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1 **NOAS**
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2 Nevada Bar No. 000878
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10 BENNIE LAZZARA, JR., ESQ. - *Pro Hac Vice*
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12 Telephone: (813) 873-0026
Facsimile: (813) 286-8820
13 Email: bennie@wilkesmchugh.com

14 *Attorneys for Plaintiffs*

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 * * *

18 Estate of MARY CURTIS, deceased; LAURA
19 LATRENTA, as Personal Representative of the
Estate of MARY CURTIS; and LAURA
20 LATRENTA, individually,

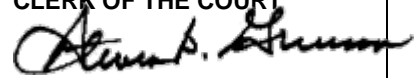
21 Plaintiffs,

22 vs.

23 SOUTH LAS VEGAS MEDICAL INVESTORS,
LLC dba LIFE CARE CENTER OF SOUTH
24 LAS VEGAS f/k/a LIFE CARE CENTER OF
PARADISE VALLEY; SOUTH LAS VEGAS
25 INVESTORS LIMITED PARTNERSHIP; LIFE
CARE CENTERS OF AMERICA, INC.; BINA
26 HRIBIK PORTELLO, Administrator; CARL
WAGNER, Administrator; and DOES 1-50,
27 inclusive,

28 Defendants.

Electronically Filed
7/1/2019 12:05 PM
Steven D. Grierson
CLERK OF THE COURT



Electronically Filed
Jul 08 2019 02:48 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. A-17-750520-C

Dept No. XVIII

Consolidated With:
Case No. A-17-754013-C

**PLAINTIFFS' NOTICE OF APPEAL
OF THE ORDER GRANTING IPC
DEFENDANTS' MOTION FOR
RECONSIDERATION**

Estate of MARY CURTIS, deceased; LAURA
LATRENTA, as Personal Representative of the
Estate of MARY CURTIS; and LAURA
LATRENTA, individually,

Plaintiffs,

vs.

SAMIR SAXENA, M.D.; ANNABELLE
SOCAOCO, N.P.; IPC HEALTHCARE, INC.
aka THE HOSPITALIST COMPANY, INC.;
INPATIENT CONSULTANTS OF NEVADA,
INC.; IPC HEALTHCARE SERVICES OF
NEVADA, INC.; HOSPITALISTS OF
NEVADA, INC.; and DOES 51-100,

Defendant.

**PLAINTIFFS' NOTICE OF APPEAL OF THE ORDER GRANTING IPC
DEFENDANTS' MOTION FOR RECONSIDERATION**

Notice is hereby given that Plaintiffs Estate of Mary Curtis, deceased; Laura Latrenta, as
Personal Representative of the Estate of Mary Curtis; and Laura Latrenta, individually, by and
through their attorneys at the law firms of Kolesar & Leatham, Bossie, Reilly & Oh, and Wilkes
& McHugh, P.A., hereby appeal to the Supreme Court of Nevada the Order Granting IPC
Defendants' Motion for Reconsideration entered in this action on the 25th day of April, 2019.

DATED this 1st day of July, 2019.

KOLESAR & LEATHAM

By /s/ Michael D. Davidson, Esq.

MICHAEL D. DAVIDSON, ESQ.
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Tampa, Florida 33609

Attorneys for Plaintiffs

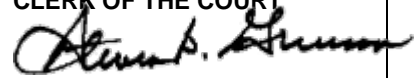
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(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities to those parties listed on the Court's Master Service List and to those parties listed below:

Vincent J. Vitatoe, Esq.
John H. Cotton, Esq.
JOHN H. COTTON & ASSOCIATES, LTD.
7900 W. Sahara Avenue, Suite 200
Las Vegas, Nevada 89117

*Attorneys for Defendants
Samir Saxena, MD, Annabelle Socaoco, NP,
IPC Healthcare, Inc. aka The Hospitalist
Company, Inc., Inpatient Consultants of
Nevada, Inc., IPC Healthcare Services of
Nevada, Inc., Hospitalists of Nevada, Inc.*

An Employee of KOLESAR & LEATHAM



ASTA

MICHAEL D. DAVIDSON, ESQ.

Nevada Bar No. 000878

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Telephone: (813) 873-0026

Facsimile: (813) 286-8820

Email: bennie@wilkesmchugh.com

Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

Estate of MARY CURTIS, deceased; LAURA
LATRENTA, as Personal Representative of the
Estate of MARY CURTIS; and LAURA
LATRENTA, individually,

Plaintiffs,

vs.

SOUTH LAS VEGAS MEDICAL INVESTORS,
LLC dba LIFE CARE CENTER OF SOUTH
LAS VEGAS f/k/a LIFE CARE CENTER OF
PARADISE VALLEY; SOUTH LAS VEGAS
INVESTORS LIMITED PARTNERSHIP; LIFE
CARE CENTERS OF AMERICA, INC.; BINA
HRIBIK PORTELLO, Administrator; CARL
WAGNER, Administrator; and DOES 1-50,
inclusive,

Defendants.

Estate of MARY CURTIS, deceased; LAURA
LATRENTA, as Personal Representative of the
Estate of MARY CURTIS; and LAURA
LATRENTA, individually,

Plaintiffs.

Case No. A-17-750520-C

Dept No. XVIII

Consolidated With:
Case No. A-17-754013-C

**PLAINTIFFS' CASE APPEAL
STATEMENT**

vs.

SAMIR SAXENA, M.D.; ANNABELLE
SOCAOCO, N.P.; IPC HEALTHCARE, INC.
aka THE HOSPITALIST COMPANY, INC.;
INPATIENT CONSULTANTS OF NEVADA,
INC.; IPC HEALTHCARE SERVICES OF
NEVADA, INC.; HOSPITALISTS OF
NEVADA, INC.; and DOES 51-100,

Defendant.

PLAINTIFFS' CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

The Estate of Mary Curtis, deceased, Laura Latrenta, as Personal
Representative of the Estate of Mary Curtis, and Laura Latrenta,
individually

2. Identify the judge issuing the decision, judgment, or order appealed from:

Judge Mary Kay Holthus

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

Appellants are:

The Estate of Mary Curtis

Laura Latrenta, as Personal Representative of the Estate

Laura Latrenta, individually

Appellants share the same counsel:

Michael Davidson, Esq.

KOLESAR & LEATHAM

400 S. Rampart Blvd, Suite 400

Las Vegas, NV 89145

Melanie L. Bossie, Esq. - *Pro Hac Vice*

BOSSIE, REILLY & OH, P.C.

15333 N. Pima Road, Suite 300

Scottsdale, AZ 85260

Bennie Lazzara, Jr., Esq. - *Pro Hac Vice*

WILKES & MCHUGH, P.A.

One North Dale Mabry Highway, Suite 700

Tampa, FL 33609

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):

Respondents are:

Annabelle Socaoco, N.P.

IPC Healthcare, Inc. aka The Hospitalists Company Inc.

Inpatient Consultants of Nevada Inc.

IPC Healthcare Services of Nevada Inc.

Hospitalists of Nevada, Inc.

The name of respondents' appellate counsel is unknown.

Respondents shared the same trial counsel:

Vincent J. Vitatoe
John H. Cotton & Associates, Ltd.
7900 W. Sahara Ave., Ste. 200
Las Vegas, NV 89117

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):

Melanie L. Bossie, Esq. is not licensed to practice law in Nevada. On April 26, 2017, the Eighth Judicial District Court granted Melanie L. Bossie, Esq. permission to appear under SCR 42. *See Exhibit A* attached hereto.

Bennie Lazzara, Jr., Esq. is not licensed to practice law in Nevada. On July 31, 2018, the Eighth Judicial District Court granted Bennie Lazzara, Jr., Esq. permission to appear under SCR 42. *See Exhibit B* attached hereto.

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

Appellants were represented by retained counsel in the district court.

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

Appellants are represented by 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:

Appellant was not granted leave to proceed in forma pauperis.

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

The proceedings commenced in the district court on February 2, 2017.

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:

On February 2, 2017, in Case No. A-17-750520-C, Plaintiffs filed a Complaint against Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas f/k/a Life Care Center of Paradise Valley, South Las Vegas Investors Limited Partnership; Life Care Centers Of America, Inc., and Carl Wagner ("Life Care Defendants" or "Respondents") alleging causes of action for (1) abuse/neglect of an older person pursuant to N.R.S. § 41.1395, (2) wrongful death by the Estate, (3) wrongful death by Ms. Curtis' surviving daughter, and (3) bad faith tort.

In short, Plaintiffs' claims against Life Care Defendants are based upon the injuries Ms. Curtis sustained during her residency at Life Care Defendants' nursing home facility called Life Care Center of South Las Vegas f/k/a Life Care Center of Paradise Valley ("the facility"). Ms. Curtis entered the facility on March 2, 2016. Mary Curtis was 90 years old at the time of her admission and therefore was considered an "older person" under NRS 41-1395. Within a week of her admission, Ms. Curtis was twice permitted her to fall. Additionally, Mrs. Curtis was administered drugs that had not been prescribed for her—morphine, in fact. As found by the trial court, Ms. Curtis was administered "a dose of morphine prescribed to another resident." Although aware that Ms. Curtis had been wrongly administered morphine, Ms. Curtis was retained as a resident until March 8, 2016. After Ms. Curtis' daughter discovered Ms. Curtis in distress on March 8, 2016, 911 was called and emergency personnel transported Ms. Curtis to the hospital where she was diagnosed with anoxic brain encephalopathy. Ms. Curtis died three days later of morphine intoxication.

On April 14, 2017, in Case No. A-17-754013-C, Plaintiffs filed a separate Complaint against Defendant Samir Saxena, M.D.

On September 10, 2017, the district court consolidated Case No. A-17-754013-C with Case No. A-17-750520-C.

On January 17, 2018, Plaintiffs filed a Motion to Amend Complaint to add the following defendants: Annabelle Socaoco, N.P., IPC Healthcare, Inc. aka The Hospitalist Company, Inc., Inpatient Consultants of Nevada, Inc., IPC Healthcare Services Of Nevada, Inc., Hospitalists Of Nevada, Inc. (collectively referred to as "IPC Defendants") after discovering the involvement of the IPC Defendants.

On February 6, 2018, Dr. Saxena opposed Plaintiffs' Motion to Amend Complaint and moved for summary judgment, arguing that the statute of limitations defeated Plaintiffs' claims both against him and against the prospective IPC Defendants.

On April 11, 2018, the District Court granted Plaintiffs' Motion to Amend and denied without prejudice Dr. Saxena's Countermotion for Summary Judgment as to the statute of limitations issue.

1 On May 1, 2018, Annabelle Socaoco, N.P., IPC Healthcare, Inc. aka The
2 Hospitalist Company, Inc., Inpatient Consultants of Nevada, Inc., IPC Healthcare
3 Services Of Nevada, Inc., Hospitalists Of Nevada, Inc. were added as defendants
to Case No. A-17-754013-C.

4 On June 12, 2018, the IPC Defendants filed their Motion to Dismiss, or, in the
5 Alternative, for Summary Judgment seeking summary judgment on statute of
limitations grounds.

6 On June 29, 2018, Plaintiffs filed her Opposition to Defendants' Motion to
7 Dismiss/Motion for Summary Judgment.

8 On August 1, 2018, the district court held a hearing on the IPC Motion to Dismiss,
or, in the Alternative, for Summary Judgment.

9 On November 7, 2018, the IPC Defendants filed the Notice of Entry of Order
10 Granting In Part and Denying In Part IPC Defendants' Motion To Dismiss, Or, In
The Alternative, For Summary Judgment. Specifically, the district court granted the
11 IPC Defendants' Motion as to Plaintiffs' First Cause of Action for Abuse/Neglect
of an Older Person and dismissed that claim. However, the district court denied the
12 IPC Defendants' Motion to Dismiss based upon the statute of limitations because
the district court found that the date of inquiry as to the identity of the IPC
13 Defendants was a question of fact.

14 On November 26, 2018, the IPC Defendants filed their Motion for Reconsideration
and Plaintiffs filed an Opposition on December 6, 2018.

15 On January 9, 2019, the new acting judge in the case entered Court Minutes denying
16 "Plaintiff s Motion for Reconsideration of the Court's ruling Granting Defendant s
Summary Judgement" because the previous Order was not clearly erroneous and
17 "Plaintiff did not argue any new facts or law and did not introduce any substantially
different evidence." However, Plaintiffs never filed a Motion for Reconsideration.

18 On February 27, 2019, the district court filed its Order to Strike the Court Minutes
19 on IPC Defendants' Motion for Reconsideration finding that the acting judge ruled
upon the IPC Defendants' Motion that had already been previously ruled upon by
20 the prior judge.

21 On that same day, February 27, 2019, the district court entered an Order granting
22 IPC Defendants' Motion for Reconsideration. In the Order, the district court ruled
that the case against IPC Defendant was barred by the statute of limitations and
ordered the case dismissed with prejudice.

23 On April 25, 2019, the IPC Defendants filed the Notice of Entry of Order Granting
24 IPC Defendants' Motion for Reconsideration. In the Granting IPC Defendants'
Motion for Reconsideration, the district court dismissed the case against the IPC
25 Defendants with prejudice.

26 On April 29, 2019, Plaintiffs filed a Motion for Reconsideration of the Order
27 Granting the IPC Defendants' Motion for Reconsideration requesting the Court to
reconsider and amend its order granting IPC Defendants' Motion for
Reconsideration/Motion to Dismiss.

28 On June 5, 2019, the district court held a hearing on Plaintiffs' Motion for
Reconsideration.

1 On June 27, 2019, the Notice of Entry of Order Denying Plaintiff's Motion for
2 Reconsideration was entered.

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

6 This case against the Life Care Defendants is currently the subject
7 of an appeal. Appellant believes it is appropriate and judicially
8 efficient to consolidate the appeals. The Supreme Court docket
9 number of the proceeding is No. 77810. The caption is:

10 ESTATE OF MARY CURTIS, DECEASED; LAURA
11 LATRENTA, AS PERSONAL REPRESENTATIVE OF THE
12 ESTATE OF MARY CURTIS; AND LAURA LATRENTA,
13 INDIVIDUALLY, Appellants,

14 vs.

15 SOUTH LAS VEGAS MEDICAL INVESTORS, LLC, D/B/A
16 LIFE CARE CENTER OF SOUTH LAS VEGAS, F/K/A LIFE
17 CARE CENTER OF PARADISE VALLEY; SOUTH LAS VEGAS

18 INVESTORS LIMITED PARTNERSHIP; LIFE CARE CENTERS
19 OF AMERICA, INC.; AND CARL WAGNER,
20 ADMINISTRATOR, Respondents.

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

22 This appeal does not involve child custody or visitation.

23 ///

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

3 Settlement discussions with opposing counsel have not been fruitful.

4 DATED this 1st day of July, 2019.

5 **KOLESAR & LEATHAM**

6
7 By Michael D. Davidson, Esq.

8 MICHAEL D. DAVIDSON, ESQ.
9 Nevada Bar No. 000878
10 400 S. Rampart Blvd, Suite 400
11 Las Vegas, Nevada 89145

12 MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*
13 **BOSSIE, REILLY & OH, P.C.**
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15 Scottsdale, Arizona 85260

16 BENNIE LAZZARA, JR., ESQ. - *Pro Hac Vice*
17 **WILKES & MCHUGH, P.A.**
18 One North Dale Mabry Highway, Suite 700
19 Tampa, Florida 33609

20 *Attorneys for Plaintiffs*
21
22
23
24
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27
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of Kolesar & Leatham, and that on the 1st day of
3 July, 2019, I caused to be served a true and correct copy of **PLAINTIFFS' CASE APPEAL**
4 **STATEMENT** in the following manner:

5 (ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced
6 document was electronically filed on the date hereof and served through the Notice of Electronic
7 Filing automatically generated by that Court's facilities to those parties listed on the Court's
8 Master Service List and to those parties listed below:

9 S. Brent Vogel, Esq.
Erin E. Jordan, Esq.
10 **LEWIS BRISBOIS BISGAARD & SMITH, L.L.P.**
6385 S. Rainbow Blvd., Suite 600
11 Las Vegas, Nevada 89118

12 *Attorneys for Defendants*
13 *South Las Vegas Medical Investors, LLC dba*
14 *Life Care Center of South Las Vegas fka Life*
15 *Care Center of Paradise Valley, South Las*
16 *Vegas Investors, LP, Life Care Centers of*
17 *America, Inc., and Carl Wagner*

Vincent J. Vitatoe, Esq.
John H. Cotton, Esq.
10 **JOHN H. COTTON & ASSOCIATES, LTD.**
7900 W. Sahara Avenue, Suite 200
11 Las Vegas, Nevada 89117

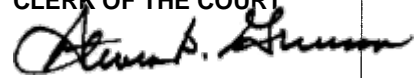
12 *Attorneys for Defendants*
13 *Samir Saxena, MD, Annabelle Socaoco, NP,*
14 *IPC Healthcare, Inc. aka The Hospitalist*
15 *Company, Inc., Inpatient Consultants of*
16 *Nevada, Inc., IPC Healthcare Services of*
17 *Nevada, Inc., Hospitalists of Nevada, Inc.*

18 /s/ Kristina R. Cole

19 An Employee of KOLESAR & LEATHAM
20
21
22
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26
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28

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EXHIBIT A



1 **ORD**

2 MICHAEL D. DAVIDSON, ESQ.
3 Nevada Bar No. 000878

4 **KOLESAR & LEATHAM**

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6 Las Vegas, Nevada 89145

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8 Facsimile: (702) 362-9472

9 E-Mail: mdavidson@klnevada.com

10 -and-

11 MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice Pending*

12 **WILKES & MCHUGH, P.A.**

13 15333 N. Pima Rd., Ste. 300

14 Scottsdale, Arizona 85260

15 Telephone: (602) 553-4552

16 Facsimile: (602) 553-4557

17 E-Mail: Melanie@wilkesmchugh.com

18 Attorneys for Plaintiffs

19 **DISTRICT COURT**

20 **CLARK COUNTY, NEVADA**

21 * * *

22 Estate of MARY CURTIS, deceased; LAURA
23 LATRENTA, as Personal Representative of the
24 Estate of MARY CURTIS; and LAURA
25 LATRENTA, individually,

26 Plaintiffs,

27 vs.

28 SOUTH LAS VEGAS MEDICAL
INVESTORS, LLC dba LIFE CARE CENTER
OF SOUTH LAS VEGAS f/k/a LIFE CARE
CENTER OF PARADISE VALLEY; SOUTH
LAS VEGAS INVESTORS LIMITED
PARTNERSHIP; LIFE CARE CENTERS OF
AMERICA, INC.; BINA HRIBIK PORTELLO,
Administrator; CARL WAGNER,
Administrator; and DOES 1-50, inclusive,

Defendants.

CASE NO. A-17-750520-C

DEPT NO. XXIII

**ORDER ADMITTING TO
PRACTICE PURSUANT TO SCR 42**

Melanie Lynn Bossie, Esq., having filed her Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, Certificates of Good Standing from the Supreme Court of Arizona, the Supreme Court of New

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Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

Mexico and the State Bar of Florida, and the State Bar of Nevada Statement; said application having been noticed, no objections having been made, and the Court being fully apprised in the premises, and good cause appearing, it is hereby

ORDERED, that said application is hereby granted, and **MELANIE LYNN BOSSIE, ESQ.** is hereby admitted to practice in the above-entitled Court for the purposes of the above entitled matter only.

Dated this ^{April} 26 day of March, 2017.


DISTRICT COURT JUDGE
at

JUL 27 2017 A. MILEY

Submitted by:

KOLESAR & LEATHAM

By: 

MICHAEL D. DAVIDSON, ESQ.
Nevada Bar No. 000878

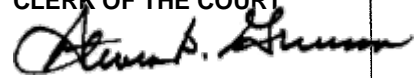
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-and-

MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice Pending*
WILKES & MCHUGH, P.A.
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Scottsdale, Arizona 85260
Telephone: (602) 553-4552
Facsimile: (602) 553-4557
E-Mail: Melanie@wilkesmchugh.com

Attorneys for Plaintiffs

EXHIBIT B



ORIGINAL

1 **ORD**

MICHAEL D. DAVIDSON, ESQ.

2 Nevada Bar No. 000878

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3 400 South Rampart Boulevard, Suite 400

Las Vegas, Nevada 89145

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5 -and-

MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*

6 **WILKES & MCHUGH, P.A.**

15333 N. Pima Rd., Ste. 300

7 Scottsdale, Arizona 85260

Telephone: (602) 553-4552

8 E-Mail: Melanie@wilkesmchugh.com

Attorneys for Plaintiffs,

**DISTRICT COURT
CLARK COUNTY, NEVADA**

11 Estate of MARY CURTIS, deceased; LAURA
12 LATRENTA, as Personal Representative of
the Estate of MARY CURTIS; and LAURA
13 LATRENTA, individually,

Plaintiffs,

14 vs.

15 SOUTH LAS VEGAS MEDICAL
16 INVESTORS, LLC dba LIFE CARE CENTER
OF SOUTH LAS VEGAS f/k/a LIFE CARE
17 CENTER OF PARADISE VALLEY; SOUTH
LAS VEGAS INVESTORS LIMITED
18 PARTNERSHIP; LIFE CARE CENTERS OF
AMERICA, INC.; BINA HRIBIK
19 PORTELLO, Administrator; CARL
WAGNER, Administrator; and DOES 1-50,
20 inclusive,

Defendants.

21 Estate of MARY CURTIS, deceased; LAURA
LATRENTA, as Personal Representative of
22 the Estate of MARY CURTIS; and LAURA
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23 vs.

24 SAMIR SAXENA, M.D.; ANNABELLE
25 SOCAOCO, N.P.; IPC HEALTHCARE, INC.
aka THE HOSPITALIST COMPANY, INC.;
26 INPATIENT CONSULTANTS OF NEVADA,
INC.; IPC HEALTHCARE SERVICES OF
27 NEVADA, INC.; HOSPITALISTS OF
NEVADA, INC.; and DOES 51-100,

Defendants.

CASE NO. A-17-750520-C

DEPT NO. XVII

CONSOLIDATED WITH:

CASE NO. A-17-754013-C

**ORDER ADMITTING TO
PRACTICE PURSUANT TO SCR 42**

KOLESAR & LEATHAM
400 S. Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

RECEIVED BY
DEPT 17 ON
JUL 18 2018

KOLESAR & LEATHAM
400 S. Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

ORDER ADMITTING TO PRACTICE PURSUANT TO SCR 42

Bennie Lazzara, Jr., Esq., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, Certificates of Good Standing from The Florida Bar, State Bar of Montana, State Bar of Texas, Board of Professional Responsibility of the Supreme Court of Tennessee, the Mississippi Bar, Kentucky Bar Association, the Supreme Court of Pennsylvania, the Supreme Court of the State of Arizona and Disciplinary Clerk for and on Behalf of the Supreme Court of Arizona, the State Bar of Georgia, and the Supreme Court of the State of New Mexico; said application having been noticed, no objections having been made, and the Court being fully apprised in the premises, and good cause appearing, it is hereby

ORDERED, that said application is hereby granted, and **BENNIE LAZZARA, JR., ESQ.** is hereby admitted to practice in the above-entitled Court for the purposes of the above entitled matter only.

Dated this 31 day of July, 2018.



DISTRICT COURT JUDGE

Submitted by:

KOLESAR & LEATHAM

By: 4985

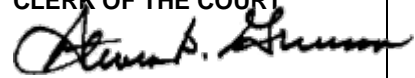
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Nevada Bar No. 000878

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-and-

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Attorneys for Plaintiffs



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Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

Estate of MARY CURTIS, deceased; LAURA
LATRENTA, as Personal Representative of the
Estate of MARY CURTIS; and LAURA
LATRENTA, individually,

Plaintiffs,

vs.

SOUTH LAS VEGAS MEDICAL INVESTORS,
LLC dba LIFE CARE CENTER OF SOUTH
LAS VEGAS f/k/a LIFE CARE CENTER OF
PARADISE VALLEY; SOUTH LAS VEGAS
INVESTORS LIMITED PARTNERSHIP; LIFE
CARE CENTERS OF AMERICA, INC.; BINA
HRIBIK PORTELLO, Administrator; CARL
WAGNER, Administrator; and DOES 1-50,
inclusive,

Defendants.

Estate of MARY CURTIS, deceased; LAURA
LATRENTA, as Personal Representative of the
Estate of MARY CURTIS; and LAURA
LATRENTA, individually,

Plaintiffs.

Case No. A-17-750520-C

Dept No. XVII

Consolidated With:
Case No. A-17-754013-C

**PLAINTIFFS' NOTICE OF
POSTING COST BOND ON APPEAL**

KOLESAR & LEATHAM
400 S. Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

1 vs.

2 SAMIR SAXENA, M.D.; ANNABELLE
3 SOCAOCO, N.P.; IPC HEALTHCARE, INC.
4 aka THE HOSPITALIST COMPANY, INC.;
5 INPATIENT CONSULTANTS OF NEVADA,
6 INC.; IPC HEALTHCARE SERVICES OF
7 NEVADA, INC.; HOSPITALISTS OF
8 NEVADA, INC.; and DOES 51-100,

Defendant.

9 **PLAINTIFFS' NOTICE OF POSTING COST BOND ON APPEAL**

10 Pursuant to NRAP 7(a) notice is hereby given that Plaintiffs, Estate of MARY CURTIS,
11 deceased; LAURA LATRENTA, as Personal Representative of the Estate of MARY CURTIS;
12 and LAURA LATRENTA, individually, posted a bond on July 1, 2019, in the amount of Five
13 Hundred Dollars (\$500). A copy of the Official Receipt is attached hereto as **Exhibit 1**.

14 DATED this 1st day of July, 2019.

15 **KOLESAR & LEATHAM**

16 By /s/ Michael D. Davidson, Esq.

MICHAEL D. DAVIDSON, ESQ.

Nevada Bar No. 000878

400 South Rampart Boulevard, Suite 400

Las Vegas, Nevada 89145

MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*

WILKES & MCHUGH, P.A.

15333 N. Pima Rd., Ste. 300

Scottsdale, Arizona 85260

BENNIE LAZZARA, JR., ESQ. - *Pro Hac Vice*

WILKES & MCHUGH, P.A.

One North Dale Mabry Highway, Suite 700

Tampa, FL, 33609

Attorneys for Plaintiffs

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of Kolesar & Leatham, and that on the 1st day of
3 July, 2019, I caused to be served a true and correct copy of **PLAINTIFFS' NOTICE OF**
4 **POSTING COST BOND ON APPEAL** in the following manner:

5 (ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced
6 document was electronically filed on the date hereof and served through the Notice of Electronic
7 Filing automatically generated by that Court's facilities to those parties listed on the Court's
8 Master Service List and to those parties listed below:

9 S. Brent Vogel, Esq.
Erin E. Jordan, Esq.
10 **LEWIS BRISBOIS BISGAARD & SMITH, L.L.P.**
6385 S. Rainbow Blvd., Suite 600
11 Las Vegas, Nevada 89118

12 *Attorneys for Defendants*
13 *South Las Vegas Medical Investors, LLC dba*
14 *Life Care Center of South Las Vegas fka Life*
15 *Care Center of Paradise Valley, South Las*
16 *Vegas Investors, LP, Life Care Centers of*
17 *America, Inc., and Carl Wagner*

Vincent J. Vitatoe, Esq.
John H. Cotton, Esq.
10 **JOHN H. COTTON & ASSOCIATES, LTD.**
7900 W. Sahara Avenue, Suite 200
11 Las Vegas, Nevada 89117

12 *Attorneys for Defendants*
13 *Samir Saxena, MD, Annabelle Socaoco, NP,*
14 *IPC Healthcare, Inc. aka The Hospitalist*
15 *Company, Inc., Inpatient Consultants of*
16 *Nevada, Inc., IPC Healthcare Services of*
17 *Nevada, Inc., Hospitalists of Nevada, Inc.*

18 /s/ Kristina R. Cole

19 An Employee of KOLESAR & LEATHAM
20
21
22
23
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25
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27
28

KOLESAR & LEATHAM
400 S. Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145
Tel: (702) 362-7800 / Fax: (702) 362-9472

EXHIBIT 1

EXHIBIT 1

OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor
Kolesar & Leatham, CHTD

Receipt No.
2019-40089-CCCLK

Transaction Date
07/1/2019

| Description | Amount Paid |
|-------------|-------------|
|-------------|-------------|

On Behalf Of Latrenta, Laura
A-17-750520-C
Estate of Mary Curtis, Plaintiff(s) vs. South Las Vegas Investors Limited Partnership, Defendant(s)
Appeal Bond

Appeal Bond
SUBTOTAL

500.00
500.00

PAYMENT TOTAL **500.00**

Check (Ref #5808) Tendered 500.00
Total Tendered **500.00**
Change 0.00

Notice of Appeal filed on 7/1/19 on behalf of Plaintiff.

07/01/2019
03:14 PM

Cashier
Station RJCC1

Audit
36493880

OFFICIAL RECEIPT

KOLESAR & LEATHAM CHARTERED

5808

Cole District Court Clerk

7/1/2019

\$500.00

Inv.Date Inv.No. Invoice Description
07-01-2019 9770-1 Cole Bond for Costs on Appeal

Amount
500.00

5808

Total:

\$500.00

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-17-750520-C**

Estate of Mary Curtis, Plaintiff(s)
 vs.
 South Las Vegas Investors Limited Partnership, Defendant
 (s)

§
 §
 §
 §
 §
 §

Location: **Department 18**
 Judicial Officer: **Holthus, Mary Kay**
 Filed on: **02/02/2017**
 Case Number History:
 Cross-Reference Case **A750520**
 Number:
 Supreme Court No.: **77810**

CASE INFORMATION

Related Cases
 A-17-754013-C (Consolidated)

Case Type: **Negligence - Other Negligence**

Case
 Status: **02/02/2017 Open**

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

Case Number A-17-750520-C
 Court Department 18
 Date Assigned 01/07/2019
 Judicial Officer Holthus, Mary Kay

PARTY INFORMATION

| | | |
|--------------------------------|--|--|
| Plaintiff | Estate of Mary Curtis | <i>Lead Attorneys</i> Davidson, Michael D. <i>Retained</i> 702-362-7800(W) |
| | Latrenta, Laura | Davidson, Michael D. <i>Retained</i> 702-362-7800(W) |
| Defendant | Life Care Centers of America Inc | Vogel, Stephen B. <i>Retained</i> 702-893-3383(W) |
| | Portello, Bina Hribik | |
| | South Las Vegas Investors Limited Partnership | Vogel, Stephen B. <i>Retained</i> 702-893-3383(W) |
| | South Las Vegas Medical Investors LLC | Vogel, Stephen B. <i>Retained</i> 702-893-3383(W) |
| | Wagner, Carl | Vogel, Stephen B. <i>Retained</i> 702-893-3383(W) |
| Consolidated Case Party | Saxena, Samir S., M.D. | Cotton, John H <i>Retained</i> 702-832-5909(W) |
| Personal Representative | Latrenta, Laura | Davidson, Michael D. <i>Retained</i> 702-362-7800(W) |

DATE**EVENTS & ORDERS OF THE COURT****INDEX**

CASE SUMMARY










CASE NO. A-17-750520-C

EVENTS

| | |
|------------|--|
| 02/02/2017 |  Complaint Filed By: Plaintiff Estate of Mary Curtis <i>Complaint for Damages</i> |
| 02/02/2017 |  Initial Appearance Fee Disclosure Filed By: Personal Representative Latrenta, Laura <i>Initial Appearance Fee Disclosure</i> |
| 03/03/2017 |  Affidavit of Service Filed By: Plaintiff Estate of Mary Curtis <i>Affidavit of Service</i> |
| 03/03/2017 |  Initial Appearance Fee Disclosure Filed By: Defendant South Las Vegas Medical Investors LLC <i>Initial Appearance Fee Disclosure(NRS Chapter 19)</i> |
| 03/03/2017 |  Demand for Jury Trial Filed By: Defendant South Las Vegas Medical Investors LLC <i>Demand for Jury Trial</i> |
| 03/03/2017 |  Answer to Complaint Filed by: Defendant South Las Vegas Medical Investors LLC <i>Defendants' Answer to Plaintiffs' Complaint</i> |
| 03/08/2017 |  Motion to Associate Counsel Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Motion to Associate Counsel Pursuant to SRC 42</i> |
| 03/09/2017 |  Demand for Security of Costs Filed By: Defendant South Las Vegas Medical Investors LLC <i>Defendants' Demand For Posting Of Non-Resident Security Cost Bond Pursuant To NRS 18.130</i> |
| 03/09/2017 |  Affidavit of Service Filed By: Plaintiff Estate of Mary Curtis <i>Affidavit of Service</i> |
| 03/09/2017 |  Affidavit of Service Filed By: Plaintiff Estate of Mary Curtis <i>Affidavit of Service</i> |
| 03/28/2017 |  Notice of Posting Non-Resident Cost Bond Filed by: Personal Representative Latrenta, Laura <i>Notice of Posting Non-Resident Cost Bond</i> |
| 04/14/2017 |  Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i> |
| 04/21/2017 |  Decision and Order <i>Decision</i> |
| 05/02/2017 |  Order Admitting to Practice |

CASE SUMMARY

CASE NO. A-17-750520-C

| | |
|------------|---|
| | Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura <i>Order Admitting to Practice Pursuant to SCR 42.</i> |
| 05/05/2017 |  Notice of Entry of Order Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura <i>Notice of Entry of Order Admitting to Practice Pursuant to SRC 42</i> |
| 05/12/2017 |  Proof of Compliance Party: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura <i>Proof of Compliance</i> |
| 05/26/2017 |  Affidavit Filed By: Personal Representative Latrenta, Laura <i>Affidavit of Service on Defendant, Life Care Centers of America, Inc.</i> |
| 05/30/2017 |  Affidavit of Service Filed By: Personal Representative Latrenta, Laura <i>Affidavit of Service on Bina Hribik Portello</i> |
| 06/12/2017 |  Motion for Summary Judgment Filed By: Defendant Portello, Bina Hribik <i>(7/18/17 Withdrawn) Defendant Bina Hribik Portello's Motion for Summary Judgment</i> |
| 06/12/2017 |  Initial Appearance Fee Disclosure Filed By: Defendant Portello, Bina Hribik <i>Initial Appearance Fee Disclosure</i> |
| 06/13/2017 |  Joint Case Conference Report Filed By: Plaintiff Estate of Mary Curtis <i>Joint Case Conference Report</i> |
| 06/20/2017 |  Scheduling Order <i>Scheduling Order</i> |
| 07/06/2017 |  Motion to Consolidate Filed By: Personal Representative Latrenta, Laura <i>Plaintiffs' Motion to Consolidate Case No. A-17-754013-C With This Action</i> |
| 07/18/2017 |  Stipulation and Order for Dismissal Without Prejudice Filed By: Personal Representative Latrenta, Laura <i>Stipulation to Dismiss Bina Hribik Poretello Without Prejudice</i> |
| 07/19/2017 |  Opposition to Motion Filed By: Plaintiff Estate of Mary Curtis <i>Defendant Samir Saxena M.D. s Opposition to Motion to Consolidate Case No. A-17-754013-C with this Action</i> |
| 07/24/2017 |  Notice of Entry of Stipulation & Order for Dismissal Filed By: Personal Representative Latrenta, Laura <i>Notice of Entry of Stipulation to Dismiss Bina Hribik Poretello Without Prejudice</i> |
| 07/27/2017 |  Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial</i> |

CASE SUMMARY

CASE NO. A-17-750520-C

| | |
|------------|--|
| 08/15/2017 |  Reply in Support Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Reply in Support of Their Motion to Consolidate Case No. A-17-754013-C With This Action</i> |
| 08/17/2017 |  Notice of Department Reassignment <i>Notice of Department Reassignment</i> |
| 08/17/2017 |  Notice of Change of Hearing <i>Notice of Change of hearing</i> |
| 09/14/2017 |  Notice of Department Reassignment <i>Notice of Department Reassignment</i> |
| 09/27/2017 |  Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial</i> |
| 10/10/2017 |  Order Granting Motion Filed By: Plaintiff Estate of Mary Curtis <i>Order Granting Plaintiff's Motion to Consolidate Case No. A-17-754013-C With This Action</i> |
| 10/11/2017 |  Notice of Entry of Stipulation & Order for Dismissal Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura <i>Notice of Entry of Order Granting Plaintiff's Motion to Consolidate Case No. A-17-754013-C With This Action</i> |
| 10/17/2017 |  Stipulation to Extend Discovery Party: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura <i>Stipulation and Order for Extension of Time to Complete Discovery (First Request)</i> |
| 10/31/2017 |  Notice of Entry of Stipulation & Order for Dismissal Filed By: Personal Representative Latrenta, Laura <i>Notice of Entry of Stipulation and Order for Extension of Time to Complete Discovery (First Request)</i> |
| 11/08/2017 |  Motion to Compel Filed By: Personal Representative Latrenta, Laura <i>Plaintiffs' Motion to Compel Further Responses to Requests for Production</i> |
| 11/08/2017 |  Motion for Protective Order Filed By: Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion for Protective Order</i> |
| 11/09/2017 |  Declaration Filed By: Personal Representative Latrenta, Laura <i>Declaration of Melanie L. Bossie, Esq. in Support of Order Shortening Time on Plaintiffs' Motion to Compel Further Responses to Requests for Production</i> |
| 11/15/2017 |  Demand for Prior Discovery <i>Demand for Prior Discovery</i> |
| 11/20/2017 |  Opposition to Motion For Protective Order Filed By: Plaintiff Estate of Mary Curtis |

CASE SUMMARY

CASE NO. A-17-750520-C

Plaintiffs' Response to Defendants' Motion for Protective Order

11/27/2017



Opposition

Filed By: Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl
Defendants' Opposition to Plaintiffs' Motion to Compel

11/29/2017



Declaration

Filed By: Plaintiff Estate of Mary Curtis
Declaration of Michael D. Davidson, Esq. in Support of Order Shortening Time on Plaintiffs' Motion to Compel Further Responses to Requests for Production - and- Order Shortening Time

12/06/2017



Reply to Opposition

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl
Defendants' Reply to Opposition to Motion for Protective Order

12/06/2017



Reply in Support

Filed By: Plaintiff Estate of Mary Curtis
Plaintiffs' Reply in Support of Motion to Compel

01/17/2018



Motion to Amend Complaint

Filed By: Plaintiff Estate of Mary Curtis
Plaintiffs' Motion to Amend Complaint

01/18/2018



Errata

Filed By: Plaintiff Estate of Mary Curtis
Errata to Plaintiff's Motion to Amend Complaint

01/30/2018



Stipulation to Extend Discovery

Party: Plaintiff Estate of Mary Curtis
Stipulation and Order for Extension of Discovery Deadlines (Second Request)

02/01/2018



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Estate of Mary Curtis
Notice of Entry of Stipulation and Order for Extension of Discovery Deadlines (Second Request)

02/06/2018



Counter-motion For Summary Judgment

Filed By: Consolidated Case Party Saxena, Samir S., M.D.
Defendant Samir S. Saxena M.D.'s Opposition to Plaintiffs' Motion to Amend Complaint and Counter-motion for Summary Judgment

02/21/2018



Reply to Opposition

Filed by: Plaintiff Estate of Mary Curtis
Plaintiffs Reply in Support of Motion to Amend Complaint and Opposition to Defendant Samir S. Saxena M.D. S Counter-motion for Summary Judgment

02/26/2018



Discovery Commissioners Report and Recommendations

Discovery Commissioner's Report and Recommendation

02/26/2018



Reply in Support

Filed By: Consolidated Case Party Saxena, Samir S., M.D.

CASE SUMMARY

CASE NO. A-17-750520-C

Defendant Samir S. Saxena M.D.'s Reply in Support of Countermotion for Summary Judgment

03/14/2018



Brief

Filed By: Plaintiff Estate of Mary Curtis
Plaintiffs' Supplemental Brief Re: Elder Abuse Statute

03/14/2018



Reply in Support

Defendant Samir S. Saxena, M.D. s Supplemental Reply in Support of Countermotion for Summary Judgment

03/29/2018



Motion to Compel

Filed By: Plaintiff Estate of Mary Curtis
Plaintiffs' Second Motion to Compel Further Responses to Requests for Production and Request for Order Shortening Time

04/02/2018



Errata

Filed By: Plaintiff Estate of Mary Curtis
Errata to Plaintiffs' Second Motion to Compel Further Responses to Requests for Production and Request for Order Shortening Time

04/03/2018



Opposition

Filed By: Defendant Life Care Centers of America Inc
Defendants' Opposition to Plaintiffs' Second Motion to Compel

04/11/2018



Order Granting Motion

Filed By: Personal Representative Latrenta, Laura
Order Granting Plaintiffs' Motion to Amend and Granting in Part Defendant Saxena's Countermotion for Summary Judgment

04/12/2018



Notice of Entry of Order

Filed By: Plaintiff Estate of Mary Curtis
Notice of Entry of Order Granting Plaintiffs' Motion to Amend and Granting in Part Defendant Saxena's Countermotion for Summary Judgment

04/23/2018



Motion to Continue Trial

Filed By: Plaintiff Estate of Mary Curtis
Joint Motion to Move Firm Trial Date and Extend Discovery Deadlines -and- Request for Order Shortening Time

04/25/2018



Objection to Discovery Commissioners Report and Recommend

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl
Objection to Discovery Commissioner's Report and Recommendations

05/01/2018



Amended Complaint

Filed By: Plaintiff Estate of Mary Curtis
(A750520, A754013) Amended Complaint for Damages

05/03/2018



Summons Electronically Issued - Service Pending

Party: Plaintiff Estate of Mary Curtis
Summons - Defendant, Annabelle Socaoco, N.P.

05/03/2018



Summons Electronically Issued - Service Pending

Party: Plaintiff Estate of Mary Curtis

CASE SUMMARY

CASE NO. A-17-750520-C

Summons - Defendant, Hospitalists of Nevada, Inc.

05/03/2018



Summons Electronically Issued - Service Pending

Party: Plaintiff Estate of Mary Curtis

Summons - Defendant, Inpatient Consultants of Nevada, Inc.

05/03/2018



Summons Electronically Issued - Service Pending

Party: Plaintiff Estate of Mary Curtis

Summons - Defendant, IPC Healthcare, Services of Nevada, Inc.

05/03/2018



Summons Electronically Issued - Service Pending

Party: Plaintiff Estate of Mary Curtis

Summons - Defendant, IPC Healthcare, Inc. aka The Hospitalist Company, Inc.

05/04/2018



Response

Filed by: Plaintiff Estate of Mary Curtis

Plaintiffs Response to Defendants Objection to Discovery Commissioner s Report and Recommendation

05/10/2018



Acceptance of Service

Filed By: Plaintiff Estate of Mary Curtis

Acceptance of Service of Summons and Amended Complaint - Annabelle Socaoco, N.P., IPC Healthcare, Inc. aka The Hospitalist Company, Inc., Inpatient Consultants of Nevada Inc., IPC Healthcare Services of Nevada, Inc., and Hospitalists of Nevada, Inc.

05/10/2018



Supplement

Filed by: Defendant Life Care Centers of America Inc

Supplement to Objection to Discovery Commissioner s Report and Recommendations

05/15/2018



Discovery Commissioners Report and Recommendations

Filed By: Plaintiff Estate of Mary Curtis

Discovery Commissioner's Report and Recommendation

05/16/2018



Response

Filed by: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura

Plaintiffs' Response to Defendants' Supplement to Objection to Discovery Commissioner's Report and Recommendation

05/31/2018



Order Granting Motion

Filed By: Plaintiff Estate of Mary Curtis

Order Granting Joint Motion to Move Firm Trial Date and extend Discovery Deadlines

05/31/2018



Motion for Good Faith Settlement

Defendant Samir S. Saxena, M.D.'s Motion for Good Faith Settlement on Order Shortening Time

06/04/2018



Notice of Entry of Order

Filed By: Plaintiff Estate of Mary Curtis

Notice of Entry of Order Granting Joint Motion to Move Firm Trial Date and extend Discovery Deadlines

06/08/2018



Joinder

Filed By: Plaintiff Estate of Mary Curtis

Plaintiffs Joinder to Defendant Saxena s Motion for Good Faith Settlement

CASE SUMMARY

CASE NO. A-17-750520-C

| | |
|------------|---|
| 06/11/2018 |  Response Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants South Las Vegas Medical Investors, Llc Dba Life Care Center Of South Las Vegas Fka Life Care Center Of Paradise Valley, South Las Vegas Investors Limited Partnership, Life Care Centers Of America, Inc And Carl Wagner Response to Motion for Good Faith Settlement</i> |
| 06/12/2018 |  Motion To Dismiss - Alternative Motion For Summary Judgment Filed By: Consolidated Case Party Saxena, Samir S., M.D. <i>Defendants' Motion to Dismiss, or in the alternative, for Summary Judgment</i> |
| 06/25/2018 |  Order Filed By: Plaintiff Estate of Mary Curtis <i>Order Adopting Discovery Commissioner's Report & Recommendation</i> |
| 06/29/2018 |  Filed Under Seal Filed By: Plaintiff Estate of Mary Curtis <i>SEALED PER MINUTE ORDER 7/2/18 Plaintiffs' Opposition to Defendants' Motion to Dismiss/Motion to Dismiss/Motion for Summary Judgment</i> |
| 07/20/2018 |  Motion to Associate Counsel Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Motion to Associate Counsel Pursuant to SRC 42 and Request for Order Shortening Time</i> |
| 07/26/2018 |  Order Shortening Time Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura <i>Plaintiffs' Motion to Compel Defendants' Compliance with Court Order and Request for Order Shortening Time</i> |
| 07/26/2018 |  Reply in Support Filed By: Consolidated Case Party Saxena, Samir S., M.D. <i>Defendants' Reply in Support of Motion to Dismiss, or, in the alternative, for Summary Judgment</i> |
| 08/03/2018 |  Order Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura <i>Order Admitting to Practice Pursuant to SCR 42 ((BENNIE LAZZARA, JR.)</i> |
| 08/08/2018 |  Notice of Entry of Order <i>Notice of Entry of Order Granting Samir S. Saxena, M.D.'s Motion for Good Faith Settlement on Order Shortening Time</i> |
| 08/09/2018 |  Application for Issuance of Commission to Take Deposition <i>Application for Issuance of Commission to Take Out of State Deposition (Kirby)</i> |
| 08/09/2018 |  Application for Issuance of Commission to Take Deposition <i>Application for Issuance of Commission to Take Out of State Deposition (Hill-O'Neill)</i> |
| 08/13/2018 |  Commission to Take Deposition Outside the State of Nevada <i>Commission to Take Deposition Outside the State of Nevada (Kirby)</i> |
| 08/13/2018 |  Commission to Take Deposition Outside the State of Nevada |

CASE SUMMARY

CASE NO. A-17-750520-C

Commission to Take Deposition Outside the State of Nevada (Hill-O'Neill)

08/15/2018



Motion for Protective Order

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

Defendants' Motion for Protective Order

08/16/2018



Notice of Change of Hearing

Notice of Change of Hearing

08/22/2018



Receipt of Copy

Filed by: Plaintiff Estate of Mary Curtis

Receipt of Copy of Notices of Depositions

09/04/2018



Opposition to Motion For Protective Order

Filed By: Plaintiff Estate of Mary Curtis

Plaintiffs' Response to Defendants' Motion for Protective Order

09/10/2018



Motion for Summary Judgment

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

Defendants' Motion for Summary Judgment

09/12/2018



Reply to Opposition

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

Defendants' Reply to Opposition to Motion for Protective Order

09/21/2018



Appendix

Filed By: Plaintiff Estate of Mary Curtis

Appendix of Exhibits 26 - 52 to Plaintiffs' Motion for Prima Facie Claim for Punitive Damages

09/21/2018



Motion

Filed By: Plaintiff Estate of Mary Curtis

Plaintiffs' Motion for Prima Facie Claim for Punitive Damages

09/21/2018



Appendix

Filed By: Plaintiff Estate of Mary Curtis

Appendix of Exhibits to Plaintiffs' Motion for Prima Facie Claim for Punitive Damages

09/21/2018



Appendix

Filed By: Plaintiff Estate of Mary Curtis

Appendix of Exhibits to Plaintiffs' Motion for Prima Facie Claim for Punitive Damages

09/21/2018



Motion for Summary Judgment

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc

Motion for Summary Judgment Regarding Punative Damages

09/24/2018



Motion for Partial Summary Judgment

Defendants' Motion for Partial Summary Judgment


CASE SUMMARY

CASE NO. A-17-750520-C

| | |
|------------|--|
| 10/04/2018 |  Opposition to Motion For Summary Judgment Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Response to Defendants' Motion for Summary Judgment</i> |
| 10/08/2018 |  Opposition to Motion Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Opposition to Plaintiffs' Motion for Prima Facie Claim for Punitive Damages</i> |
| 10/10/2018 |  Stipulation and Order Filed by: Plaintiff Estate of Mary Curtis <i>Stipulation and Order to Extend Plaintiff's Response to Defendants' Motion for Summary Judgment Regarding Punitives</i> |
| 10/10/2018 |  Stipulation and Order Filed by: Plaintiff Estate of Mary Curtis <i>Stipulation and Order to Extend Plaintiff's Response to Defendants' Motion for Summary Judgment</i> |
| 10/10/2018 |  Opposition to Motion For Summary Judgment Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Opposition to Defendants' Motion for Summary Judgment Re: Punitive Damages</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Preclude the Use of Reptile Tactics in Trial</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Preclude Evidence of Surveys Conducted at Life Care Centers of Paradise Valley</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Prohibit Argument Regarding Responsibility Avoidance</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Preclude Plaintiffs from Mentioning any Actual or Potential Dollar Amount of Damages to the Jury During Voir Dire</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Preclude Medical Opinions of Non-Medically Trained Witnesses</i> |

CASE SUMMARY

CASE NO. A-17-750520-C

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|------------|---|
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Preclude Plaintiff's Experts from Testifying as to Whether any Conduct at Issue Constitutes Fraud, Oppression, or Malice</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine Prohibit Treating Physicians from Offering Standard of Care or Causation Opinions</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Limit Video and Photographic Evidence of Mary Curtis</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Bifurcate Proceedings Regarding Punitive Damages</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Strike Cost Reports</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Preclude Evidence of the Relative Wealth of the Parties</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Limit Expert Testimony to Opinions Contained Within Their Reports</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Motion in Limine to Preclude Evidence of Surveys and Other Materials from Other Facilities</i> |
| 10/12/2018 |  Motion in Limine Filed By: Defendant South Las Vegas Investors Limited Partnership <i>Defendants' Motion in Limine to Preclude Evidence of a Printout Dated September 7, 2018 of https://lcca.com.</i> |
| 10/12/2018 |  Motion in Limine |

CASE SUMMARY

CASE NO. A-17-750520-C

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| | <p>Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl</p> <p><i>Defendants' Motion in Limine to Strike Anonymous Letter</i></p> |
| 10/12/2018 | <p> Motion in Limine</p> <p>Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl</p> <p><i>Defendants' Motion in Limine to Preclude Evidence of a Survey Results Summary</i></p> |
| 10/12/2018 | <p> Motion in Limine</p> <p>Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl</p> <p><i>Defendants' Motion in Limine to Strike Prior Medication Error Reports</i></p> |
| 10/12/2018 | <p> Motion in Limine</p> <p>Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl</p> <p><i>Defendants' Motion in Limine to Strike Plaintiff's Expert Ernest Tosh, J.D., B.B.A.</i></p> |
| 10/12/2018 | <p> Motion in Limine</p> <p>Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl</p> <p><i>Defendants' Motion in Limine to Preclude Evidence of Yelp Reviews</i></p> |
| 10/12/2018 | <p> Motion in Limine</p> <p><i>Defendants' Motion in Limine to Preclude Evidence of Prior Lawsuits</i></p> |
| 10/12/2018 | <p> Motion in Limine</p> <p><i>IPC Defendants Motion In Limine No. 1 to Limit Noneconomic Damages Argument</i></p> |
| 10/12/2018 | <p> Motion in Limine</p> <p><i>IPC Defendants Motion In Limine No. 2 To Limit Treating Physician Testimony</i></p> |
| 10/12/2018 | <p> Motion in Limine</p> <p><i>IPC Defendants Motion In Limine No. 3 To Limit Plaintiffs Cumulative Expert Testimony</i></p> |
| 10/12/2018 | <p> Motion in Limine</p> <p><i>IPC Defendants Motion In Limine No. 5 To Permit Collateral Source Evidence</i></p> |
| 10/12/2018 | <p> Motion in Limine</p> <p><i>IPC Defendants' Motion in Limine No 4 to Exclude Irrelevant Deviations From Standard of Care</i></p> |
| 10/15/2018 | <p> Non Opposition</p> <p>Filed By: Plaintiff Estate of Mary Curtis</p> <p><i>Plaintiffs' Response to IPC Defendants' Motion for Summary Judgment Re: Punitive Damages</i></p> |
| 10/17/2018 | <p> Joinder</p> <p>Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl</p> |

CASE SUMMARY

CASE NO. A-17-750520-C

Defendants' Joinder to IPC Defendants Motion in Limine No. 4 to Exclude Irrelevant Deviations from Standard of Care

10/17/2018



Joinder

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

Defendants' Joinder to IPC Defendants Motion in Limine No. 3 to Limit Cumulative Expert Testimony

10/17/2018



Joinder

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

Defendants' Joinder to IPC Defendants Motion in Limine No. 2 to Limit Treating Physician Testimony

10/17/2018



Joinder

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

Defendants' Joinder to IPC Defendants Motion in Limine No. 1 to Limit Noneconomic Damages Argument

10/17/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

Defendants' Reply to Plaintiffs Opposition to Motion for Summary Judgment

10/17/2018



Reply in Support

Filed By: Plaintiff Estate of Mary Curtis

Plaintiffs' Reply in Support of Their Motion for Prima Facie Claim for Punitive Damages

10/17/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

Defendants' Reply in Support of Motion for Summary Judgment as to Punitive Damages

10/24/2018



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Estate of Mary Curtis

Notice of Entry of Stipulation and Order to Extend Plaintiffs' Response to Defendants' Motion for Summary Judgment Regarding Punitives

10/24/2018



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Estate of Mary Curtis

Notice of Entry of Stipulation and Order to Extend Plaintiff's Response to Defendants' Motion for Summary Judgment

10/25/2018



Pre-Trial Disclosure

Party: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura

Plaintiffs Pre-Trial Disclosures Pursuant to NRCP 16.1(a)(3)

11/01/2018



Opposition to Motion in Limine

Filed By: Plaintiff Estate of Mary Curtis

Plaintiffs Response to Defendants Motion in Limine to Preclude Plaintiffs from Mentioning

CASE SUMMARY

CASE NO. A-17-750520-C

Any Actual or Potential Dollar Amount of Damages to the Jury During Voir Dire

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|------------|--|
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Response to Defendants' MIL Re: Expert Testimony on Ultimate Issues</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Survey Results Summary</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Response to Defendants' MIL re: Treating Physicians Testimony</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Yelp Reviews</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants Motion in Limine to Bifurcate Proceedings Regarding Punitive Damages</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to IPC Defendants' MIL No. 5 Re Collateral Source Evidence</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Surveys Conducted at Life Care Centers of Paradise Valley</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants MIL Re Photo/Video Evidence</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants MIL Re Anonymous Letter</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants Motion in Limine to Preclude Medical Opinions of Non-Medically Trained Witnesses</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of the Relative Wealth of the Parties</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to IPC Defendants Motion in Limine No. 4 to Exclude Irrelevant Deviations from Standard of Care</i> |

CASE SUMMARY

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| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Surveys and Other Materials from Other Facilities</i> |
| 11/01/2018 |  Errata Filed By: Plaintiff Estate of Mary Curtis <i>Errata to Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Surveys and Other Materials from Other Facilities</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants MIL Re Limiting Expert Testimony</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants MIL Re Medication Error Reports</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants Motion in Limine to Prohibit Argument Regarding Responsibility Avoidance</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to IPC Defendants Motion in Limine No. 1 to Limit Noneconomic Damages Argument and Defendants Joinder to IPC Defendants Motion in Limine No. 1 to Limit Noneconomic Damages Argument</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Response to Defendants Motion in Limine to Preclude Evidence of a Printout Dated September 7, 2018 of https://lcca.com.</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Prior Lawsuits</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to IPC Defendants Motion in Limine No. 3 to Limit Plaintiffs Cumulative Expert Testimony</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants MIL Re Ernie Tosh</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants Motion in Limine Re Cost Reports</i> |
| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to Defendants Motion in Limine to Preclude the Use of Reptile Tactics in</i> |

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CASE NO. A-17-750520-C

Trial

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| 11/01/2018 |  Opposition to Motion in Limine Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Response to IPC Defendants Motion in Limine No. 2 Re Saxena Testimony</i> |
| 11/02/2018 |  Trial Memorandum Filed by: Plaintiff Estate of Mary Curtis <i>Plaintiffs Trial Memorandum Regarding General Conditions in Response to Defendants Various Motions in Limine</i> |
| 11/06/2018 |  Order <i>(A754013) Order Granting in Part and Denying in Part IPC Defendants' Motion to Dismiss, or, in the Alternative, for Summary Judgment</i> |
| 11/07/2018 |  Notice of Entry of Order <i>Notice of Entry of Order Granting in Part and Denying in Part IPC Defendants' Motion to Dismiss, or, in the Alternative, for Summary Judgment</i> |
| 11/07/2018 |  Designation of Witness Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiff's Trial Designation of Deposition of Loretta Chatman</i> |
| 11/07/2018 |  Designation of Witness Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiff's Trial Designation of Deposition of Regina Ramos</i> |
| 11/07/2018 |  Designation of Witness Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiff's Trial Designation of Deposition of Debra Johnson</i> |
| 11/07/2018 |  Designation of Witness Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Trial Designation of Deposition of Tessie Hecht</i> |
| 11/07/2018 |  Designation of Witness Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiff's Trial Designation of Deposition of Isabella Reyes</i> |
| 11/07/2018 |  Designation of Witness Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiff's Trial Designation of Deposition of Annabelle Socaoco</i> |
| 11/07/2018 |  Designation of Witness Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiff's Trial Designation of Deposition of Ershiela Dawson</i> |
| 11/07/2018 |  Reply Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Reply to Opposition to Motion in Limine to Limit Video and Photographic Evidence of Mary Curtis</i> |
| 11/07/2018 | |

CASE SUMMARY

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| |  Reply Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Reply to Opposition to Motion in Limine Prohibit Treating Physicians from Offering Standard of Care or Causation Testimony</i> |
| 11/07/2018 |  Reply Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Reply to Opposition to Motion in Limine to Preclude Evidence of Prior Lawsuits</i> |
| 11/07/2018 |  Reply Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Reply to Opposition to Motion in Limine to Preclude Plaintiffs from Mentioning Any Actual or Potential Dollar Amount of Damages to the Jury During Voir Dire</i> |
| 11/07/2018 |  Reply Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Reply to Opposition to Motion in Limine to Bifurcate Proceedings Regarding Punitive Damages</i> |
| 11/07/2018 |  Reply Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Reply to Opposition to Motion in Limine to Preclude Plaintiff's Experts from Testifying as to Whether any Conduct at Issue Constitutes Fraud, Oppression, or Malice</i> |
| 11/07/2018 |  Reply Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Reply to Plaintiffs Opposition to Motion in Limine to Strike Plaintiff's Expert Ernest Tosh, J.D., B.B.A</i> |
| 11/07/2018 |  Reply Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Reply to Opposition to Motion in Limine to Preclude the Use of Reptile Tactics in Trial</i> |
| 11/07/2018 |  Reply Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Defendants' Reply to Opposition to Motion in Limine to Strike Anonymous Letter</i> |
| 11/07/2018 |  Reply Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl |

CASE SUMMARY

CASE NO. A-17-750520-C

Defendants' Reply to Opposition to Motion in Limine to Preclude Medical Opinions of Non-Medically Trained Witnesses

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

Defendants' Reply to Opposition to Motion in Limine to Preclude Evidence of the Relative Wealth of the Parties

11/07/2018



Reply

Defendants' Reply to Opposition to Motion in Limine to Preclude Evidence of Surveys and Other Materials from Other Facilities

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership

Defendants' Reply to Opposition to Motion in Limine to Preclude Evidence of Surveys Conducted at Life Care Centers of Paradise Valley

11/07/2018



Reply

Filed by: Defendant Life Care Centers of America Inc

Defendants' Reply to Opposition to Motion in Limine to Strike Prior Medication Error Reports

11/07/2018



Reply

Filed by: Defendant Life Care Centers of America Inc

Defendants' Reply to Plaintiffs Opposition to Defendants Motion in Limine to Preclude Evidence of Yelp Reviews

11/07/2018



Reply

Filed by: Defendant Life Care Centers of America Inc

Defendants' Reply to Plaintiffs Opposition to Defendants Motion in Limine to Preclude Evidence of a Survey Results Summary

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership

Defendants' Reply to Opposition to Motion in Limine to Limit Expert Testimony to Opinions Contained Within Their Reports

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership

Defendants' Reply to Plaintiffs Opposition to Defendants Motion in Limine to Preclude Evidence of a Printout Dated September 2018 of HTTP://LCCA.com.

11/07/2018



Reply in Support

Filed By: Consolidated Case Party Saxena, Samir S., M.D.

IPC Defendants' Reply in Support of Motions in Limine No. 1 to Limit Noneconomic Damages Argument

11/07/2018



Reply in Support

IPC Defendants' Reply in Support of Motion in Limine No.2 to Limit Treating Physician Testimony

11/07/2018



Reply in Support

IPC Defendants' Reply in Support of Motion in Limine No.3 to Limit Plaintiffs' Cumulative Expert Testimony














CASE SUMMARY

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| 11/07/2018 |  Reply in Support <i>IPC Defendants' Reply in Support of Motion in Limine No.4 to Exlude Irrelevant Deviations from Standar of Care</i> |
| 11/08/2018 |  Designation of Witness Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiff's Trial Designation of Deposition of Machelles Harris</i> |
| 11/08/2018 |  Designation of Witness Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiff's Trial Designation of Deposition of Connie Blackmore</i> |
| 11/08/2018 |  Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i> |
| 11/13/2018 |  Designation of Witness Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiff's Trial Designation of Deposition of Mezert Werago</i> |
| 11/13/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Florence Agorta</i> |
| 11/13/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Juvy Solis</i> |
| 11/13/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Linda Sanchez</i> |
| 11/13/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Cherrie Sayson</i> |
| 11/13/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Asiya Hassan</i> |
| 11/13/2018 |  Objection Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Objections to IPC Defendants Pre-Trial Disclosures Pursuant to NRCP 16.1(a)(3)</i> |
| 11/13/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Meskereme Wolde</i> |
| 11/13/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Maria Sabanico</i> |
| 11/13/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Tiffany Love</i> |


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CASE NO. A-17-750520-C

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|------------|---|
| 11/13/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Michael Malacaman</i> |
| 11/13/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Cecelia Sansone</i> |
| 11/13/2018 |  Objection Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs Objections to Life Care Defendants Pre-Trial Disclosures Pursuant to NRCP 16.1(a) (3)</i> |
| 11/19/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Mariver Delloro</i> |
| 11/19/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Cherry Uy</i> |
| 11/19/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Gabriela Gregory, M.D.</i> |
| 11/20/2018 |  Discovery Commissioners Report and Recommendations Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Discovery Commissioners Report and Recommendations</i> |
| 11/26/2018 |  Motion to Reconsider Filed By: Consolidated Case Party Saxena, Samir S., M.D. <i>IPC Defendants' Motion for Reconsideration</i> |
| 11/28/2018 |  Trial Subpoena Filed by: Plaintiff Estate of Mary Curtis <i>Trial Subpoena to Timothy Dutra, M.D.</i> |
| 12/06/2018 |  Opposition to Motion Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Opposition to IPC Defendants' Motion for Reconsideration</i> |
| 12/07/2018 |  Order Granting Summary Judgment <i>Order Granting Defendants' Motion for Summary Judgment</i> |
| 12/11/2018 |  Notice of Entry of Order Filed By: Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl <i>Notice of Entry of Order Granting Defendants' Motion for Summary Judgment</i> |
| 12/17/2018 |  Memorandum of Costs and Disbursements <i>Defendants' Verified Memorandum of Costs</i> |

CASE SUMMARY

CASE NO. A-17-750520-C

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|------------|---|
| 12/20/2018 |  Opposition Filed By: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Opposition to Defendants' Verified Statement of Costs</i> |
| 12/27/2018 |  Reply in Support Filed By: Consolidated Case Party Saxena, Samir S., M.D. <i>IPC Defendants' Reply in Support of Motion for Reconsideration</i> |
| 12/27/2018 |  Notice of Appeal Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura <i>Plaintiffs' Notice of Appeal of the Order Granting Defendants' Motion for Summary Judgment</i> |
| 12/27/2018 |  Case Appeal Statement Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura <i>Plaintiffs' Case Appeal Statement</i> |
| 01/02/2019 |  Posting of Appeal Bond Filed by: Plaintiff Estate of Mary Curtis <i>Plaintiffs' Notice of Posting Cost Bond on Appeal</i> |
| 01/07/2019 | Case Reassigned to Department 18 <i>Judicial Reassignment - From Judge Villani to Judge Holthus</i> |
| 02/27/2019 |  Order <i>Order To Strike The Court Minutes on IPC Defendants' Motion For Reconsideration</i> |
| 02/28/2019 |  Order <i>(A-17-754013-C Only) Order</i> |
| 03/11/2019 |  Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing: Plaintiff's Motion to Amend Complaint Defendant Samir S. Saxena M.D.'s Opposition to Plaintiff's Motion to Amend Complaint and Countermotion for Summary Judgment Heard on February 28, 2018</i> |
| 03/25/2019 |  Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing: Plaintiffs' Motion to Associate Counsel Pursuant to SCR 42 and Request for Order Shortening Time Plaintiffs' Motion to Compel Defendants' Compliance With Court Order and Request for Order Shortening Time Defendants Samir S. Saxena M.D., Anabelle Socaoco, N.P., IPC Healthcare, Inc., Inpatient Consultants of Nevada, Inc., IPC Healthcare Services of Nevada, Inc., and Hospitalist of Nevada's Motion to Dismiss or, in the Alternative, for Summary Judgment (A-11-642547-C) Heard on August 1, 2018</i> |
| 04/18/2019 |  Request Filed by: Plaintiff Estate of Mary Curtis <i>Request for Transcript of Proceedings</i> |
| 04/24/2019 |  Order Granting Motion <i>(A754013) Order Granting IPC Defendants' Motion for Reconsideration</i> |
| 04/25/2019 |  Notice of Entry of Order <i>Notice of Entry of Order Granting IPC Defendants' Motion for Reconsideration</i> |
| 04/25/2019 |  Recorders Transcript of Hearing |

CASE SUMMARY

CASE NO. A-17-750520-C

Recorder's Transcript of Hearing: All Pending Motions Heard on October 31, 2018

- 04/29/2019  Motion to Reconsider
Filed By: Plaintiff Estate of Mary Curtis
Plaintiffs' Motion for Reconsideration
- 04/29/2019  Appendix
Filed By: Plaintiff Estate of Mary Curtis
Appendix of Exhibits to Plaintiffs' Motion for Reconsideration
- 04/29/2019  Clerk's Notice of Hearing
Notice of Hearing
- 05/14/2019  Opposition to Motion
Filed By: Consolidated Case Party Saxena, Samir S., M.D.
IPC DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION FOR RECONSIDERATION
- 05/29/2019  Errata
ERRATA TO IPC DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION FOR RECONSIDERATION
- 05/31/2019  Reply in Support
Filed By: Plaintiff Estate of Mary Curtis
Plaintiffs' Reply in Support of Motion for Reconsideration
- 06/26/2019  Order Denying Motion
Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura
Order Denying Plaintiffs' Motion to Reconsider
- 06/27/2019  Notice of Entry of Order
Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura
Notice of Entry of Order
- 07/01/2019  Notice of Appeal
Filed By: Plaintiff Estate of Mary Curtis
Plaintiffs' Notice of Appeal of the Order Granting IPC Defendants' Motion for Reconsideration
- 07/01/2019  Case Appeal Statement
Filed By: Plaintiff Estate of Mary Curtis
Plaintiffs' Case Appeal Statement
- 07/01/2019  Posting of Appeal Bond
Filed by: Plaintiff Estate of Mary Curtis
Plaintiffs' Notice of Posting Cost Bond on Appeal

DISPOSITIONS

- 07/18/2017 **Order of Dismissal Without Prejudice** (Judicial Officer: Miley, Stefany)
Debtors: Bina Hribik Portello (Defendant)
Creditors: Estate of Mary Curtis (Plaintiff), Laura Latrenta (Plaintiff)
Judgment: 07/18/2017, Docketed: 07/18/2017
- 12/07/2018 **Summary Judgment** (Judicial Officer: Villani, Michael)
Debtors: Estate of Mary Curtis (Plaintiff), Laura Latrenta (Personal Representative, Plaintiff)
Creditors: South Las Vegas Investors Limited Partnership (Defendant), South Las Vegas Medical





CASE SUMMARY

CASE NO. A-17-750520-C

Investors LLC (Defendant), Life Care Centers of America Inc (Defendant)

Judgment: 12/07/2018, Docketed: 12/10/2018

HEARINGS

- 04/25/2017 **CANCELED Motion to Associate Counsel** (9:30 AM) (Judicial Officer: Miley, Stefany)
Vacated
Plaintiffs' Motion to Associate Counsel Pursuant to SRC 42
- 07/25/2017 **CANCELED Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Miley, Stefany)
Vacated - per Stipulation and Order
Defendant Bina Hribik Portello's Motion for Summary Judgment
- 08/16/2017  **Minute Order** (3:57 PM) (Judicial Officer: Miley, Stefany)
Minute Order Re: Court's Recusal
 Recused; Minute Order Re: Court's Recusal
 Journal Entry Details:
Pursuant to Millen v. District Court, 122 Nev. Adv. Op. No. 105, a Recusal List was prepared, made public record and attorney John H. Cotton, Esq., was named on the list. To avoid the appearance of impropriety and implied bias, the COURT hereby recuses itself. The Motion to Consolidate set for August 22, 2017 at 9:30 am and the Calendar Call set for June 19, 2018 at 11:00 am as well as the Jury Trial set for June 25, 2018 at 1:00 pm are hereby vacated. This matter will be reassigned at random and the hearings will be calendared in the new department.;
- 08/22/2017 **CANCELED Motion to Consolidate** (9:30 AM) (Judicial Officer: Miley, Stefany)
Vacated - Case Reassigned
Plaintiffs' Motion to Consolidate Case No. A-17-754013-C With This Action
- 08/24/2017  **Motion to Consolidate** (9:30 AM) (Judicial Officer: Allf, Nancy)
 Granted;
 Journal Entry Details:
Appearances: Michael D. Davidson, Esq. for Plaintiff (A750520 and A754013) along with lead counsel Melanie L. Bossie, Pro Hac Vice John Orr, Esq. for Defendant South Las Vegas Medical Investors LLC (A750520) Vincent Vitatoe, Esq. for Samir Saxena M.D. (A754013)
Arguments by Ms. Bossie and Mr. Vitatoe regarding the merits of and opposition to the motion. Mr. Orr stated he had nothing to add. Court stated its findings and ORDERED, Motion to Consolidate (A750520 and A754013) GRANTED. Plaintiff's counsel to prepare the order and submit it to opposing counsel for approval. -----CASE CONSOLIDATED (A750520 AND A754013)-----
-----LEAD CASE-----;
- 09/08/2017  **Minute Order** (1:59 PM) (Judicial Officer: Gonzalez, Elizabeth)
Minute Order: Case Reassignment
 Matter Transferred;
 Journal Entry Details:
COURT ORDERED, pursuant to EDCR 1.31, this consolidated matter is TRANSFERRED due to the special assignment of the current department (business court) to a department hearing civil but not CD or business court matters. CLERK'S NOTE: A copy of this minute order was distributed to the parties via the E-Service List./ dr 9-8-17;
- 09/12/2017  **Discovery Conference** (9:30 AM) (Judicial Officer: Bulla, Bonnie)
Discovery Conference for Sub Case A754013
 Matter Continued; Discovery Conference for Sub Case A754013
 Journal Entry Details:
Vincent Vitatoe, Esq., present on behalf of Deft. Samir Saxena, M.D., in consolidated case A754013. Commissioner noted this is a procedural mess. Cases are consolidated now. Judge Allf consolidated the cases but she is business court and will not be hearing the medical malpractice so it was to be randomly reassigned per Chief Judge Gonzales. Statement by Mr. Davidson. Further, Commissioner stated there is a scheduling order in the lead case controls. There is a scheduling order in the lead case, do not have one in the subordinate case, have a

CASE SUMMARY

CASE NO. A-17-750520-C

trial date in the subordinate case and not in the lead case. Additionally, Commissioner does not believe the trial date stands in the subordinate case. At the medical malpractice status checks, Judge Weiss actually transferred the subordinate case to Department VI. But now it is consolidated, subordinate case out of Department VI, is with Department XXVII until it is going to be reassigned. The trial date in the lead case has been vacated and will be reset by the department. This case will not go back to the sweeps because it already had a trial date and now is consolidated. The lead case will not go back because it has a scheduling order and trial date. COMMISSIONER RECOMMENDED, counsel to follow the scheduling order in the lead case and there will not be a scheduling order issued for the subordinate case. If counsel needs more time, does not have a trial date in the lead case, counsel to prepare a 2.35 stipulation and send to the Commissioner. FURTHER COMMISSIONER RECOMMENDED, matter SET for status check. Mr. Vitatoe stated in terms of the stipulation, not sure if parties are going to agree to extend the deadlines. Commissioner stated a motion will have to be done and serve in the consolidate case as well. Parties to either submit a 2.35 stipulation in the consolidated cases or file motion to extend in the consolidated cases. Mr. Davidson stated parties anticipated that parties would come back once the cases were consolidated either the Commissioner or the Judge would take a look at the two cases and set a unified schedule. Commissioner stated that does not happen. Once parties receive a scheduling order, the only way to move discovery deadlines by 2/35 stipulation or motion. A new scheduling order will not be issued in this case as the lead case already has one. CONTINUED TO: 10/24/17 9:30 AM;

12/13/2017

Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Plaintiffs Motion to Compel Further Responses to Requests for Production
Granted in Part;

12/13/2017

Motion for Protective Order (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Defendant's Motion for Protective Order
Granted in Part;

12/13/2017



All Pending Motions (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;
Journal Entry Details:
Plaintiffs Motion to Compel Further Responses to Requests for Production Defendant's Motion for Protective Order Mr. Bossie asked to proceed without Mr. Davidson (adding another hearing); no objection by Defense counsel. Once the Protective Order is in place, it appears to Commissioner that Defense counsel will provide a significant part of information. COMMISSIONER RECOMMENDED, Plaintiffs Motion to Compel is GRANTED IN PART; Defendant's Motion for Protective Order is GRANTED IN PART; parameters discussed; (1) INSUFFICIENT STAFFING - staffing information must be provided during the time Plaintiff was in the life care center for six months before and six months after to determine trending, and was there a subsequent remedial measure; (2) any MEDICATION ERRORS - Deft needs to be more responsive, but REDACT resident patient names or use a code sheet; go back five years - start with local facility to determine the process, then do a 30(b)(6) deposition. Two hundred plus facilities nationwide. COMMISSIONER RECOMMENDED, Request to Produce 46 - look at 1-1-2016 through 3-31-2016, Plaintiff was only there March 2nd through March 8th (a few days); colloquy re: other lawsuits for five years before; turn over employment file for Nurse with proper redactions, and go back five years before date of this medication error. Michael Davidson, Esquire, present. Start with this facility and broaden to the Southwest if necessary. Commissioner addressed the confusing Motion work; lack of 2.34 conference. Ms. Bossie moved the case forward with depositions without the Incident Report or Error Report. Mr. Vogel will provide it if he can obtain it. Ms. Bossie stated the Autopsy Report confirmed Pltfd died of Morphine intoxication. Commissioner offered a Mandatory Settlement Conference coordinated by Judge Scotti's Department or the Senior Judge Department. Mr. Vogel and Mr. Weiss agreed. Ms. Bossie agreed, but requested to speak with her client in New Jersey. COMMISSIONER RECOMMENDED a Mandatory Settlement Conference or alternatively Mediation. Argument by Ms. Bossie. Commissioner stated the insurance policy and policies and procedures will be disclosed without necessarily being protected. Ms. Bossie to prepare the Report and Recommendations, and Defense counsel to approve as to form and content. A proper report must be timely submitted within 20 days of the hearing. Otherwise, counsel will pay a contribution. ;

02/01/2018

CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner

CASE SUMMARY

CASE NO. A-17-750520-C

02/28/2018

Motion to Amend Complaint (8:30 AM) (Judicial Officer: Villani, Michael)

02/28/2018, 03/21/2018

Plaintiffs' Motion to Amend Complaint

Matter Continued;

Granted;

Matter Continued;

Granted;

02/28/2018

Opposition and Countermotion (8:30 AM) (Judicial Officer: Villani, Michael)

02/28/2018, 03/21/2018

Defendant Samir S. Saxena M.D.'s Opposition to Plaintiffs' Motion to Amend Complaint and Countermotion for Summary Judgment

Matter Continued;

Granted in Part;

Matter Continued;

Granted in Part;

02/28/2018



All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael)

Matter Heard;

Journal Entry Details:

PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT SAMIR S. SAXENA M.D.'S OPPOSITION TO PLAINTIFF'S MOTION TO AMEND COMPLAINT AND COUNTERMOTION FOR SUMMARY JUDGMENT Ms. Bossie stated the alleged facts and procedural history of the case. Ms. Bossie requested a Motion to leave and Amend the Complaint and argued Defendant Life Care and Defendant Saxena didn't list Nurse Annabelle in their disclosure statements. Ms. Bossie stated it was a discovery rule and question of fact when it was learned of the injury and who was part and parcel of committing the injury. As to the elder abuse issue, Ms. Bossie noted there was not much Nevada law pertaining to medical professions regarding if it came under a Medical Mal-Practice action, 41A, or the older adult statute and argued in reading both statutes if the legislature wanted to make one or the other the exclusive remedy for the cause of action they would have done so. Ms. Bossie argued the statute does not eliminate out this cause of action as if it couldn't be brought against the attending physician of the provider and there wasn't exclusive language in 41A. Ms. Bossie requested Defendant's summary judgment motion be denied as to the older abuse statute and grant Plaintiff's Motion to Amend Complaint. Upon Court's inquiry, Ms. Bossie argued Plaintiff didn't know what the cause of death was until April 15th and the complaint was filed within one year. Mr. Vitatoe stated the criticisms level of Dr. Saxena was two-fold, he didn't transfer Plaintiff Curtis quickly enough and he provided her an IV drip of Narcan, that's important to the statute of limitation analysis. Mr. Vitatoe argued there was no case law that stated only when an autopsy was received did the statute of limitation commence. Mr. Vitatoe further argued the standard as set forth in Massey was when facts were presented to Plaintiff that would put a reasonable person to be on inquiry notice that some negligence may have caused the death, at that point they were supposed to investigate further. Mr. Vitatoe argued there was no issue of fact because parties were relying on admissions. Mr. Vitatoe cited case law and stated parties inconsistent statements were not genuine issues of fact and argued the undisputed admissions put Plaintiff on inquiry notice in March, under Massey that barred the claims against Dr. Saxena. Further arguments by counsel. Court stated as to cause of action regarding the expansion of elder abuse counsel was to submit supplemental briefing on March 14, 2018 by 5:00 pm. Court further stated it would review the matter and **ORDERED**, matter **CONTINUED** to the Chamber Calendar for the Court's written decision. **CONTINUED TO: 03/21/18 (CHAMBER CALENDAR);**

03/21/2018



All Pending Motions (3:00 AM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT SAMIR S. SAXENA M.D.'S OPPOSITION TO PLAINTIFFS' MOTION TO AMEND COMPLAINT AND COUNTERMOTION FOR SUMMARY JUDGMENT Plaintiffs' Motion to Amend Complaint and Defendant Samir S. Saxena, M.D.'s Countermotion for Summary Judgment came before this Court on the February 28, 2018 Oral Calendar at 8:30 a.m. The Court requested supplemental briefing, and continued the matter for written decision on the March 21, 2018 Chamber Calendar. This Court, having reviewed the pleadings and papers on file herein, finds

CASE SUMMARY

CASE NO. A-17-750520-C

as follows: Plaintiffs seek to amend the Complaint to add IPC Healthcare, Inc. and nurse practitioner Annabelle Socaco as parties to this matter. Defendant Samir S. Saxena, M.D. seeks summary judgment on the elder abuse cause of action (NRS 41.1395) because a cause of action for malpractice of a healthcare provider is governed by NRS 41A. Pursuant to NRCP 15(a), leave to amend should be freely granted when justice requires. Additionally, when determining the claims for relief, the Court looks to the gravamen of the Complaint. *Egan v. Chambers*, 129 Nev. 239, 241, 299 P.3d 364, 366 (2013). The Complaint in question is for professional negligence against a healthcare provider and, therefore, governed by NRS 41A. The Court FINDS that it was not the legislative intent of enacting NRS 41.1395 to supersede the caps under NRS 41A. There is neither legislative purpose nor intent to carve out an exception for elderly patients covered under NRS 41A. The Court FURTHER FINDS the reasoning in *Brown v. Mt. General Hospital*, 2013 WL 4523488 (D. Nev. 2013) to be persuasive. Therefore, COURT ORDERED Plaintiffs' Motion to Amend Complaint GRANTED and Defendant Samir S. Saxena, M.D. s Counter-motion for Summary Judgment is GRANTED as it relates to Plaintiffs' First Cause of Action for Abuse/Neglect of an Older Person. Counsel for Plaintiffs to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by opposing counsel. CLERK'S NOTE: A copy of the foregoing minute order has been electronically distributed to all registered parties.//ob/03/26/18.;

04/04/2018



Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Plaintiffs' Second Motion to Compel Further Responses to Requests for Production and Request for OST

Granted; Plaintiffs' Second Motion to Compel Further Responses to Requests for Production and Request for OST

Journal Entry Details:

Commissioner discussed focusing on 1) what happened to this particular Plaintiff and her condition, and 2) was the entire facility staffed appropriately and were patients receiving care appropriately. Colloquy re: search terms and scope. Ms. Brookhyser will submit a Stipulation to extend deadlines after receiving a new Trial date from the Judge. Argument by Ms. Bossie. Colloquy re: including census in search terms. Mr. Bossie stated terms agreed to by counsel are staff, labor, PPD, budget, fall, medication error, bounce back, LOS (length of stay). COMMISSIONER RECOMMENDED, put a clawback provision in place and incorporate Federal Court language in Report and Recommendation; redact attorney client privilege or other privileges, but prepare a privilege log; Commissioner can review the information in camera; colloquy re: annual budgets, produce the previous fiscal year and the year that controlled during this admission. COMMISSIONER RECOMMENDED, budget variance reports are under a Protective Order pursuant to Rule 26(c) proprietary confidential information until such time as ordered by the District Court Judge; motion is GRANTED within parameters. Counsel must have a 2.34 conference, if counsel cannot agree, do not turn over documents, but file a Motion for Protective Order. Colloquy re: the adopting the proposed Federal Proportionality Rule. Commissioner is available by conference call. Colloquy re: generally speaking 30 days prior to Trial, three years of net worth are provided with supporting documentation. Ms. Bossie to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. CLERK'S NOTE: Minutes amended 6-1-18 to reflect Ms. Bossie to prepare the Report and Recommendations. JL;

05/09/2018



Motion (8:30 AM) (Judicial Officer: Villani, Michael)

Plaintiffs Estate of Mary Curtis, Laura Latrenta and Defendants South Las Vegas Medical Investors LLC, Life Care Centers of America Inc., South Las Vegas Medical Investors Limited Partnership, and Carl Wagner's Joint Motion to Move Firm Trial Date and Extend Discovery Deadlines -and- Request for Order Shortening Time

Motion Granted;

Journal Entry Details:

Court noted this was a motion to continue the trial date and reset discovery deadlines. Ms. Bossie requested to extend the deadline ninety days. Colloquy regarding trial dates. Counsel estimated 7 days for trial. CONFERENCE AT BENCH. COURT ORDERED, Trial dates VACATED and RESET. Court instructed Ms. Bossie to prepare the Order with the discovery deadline dates with a Stipulation and Order. 10/31/18 9:00 AM CALENDAR CALL 11/26/18 9:00 AM JURY TRIAL;

CASE SUMMARY

CASE NO. A-17-750520-C

05/30/2018



Objection to Discovery Commissioner's Report (8:30 AM) (Judicial Officer: Villani, Michael)

Discovery Commissioner's Report and Recommendation

Matter Heard;

Journal Entry Details:

Mr. Vogel argued part of the issue was the scope, the Discovery Commissioner ordered seven months of emails. Mr. Vogel further argued they collected 15,000 emails, 14,000 attachments which was 100,000 pages that they still had to go through and be redacted. Mr. Vogel argued the scope was too broad and requested to provide two months of emails to include the regional individuals involved, not corporate. Ms. Bossie gave a history of the case and argued opposing counsel was able to search the matter and she needed to prove the why as this would be a punitive damage case. Ms. Bossie further argued the information was already accessible and they already retrieved the data and they could do a searchable format. Further argument by Mr. Vogel. COURT stated it did not find this to be overly burdensome. COURT ADOPTED the report recommendation by Commissioner Bulla. Ms. Bossie to prepare the Order and submit it to opposing counsel as to form and content. Upon Court's inquiry, Ms. Bossie estimated eight days for trial, Mr. Vogel estimated two weeks for trial. At the request of Ms. Bossie, Court stated the information was to be provided within thirty days thereafter information was to be provided on a rolling basis.;

05/31/2018

CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie)

Vacated - per Commissioner

06/13/2018

Motion for Good Faith Settlement (8:30 AM) (Judicial Officer: Villani, Michael)

Defendant Samir S. Saxena, M.D.'s Motion for Good Faith Settlement on Order Shortening Time

06/13/2018

Joinder (8:30 AM) (Judicial Officer: Villani, Michael)

Plaintiffs' Joinder to Defendant Saxena's Motion for Good Faith Settlement

06/13/2018



All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael)

Matter Heard;

Journal Entry Details:

Melaine Bossie, Esq. appearing telephonically. PLAINTIFF'S JOINDER TO DEFENDANT SAXENA'S MOTION FOR GOOD FAITH SETTLEMENT...DEFENDANT'S SAMIR S. SAXENA, M.D.'S MOTION FOR GOOD FAITH SETTLEMENT As to Defendant's motion, Court noted there was no objection to the motion, there was one issue that came up which was allowing Dr. Saxena placed on the verdict form. Ms. Brookhyser concurred and advised initially when the issue was brought up a request was made that in exchange for dismissing Dr. Saxena that Lifecare Center Defendants would agree not to place him on the verdict form which she couldn't agree to. Ms. Brookhyser noted she didn't see that issue reference in the good faith settlement and would make certain it was on the record. Ms. Bossie noted based on the investigation Dr. Saxena didn't know about the event. Ms. Bossie further noted there was no evidence that would warrant Dr. Saxena be on the verdict form. Following representations by counsel, COURT ORDERED, Motion GRANTED for Good Faith Settlement; ruling DEFERRED on adding Dr. Saxena to the verdict form upon closing of presentation of the evidence. Mr. Vitatoe to prepare the Order and submit to opposing counsel as to form and content.;

06/13/2018

CANCELED Calendar Call (9:00 AM) (Judicial Officer: Villani, Michael)

Vacated - per Judge

06/19/2018

CANCELED Calendar Call (11:00 AM) (Judicial Officer: Miley, Stefany)

Vacated - Case Reassigned

06/25/2018

CANCELED Jury Trial - FIRM (9:00 AM) (Judicial Officer: Villani, Michael)

Vacated - per Judge

06/25/2018

CANCELED Jury Trial (1:00 PM) (Judicial Officer: Miley, Stefany)

Vacated - Case Reassigned



07/02/2018



Minute Order (12:00 PM) (Judicial Officer: Villani, Michael)

CASE SUMMARY

CASE NO. A-17-750520-C

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|------------|---|
| | <p>Minute Order - No Hearing Held; Journal Entry Details: <i>Upon the Court's review of the documents filed in this matter, the Opposition to motion for Summary Judgment filed on 6/29/18 contained a social security number. Therefore, Court ORDERED this document SEALED pursuant to E.D.C.R. 2.13. CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve. ndo/7/2/18;</i></p> |
| 08/01/2018 | <p>Motion to Dismiss (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendants Samir Saxena, M.D., Annabelle Socaoco, N.P., IPC Healthcare, Inc., Intatient Consultants of Nevada, Inc., IPC Healthcare Services of Nevada, Inc., and Hospitalist of Nevada's Motion to Dismiss or, in the Alternative, for Summary Judgement (A-11-642647-C)</i> Granted in Part;</p> |
| 08/01/2018 | <p>Motion to Associate Counsel (8:30 AM) (Judicial Officer: Villani, Michael) <i>Plaintiffs' Motion to Associate Counsel Pursuant to SCR 42 and Request for Order Shortening Time</i> Granted;</p> |
| 08/01/2018 | <p>Motion to Compel (8:30 AM) (Judicial Officer: Villani, Michael) <i>Plaintiffs' Motion to Compel Defendants' Compliance with Court Order and Request for Order Shortening Time</i> Matter Heard;</p> |
| 08/01/2018 | <p> All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael) Matter Heard; Journal Entry Details: <i>DEFENDANTS SAMIR SAXENA, M.D., ANNABELLE SOCAOCO, N.P., IPC HEALTHCARE, INC., INTATIENT CONSULTANTS OF NEVADA, INC., IPC HEALTHCARE SERVICES OF NEVADA, INC., AND HOSPITALIST OF NEVADA'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGEMENT (A-11-642647-C) ... PLAINTIFFS' MOTION TO ASSOCIATE COUNSEL PURSUANT TO SCR 42 AND REQUEST FOR ORDER SHORTENING TIME ... PLAINTIFFS' MOTION TO COMPEL DEFENDANTS' COMPLIANCE WITH COURT ORDER AND REQUEST FOR ORDER SHORTENING TIME</i> <i>Bennie Lazzara, Jr., Esq., also present on behalf of Plaintiff via Court Call. COURT ORDERED, Plaintiff's Motion to Associate Counsel GRANTED. Following arguments by counsel regarding statute of limitations and Motion to Dismiss, COURT FURTHER ORDERED, Motion to Dismiss or, in the Alternative, for Summary Judgement TAKEN UNDER ADVISEMENT. Further arguments by counsel regarding Motion to Compel. As to the Motion to Compel, Court directed Ms. Brookhyser to create a privileged log and go through medication errors at other facilities as well. COURT ORDERED, matter SET for Status Check regarding compliance of Court's directives. 09/05/18 8:30 AM STATUS CHECK: COMPLIANCE ;</i></p> |
| 08/13/2018 | <p> Minute Order (1:45 PM) (Judicial Officer: Villani, Michael) Minute Order - No Hearing Held; Journal Entry Details: <i>Defendants Motion to Dismiss or, in the Alternative, for Summary Judgment came before this Court on the August 1, 2018 Oral Calendar at 8:30 a.m. The Court took the matter under advisement and now rules as follows: IPC Defendants (Annabelle Socaoco, N.P.; IP Healthcare, Inc. a/k/a The Hospitalist Company, Inc.; Inpatient Consultants of Nevada, Inc.; IPC Healthcare Services of Nevada, Inc.; and Hospitalists of Nevada, Inc.) seek summary judgment on the elder abuse cause of action (NRS 41.1395) because a cause of action for malpractice of a healthcare provider is governed by NRS 41A. IPC Defendants also argue that the statute of limitations bars the medical malpractice and wrongful death claims. The Court adopts its previous ruling via minute order dated March 21, 2018. The Complaint in question is for professional negligence against a healthcare providers and, therefore, governed by NRS 41A. The Court FINDS that it was not the legislative intent of enacting NRS 41.1395 to superseded the caps under NRS 41A. There is neither legislative purpose nor intent to carve out an exception for elderly patients covered under NRS 41A. The Court FURTHER FINDS the reasoning in Brown v. Mt. General Hospital, 2013 WL 4523488 (D. Nev. 2013) to be persuasive. NRS 41A.017 provides the definition of provider of health care. The Court FINDS IPC Defendants fall within this definition, and therefore, the elder abuse causes of action are</i></p> |

CASE SUMMARY**CASE NO. A-17-750520-C**

improper in the instant matter. The statute of limitations accrual date is a question of law only if the facts are uncontroverted. Winn v. Sunrise Hospital and Medical Center, 128 Nev. 246, 252-253 (2012) (citing Day v. Zubeil, 112 Nev. 972, 977 (1996)). The Court FINDS a question of fact remains as to the date of inquiry as to the names of the tortfeasors in this matter. Therefore, COURT ORDERED Defendants Motion to Dismiss or, in the Alternative, for Summary Judgment GRANTED IN PART and DENIED IN PART. Counsel for Defendants to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by all parties. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/8/13/18;

09/05/2018

**Status Check (8:30 AM)** (Judicial Officer: Villani, Michael)*Status Check: Compliance**Matter Heard; Status Check: Compliance**Journal Entry Details:*

Ms. Brookhyser advised 6 e-mail addresses, produced attachments within the scope of the Court's order for four of them. The last two, one of them is the largest of the e-mails which is taking the longest. Further, counsel believes everything will be produced within thirty days. Ms. Bossie stated she needs this a little quicker than thirty days. Expert is being deposed on September 27 and 28, 2018. Further, counsel advised the Court of the critical evidence redacted by Life Care. For example, which counsel would of liked to have when counsel took the Director of Nursing's deposition, is a letter from a loyal employee to Forest Preston, who is the owner of the company, bring to light the many critical issues still occurring at the Life Care of Paradise Valley facility. An employee wanted to bring forth to the ownership regarding the poor leadership, cover up of many incidents by the Director of Nursing, and she is writing to insure safety of the patients. Coincidentally, this letter goes through where management had been covering up many incidents such as having staff file false documents or false statements, being aware of many medication errors and as the Court knows, this is a main issue in this case and wrong medications have been given to patients that always have been covered up. This is a letter right to the owner about this facility, management at this facility and the problems about 2 and a half months prior to Pltf. being there given the wrong medication and died. Further, Ms. Bossie requested un-redacted of direct concerns, complaints, compliance issues and medication issue prior to nursing expert getting deposed. Counsel will have this letter when Mr. Preston is deposed to see what he did about his knowledge of this but counsel did not have this on all other depositions taken to date. Additionally, this letter is crucial, discoverable for notice and knowledge and request a shorter timeframe to produce. Ms. Brookhyser stated she will do her best to produce as quickly as she can. One of the e-mail addresses is the Senior Vice President for the entire division and there is over 10,000 e-mails. His e-mail address in particular, almost every e-mail has attachments and counsel has to go through, look at to make sure that it applies to Paradise Valley or has anything to do with medication error. Further, counsel will do her utmost to get them disclosed as quickly as can be and they have been done on a rolling basis. Court inquired if they will be produced prior to expert deposition. Ms. Brookhyser stated she will have it done before expert depositions. Court advised if there are any other issues, counsel to file appropriate motion.;




09/19/2018

**Motion for Protective Order (9:00 AM)** (Judicial Officer: Bulla, Bonnie)*Defendants' Motion for Protective Order**Granted Without Prejudice; Defendants' Motion for Protective Order**Journal Entry Details:*

COMMISSIONER RECOMMENDED, Defendants' Motion for Protective Order is GRANTED In Part Without Prejudice as to Walker and Preston Without Prejudice subject to a Rule 30(b)(6) deposition establishing some foundation as to their personal knowledge regarding this event. Commissioner suggests it would benefit Plaintiff to put together a Rule 30(b)(6) deposition with the topic areas of concern; and, that may require the Defendant to produce one of those officers or directors for that deposition. FURTHER, IF it is determined that Mr. Hamm will be the Deponent, Defense to advise Plaintiff's counsel so they can prepare and have Mr. Hamm deposed just once. Ms. Brookhyser to prepare the Report and Recommendations, and Ms. Bossie and Mr. Vitatoe to approve as to form and content; no fees or costs. A proper report must be timely submitted within 10 days of the hearing. Commissioner is available by conference call if necessary. 11/15/18 (CHAMBERS) Status Check: Compliance (DCRR);

CASE SUMMARY

CASE NO. A-17-750520-C

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|------------|--|
| 10/29/2018 |  Minute Order (12:30 PM) (Judicial Officer: Villani, Michael) Minute Order - No Hearing Held; Journal Entry Details: <i>The Court, having reviewed the pleadings and papers on file herein, there being no opposition filed with the Court and pursuant to EDCR 2.20, 2.23, and for good cause appearing, COURT ORDERED IPC Defendants Motion for Partial Summary Judgment is GRANTED. Counsel for IPC Defendants is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/10/29/18;</i> |
| 10/31/2018 | Motion for Summary Judgment (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas fka Life Care Center of Paradise Valley, South Las Vegas Investors Limited Partnership, Life Care Centers of America, Inc. and Carl Wagner's Motion for Summary Judgment</i> Per 10/23/18 email from law clerk Motion Granted; |
| 10/31/2018 | Motion (8:30 AM) (Judicial Officer: Villani, Michael) <i>Plaintiffs' Motion for Prima Facie Claim for Punitive Damages</i> Per 10/23/18 email from law clerk Off Calendar; |
| 10/31/2018 | Motion for Summary Judgment (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas fka Life Care Center of Paradise Valley, South Las Vegas Investors Limited Partnership, Life Care Centers of America, Inc., and Carl Wagner's Motion for Summary Judgment Regarding Punitive Damages</i> pe 10/23/18 email from law clerk Off Calendar; |
| 10/31/2018 | CANCELED Motion for Partial Summary Judgment (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendant's Motion for Partial Summary Judgment</i> |
| 10/31/2018 | CANCELED All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - Set in Error</i> |
| 10/31/2018 |  All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael) Matter Heard; Journal Entry Details: <i>PLTFS' MOTION FOR PRIMA FACIE CLAIM FOR PUNITIVE DAMAGES...DEFTS' SOUTH LAS VEGAS MEDICAL INVESTORS, LLC, DBA LIFE CARE OF SOUTH LAS VEGAS FKA LIKE CARE CENTER OF PARADISE VALLEY, SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP, LIFE CARE CENTERS OF AMERICA, INC., AND CARL WAGNER'S MOTION FOR SUMMARY JUDGMENT...DEFTS' SOUTH LAS VEGAS MEDICAL INVESTORS, LLC. DBA LIFE CARE CENTER OF SOUTH LAS VEGAS FKA LIFE CARE CENTER OF PARADISE VALLEY, SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP, LIFE CARE CENTERS OF AMERICA, INC., AND CAR WAGNER'S MOTION FOR SUMMARY JUDGMENT REGARDING PUNITIVE DAMAGES Following arguments by counsel. COURT ORDERED, written decision will issue.;</i> |
| 10/31/2018 |  Calendar Call (9:00 AM) (Judicial Officer: Villani, Michael) Trial Date Set; Journal Entry Details: <i>Court noted eight to ten days for trial. Ms. Bossie stated she believes trial will take ten days. Colloquy. Ms. Bossie requested to trail trial that is scheduled before this one. Court stated this matter will trail and ORDERED, matter SET for trial. 4/3/19 9:00 AM CALENDAR CALL 4/15/19 9:00 AM JURY TRIAL;</i> |

CASE SUMMARY

CASE NO. A-17-750520-C

11/13/2018

**Minute Order** (12:00 PM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner Motion for Summary Judgment came before this Court on the October 31, 2018 oral calendar. The Court having further reviewed the pleadings, files, and argument finds as follows: Summary judgment is appropriate when the pleadings and other evidence on file demonstrate no genuine issue as to any material fact [remains] and the moving party is entitled to judgment as a matter of law. See NRCP 56(c); Wood v. Safeway, Inc., 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005). In ruling upon a motion for summary judgment, the Court must view all evidence and inferences in the light most favorable to the non-moving party. See Torrealba v. Kesmetis, 124 Nev. 95, 178 P.3d 716 (2008). To rebut a motion for summary judgment, the nonmoving party must present some specific facts to demonstrate that a genuine issue of material fact exists. Forouzan, Inc. v. Bank of George, 128 Nev. 896, 381 P.3d 612 (2012). Defendants bring their Motion For Summary Judgment on the basis that although Plaintiffs causes of action are titled abuse of an older person, wrongful death and bad faith tort the claims are actually professional negligence covered under NRS 41A.015. Further, since the claims involve professional negligence there is an affidavit of merit requirement pursuant to NRS 41A.100 and since an affidavit was not attached to the complaint summary judgment should be granted. NRS 41A.015 defines professional negligence as failure of a provider of health care, in rendering services, to use reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained and experienced health care professionals. NRS 41A.100 provides for any action sounding in professional negligence there is a requirement of an affidavit of merit. Without such an affidavit the case must be dismissed. Washoe Medical Center v. Second Dist. Court State of Nev. ex. rel. County of Washoe provides that if a complaint in professional negligence fails to have attached thereto an affidavit of merit the complaint is void ab initio. Id. at 122 Nev. 1298, 1300 (2006). Countering said argument Plaintiffs state that by filing such a motion after two years of litigation the Defendants have waived their objection to the affidavit requirement but more importantly the claim is one of elder abuse which does not require an affidavit. Waiver If Plaintiffs claims are based upon professional negligence, there is an affidavit requirement. Such a complaint without an affidavit must be dismissed. Plaintiffs claims that Defendants waited two years to bring this matter to the Court s attention and participated in litigation for two years have therefore waived the affidavit requirement. Since such a claim is void ab initio and the Court does not find such a claim to have merit. Vicarious Liability Defendants contend that they are entitled to the protections of Chapter 41A because their liability is derivative of its nursing staff. In DeBoer v. Senior Bridges at Sparks Family Hospital, 282 P.3d 727 (Nev. 2012), the Supreme Court distinguished between medical malpractice and traditional negligence on the basis of the provision of medical services provided to the plaintiff i.e. medical diagnosis, judgment, or treatment. Id. at 732. The Court finds that Defendants liability is based on the acts (LPN Dawson s administration of morphine to Mary Curtis) and omissions (failure to monitor Mary Curtis thereafter) of its nursing staff. Said acts and omissions are a provision of medical services based on Defendants nursing personal which gives rise to Defendants liability. Therefore, the provision of NRS 41A apply. Affidavit Requirement More fundamental to the determination by the Court is whether or not the allegations are for general negligence resulting from non-medical services or for negligent medical treatment which calls for an affidavit of merit. Szymborski v. Spring Mountain Treatment Ctr., 403 P.3d 1280 (Nev. 2017). Szymborski holds that a Plaintiff s complaint can be based upon both negligent acts and medical malpractice. The Nevada Supreme Court stated that the Court is to look beyond the title to a particular cause of action and determine whether or not the claims actually involve medical malpractice or general negligence. Id. at 1284. Elder abuse is codified in NRS 41.1395 as willful and unjustified infliction of pain, injury or mental anguish or deprivation of food, shelter, clothing or services which are necessary to maintain the physical. Nev.Rev.Stat. 41.1395. As stated in Szymborski and Egan v. Chambers, 299 P.3d 364, 366 (Nev. 2013) the courts should look to the nature of the grievance to determine the character of the action, not the form of the pleadings. Cited with approval in Brown v. Mt. General Hospital, 3:12-CV-00461-LRH, 2013 WL 4523488, D. Nev. Aug. 26, 2013). Although, Plaintiffs use language from NRS 41.1395 in their complaint the underlining basis of the complaint is for medical malpractice. See paragraph 18 Despite defendant s notice and knowledge that Ms. Curtis was dependent on them for proper medication administration, they on March 7, 2016 administered to her a dose of morphine prescribed to another resident. Ms. Curtis was not prescribed morphine. Also, See paragraph 19 Despite Defendant s notice and knowledge that they had wrongly administered morphine to Ms. Curtis, they failed to act timely upon that discovery, instead retaining Ms. Curtis as a resident until March 8, 2016. The

CASE SUMMARY

CASE NO. A-17-750520-C

administration of morphine by a LPN and failure to monitor the effects of the administration of morphine is a claim of professional negligence requiring an affidavit pursuant to NRS 41A.100. But for LPN Dawson's alleged nursing conduct of improperly administering morphine and subsequent lack of nursing monitoring Ms. Curtis, she would not have died. A claim is grounded in medical malpractice and must adhere to NRS 41A.071 where the facts underlying the claim involve medical diagnosis, treatment, or judgment and the standards of care pertaining to the medical issue require explanation to the jury from a medical expert. Szymborski at 1288. This Court finds persuasive the holding in *Brown v. Mt. Grant Gen. Hosp.*, 3:12-CV-00461-LRH, 2013 WL 4523488, (D. Nev. Aug. 26, 2013) which sets forth the following: Moreover, the Nevada Supreme Court has signaled a disapproval of artful pleading for the purposes of evading the medical malpractice limitations. For example, the Court concluded that medical malpractice claims extend to both intentional and negligence-based actions. *Fierle*, 219 P.2d at 913 n. 8. This means that a plaintiff cannot escape the malpractice statutes' damages or timeliness limitations by pleading an intentional tort battery, say instead of negligence. If the Nevada Supreme Court casts a jaundiced eye on the artful pleading of intentional torts, it is likely to view the artful pleading of elder abuse similarly. In the end, it seems, Nevada courts look to the nature of the grievance to determine the character of the action, not the form of the pleadings. *Egan v. Chambers*, 299 P.3d 364, 366 n. 2 (Nev.2013) (citing *State Farm Mut. Auto. Ins. Co. v. Wharton*, 88 Nev. 183, 495 P.2d 359, 361 (1972)). *Brown* at *8. Plaintiffs Complaint is grounded in and involves medical treatment and the standard of care (administration of morphine and the failure to monitor). Thus the gravamen of the complaint sounds in professional negligence which requires an affidavit. Therefore, COURT ORDERED Defendants Motion for Summary Judgment GRANTED. Counsel for Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be approved as to form and content by all parties. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18;

11/13/2018

**Minute Order** (12:00 PM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner (Defendants) Motion for Summary Judgment Regarding Punitive Damages came before this Court on the October 31, 2018 oral calendar. Based on this Court's ruling issued on November 13, 2018 on Defendants Motion for Summary Judgment, this matter is ORDERED OFF CALENDAR as being moot. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18;

11/13/2018

**Minute Order** (12:00 PM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiffs Motion for Prima Facie Claim for Punitive Damages came before this Court on the October 31, 2018 oral calendar. Based on this Court's ruling issued on November 13, 2018 on Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner Motion for Summary Judgment, this matter is ORDERED OFF CALENDAR as being moot. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18;

11/14/2018

CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael)

Vacated - per Judge

Defendants' Motion in Limine to Preclude the Use of Reptile Tactics in Trial

11/14/2018

CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael)

Vacated - per Judge

Defendants' Motion in Limine to Preclude Evidence of Surveys Conducted at Life Care

CASE SUMMARY

CASE NO. A-17-750520-C

Centers of Paradise Valley

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| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Prohibit Argument Regarding Responsibility Avoidance</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Preclude Plaintiffs from Mentioning any Actual or Potential Dollar Amount of Damages to the Jury During Voir Dire</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Preclude Medical Opinions of Non-Medically Trained Witnesses</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Preclude Plaintiffs' Experts From Testifying as to Whether Any Conduct at Issue Constitutes Fraud, Oppression or Malice</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine Limit Video and Photographic Evidence of Mary Curtis</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine Prohibit Treating Physicians from Offering Standard of Care or Causation Opinions</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Bifurcate Proceedings Regarding Punitive Damages</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Strike Cost Reports</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Preclude Evidence of the Relative Wealth of the Parties</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Limit Expert Testimony to Opinions Contained Within Their Reports</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Preclude Evidence of Surveys and Other Materials From Other Facilities</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Preclude Evidence of a Printout Dated September 7, 2018 of https://lcca.com.</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Strike Anonymous Letter</i> |




CASE SUMMARY

CASE NO. A-17-750520-C

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| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Preclude Evidence of Survey Results Summary</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Strike Prior Medication Error Reports</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Strike Plaintiff's Expert Ernest Tosh, J.D., B.B.A</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendant's Motion In Limine to Preclude Evidence of "YELP" Reviews</i> |
| 11/14/2018 | CANCELED Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> <i>Defendants' Motion in Limine to Preclude Evidence of Prior Lawsuits</i> |
| 11/14/2018 | Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>IPC Defendants Motion In Limine No. 1 to Limit Noneconomic Damages Argument</i> Off Calendar; |
| 11/14/2018 | Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>IPC Defendants Motion In Limine No. 2 To Limit Treating Physician Testimony</i> Off Calendar; |
| 11/14/2018 | Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>IPC Defendants Motion In Limine No. 3 To Limit Plaintiffs Cumulative Expert Testimony</i> Off Calendar; |
| 11/14/2018 | Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>IPC Defendants Motion In Limine No. 5 To Permit Collateral Source Evidence</i> Off Calendar; |
| 11/14/2018 | Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>IPC Defendants' Motion in Limine No 4 to Exclude Irrelevant Deviations From Standard of Care</i> Per 10/23/18 email from law clerk Off Calendar; |
| 11/14/2018 | Joinder to Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendants' Joinder to IPC Defendants Motion in Limine No. 4 to Exclude Irrelevant Deviations from Standard of Care</i> Per 10/23/18 email from law clerk Off Calendar; |
| 11/14/2018 | Joinder to Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendants' Joinder to IPC Defendants Motion in Limine No. 3 to Limit Cumulative Expert Testimony</i> Off Calendar; |
| 11/14/2018 | Joinder to Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendants' Joinder to IPC Defendants Motion in Limine No. 2 to Limit Treating Physician Testimony</i> Off Calendar; |
| 11/14/2018 | Joinder to Motion in Limine (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendants' Joinder to IPC Defendants Motion in Limine No. 1 to Limit Noneconomic Damages Argument</i> |

CASE SUMMARY



CASE NO. A-17-750520-C

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| | Off Calendar; |
| 11/14/2018 |  All Pending Motions (8:30 AM) (Judicial Officer: Villani, Michael) Matter Heard; Journal Entry Details: <i>IPC DEFENDANTS MOTION IN LIMINE NO. 1 TO LIMIT NONECONOMIC DAMAGES ARGUMENT ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 1 TO LIMIT NONECONOMIC DAMAGES ARGUMENT COURT ORDERED, Motion OFF CALENDAR. IPC DEFENDANTS MOTION IN LIMINE NO. 2 TO LIMIT TREATING PHYSICIAN TESTIMONY ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 2 TO LIMIT TREATING PHYSICIAN TESTIMONY COURT ORDERED, Motion OFF CALENDAR. IPC DEFENDANTS MOTION IN LIMINE NO. 3 TO LIMIT PLAINTIFFS CUMULATIVE EXPERT TESTIMONY ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 3 TO LIMIT CUMULATIVE EXPERT TESTIMONY COURT ORDERED, Motion OFF CALENDAR. IPC DEFENDANTS' MOTION IN LIMINE NO 4 TO EXCLUDE IRRELEVANT DEVIATIONS FROM STANDARD OF CARE ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 4 TO EXCLUDE IRRELEVANT DEVIATIONS FROM STANDARD OF CARE COURT ORDERED, Motion OFF CALENDAR. IPC DEFENDANTS MOTION IN LIMINE NO. 5 TO PERMIT COLLATERAL SOURCE EVIDENCE COURT ORDERED, Motion OFF CALENDAR. Colloquy regarding the 54B language being added to the Court's Order. Court stated if parties agree to add the language to the Order, then they may do so. Court directed counsel to file a Motion for Certification if the parties do not agree.;</i> |
| 11/15/2018 | CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i> <i>Status Check: Compliance / DCRR</i> |
| 11/26/2018 | CANCELED Jury Trial (9:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> |
| 01/09/2019 |  Motion For Reconsideration (3:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>IPC Defendants' Motion for Reconsideration</i> Stricken; Journal Entry Details: <i>MINUTE ORDER STRICKEN as of February 27, 2019 Plaintiff's Motion for Reconsideration of the Court's ruling Granting Defendant's Summary Judgement came before this Court on the January 9, 2019 Chamber Calendar. This Court having reviewed the pleadings and papers on file herein, finds as follows: A District Court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or if the prior decision was clearly erroneous. Masonry & Tile Contractors Ass'n of Southern Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737,741, 941 P.2d 486, 489 (1976). Further a motion to reconsider will not be granted Unless the District Court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in controlling law. Kona Enterprises Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000). In Plaintiff's Motion for Reconsideration, Plaintiff did not argue any new facts or law and did not introduce any substantially different evidence. Further, this COURT FINDS that the previous Court's Decision Granting Defendant's Motion for Summary Judgement was not clearly erroneous, and therefore DENIES Plaintiff's Motion for Reconsideration. Defense Counsel to prepare the Order. CLERK'S NOTE: Counsel notified via email: Michael Davidson (mdavidson@klnevada.com) John Cotton (JHCotton@jhcottonlaw.com) CLERK'S NOTE: The above minute order has been STRICKEN pursuant to the Court's GRANTING of the Order to Strike Court Minutes on IPC Defendants' Motion for Reconsideration on February 27, 2019. //mj 2/27/19 A copy of this amended minute order has been distributed to: Michael Davidson (mdavidson@klnevada.com) John Cotton (JHCotton@jhcottonlaw.com);</i> |
| 04/10/2019 |  Calendar Call (9:00 AM) (Judicial Officer: Holthus, Mary Kay) Matter Heard; Journal Entry Details: <i>Mr. Davidson advised the Court the instant case was no going forward; further indicated, the Court issued an Order for Consideration. Court inquired if there was anyone still left in the instant case; which Mr. Davidson advised not at this level on the instant case. Mr. Davidson indicated they only needed a Court Order to resolve the matter; which he further indicated he</i> |

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-750520-C

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| | <i>would have signed. COURT ORDERED, matter SET for a status check. 4/24/19 9:00 AM STATUS CHECK;</i> |
| 04/22/2019 | CANCELED Jury Trial (10:00 AM) (Judicial Officer: Villani, Michael) <i>Vacated - per Judge</i> |
| 04/24/2019 |  Status Check (9:00 AM) (Judicial Officer: Holthus, Mary Kay) Matter Heard; Journal Entry Details: <i>Melanie Bossie, Esq. for Plaintiff and Vincent Vitatoe, Esq. for Deft. present via Court Call. Mr. Vitatoe indicated there wasn't anyone left in the instant case; therefore, the case could be closed out. COURT ORDERED, case CLOSED. Mr. Vitatoe to submit the Order to Chambers.;</i> |
| 06/05/2019 |  Motion For Reconsideration (9:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Plaintiffs' Motion for Reconsideration</i> Denied; Journal Entry Details: <i>Ms. Bossie indicated the instant case had a long history with Judge Villani. Statements by Ms. Bossie in support of the Motion for Consideration. Further, Ms. Bossie requested the Court reinstate Judge Villani's ruling and grant Motion for Reconsideration. Arguments by Mr. Vitatoe in opposition requesting that Judge Villani's ruling be maintained. COURT ORDERED, Plaintiff's Motion for Reconsideration was hereby DENIED. Court FINDS it wasn't sure there was a basis to the extent that it was untimely and prejudicial. Further, Court noted there were no new facts that came about and the Court wouldn't reverse another Court's ruling. Mr. Vitatoe to prepare the Order and submit to opposing counsel for approval as to form and content.;</i> |

DATE

FINANCIAL INFORMATION

| | |
|--|-------------|
| Consolidated Case Party Saxena, Samir S., M.D. | |
| Total Charges | 973.00 |
| Total Payments and Credits | 973.00 |
| Balance Due as of 7/2/2019 | 0.00 |
| Defendant Life Care Centers of America Inc | |
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| Balance Due as of 7/2/2019 | 0.00 |
| Defendant Portello, Bina Hribik | |
| Total Charges | 423.00 |
| Total Payments and Credits | 423.00 |
| Balance Due as of 7/2/2019 | 0.00 |
| Defendant South Las Vegas Investors Limited Partnership | |
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| Balance Due as of 7/2/2019 | 0.00 |
| Defendant South Las Vegas Medical Investors LLC | |
| Total Charges | 423.00 |
| Total Payments and Credits | 423.00 |
| Balance Due as of 7/2/2019 | 0.00 |
| Defendant Wagner, Carl | |
| Total Charges | 30.00 |
| Total Payments and Credits | 30.00 |
| Balance Due as of 7/2/2019 | 0.00 |
| Plaintiff Estate of Mary Curtis | |
| Total Charges | 518.00 |
| Total Payments and Credits | 518.00 |
| Balance Due as of 7/2/2019 | 0.00 |

CASE SUMMARY

CASE NO. A-17-750520-C

Personal Representative Latrenta, Laura

Total Charges

30.00

Total Payments and Credits

30.00

Balance Due as of 7/2/2019

0.00

Personal Representative Latrenta, Laura

Security Cost Bond Balance as of 7/2/2019

500.00

Personal Representative Latrenta, Laura

Appeal Bond Balance as of 7/2/2019

1,000.00

DISTRICT COURT CIVIL COVER SHEET

A-17-750520-C

County, Nevada

XXIII

Case No.

(Assigned by Clerk's Office)

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

| | |
|--|---|
| Plaintiff(s) (name/address/phone): Estate of Mary Curtis, deceased; Laura LaTrenta, as Personal Representative of the Estate of Mary Curtis; and Laura LaTrenta | Defendant(s) (name/address/phone): South Las Vegas Medical Investors, LLC d/b/a Life Care Center of South Las Vegas, f/k/a Life Care Center of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc. |
| Attorney (name/address/phone): Michael D. Davidson Esq. - Kolesar & Leatham 400 S. Rampart Blvd., Suite 400, Las Vegas, NV 89145 (702) 362-7800, telephone (702) 362-9472, facsimile | Attorney (name/address/phone): |

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

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

Business Court filings should be filed using the Business Court civil coversheet.

February 2, 2017

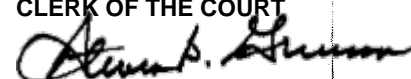
Date

Signature of initiating party or representative

See other side for family-related case filings.

ORIGINAL

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Steven D. Grierson
CLERK OF THE COURT



1 JOHN H. COTTON, ESQ.
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Telephone: (702) 832-5909
6 Facsimile: (702) 832-5910
7 *Attorneys for IPC Defendants*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 * * *

11 Estate of MARY CURTIS, deceased; LAURA
LATRENTA, as Personal Representative of the
12 Estate of MARY CURTIS; and LAURA
LATRENTA, individually,

13 Plaintiffs,

14 vs.

15 SOUTH LAS VEGAS MEDICAL
INVESTORS, LLC dba LIFE CARE CENTER
16 OF SOUTH LAS VEGAS f/k/a LIFE CARE
CENTER OF PARADISE VALLEY; SOUTH
17 LAS VEGAS INVESTORS LIMITED
PARTNERSHIP; LIFE CARE CENTERS OF
18 AMERICA, INC.; BINA HRIBIK PORTELLO,
Administrator; CARL WAGNER,
19 Administrator; and DOES 1-50, inclusive,

20 Defendants.

21 Estate of MARY CURTIS, deceased; LAURA
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22 Estate of MARY CURTIS; and LAURA
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23 Plaintiffs,

24 vs.

25 SAMIR SAXENA, M.D.; ANNABELLE
SOCAOCO, N.P.; IPC HEALTHCARE, INC.
26 aka THE HOSPITALIST COMPANY, INC.;
INPATIENT CONSULTANTS OF NEVADA,
27 INC.; IPC HEALTHCARE SERVICES OF
28 NEVADA, INC.; HOSPITALISTS OF

CASE NO. A-17-750520-C

DEPT NO. XVII

Consolidated with:
CASE NO. A-17-754013-C

**ORDER GRANTING IPC
DEFENDANTS' MOTION FOR
RECONSIDERATION**

NEVADA, INC.; and DOES 51-100,
Defendants.

This matter having come before the Court on the January 9, 2019 Chambers Calendar with John H. Cotton, Esq. and Vincent J. Vitatoe, Esq. of John H. Cotton & Associates, LTD., on behalf of ANNABELLE SOCAOCO, N.P.; IPC HEALTHCARE, INC. aka THE HOSPITALIST COMPANY, INC.; INPATIENT CONSULTANTS OF NEVADA, INC.; IPC HEALTHCARE SERVICES OF NEVADA, INC.; HOSPITALISTS OF NEVADA, INC ("IPC Defendants"), Melanie Bossie, Esq. of Wilkes & McHugh, P.A. and Michael D. Davidson, Esq. of Kolesar & Leatham on behalf of the Plaintiffs. The Court, having considered the documents on file and IPC Defendants' Motion for Reconsideration, Opposition, and Reply with good cause appearing Orders as follows:

1. On February 2, 2017, Plaintiffs filed a Complaint (Case A-17-750520-C) against SOUTH LAS VEGAS MEDICAL INVESTORS, LLC dba LIFE CARE CENTER OF SOUTH LAS VEGAS f/k/a LIFE CARE CENTER OF PARADISE VALLEY; SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP; LIFE CARE CENTERS OF AMERICA, INC.; BINA HRIBIK PORTELLO, Administrator; CARL WAGNER (collectively, "Life Care Defendants").
2. Plaintiffs' Complaint in A-17-750520-C ("First Complaint") against Life Care Defendants concerned, *inter alia*, Life Care Defendants' nurses medication error in providing Mary Curtis with another patient's dose of morphine and then failing to take appropriate action thereafter including transfer to a hospital.
3. These events occurred over the course of March 7 and 8, 2016.
4. It is undisputed Mary Curtis was transferred to Sunrise Hospital on March 8, 2016 and subsequently passed away on March 11, 2016.
5. Plaintiffs' First Complaint did not attach an affidavit or declaration from a medical expert.

- 1 6. On April 14, 2017, Plaintiffs filed a Complaint in case A-17-754013-C initially naming
- 2 Samir S. Saxena, M.D. ("Second Complaint").
- 3 7. The Second Complaint set forth two factual bases for the alleged professional negligence
- 4 related to a morphine overdose of Mary Curtis: (a) a failure to timely transport Mary
- 5 Curtis to a hospital and (b) failure to administer a Narcan IV drip or ongoing doses of
- 6 Narcan.
- 7 8. On July 6, 2017, Plaintiffs filed a Motion to Consolidate Case A-17-750520-C with Case
- 8 A-17-754013-C.
- 9 9. Plaintiffs' Motion to Consolidate was premised upon the argument that the two actions
- 10 were based upon the same transaction and occurrence.
- 11 10. Specifically, Plaintiffs' Motion stated the following:
- 12 a. the "two actions implicate the same underlying facts: Mary's morphine overdose,
- 13 Defendants' reaction (or lack thereof) thereto, and her resulting injuries and
- 14 death...They therefore involve common questions of fact." (Emphasis added).
- 15 See Motion to Consolidate at 3:25-27; and
- 16 b. the cases "against both Life Care and Dr. Saxena involve common questions of
- 17 law, e.g., causation of and liability for [Mary Curtis's] injuries and death, and of
- 18 fact, e.g., [Mary's] morphine overdose and Defendants' untimely response
- 19 thereto." (Emphasis added). *Id.* at 6:8-10.
- 20 11. On October 10, 2017, the Court's order granting Plaintiffs' Motion to Consolidate was
- 21 filed.
- 22 12. On May 1, 2018, Plaintiffs filed an Amended Second Complaint in case A-17-754013-C
- 23 (involving the Second Complaint) naming the IPC Defendants.
- 24 13. The Amended Second Complaint contained the identical factual premises as were first
- 25 lodged against Dr. Saxena in the Second Complaint and as set forth in the expert affidavit
- 26 attached thereto.
- 27 14. The medical records in the case contained the name or signature of one of the IPC
- 28 Defendants, ANNABELLE SOCAOCO, N.P.

- 1 15. Plaintiff Laura Latrenta admitted that upon admission to Sunrise Hospital, certain Sunrise
2 Hospital providers stated "they should have brought her here as soon as this happened,
3 and we could have put her on a Narcan drip." See Latrenta Deposition at 77-78.
- 4 16. IPC Defendants argued that the statute of limitations barred the Second Complaint and,
5 by extension, the Amended Second Complaint.
- 6 17. Plaintiffs argued that the statute of limitations was tolled until Plaintiffs identified IPC
7 Defendants.
- 8 18. IPC Defendants further argued:
 - 9 a. Plaintiffs clearly knew of the purportedly negligent *conduct* at issue against both
10 Dr. Saxena and IPC Defendants given the filing of the Second Complaint along
11 with the expert affidavit against Dr. Saxena on April 14, 2017 which specified the
12 purportedly negligent conduct involving (a) failure to transfer to a hospital, and
13 (b) not providing a Narcan IV drip or ongoing doses of Narcan;
 - 14 b. The Second Complaint against Dr. Saxena was itself filed more than one (1) year
15 after inquiry notice commenced, at the latest, March 11, 2016;
 - 16 c. Amendment of the Second Complaint was therefore to no avail as there could be
17 no valid relation back pursuant to NRCP 15(c) against the IPC Defendants given
18 the initial untimeliness of the Second Complaint; and
 - 19 d. The statute of limitations thus barred suit against IPC Defendants.
- 20 19. NRS 41A.097(2) requires a plaintiff to file suit against a statutorily-defined provider of
21 health care within one (1) year "after the plaintiff discovers or through the use of
22 reasonable diligence should have discovered the injury".
- 23 20. In the context of NRS 41A, the Nevada Supreme Court ruled that a plaintiff "discovers"
24 and is, therefore on inquiry notice when a plaintiff "had facts before him that would have
25 led an ordinarily prudent person to investigate further into whether [plaintiff's] injury
26 may have been caused by someone's negligence." Winn v. Sunrise Hosp. & Med. Ctr.,
27 128 Nev. 246, 252-53, 277 P.3d 458, 462 (2012).
- 28

1 21. This Court is allowed to make a determination as to the accrual date for the purposes of
2 statute of limitations if the facts are uncontroverted. Id.

3 22. The pertinent facts in this case are uncontroverted as a matter of law.

4 23. IPC Defendants are providers of health care pursuant to NRS 41A.017.

5 24. Plaintiffs were on inquiry notice no later than March 11, 2016, the date of Mary Curtis's
6 death, because Plaintiffs admitted that providers of health care at Sunrise Hospital told
7 her negligent *conduct* occurred.

8 25. Moreover, Plaintiffs were on inquiry notice against IPC Defendants at the same time that
9 Plaintiffs were on inquiry notice as related to Life Care Defendants given Plaintiffs'
10 aforementioned arguments in support of their Motion to Consolidate.

11 26. Plaintiffs' argument is without merit regarding the position that the statute of limitations
12 was tolled until Plaintiffs learned the identity of IPC Defendants because:

- 13 a. Plaintiffs never sought to amend the First Complaint to add or otherwise
- 14 substitute IPC Defendants;
- 15 b. Plaintiffs' Second Complaint was filed more than one (1) year after March 11,
- 16 2016;
- 17 c. Plaintiffs knew of the purportedly negligent conduct even if Plaintiffs did not
- 18 know the specific identities of each provider of health care, and
- 19 d. Plaintiffs were in possession of medical records which contained the names of
- 20 some of the IPC Defendants.

21
22 ///

23
24 ///

25
26 ///

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

27. Consequently, this Court GRANTS IPC Defendants' Motion for Reconsideration and
DISMISSES the case WITH PREJUDICE as it is barred by the one year statute of
limitations set forth in NRS 41A.097(3).

DATED this 14th day of April, 2019.


DISTRICT JUDGE

Respectfully submitted by:

JOHN H. COTTON & ASSOCIATES, LTD.

By: 

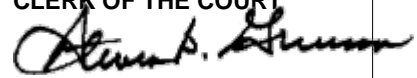
JOHN H. COTTON, ESQ.
Nevada Bar No. 005262
VINCENT J. VITATOE, ESQ.
Nevada Bar No. 012888
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Las Vegas, Nevada 89117
Attorneys for IPC Defendants

Approved as to form and content:

KOLESAR & LEATHAM

By: 

MICHAEL D. DAVIDSON, ESQ.
Nevada Bar No. 000878
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-and-
MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*
BOSSIE, REILLY & OH, P.C.
15333 N. Pima Rd., Ste. 300
Scottsdale, Arizona 85260
Attorneys for Plaintiffs



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3 Nevada Bar Number 5268
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5 VINCENT J. VITATOE, ESQ.
6 Nevada Bar Number 12888
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13 *Attorneys for IPC Defendants*

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

11 Estate of MARY CURTIS, deceased; LAURA
12 LATRENTA, as Personal Representative of
13 the Estate of MARY CURTIS; and LAURA
14 LATRENTA, individually,

15 Plaintiffs,

16 v.

17 SOUTH LAS VEGAS MEDICAL
18 INVESTORS, LLC dba LIFE CARE CENTER
19 OF SOUTH LAS VEGAS fka LIFE CARE
20 CENTER OF PARADISE VALLEY; SOUTH
21 LAS VEGAS INVESTORS LIMITED
22 PARTNERSHIP; LIFE CARE CENTERS OF
23 AMERICA INC., BINA HRIBIK
24 PROTELLO, Administrator; CARL
25 WAGNER, Administrator; AND does 1-50
26 inclusive,

27 Defendants.

28 Estate of MARY CURTIS, deceased; LAURA
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LATRENTA, individually,

Plaintiffs,

v.

SAMIR S. SAXENA, M.D.; ANNABELLE
SOCAOCO, N.P.; IPC HEALTHCARE, INC.
a/k/a THE HOSPITALISTS COMPANY INC.;
INPATIENT CONSULTANTS OF NEVADA
INC.; IPC HEALTHCARE SERVICES OF
NEVADA INC.; HOSPITALISTS OF
NEVADA, INC.; and DOES 51-100,

Defendants.

CASE NO.: **A-17-750520-C**
DEPT. NO.: **XVII**

Consolidated with:
CASE NO.: **A-17-754013-C**

NOTICE OF ENTRY OF ORDER
GRANTING IPC DEFENDANTS
MOTION FOR RECONSIDERATION

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

1 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that an Order was entered in
3 the above entitled matter on the 25th day of April 2019, a copy of which is attached hereto.

4 Dated this 25th day of November 2018.

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

6 7900 West Sahara Avenue, Suite 200

7 Las Vegas, Nevada 89117

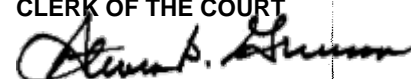
8 /s/ Vincent J. Vitatoe

9 JOHN H. COTTON, ESQ.

10 VINCENT J. VITATOE, ESQ.

ORIGINAL

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Steven D. Grierson
CLERK OF THE COURT



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Nevada Bar Number 5268
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8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

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CASE NO. A-17-750520-C

DEPT NO. XVII

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CASE NO. A-17-754013-C

**ORDER GRANTING IPC
DEFENDANTS' MOTION FOR
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27 128 Nev. 246, 252-53, 277 P.3d 458, 462 (2012).
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21
22 ///

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24 ///

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26 ///

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

27. Consequently, this Court GRANTS IPC Defendants' Motion for Reconsideration and
DISMISSES the case WITH PREJUDICE as it is barred by the one year statute of
limitations set forth in NRS 41A.097(3).

DATED this 14th day of April, 2019.


DISTRICT JUDGE

Respectfully submitted by:

JOHN H. COTTON & ASSOCIATES, LTD.

By: 

JOHN H. COTTON, ESQ.
Nevada Bar No. 005262
VINCENT J. VITATOE, ESQ.
Nevada Bar No. 012888
7900 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
Attorneys for IPC Defendants

Approved as to form and content:

KOLESAR & LEATHAM

By: 

MICHAEL D. DAVIDSON, ESQ.
Nevada Bar No. 000878
400 South Rampart Boulevard, Suite 400
Las Vegas, Nevada 89145

-and-

MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*

BOSSIE, REILLY & OH, P.C.

15333 N. Pima Rd., Ste. 300
Scottsdale, Arizona 85260

Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

August 16, 2017

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

August 16, 2017

3:57 PM

Minute Order

**Minute Order Re:
Court's Recusal**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Pursuant to Millen v. District Court, 122 Nev. Adv. Op. No. 105, a Recusal List was prepared, made public record and attorney John H. Cotton, Esq., was named on the list. To avoid the appearance of impropriety and implied bias, the COURT hereby recuses itself. The Motion to Consolidate set for August 22, 2017 at 9:30 am and the Calendar Call set for June 19, 2018 at 11:00 am as well as the Jury Trial set for June 25, 2018 at 1:00 pm are hereby vacated. This matter will be reassigned at random and the hearings will be calendared in the new department.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

August 24, 2017

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

August 24, 2017 9:30 AM Motion to Consolidate

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn Griffiths

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Appearances:

Michael D. Davidson, Esq. for Plaintiff (A750520 and A754013) along with lead counsel Melanie L. Bossie, Pro Hac Vice

John Orr, Esq. for Defendant South Las Vegas Medical Investors LLC (A750520)

Vincent Vitatoe, Esq. for Samir Saxena M.D. (A754013)

Arguments by Ms. Bossie and Mr. Vitatoe regarding the merits of and opposition to the motion. Mr. Orr stated he had nothing to add. Court stated its findings and ORDERED, Motion to Consolidate (A750520 and A754013) GRANTED. Plaintiff's counsel to prepare the order and submit it to opposing counsel for approval.

-----CASE CONSOLIDATED (A750520 AND A754013)-----

-----LEAD CASE-----

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

September 08, 2017

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

September 08, 2017 1:59 PM Minute Order

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** No Location

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, pursuant to EDCR 1.31, this consolidated matter is TRANSFERRED due to the special assignment of the current department (business court) to a department hearing civil but not CD or business court matters.

CLERK'S NOTE: A copy of this minute order was distributed to the parties via the E-Service List./ dr
9-8-17

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence**COURT MINUTES****September 12, 2017**

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
 vs.
 South Las Vegas Investors Limited Partnership, Defendant(s)

**September 12, 2017 9:30 AM Discovery Conference Discovery
 Conference for Sub
 Case A754013**

HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** April Watkins**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT: Davidson, Michael D. Attorney

JOURNAL ENTRIES

- Vincent Vitatoe, Esq., present on behalf of Deft. Samir Saxena, M.D., in consolidated case A754013.

Commissioner noted this is a procedural mess. Cases are consolidated now. Judge Alff consolidated the cases but she is business court and will not be hearing the medical malpractice so it was to be randomly reassigned per Chief Judge Gonzales. Statement by Mr. Davidson. Further, Commissioner stated there is a scheduling order in the lead case controls. There is a scheduling order in the lead case, do not have one in the subordinate case, have a trial date in the subordinate case and not in the lead case. Additionally, Commissioner does not believe the trial date stands in the subordinate case. At the medical malpractice status checks, Judge Weiss actually transferred the subordinate case to Department VI. But now it is consolidated, subordinate case out of Department VI, is with Department XXVII until it is going to be reassigned. The trial date in the lead case has been vacated and will be reset by the department. This case will not go back to the sweeps because it already had a trial date and now is consolidated. The lead case will not go back because it has a scheduling order and trial date. COMMISSIONER RECOMMENDED, counsel to follow the scheduling order in the lead case and there will not be a scheduling order issued for the subordinate case. If counsel needs more time, does not have a trial date in the lead case, counsel to prepare a 2.35 stipulation and send

to the Commissioner. FURTHER COMMISSIONER RECOMMENDED, matter SET for status check. Mr. Vitatoe stated in terms of the stipulation, not sure if parties are going to agree to extend the deadlines. Commissioner stated a motion will have to be done and serve in the consolidate case as well. Parties to either submit a 2.35 stipulation in the consolidated cases or file motion to extend in the consolidated cases. Mr. Davidson stated parties anticipated that parties would come back once the cases were consolidated either the Commissioner or the Judge would take a look at the two cases and set a unified schedule. Commissioner stated that does not happen. Once parties receive a scheduling order, the only way to move discovery deadlines by 2/35 stipulation or motion. A new scheduling order will not be issued in this case as the lead case already has one.

CONTINUED TO: 10/24/17 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

December 13, 2017

| | |
|---------------|---|
| A-17-750520-C | Estate of Mary Curtis, Plaintiff(s) |
| | vs. |
| | South Las Vegas Investors Limited Partnership, Defendant(s) |

December 13, 2017 9:00 AM

All Pending Motions

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

| | | |
|-----------------|-------------------|----------|
| PRESENT: | Bossie, Melanie L | Attorney |
| | Vogel, Stephen B. | Attorney |
| | Weiss, Todd M. | Attorney |

JOURNAL ENTRIES

- Plaintiffs Motion to Compel Further Responses to Requests for Production Defendant's Motion for Protective Order

Mr. Bossie asked to proceed without Mr. Davidson (adding another hearing); no objection by Defense counsel. Once the Protective Order is in place, it appears to Commissioner that Defense counsel will provide a significant part of information. COMMISSIONER RECOMMENDED, Plaintiffs Motion to Compel is GRANTED IN PART; Defendant's Motion for Protective Order is GRANTED IN PART; parameters discussed; (1) INSUFFICIENT STAFFING - staffing information must be provided during the time Plaintiff was in the life care center for six months before and six months after to determine trending, and was there a subsequent remedial measure; (2) any MEDICATION ERRORS - Deft needs to be more responsive, but REDACT resident patient names or use a code sheet; go back five years - start with local facility to determine the process, then do a 30(b)(6) deposition. Two hundred plus facilities nationwide.

COMMISSIONER RECOMMENDED, Request to Produce 46 - look at 1-1-2016 through 3-31-2016, Plaintiff was only there March 2nd through March 8th (a few days); colloquy re: other lawsuits for five years before; turn over employment file for Nurse with proper redactions, and go back five years before date of this medication error. Michael Davidson, Esquire, present. Start with this facility and broaden to the Southwest if necessary. Commissioner addressed the confusing Motion work; lack of 2.34 conference.

Ms. Bossie moved the case forward with depositions without the Incident Report or Error Report. Mr. Vogel will provide it if he can obtain it. Ms. Bossie stated the Autopsy Report confirmed Pltff died of Morphine intoxication. Commissioner offered a Mandatory Settlement Conference coordinated by Judge Scotti's Department or the Senior Judge Department. Mr. Vogel and Mr. Weiss agreed. Ms. Bossie agreed, but requested to speak with her client in New Jersey. COMMISSIONER RECOMMENDED a Mandatory Settlement Conference or alternatively Mediation.

Argument by Ms. Bossie. Commissioner stated the insurance policy and policies and procedures will be disclosed without necessarily being protected. Ms. Bossie to prepare the Report and Recommendations, and Defense counsel to approve as to form and content. A proper report must be timely submitted within 20 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 28, 2018

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

February 28, 2018 8:30 AM All Pending Motions

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black
Vanessa Medina

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Bossie, Melanie L Attorney
 Vitatoe, Vincent Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT SAMIR S. SAXENA M.D.'S
OPPOSITION TO PLAINTIFF'S MOTION TO AMEND COMPLAINT AND COUNTERMOTION
FOR SUMMARY JUDGMENT

Ms. Bossie stated the alleged facts and procedural history of the case. Ms. Bossie requested a Motion to leave and Amend the Complaint and argued Defendant Life Care and Defendant Saxena didn't list Nurse Annabelle in their disclosure statements. Ms. Bossie stated it was a discovery rule and question of fact when it was learned of the injury and who was part and parcel of committing the injury. As to the elder abuse issue, Ms. Bossie noted there was not much Nevada law pertaining to medical professions regarding if it came under a Medical Mal-Practice action, 41A, or the older adult statue and argued in reading both statutes if the legislature wanted to make one or the other the exclusive remedy for the cause of action they would have done so. Ms. Bossie argued the statute does not eliminate out this cause of action as if it couldn't be brought against the attending physician of the provider and there wasn't exclusive language in 41A. Ms. Bossie requested Defendant's summary judgment motion be denied as to the older abuse statute and grant Plaintiff's Motion to Amend Complaint. Upon Court's inquiry, Ms. Bossie argued Plaintiff didn't know what the cause of

death was until April 15th and the complaint was filed within one year. Mr. Vitatoe stated the criticisms level of Dr. Saxena was two-fold, he didn't transfer Plaintiff Curtis quickly enough and he provided her an IV drip of Narcan, that's important to the statute of limitation analysis. Mr. Vitatoe argued there was no case law that stated only when an autopsy was received did the statute of limitation commence. Mr. Vitatoe further argued the standard as set forth in Massey was when facts were presented to Plaintiff that would put a reasonable person to be on inquiry notice that some negligence may have caused the death, at that point they were supposed to investigate further. Mr. Vitatoe argued there was no issue of fact because parties were relying on admissions. Mr. Vitatoe cited case law and stated parties inconsistent statements were not genuine issues of fact and argued the undisputed admissions put Plaintiff on inquiry notice in March, under Massey that barred the claims against Dr. Saxena. Further arguments by counsel. Court stated as to cause of action regarding the expansion of elder abuse counsel was to submit supplemental briefing on March 14, 2018 by 5:00 pm. Court further stated it would review the matter and ORDERED, matter CONTINUED to the Chamber Calendar for the Court's written decision.

CONTINUED TO: 03/21/18 (CHAMBER CALENDAR)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

March 21, 2018

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

March 21, 2018 3:00 AM All Pending Motions

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT SAMIR S. SAXENA M.D.'S
OPPOSITION TO PLAINTIFFS' MOTION TO AMEND COMPLAINT AND COUNTERMOTION
FOR SUMMARY JUDGMENT

Plaintiffs' Motion to Amend Complaint and Defendant Samir S. Saxena, M.D.'s Countermotion for Summary Judgment came before this Court on the February 28, 2018 Oral Calendar at 8:30 a.m. The Court requested supplemental briefing, and continued the matter for written decision on the March 21, 2018 Chamber Calendar. This Court, having reviewed the pleadings and papers on file herein, finds as follows:

Plaintiffs seek to amend the Complaint to add IPC Healthcare, Inc. and nurse practitioner Annabelle Socaoco as parties to this matter. Defendant Samir S. Saxena, M.D. seeks summary judgment on the elder abuse cause of action (NRS 41.1395) because a cause of action for malpractice of a healthcare provider is governed by NRS 41A.

Pursuant to NRCP 15(a), leave to amend should be freely granted when justice requires. Additionally, when determining the claims for relief, the Court looks to the gravamen of the Complaint. Egan v. Chambers, 129 Nev. 239, 241, 299 P.3d 364, 366 (2013). The Complaint in

question is for professional negligence against a healthcare provider and, therefore, governed by NRS 41A. The Court FINDS that it was not the legislative intent of enacting NRS 41.1395 to superseded the caps under NRS 41A. There is neither legislative purpose nor intent to carve out an exception for elderly patients covered under NRS 41A. The Court FURTHER FINDS the reasoning in *Brown v. Mt. General Hospital*, 2013 WL 4523488 (D. Nev. 2013) to be persuasive.

Therefore, COURT ORDERED Plaintiffs' Motion to Amend Complaint GRANTED and Defendant Samir S. Saxena, M.D. s Countermotion for Summary Judgment is GRANTED as it relates to Plaintiffs' First Cause of Action for Abuse/Neglect of an Older Person. Counsel for Plaintiffs to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by opposing counsel.

CLERK'S NOTE: A copy of the foregoing minute order has been electronically distributed to all registered parties.//ob/03/26/18.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence**COURT MINUTES****April 04, 2018**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

April 04, 2018**9:30 AM****Motion to Compel**

**Plaintiffs' Second
Motion to Compel
Further Responses to
Requests for
Production and
Request for OST**

HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES****PRESENT:**

Bossie, Melanie L

Attorney

Brookhyser, Amanda Jeanine

Attorney

Davidson, Michael D.

Attorney

Vitatoe, Vincent

Attorney

JOURNAL ENTRIES

- Commissioner discussed focusing on 1) what happened to this particular Plaintiff and her condition, and 2) was the entire facility staffed appropriately and were patients receiving care appropriately. Colloquy re: search terms and scope. Ms. Brookhyser will submit a Stipulation to extend deadlines after receiving a new Trial date from the Judge. Argument by Ms. Bossie. Colloquy re: including census in search terms. Mr. Bossie stated terms agreed to by counsel are staff, labor, PPD, budget, fall, medication error, bounce back, LOS (length of stay).

COMMISSIONER RECOMMENDED, put a clawback provision in place and incorporate Federal Court language in Report and Recommendation; redact attorney client privilege or other privileges,

but prepare a privilege log; Commissioner can review the information in camera; colloquy re: annual budgets, produce the previous fiscal year and the year that controlled during this admission. COMMISSIONER RECOMMENDED, budget variance reports are under a Protective Order pursuant to Rule 26(c) proprietary confidential information until such time as ordered by the District Court Judge; motion is GRANTED within parameters. Counsel must have a 2.34 conference, if counsel cannot agree, do not turn over documents, but file a Motion for Protective Order. Colloquy re: the adopting the proposed Federal Proportionality Rule. Commissioner is available by conference call. Colloquy re: generally speaking 30 days prior to Trial, three years of net worth are provided with supporting documentation. Ms. Bossie to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

CLERK'S NOTE: Minutes amended 6-1-18 to reflect Ms. Bossie to prepare the Report and Recommendations. JL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

May 09, 2018

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

May 09, 2018

8:30 AM

Motion

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Bossie, Melanie L Attorney
 Brookhyser, Amanda Jeanine Attorney
 Davidson, Michael D. Attorney
 Vitatoe, Vincent Attorney

JOURNAL ENTRIES

- Court noted this was a motion to continue the trial date and reset discovery deadlines. Ms. Bossie requested to extend the deadline ninety days. Colloquy regarding trial dates. Counsel estimated 7 days for trial. CONFERENCE AT BENCH. COURT ORDERED, Trial dates VACATED and RESET. Court instructed Ms. Bossie to prepare the Order with the discovery deadline dates with a Stipulation and Order.

10/31/18 9:00 AM CALENDAR CALL

11/26/18 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence**COURT MINUTES****May 30, 2018**

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
 vs.
 South Las Vegas Investors Limited Partnership, Defendant(s)

**May 30, 2018 8:30 AM Objection to Discovery
 Commissioner's Report**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Bossie, Melanie L Attorney
 Davidson, Michael D. Attorney
 Vogel, Stephen B. Attorney

JOURNAL ENTRIES

- Mr. Vogel argued part of the issue was the scope, the Discovery Commissioner ordered seven months of emails. Mr. Vogel further argued they collected 15,000 emails, 14,000 attachments which was 100,000 pages that they still had to go through and be redacted. Mr. Vogel argued the scope was to broad and requested to provide two months of emails to include the regional individuals involved, not corporate. Ms. Bossie gave a history of the case and argued opposing counsel was able to search the matter and she needed to prove the why as this would be a punitive damage case. Ms. Bossie further argued the information was already accessible and they already retrieved the data and they could do a searchable format. Further argument by Mr. Vogel. COURT stated it did not find this to be overly burdensome. COURT ADOPTED the report recommendation by Commissioner Bulla. Ms. Bossie to prepare the Order and submit it to opposing counsel as to form and content. Upon Court's inquiry, Ms. Bossie estimated eight days for trial, Mr. Vogel estimated two weeks for trial. At the request of Ms. Bossie, Court stated the information was to provided within thirty days thereafter information was to be provided on a rolling bases.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

June 13, 2018

| | |
|---------------|---|
| A-17-750520-C | Estate of Mary Curtis, Plaintiff(s) vs. South Las Vegas Investors Limited Partnership, Defendant(s) |
|---------------|---|

June 13, 2018

8:30 AM

All Pending Motions

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

| | | |
|-----------------|----------------------------|----------|
| PRESENT: | Bossie, Melanie L | Attorney |
| | Brookhyser, Amanda Jeanine | Attorney |
| | Vitaoe, Vincent | Attorney |

JOURNAL ENTRIES

- Melaine Bossie, Esq. appearing telephonically.

PLAINTIFF'S JOINDER TO DEFENDANT SAXENA'S MOTION FOR GOOD FAITH SETTLEMENT...DEFENDANT'S SAMIR S. SAXENA, M.D'S MOTION FOR GOOD FAITH SETTLEMENT

As to Defendant's motion, Court noted there was no objection to the motion, there was one issue that came up which was allowing Dr. Saxena placed on the verdict form. Ms. Brookhyser concurred and advised initially when the issue was brought up a request was made that in exchange for dismissing Dr. Saxena that Lifecare Center Defendants would agree not to place him on the verdict form which she couldn't agree to. Ms. Brookhyser noted she didn't see that issue reference in the good faith settlement and would to make certain it was on the record. Ms. Bossie noted based on the investigation Dr. Saxena didn't know about the event. Ms. Bossie further noted there was no evidence that would warrant Dr. Saxena be on the verdict form. Following representations by counsel, COURT ORDERED, Motion GRANTED for Good Faith Settlement; ruling DEFERRED on adding Dr. Saxena to the verdict form upon closing of presentation of the evidence. Mr. Vitaoe to

prepare the Order and submit to opposing counsel as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

July 02, 2018

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

July 02, 2018 12:00 AM Minute Order

HEARD BY: Villani, Michael **COURTROOM:** Chambers

COURT CLERK:
Natalie Ortega

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon the Court's review of the documents filed in this matter, the Opposition to motion for Summary Judgment filed on 6/29/18 contained a social security number. Therefore, Court ORDERED this document SEALED pursuant to E.D.C.R. 2.13.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve. ndo/7/2/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

August 01, 2018

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

August 01, 2018 8:30 AM All Pending Motions

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Haly Pannullo

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Bossie, Melanie L Attorney
Brookhyser, Amanda Jeanine Attorney
Davidson, Michael D. Attorney
Vitatoe, Vincent Attorney

JOURNAL ENTRIES

- DEFENDANTS SAMIR SAXENA, M.D., ANNABELLE SOCAOCO, N.P.. IPC HEALTHCARE, INC., INTATIENT CONSULTANTS OF NEVADA, INC., IPC HEALTHCARE SERVICES OF NEVADA, INC., AND HOSPITALIST OF NEVADA'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGEMENT (A-11-642647-C) ... PLAINTIFFS' MOTION TO ASSOCIATE COUNSEL PURSUANT TO SCR 42 AND REQUEST FOR ORDER SHORTENING TIME ... PLAINTIFFS' MOTION TO COMPEL DEFENDANTS' COMPLIANCE WITH COURT ORDER AND REQUEST FOR ORDER SHORTENING TIME

Bennie Lazzara, Jr., Esq., also present on behalf of Plaintiff via Court Call.

COURT ORDERED, Plaintiff's Motion to Associate Counsel GRANTED. Following arguments by counsel regarding statute of limitations and Motion to Dismiss, COURT FURTHER ORDERED, Motion to Dismiss or, in the Alternative, for Summary Judgement TAKEN UNDER ADVISEMENT. Further arguments by counsel regarding Motion to Compel. As to the Motion to Compel, Court directed Ms. Brookhyser to create a privileged log and go through medication errors at other facilities

as well. COURT ORDERED, matter SET for Status Check regarding compliance of Court's directives.

09/05/18 8:30 AM STATUS CHECK: COMPLIANCE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

August 13, 2018

| | |
|---------------|---|
| A-17-750520-C | Estate of Mary Curtis, Plaintiff(s) |
| | vs. |
| | South Las Vegas Investors Limited Partnership, Defendant(s) |

August 13, 2018 1:45 PM Minute Order

HEARD BY: Villani, Michael **COURTROOM:** Chambers

COURT CLERK:
Haly Pannullo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendants Motion to Dismiss or, in the Alternative, for Summary Judgment came before this Court on the August 1, 2018 Oral Calendar at 8:30 a.m. The Court took the matter under advisement and now rules as follows:

IPC Defendants (Annabelle Socaoco, N.P; IP Healthcare, Inc. a/k/a The Hospitalist Company, Inc.; Inpatient Consultants of Nevada, Inc.; IPC Healthcare Services of Nevada, Inc.; and Hospitalists of Nevada, Inc.) seek summary judgment on the elder abuse cause of action (NRS 41.1395) because a cause of action for malpractice of a healthcare provider is governed by NRS 41A. IPC Defendants also argue that the statute of limitations bars the medical malpractice and wrongful death claims.

The Court adopts its previous ruling via minute order dated March 21, 2018. The Complaint in question is for professional negligence against a healthcare providers and, therefore, governed by NRS 41A. The Court FINDS that it was not the legislative intent of enacting NRS 41.1395 to superseded the caps under NRS 41A. There is neither legislative purpose nor intent to carve out an exception for elderly patients covered under NRS 41A. The Court FURTHER FINDS the reasoning in Brown v. Mt. General Hospital, 2013 WL 4523488 (D. Nev. 2013) to be persuasive. NRS 41A.017 provides the definition of provider of health care. The Court FINDS IPC Defendants fall within this

definition, and therefore, the elder abuse causes of action are improper in the instant matter.

The statute of limitations accrual date is a question of law only if the facts are uncontroverted. Winn v. Sunrise Hospital and Medical Center, 128 Nev. 246, 252-253 (2012) (citing Day v. Zubel, 112 Nev. 972, 977 (1996)). The Court FINDS a question of fact remains as to the date of inquiry as to the names of the tortfeasors in this matter.

Therefore, COURT ORDERED Defendants Motion to Dismiss or, in the Alternative, for Summary Judgment GRANTED IN PART and DENIED IN PART. Counsel for Defendants to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by all parties.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/8/13/18

This is a letter right to the owner about this facility, management at this facility and the problems about 2 and a half months prior to Pltf. being there given the wrong medication and died. Further, Ms. Bossie requested un-redacted of direct concerns, complaints, compliance issues and medication issue prior to nursing expert getting deposed. Counsel will have this letter when Mr. Preston is deposed to see what he did about his knowledge of this but counsel did not have this on all other depositions taken to date. Additionally, this letter is crucial, discoverable for notice and knowledge and request a shorter timeframe to produce. Ms. Brookhyser stated she will do her best to produce as quickly as she can. One of the e-mail addresses is the Senior Vice President for the entire division and there is over 10,000 e-mails. His e-mail address in particular, almost every e-mail has attachments and counsel has to go through, look at to make sure that it applies to Paradise Valley or has anything to do with medication error. Further, counsel will do her utmost to get them disclosed as quickly as can be and they have been done on a rolling basis. Court inquired if they will be produced prior to expert deposition. Ms. Brookhyser stated she will have it done before expert depositions. Court advised if there are any other issues, counsel to file appropriate motion.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence**COURT MINUTES****September 19, 2018**

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
 vs.
 South Las Vegas Investors Limited Partnership, Defendant(s)

September 19, 2018 9:00 AM**Motion for Protective
Order****Defendants' Motion
for Protective Order****HEARD BY:** Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Alan Castle**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

| | | |
|-----------------|----------------------------|----------|
| PRESENT: | Bossie, Melanie L | Attorney |
| | Brookhyser, Amanda Jeanine | Attorney |
| | Davidson, Michael D. | Attorney |
| | Lazzara, Bennie NMN, Jr. | Attorney |
| | Vitaoe, Vincent | Attorney |

JOURNAL ENTRIES

- COMMISSIONER RECOMMENDED, Defendants' Motion for Protective Order is GRANTED In Part Without Prejudice as to Walker and Preston Without Prejudice subject to a Rule 30(b)(6) deposition occurring establishing some foundation as to their personal knowledge regarding this event. Commissioner suggests it would benefit Plaintiff to put together a Rule 30(b)(6) deposition with the topic areas of concern; and, that may require the Defendant to produce one of those officers or directors for that deposition. FURTHER, IF it is determined that Mr. Hamm will be the Deponent, Defense to advise Plaintiff's counsel so they can prepare and have Mr. Hamm deposed just once. Ms. Brookhyser to prepare the Report and Recommendations, and Ms. Bossie and Mr. Vitaoe to approve as to form and content; no fees or costs. A proper report must be timely submitted within 10 days of the hearing. Commissioner is available by conference call if necessary.

11/15/18 (CHAMBERS) Status Check: Compliance (DCRR)

PRINT DATE: 07/02/2019

Page 25 of 42

Minutes Date: August 16, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

October 29, 2018

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

October 29, 2018 12:30 AM Minute Order

HEARD BY: Villani, Michael **COURTROOM:** Chambers

COURT CLERK: Haly Pannullo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court, having reviewed the pleadings and papers on file herein, there being no opposition filed with the Court and pursuant to EDCR 2.20, 2.23, and for good cause appearing, COURT ORDERED IPC Defendants Motion for Partial Summary Judgment is GRANTED. Counsel for IPC Defendants is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/10/29/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

October 31, 2018

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

October 31, 2018

8:30 AM

All Pending Motions

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: April Watkins

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

| | | |
|-----------------|--------------------------|----------|
| PRESENT: | Bossie, Melanie L | Attorney |
| | Davidson, Michael D. | Attorney |
| | Lazzara, Bennie NMN, Jr. | Attorney |
| | Vitatoe, Vincent | Attorney |
| | Vogel, Stephen B. | Attorney |

JOURNAL ENTRIES

- PLTFS' MOTION FOR PRIMA FACIE CLAIM FOR PUNITIVE DAMAGES...DEFTS' SOUTH LAS VEGAS MEDICAL INVESTORS, LLC, DBA LIFE CARE OF SOUTH LAS VEGAS FKA LIKE CARE CENTER OF PARADISE VALLEY, SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP, LIFE CARE CENTERS OF AMERICA, INC., AND CARL WAGNER'S MOTION FOR SUMMARY JUDGMENT...DEFTS' SOUTH LAS VEGAS MEDICAL INVESTORS, LLC. DBA LIFE CARE CENTER OF SOUTH LAS VEGAS FKA LIFE CARE CENTER OF PARADISE VALLEY, SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP, LIFE CARE CENTERS OF AMERICA, INC., AND CAR WAGNER'S MOTION FOR SUMMARY JUDGMENT REGARDING PUNITIVE DAMAGES

Following arguments by counsel. COURT ORDERED, written decision will issue.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

October 31, 2018

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

October 31, 2018 9:00 AM Calendar Call

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: April Watkins

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Bossie, Melanie L Attorney
Davidson, Michael D. Attorney
Lazzara, Bennie NMN, Jr. Attorney
Vitatoe, Vincent Attorney
Vogel, Stephen B. Attorney

JOURNAL ENTRIES

- Court noted eight to ten days for trial. Ms. Bossie stated she believes trial will take ten days. Colloquy. Ms. Bossie requested to trail trial that is scheduled before this one. Court stated this matter will trail and ORDERED, matter SET for trial.

4/3/19 9:00 AM CALENDAR CALL

4/15/19 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

November 13, 2018

| | |
|---------------|---|
| A-17-750520-C | Estate of Mary Curtis, Plaintiff(s) |
| | vs. |
| | South Las Vegas Investors Limited Partnership, Defendant(s) |

November 13, 2018 12:00 AM Minute Order

HEARD BY: Villani, Michael

COURTROOM: Chambers

COURT CLERK: Haly Pannullo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner Motion for Summary Judgment came before this Court on the October 31, 2018 oral calendar. The Court having further reviewed the pleadings, files, and argument finds as follows:

Summary judgment is appropriate when the pleadings and other evidence on file demonstrate no genuine issue as to any material fact [remains] and the moving party is entitled to judgment as a matter of law. See NRCP 56(c); Wood v. Safeway, Inc., 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005). In ruling upon a motion for summary judgment, the Court must view all evidence and inferences in the light most favorable to the non-moving party. See Torrealba v. Kesmetis, 124 Nev. 95, 178 P.3d 716 (2008). To rebut a motion for summary judgment, the nonmoving party must present some specific facts to demonstrate that a genuine issue of material fact exists. Forouzan, Inc. v. Bank of George, 128 Nev. 896, 381 P.3d 612 (2012).

Defendants bring their Motion For Summary Judgment on the basis that although Plaintiffs causes of action are titled abuse of an older person, wrongful death and bad faith tort the claims are actually professional negligence covered under NRS 41A.015. Further, since the claims involve

professional negligence there is an affidavit of merit requirement pursuant to NRS 41A.100 and since an affidavit was not attached to the complaint summary judgment should be granted.

NRS 41A.015 defines professional negligence as failure of a provider of health care, in rendering services, to use reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained and experienced health care professionals. NRS 41A.100 provides for any action sounding in professional negligence there is a requirement of an affidavit of merit. Without such an affidavit the case must be dismissed. *Washoe Medical Center v. Second Dist. Court State of Nev. ex. rel. County of Washoe* provides that if a complaint in professional negligence fails to have attached thereto an affidavit of merit the complaint is void ab initio. *Id.* at 122 Nev. 1298, 1300 (2006). Countering said argument Plaintiffs state that by filing such a motion after two years of litigation the Defendants have waived their objection to the affidavit requirement but more importantly the claim is one of elder abuse which does not require an affidavit.

Waiver

If Plaintiffs claims are based upon professional negligence, there is an affidavit requirement. Such a complaint without an affidavit must be dismissed. Plaintiffs claims that Defendants waited two years to bring this matter to the Court s attention and participated in litigation for two years have therefore waived the affidavit requirement. Since such a claim is void ab initio and the Court does not find such a claim to have merit.

Vicarious Liability

Defendants contend that they are entitled to the protections of Chapter 41A because their liability is derivative of its nursing staff. In *DeBoer v. Senior Bridges at Sparks Family Hospital*, 282 P.3d 727 (Nev. 2012), the Supreme Court distinguished between medical malpractice and traditional negligence on the basis of the provision of medical services provided to the plaintiff i.e. medical diagnosis, judgment, or treatment. *Id.* at 732. The Court finds that Defendants liability is based on the acts (LPN Dawson s administration of morphine to Mary Curtis) and omissions (failure to monitor Mary Curtis thereafter) of its nursing staff. Said acts and omissions are a provision of medical services based on Defendants nursing personal which gives rise to Defendants liability. Therefore, the provision of NRS 41A apply.

Affidavit Requirement

More fundamental to the determination by the Court is whether or not the allegations are for general negligence resulting from non-medical services or for negligent medical treatment which calls for an affidavit of merit. *Szymborski v. Spring Mountain Treatment Ctr.*, 403 P.3d 1280 (Nev. 2017). *Szymborski* holds that a Plaintiff s complaint can be based upon both negligent acts and medical malpractice. The Nevada Supreme Court stated that the Court is to look beyond the title to a particular cause of action and determine whether or not the claims actually involve medical malpractice or general negligence. *Id.* at 1284.

Elder abuse is codified in NRS 41.1395 as willful and unjustified infliction of pain, injury or mental anguish or deprivation of food, shelter, clothing or services which are necessary to maintain the physical. Nev.Rev.Stat. 41.1395. As stated in *Szymborski and Egan v. Chambers*, 299 P.3d 364, 366 (Nev. 2013) the courts should look to the nature of the grievance to determine the character of the action, not the form of the pleadings. Cited with approval in *Brown v. Mt. General Hospital*, 3:12-CV-00461-LRH, 2013 WL 4523488, D. Nev. Aug. 26, 2013). Although, Plaintiffs use language from NRS 41.1395 in their complaint the underlining basis of the complaint is for medical malpractice. See paragraph 18 Despite defendant s notice and knowledge that Ms. Curtis was dependent on them for proper medication administration, they on March 7, 2016 administered to her a dose of morphine prescribed to another resident. Ms. Curtis was not prescribed morphine. Also, See paragraph 19 Despite Defendant s notice and knowledge that they had wrongly administered morphine to Ms. Curtis, they failed to act timely upon that discovery, instead retaining Ms. Curtis as a resident until March 8, 2016. The administration of morphine by a LPN and failure to monitor the effects of the administration of morphine is a claim of professional negligence requiring an affidavit pursuant to NRS 41A.100. But for LPN Dawson s alleged nursing conduct of improperly administering morphine and subsequent lack of nursing monitoring Ms. Curtis, she would not have died. A claim is grounded in medical malpractice and must adhere to NRS 41A.071 where the facts underlying the claim involve medical diagnosis, treatment, or judgment and the standards of care pertaining to the medical issue require explanation to the jury from a medical expert. *Szymborski* at 1288. This Court finds persuasive the holding in *Brown v. Mt. Grant Gen. Hosp.*, 3:12-CV-00461-LRH, 2013 WL 4523488, (D. Nev. Aug. 26, 2013) which sets forth the following:

Moreover, the Nevada Supreme Court has signaled a disapproval of artful pleading for the purposes of evading the medical malpractice limitations. For example, the Court concluded that medical malpractice claims extend to both intentional and negligence-based actions. *Fierle*, 219 P.2d at 913 n. 8. This means that a plaintiff cannot escape the malpractice statutes' damages or timeliness limitations by pleading an intentional tort battery, say instead of negligence. If the Nevada Supreme Court casts a jaundiced eye on the artful pleading of intentional torts, it is likely to view the artful pleading of elder abuse similarly. In the end, it seems, Nevada courts look to the nature of the grievance to determine the character of the action, not the form of the pleadings. *Egan v. Chambers*, 299 P.3d 364, 366 n. 2 (Nev.2013) (citing *State Farm Mut. Auto. Ins. Co. v. Wharton*, 88 Nev. 183, 495 P.2d 359, 361 (1972)). *Brown* at *8. Plaintiffs Complaint is grounded in and involves medical treatment and the standard of care (administration of morphine and the failure to monitor). Thus the gravamen of the complaint sounds in professional negligence which requires an affidavit.

Therefore, COURT ORDERED Defendants Motion for Summary Judgment GRANTED. Counsel for Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be approved as to form and content by all parties.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

November 13, 2018

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

November 13, 2018 12:00 AM Minute Order

HEARD BY: Villani, Michael

COURTROOM: Chambers

COURT CLERK: Haly Pannullo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner (Defendants) Motion for Summary Judgment Regarding Punitive Damages came before this Court on the October 31, 2018 oral calendar. Based on this Court's ruling issued on November 13, 2018 on Defendants Motion for Summary Judgment, this matter is ORDERED OFF CALENDAR as being moot.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

November 13, 2018

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

November 13, 2018 12:00 AM Minute Order

HEARD BY: Villani, Michael

COURTROOM: Chambers

COURT CLERK: Haly Pannullo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Plaintiffs Motion for Prima Facie Claim for Punitive Damages came before this Court on the October 31, 2018 oral calendar. Based on this Court s ruling issued on November 13, 2018 on Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner Motion for Summary Judgment, this matter is ORDERED OFF CALENDAR as being moot.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

November 14, 2018

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

November 14, 2018 8:30 AM

All Pending Motions

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Bossie, Melanie L Attorney
Davidson, Michael D. Attorney
Lazzara, Bennie NMN, Jr. Attorney
Vitatoe, Vincent Attorney

JOURNAL ENTRIES

- IPC DEFENDANTS MOTION IN LIMINE NO. 1 TO LIMIT NONECONOMIC DAMAGES ARGUMENT ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 1 TO LIMIT NONECONOMIC DAMAGES ARGUMENT
COURT ORDERED, Motion OFF CALENDAR.

IPC DEFENDANTS MOTION IN LIMINE NO. 2 TO LIMIT TREATING PHYSICIAN TESTIMONY ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 2 TO LIMIT TREATING PHYSICIAN TESTIMONY
COURT ORDERED, Motion OFF CALENDAR.

IPC DEFENDANTS MOTION IN LIMINE NO. 3 TO LIMIT PLAINTIFFS CUMULATIVE EXPERT TESTIMONY ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 3 TO LIMIT CUMULATIVE EXPERT TESTIMONY
COURT ORDERED, Motion OFF CALENDAR.

IPC DEFENDANTS' MOTION IN LIMINE NO 4 TO EXCLUDE IRRELEVANT DEVIATIONS FROM STANDARD OF CARE ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 4 TO EXCLUDE IRRELEVANT DEVIATIONS FROM STANDARD OF CARE
COURT ORDERED, Motion OFF CALENDAR.

IPC DEFENDANTS MOTION IN LIMINE NO. 5 TO PERMIT COLLATERAL SOURCE EVIDENCE
COURT ORDERED, Motion OFF CALENDAR.

Colloquy regarding the 54B language being added to the Court's Order. Court stated if parties agree to add the language to the Order, then they may do so. Court directed counsel to file a Motion for Certification if the parties do not agree.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

January 09, 2019

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

**January 09, 2019 3:00 AM Motion For
Reconsideration**

HEARD BY: Holthus, Mary Kay **COURTROOM:** Chambers

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

-

MINUTE ORDER STRICKEN as of February 27, 2019

Plaintiff's Motion for Reconsideration of the Court's ruling Granting Defendant's Summary Judgement came before this Court on the January 9, 2019 Chamber Calendar. This Court having reviewed the pleadings and papers on file herein, finds as follows:

A District Court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or if the prior decision was clearly erroneous. *Masonry & Tile Contractors Ass'n of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1976). Further a motion to reconsider will not be granted Unless the District Court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in controlling law. *Kona Enterprises Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

In Plaintiff's Motion for Reconsideration, Plaintiff did not argue any new facts or law and did not introduce any substantially different evidence. Further, this COURT FINDS that the previous Court's Decision Granting Defendant's Motion for Summary Judgement was not clearly erroneous, and

therefore DENIES Plaintiff's Motion for Reconsideration.

Defense Counsel to prepare the Order.

CLERK'S NOTE: Counsel notified via email:

Michael Davidson (mdavidson@klnevada.com)
John Cotton (JHCotton@jhcottonlaw.com)

CLERK'S NOTE: The above minute order has been STRICKEN pursuant to the Court's GRANTING of the Order to Strike Court Minutes on IPC Defendants' Motion for Reconsideration on February 27, 2019. //mj 2/27/19

A copy of this amended minute order has been distributed to:

Michael Davidson (mdavidson@klnevada.com)
John Cotton (JHCotton@jhcottonlaw.com)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

April 10, 2019

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

April 10, 2019 9:00 AM Calendar Call

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Davidson, Michael D. Attorney

JOURNAL ENTRIES

- Mr. Davidson advised the Court the instant case was no going forward; further indicated, the Court issued an Order for Consideration. Court inquired if there was anyone still left in the instant case; which Mr. Davidson advised not at this level on the instant case. Mr. Davidson indicated they only needed a Court Order to resolve the matter; which he further indicated he would have signed.
COURT ORDERED, matter SET for a status check.

4/24/19 9:00 AM STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

April 24, 2019

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

April 24, 2019 9:00 AM Status Check

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Melanie Bossie, Esq. for Plaintiff and Vincent Vitatoe, Esq. for Deft. present via Court Call.

Mr. Vitatoe indicated there wasn't anyone left in the instant case; therefore, the case could be closed out. COURT ORDERED, case CLOSED. Mr. Vitatoe to submit the Order to Chambers.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

June 05, 2019

A-17-750520-C Estate of Mary Curtis, Plaintiff(s)
vs.
South Las Vegas Investors Limited Partnership, Defendant(s)

**June 05, 2019 9:00 AM Motion For
Reconsideration**

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Bossie, Melanie L Attorney
Davidson, Michael D. Attorney
Vitaoe, Vincent Attorney
Vogel, Stephen B. Attorney

JOURNAL ENTRIES

- Ms. Bossie indicated the instant case had a long history with Judge Villani. Statements by Ms. Bossie in support of the Motion for Consideration. Further, Ms. Bossie requested the Court reinstate Judge Villani's ruling and grant Motion for Reconsideration. Arguments by Mr. Vitaoe in opposition requesting that Judge Villani's ruling be maintained. COURT ORDERED, Plaintiff's Motion for Reconsideration was hereby DENIED. Court FINDS it wasn't sure there was a basis to the extent that it was untimely and prejudicial. Further, Court noted there were no new facts that came about and the Court wouldn't reverse another Court's ruling. Mr. Vitaoe to prepare the Order and submit to opposing counsel for approval as to form and content.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

PLAINTIFFS' NOTICE OF APPEAL OF THE ORDER GRANTING IPC DEFENDANTS' MOTION FOR RECONSIDERATION; PLAINTIFFS' CASE APPEAL STATEMENT; PLAINTIFFS' NOTICE OF POSTING COST BOND ON APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING IPC DEFENDANTS' MOTION FOR RECONSIDERATION; NOTICE OF ENTRY OF ORDER GRANTING IPC DEFENDANTS MOTION FOR RECONSIDERATION; DISTRICT COURT MINUTES

Estate of MARY CURTIS, deceased; LAURA LATRENTA, as Personal Representative of the Estate of MARY CURTIS; LAURA LATRENTA, individually,

Plaintiff(s),

vs.

SOUTH LAS VEGAS MEDICAL INVESTORS, LLC dba LIFE CARE CENTER OF SOUTH LAS VEGAS fka LIFE CARE CENTER OF PARADISE VALLEY; SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP; LIFE CARE CENTERS OF AMERICA, INC.; BINA HRIBIK PORTELLO, administrator; CARL WAGNER, administrator,

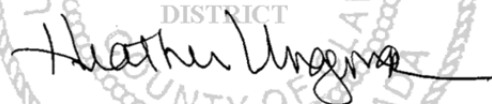
Defendant(s),

Case No: A-17-750520-C
Consolidated with A-17-754013-C
Dept No: XVIII

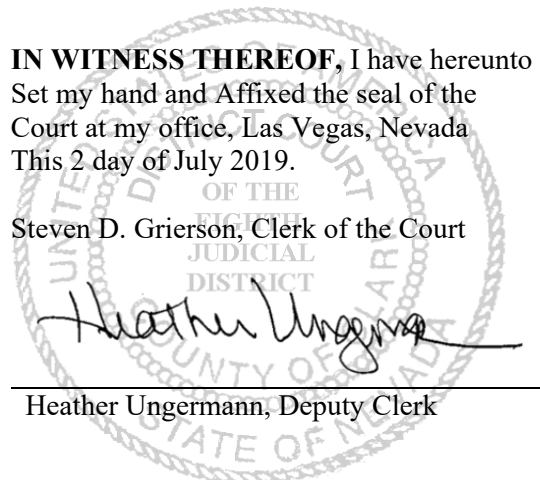
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 2 day of July 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



KOLESAR & LEATHAM, CHTD.400 S. Rampart Blvd , Suite #400
Las Vegas, NV, 89145

PACIFIC PREMIER BANK®

5809

90-8578/3222

Two Hundred Fifty and No/100 Dollars

DATE

7/1/2019

AMOUNT

\$250.00

PAY
TO THE
ORDER
OF

Clerk of the Supreme Court

VOID AFTER 90 DAYS



AUTHORIZED SIGNATURE

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

⑈005809⑈ ⑆322285781⑆ 201006087⑈