes to proceed he just needs to arrange it as no court intervention was required. COURT ORDERED. Motion MOOT.

Defendants American Medical Response Inc. and Headlee's Motion and Notice of Motion to Dismiss Pro Se Plaintiff's Amended Complaint on Order Shortening Time:

Mr. Schneider provided a history of the motion and argued there were no remaining claims that had not been previously adjudicated and that the Pltf. filed a duplicate copy and paste complaint after he'd filed this Motion to Dismiss which was identical to a previously argued motion. COURT FINDS

PRINT DATE: 06/28/2019

Page 9 of 16

Minutes Date: August 30, 2017

it appeared the cause of action Pltf. cited was NRS 450.400, which applied to hospitals and medical facilities and it does not apply to paramedics, that Pltf. cited NRS 293.300 was a criminal fraud; and therefore it was not applicable in a civil damages case. There was also no negligence given the facts of the case and the Pltf. did not ask for authority to file this complaint, causing a procedural problem. COURT THEREFORE ORDERED, Motion DISMISSED WITH PREJUDICE.

City Defendants Motion for Judgment on the Pleading:

Mr. Dorocak argued the Pltf. claimed the firefighters responded but did not transport and here the statute was clear, these services were owed to the public at large not to an individual. Mr. Dorocak argued the only claim by Pltf. could be negligence for breach of duty and he did not have that claim. COURT FINDS in this complaint it appeared the Pltf. was looking for leave for a complaint and the only one the Court was aware of was the one he just filed; therefore if he was requesting relief after he filed, the relief request is unclear. In the current motion Pltf. hasn't plead a cause of action that would invoke an exception to the governmental duty doctrine as it appears it was about the transport of an individual. COURT FURTHER FINDS this claim fails as a party cannot recover on these grounds, the government has very specific protections, they are statutory and limited AND THEREFORE ORDERED, Motion GRANTED WITHOUT PREJUDICE.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

December 17, 2018

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

December 17, 2018 3:00 AM Minute Order

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Motion for Determination of good faith Settlement VACATED the Motion was not served on the Defendant, and no Notice of Motion was ever filed and served. Plaintiff to serve the Motion and file and serve a Notice of Motion. Plaintiff must also provide the Court no less than 10 days notice of a request for transportation or telephonic appearance for the hearing.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve. Additionally, this minute order was mailed to Larry Pochia #1481565 Attn: CCDC 330 S. Casino Center, Las Vegas, NV 89101. ndo/12/17/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****January 29, 2019**

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

January 29, 2019 3:00 PM Minute Order

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- A REQUEST FOR TRANSPORTATION by pro se Plaintiff, Larry Porchia ID#1481565, housed at the Clark County Detention Center, has been reviewed by this Court. COURT ORDERED the Request GRANTED and hereby DIRECTS Clark County Detention Center to produce the Plaintiff in Courtroom 10D, on the 5th day of February, 2019, at 8:30 AM for his attendance to argue his Motion for Determination of Good Faith Settlement and respond to the Opposition thereto filed by the City Attorney.

CLERK'S NOTE: A copy of this minute order was e-mailed, mailed, or faxed as follows:
 DSDCourtServices@LVMPD.com; Jeffry Dorocak, Deputy City Attorney
 (jdorocak@lasvegasnevada.gov); Adam Schneider, Esq. (aschneider@jhcottonlaw.com)
 and Larry Porchia #1481565, 330 S. Casino Center, Las Vegas, NV 89101./ls 1-29-19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

February 05, 2019

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

**February 05, 2019 8:30 AM Motion for Determination
of Good Faith Settlement**

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Dorocak, Jeffry M. Attorney
 Porchia, Larry Plaintiff
 Schneider, Adam A. Attorney

JOURNAL ENTRIES

- Court stated she read this as a Motion for Summary Judgment since a Motion for Good Faith Settlement was something entirely different.

Mr. Porchia agreed with the Court.

Court ADVISED the Pltf.'s reference to the Public Duty Doctrine was not a duty to a person, rather it was a duty to the public and therefore it failed.

Mr. Dorocak argued in any argument raised he did not see anything that takes away from the public duty, that the Pltf. stated he was refused transport by Headlee and Clark; however they were not City employees and as such it doesn't affect the City's dismissal.

Mr. Schneider argued he'd just received the Minute Order on Friday regarding the Motion for Good Faith and that his client was Dismissed With Prejudice in June 2018.

PRINT DATE: 06/28/2019

Page 13 of 16

Minutes Date: August 30, 2017

Court stated it was difficult to interpret Pltf.'s cause of action, that American Medical Responders (AMR) dispatched a transport; however no treatment was given as the City of Las Vegas was there and AMR left the scene. Court further stated the case was dismissed for Pltf. to re-state that it was City of LV employees.

Pltf. stated the report he received indicated employees Clark and Headlee and that they worked for LV Fire and Rescue. Pltf. argued they were served January 20, 2018 at the Fire Dept. headquarters and the Tonopah Fire Station which confirmed they work for LV Fire.

Court stated there was a dispute as to the facts, that Pltf. was saying he had evidence that these people work for the City; however the City states they don't.

Pltf. argued regarding the Special Duty Doctrine and that they had a duty to treat him. Pltf. further argued they diagnosed him at the scene and shouldn't have and that he had over \$100,000 in hospital bills for the emergency surgery that he wouldn't have needed if they'd transported him the first time.

Mr. Dorocak argued Massa and Pavelka were the people who responded and could be identified as dismissed under 12(c) for being negligent to transport, that Pltf. changed his Motion and indicated Headlee and Clark, who were not current LV Fire employees, and that it was unusual for two employees to have left employment with LV Fire in such a short period of time. Mr. Dorocak argued Pltf. needed to clarify his facts.

Mr. Schneider stated he believed there was a call and Massa and Pavelka were dispatched, that AMR was sent out and then called off, then Pltf. called 911 again and AMR did transport Pltf., and that it was Headlee and Clark who did the transport that second time. Mr. Schneider argued Pltf. had no complaint regarding the second transport and that AMR's records were blank from the first call because they didn't render assistance.

COURT STATED FINDINGS AND ORDERED, Motion DENIED; Pltf. has 30 days to file a Second Amended Complaint; Pltf. must serve the complaint; Pltf. must file a new Forma Pauperis application; AMR REMAINS DISMISSED WITH PREJUDICE; Mr. Schneider to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****April 30, 2019**

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

April 30, 2019 8:30 AM Motion to Dismiss

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Dorocak, Jeffry M. Attorney
 Porchia, Larry Plaintiff

JOURNAL ENTRIES

- Mr. Dorocak argued the Public Duty Doctrine granted immunity to the public not the individual, that there was no specific promise made, and that there were no allegations that the Deft.'s caused what they were there to treat. Mr. Dorocak argued the Pltf. stated he would not have needed surgery if he had been transported the first time he called and if his claim was regarding care, then NRS 41.500(5) would make the responders immune from damages, that it would also take the negligence claim off too.

Mr. Porchia argued there was an exception to the Public Duty Doctrine which was the Special Duty Doctrine and that the responders could be sued under both. Mr. Porchia argued if a party believes they should be transported, then they had a duty to transport, that he was seeking to go to the hospital, and that they were EMT's and they can't diagnose, rather that was for the doctors to do. Mr. Porchia argued when he called the second time they saw how large his stomach was and they transported him, that the EMT's were to uphold their duty to take him to the hospital, and that just because he was homeless and didn't have insurance doesn't mean they don't have to transport. Mr. Porchia argued the surgery could have been avoided if he had been transported the first time he called.

Court stated there was no denial of the bowel obstruction needing surgery and further inquired if the Pltf.'s position was that if he'd been transported sooner there would have been no need for the surgery.

Mr. Porchia agreed and argued the doctors and nurses both said that.

Court stated the Deft.'s did not cause the bowel obstruction and inquired if Pltf. was saying an earlier transport would have made it easier and noted the EMT's didn't diagnose him, rather they stabilized and transported. Court further inquired if Pltf. was claiming the EMT's were improperly trained or there was some sort of breach of licensure.

Mr. Porchia agreed and argued that at the last hearing they admitted they should have transported him.

Court ADVISED government entities have certain immunities.

Mr. Porchia argued there was a breach of duty by the EMT's under NRS 450(b).

Court stated the Public Duty Doctrine does not shield for failure to train; however the Pltf. must get past the ability to sue a public agency and further noted there were limits to what a public agency could be sued for.

Following further arguments by counsel, COURT FINDS public agencies were protected by statute and that government entities and their employees cannot be sued for doing their job. COURT THEREFORE ORDERED, Motion to Dismiss GRANTED; Mr. Doracak to prepare the order and include the Findings of Fact and Conclusions of Law.

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated June 19, 2019, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises three volumes with pages numbered 1 through 664.

LARRY PORCHIA,

Plaintiff(s),

vs.

CITY OF LAS VEGAS; STEPHEN MASSA;
NICHOLAS PAVELKA; MARINA CLARK;
JASON W. DRIGGERS; LVER RISK
MANAGEMENT,

Defendant(s),

Case No: A-17-758321-C

Dept. No: XXVI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 28 day of June 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk