

Electronically Filed
12/11/2019

Elizabeth A. Brown
CLERK OF THE COURT

Lee E. Szymborski
4605 Black Stallion Avenue
North Las Vegas, Nevada
89031
(702) 726-9956
leeandassociates1@outlook.com

Electronically Filed
Dec 18 2019 11:12 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

LEE E. SZYMBORSKI

Plaintiff,

VS.

SPRING MOUNTAIN
TREATMENT CENTER, DOES 1-
XX, INCLUSIVE, AND ROE
CORPORATIONS 1-XX,
INCLUSIVE
DEFENDANTS

CASE NO. A-14-700178-C
DEPT NO. V111

NOTICE OF APPEAL

PLEADING TITLE - 1

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4 **NOW COMES** Lee E. Szymborski, PLAINTIFF

5
6 **IN PROPER PERSON.**

7 Plaintiff hereby APPEALS TO THE SUPREME COURT
8
9 OF NEVADA FROM THE NOTICE OF ENTRY OF
10
11 ORDER DENYING PLAINTIFF'S MOTION TO STAY
12
13 DISCOVERY DATED NOVEMBER 19, 2019

14 PURSUANT TO N.R.C.P. RULE 3A (3). "An order
15
16 granting or refusing to grant an injunction or dissolving or
17
18 refusing to dissolve an injunction".

19 Further, Plaintiff hereby appeals for violations of Federal
20
21 Law pursuant to Title 11 of The Americans With Disabilities
22
23 Act. (ADA) due to the actions of Judge Trevor Atkins
24
25 due to the knowing bad faith misrepresentation to the
26
27 Honorable Court of Qualified Plaintiff's disabilities by
28
29 Defendant Spring Mountain Treatment Centers

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3 Attorney;Charlotte Tela Buys of Hall, Prangle and
4 Schoonveld LLC.
5

6 As a direct result of Defendants substantiated and admitted
7 negligent, unsafe discharge of Plaintiff's beloved Son, Sean
8 Szymborski, on May 14, 2013; From Spring Mountain
9 Treatment Center to the home of Plaintiff; it is **court record**
10
11 that Plaintiff has continually suffered ongoing extreme
12
13 mental trauma and physical injuries and requested relief
14
15 under Title 11 of The Americans With Disabilities Act
16
17 (ADA) of which was denied. The Judges ruling shows a
18
19 callous disregard for Plaintiff's Disabilities and the upcoming
20
21 scheduled major surgery to repair Plaintiff's fractured skull.
22
23 The Court take notice that Plaintiff is suffering severe
24
25 anxiety and insomnia regarding this decision.
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6 Respectfully Submitted,

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9 Lee E. Szymborski

10 12/11/2019
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1 ASTA

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

9 LEE E. SZYMBORSKI,

10 Plaintiff(s),

11 vs.

12 SPRING MOUNTAIN TREATMENT CENTER,

13 Defendant(s),

Case No: A-14-700178-C

Dept No: VIII

14
15
16 **CASE APPEAL STATEMENT**

17
18 1. Appellant(s): Lee E. Szymborski

19 2. Judge: Trevor Atkin

20 3. Appellant(s): Lee E. Szymborski

21 Counsel:

22 Lee E. Szymborski
23 4605 Black Stallion Ave.
24 North Las Vegas, NV 89031

25 4. Respondent (s): Spring Mountain Treatment Center

26 Counsel:

27 Tyson J. Dobbs, Esq.
28 1140 N. Town Vetner Dr., Ste 350
Las Vegas, NV 89144

CASE SUMMARY**CASE NO. A-14-700178-C****Lee Szymborski, Plaintiff(s)****vs.****Spring Mountain Treatment Center, Defendant(s)**§
§
§
§
§
§Location: **Department 8**Judicial Officer: **Atkin, Trevor**Filed on: **05/02/2014**

Case Number History:

Cross-Reference Case **A700178**

Number:

Supreme Court No.: **66398****CASE INFORMATION****Statistical Closures**

07/23/2014 Motion to Dismiss by the Defendant(s)

Case Type: **Negligence - Other Negligence**Case Status: **01/11/2018 Reactivated****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-14-700178-C
Court	Department 8
Date Assigned	09/30/2019
Judicial Officer	Atkin, Trevor

PARTY INFORMATION**Plaintiff****Szymborski, Lee E***Lead Attorneys***Pro Se**

702-726-9956(H)

Defendant**Dubroca, Darryl**Removed: 07/23/2014
Dismissed**Dubroca, Darryl**Removed: 05/16/2018
Dismissed**Spring Mountain Treatment Center**Removed: 07/23/2014
Dismissed**Spring Mountain Treatment Center****Dobbs, Tyson J.***Retained*

702-889-6400(W)

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

05/02/2014



Complaint

Filed By: Plaintiff Szymborski, Lee E

05/02/2014



Application to Proceed in Forma Pauperis

Filed By: Plaintiff Szymborski, Lee E

05/20/2014

















Order Granting

Filed By: Plaintiff Szymborski, Lee E

Order Granting in Part and Denying in Party Petitioner's Application to Proceed In Forma Pauperis

CASE SUMMARY

CASE NO. A-14-700178-C

05/22/2014	 Initial Appearance Fee Disclosure Filed By: Defendant Spring Mountain Treatment Center <i>Spring Mountain Treatment Center's Initial Appearance Fee Disclosure</i>
05/22/2014	 Motion to Dismiss Filed By: Defendant Spring Mountain Treatment Center <i>Defendant Spring Mountain Treatment Center's Motion to Dismiss</i>
05/29/2014	 Initial Appearance Fee Disclosure Filed By: Defendant Dubroca, Darryl <i>Defendant Darryl Dubroca's Initial Appearance Fee Disclosure</i>
05/29/2014	 Joinder Filed By: Defendant Dubroca, Darryl <i>Defendant Darryl Dubroca's Joinder to Spring Mountain Treatment Center's Motion to Dismiss</i>
06/13/2014	 Opposition to Motion Filed By: Plaintiff Szymborski, Lee E <i>Opposition to Motion to Dismiss Complaint</i>
06/24/2014	 Media Request and Order <i>Media Request and Order Allowing Camera Access to Court Proceedings</i>
06/25/2014	 Certificate of Service Filed by: Defendant Spring Mountain Treatment Center <i>Certificate of Service via Hand Delivery of Defendant Spring Mountain Treatment Center and Darryl Dubroca's Motion to Bar Media Presence During Pretrial Hearings on an Order Shortening Time</i>
06/27/2014	 Order Setting Medical/Dental Malpractice Status Check <i>Order Setting Medical/Dental Malpractice Status Check and Trial Setting Conference</i>
07/17/2014	 Order Scheduling Status Check
07/23/2014	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
07/23/2014	 Order of Dismissal Filed By: Defendant Spring Mountain Treatment Center <i>Order on Defendant Spring Mountain Treatment Center and Darryl Dubroca's Motion to Dismiss</i>
07/30/2014	 Notice of Entry of Order Filed By: Defendant Spring Mountain Treatment Center <i>Notice of Entry of Order on Defendant Spring Mountain Treatment Center and Darryl Dubroca's Motion to Dismiss</i>
08/07/2014	 Motion to Reconsider Filed By: Plaintiff Szymborski, Lee E <i>Motion for Reconsideration, or in the Alternative, Motion to Set Aside</i>
08/07/2014	 Notice of Motion Filed By: Plaintiff Szymborski, Lee E

CASE SUMMARY

CASE NO. A-14-700178-C

Notice of Motion on Motion for Reconsideration, or in the Alternative, Motion to Set Aside

08/25/2014



Certificate of Mailing

Filed By: Plaintiff Szymborski, Lee E

08/25/2014



Notice of Appeal

Filed By: Plaintiff Szymborski, Lee E

08/25/2014



Opposition to Motion

Filed By: Defendant Spring Mountain Treatment Center

Spring Mountain Treatment Center and Darryl Dubroca's Opposition to Plaintiff's Motion for Reconsideration or in the Alternative, Motion to Set Aside

08/28/2014



Case Appeal Statement

Filed By: Plaintiff Szymborski, Lee E

09/17/2014



Addendum

Filed By: Plaintiff Szymborski, Lee E

09/17/2014



Certificate of Mailing

Filed By: Plaintiff Szymborski, Lee E

09/23/2014



Order Denying Motion

Order Denying Plaintiff's Motion for Reconsideration, or in the Alternative, Motion to Set Aside

03/24/2015



Request

Filed by: Plaintiff Szymborski, Lee E

Request for Transcript(s) of Proceedings

03/25/2015



Statement of Legal Aid Representation and Fee Waiver

For: Plaintiff Szymborski, Lee E

Statement of Legal Aid Representation

04/13/2015



Transcript of Proceedings

Transcript of Proceedings: Defendant Spring Mountain Treatment Center's Motion to Dismiss Darryl Dubroca's Joinder to Spring Mountain Treatment Center's Motion to Dismiss June 24, 2014

04/13/2015



Transcript of Proceedings

Transcript of Proceedings: Defendant Spring Mountain Treatment Center's Motion to Dismiss; Darryl Dubroca's Joinder to Spring Mountain Treatment Center's Motion to Dismiss -- 6-24-14

11/27/2017



NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part

Nevada Supreme Court Clerk's Certificate Judgment - Affirmed in Part, Reversed in Part and Remand

12/13/2017



Notice of Hearing

Notice of Hearing

01/29/2018



Notice of Appearance

Notice Of Appearance Of Counsel

CASE SUMMARY














CASE NO. A-14-700178-C

01/31/2018	 Motion to Dismiss Filed By: Defendant Spring Mountain Treatment Center; Defendant Dubroca, Darryl <i>Defendants' Motion to Dismiss</i>
02/01/2018	 Certificate of Service Filed by: Defendant Spring Mountain Treatment Center; Defendant Dubroca, Darryl <i>Certificate of Service of Defendants' Motion to Dismiss</i>
02/22/2018	 Opposition to Motion <i>Plaintiff's Opposition to Defendant's Motion to Dismiss</i>
02/27/2018	 Reply to Opposition Filed by: Defendant Spring Mountain Treatment Center <i>Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss</i>
05/16/2018	 Order Filed By: Defendant Spring Mountain Treatment Center; Defendant Dubroca, Darryl <i>Order Granting In Part and Denying In Part Defendants' Motion to Dismiss</i>
05/17/2018	 Notice of Entry Filed By: Defendant Spring Mountain Treatment Center <i>Notice of Entry of Order</i>
05/21/2018	 Amended Complaint <i>Amended Complaint</i>
05/31/2018	 Second Amended Complaint <i>(6/5/18 Withdrawn) Second Amended Complaint</i>
06/05/2018	 Notice of Withdrawal <i>NOTICE OF WITHDRAWAL OF SECOND AMENDED COMPLAINT</i>
06/26/2018	 Stipulation and Order <i>Stipulation and Order Granting The Second Amended Complaint To Be filed</i>
07/03/2018	 Notice of Entry of Order Filed By: Plaintiff Szymborski, Lee E <i>Notice of Entry of Order</i>
07/03/2018	 Second Amended Complaint Filed By: Plaintiff Szymborski, Lee E <i>Second Amended Complaint</i>
07/18/2018	 Motion to Dismiss Filed By: Defendant Spring Mountain Treatment Center <i>Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint</i>
08/10/2018	 Opposition to Motion to Dismiss <i>Plaintiff's Opposition To Defendant's Motion To Dismiss Plaintiff's Second Amended Complaint</i>
08/14/2018	 Reply to Opposition Filed by: Defendant Spring Mountain Treatment Center

CASE SUMMARY



CASE NO. A-14-700178-C

Defendant Spring Mountain Treatment Center's Reply to Plaintiff's Opposition to Motion to Dismiss Plaintiff's Second Amended Complaint

08/24/2018	 Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings</i>
10/01/2018	 Order <i>Order Granting in Part and Denying in Part Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint</i>
10/03/2018	 Notice of Entry Filed By: Defendant Spring Mountain Treatment Center <i>Notice of Entry of Order</i>
10/08/2018	 Third Amended Complaint <i>Third Amended Complaint</i>
10/22/2018	 Answer to Amended Complaint Filed By: Defendant Spring Mountain Treatment Center <i>Defendants Spring Mountain Treatment Center's Answer to Plaintiff's Third Amended Complaint</i>
12/12/2018	 Appointment of Arbitrator <i>Appointment of Arbitrator</i>
12/21/2018	 Notice of Early Arbitration Conference Filed By: Arbitrator Peterson, Jessica K., ESQ <i>Notice of Early Arbitration Conference</i>
01/03/2019	 Arbitration Discovery Order Filed By: Arbitrator Peterson, Jessica K., ESQ <i>Arbitration Discovery Order</i>
05/14/2019	 Motion to Compel Filed By: Defendant Spring Mountain Treatment Center <i>Defendant Spring Mountain Treatment Center's Motion to Compel Discovery and For Sanctions</i>
05/17/2019	 Arbitration Discovery Order Filed By: Arbitrator Peterson, Jessica K., ESQ <i>Amended Arbitration Discovery Order and Order Regarding Plaintiff's Motion to Compel</i>
05/17/2019	 Notice to Appear for Arbitration Hearing Filed by: Arbitrator Peterson, Jessica K., ESQ <i>Amended Notice to Appear for Arbitration Hearing</i>
05/28/2019	 Request for Exemption From Arbitration Filed by: Plaintiff Szymborski, Lee E <i>Plaintiff's Request for Exemption from Arbitration</i>
06/04/2019	 Opposition to Request for Exemption Filed by: Defendant Spring Mountain Treatment Center <i>Defendant Spring Mountain Treatment Center's Opposition to Request From Exemption from Arbitration</i>



CASE SUMMARY

CASE NO. A-14-700178-C

06/10/2019	 Reply to Opposition to Request for Exemption Filed by: Plaintiff Szymborski, Lee E <i>Reply to Opposition to Request for Exemption</i>
06/13/2019	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - GRANTED</i>
06/14/2019	 Arbitrators Bill for Fees and Costs Filed By: Arbitrator Peterson, Jessica K., ESQ <i>Arbitrator's Bill for Fees and Costs</i>
07/03/2019	 Notice Filed By: Plaintiff Szymborski, Lee E <i>Notice of Early Case Conference</i>
07/23/2019	 Joint Case Conference Report Filed By: Plaintiff Szymborski, Lee E <i>Joint Case Conference Report</i>
07/24/2019	 Mandatory Rule 16 Conference Order <i>Mandatory Rule 16 Pre-Trial Scheduling Conference Order</i>
08/02/2019	 Memorandum of Costs and Disbursements Filed By: Defendant Spring Mountain Treatment Center <i>Defendant Spring Mountain Treatment Center's Verified Memorandum of Costs and Disbursements</i>
08/13/2019	 Demand for Jury Trial Filed By: Plaintiff Szymborski, Lee E <i>Demand for Jury Trial</i>
08/14/2019	 Scheduling and Trial Order <i>Scheduling Order and Order Setting Civil Non-Jury Trial, Pre-Trial/Trial Setting Conference, and Calendar Call/Final Pre-Trial Conference</i>
08/14/2019	 Motion to Withdraw As Counsel Filed By: Plaintiff Szymborski, Lee E <i>Motion to Withdraw as Attorney of Record</i>
08/14/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/15/2019	 Scheduling and Trial Order <i>Amended Scheduling Order and Order Setting Civil Non-Jury Trial, Pre-Trial/Trial Setting Conference, and Calendar Call/Final Pre-Trial Conference</i>
08/26/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/28/2019	 Opposition <i>Defendant Spring Mountain Treatment Center, LLC'S Limited Opposition to Plaintiff's Motion to Withdraw as Counsel</i>

CASE SUMMARY

CASE NO. A-14-700178-C

09/03/2019	 Opposition to Motion Filed By: Plaintiff Szymborski, Lee E <i>Plaintiff's Limited Opposition to 'Plaintiff's Motion to Withdraw as Counsel'</i>
09/03/2019	 Certificate of Service Filed by: Plaintiff Szymborski, Lee E <i>Certificate of Service</i>
09/05/2019	 Notice of Hearing <i>Notice of Resetting of Hearing</i>
09/19/2019	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
09/23/2019	 Motion Filed By: Plaintiff Szymborski, Lee E <i>Motion to Reset Trial to a Jury Trial</i>
09/23/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/23/2019	 Opposition to Motion Filed By: Plaintiff Szymborski, Lee E <i>Limited Opposition to Motion to Withdraw as Attorney</i>
09/23/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/30/2019	Administrative Reassignment - Judicial Officer Change <i>From Vacant DC8 to Judge Trevor L. Atkin</i>
09/30/2019	 Order Filed By: Plaintiff Szymborski, Lee E <i>Order Granting Motion to Withdraw as Attorney of Record</i>
10/02/2019	 Notice of Change of Address <i>Notice of Change of Address</i>
10/03/2019	 Notice of Entry of Order Filed By: Plaintiff Szymborski, Lee E <i>Notice of Entry of Order</i>
10/03/2019	 Opposition to Motion Filed By: Defendant Spring Mountain Treatment Center <i>Defendant Spring Mountain Treatment Center, LLC's Opposition to Plaintiff's Motion to Reset Trial to a Jury Trial</i>
10/09/2019	 Motion to Stay <i>Motion To Stay Discovery</i>
10/09/2019	 Certificate of Service Filed by: Plaintiff Szymborski, Lee E <i>Certificate of Service</i>

CASE SUMMARY

CASE NO. A-14-700178-C

10/18/2019	 Reply to Opposition Filed by: Plaintiff Szymborski, Lee E <i>Response to Opposition Motion to Reset Trial to a Jury Trial</i>
10/18/2019	 Certificate of Service Filed by: Plaintiff Szymborski, Lee E <i>Certificate of Service</i>
10/28/2019	 Opposition Filed By: Defendant Spring Mountain Treatment Center <i>Defendant Spring mountain Treatment Center, LLC'S Opposition to Plaintiff's Motion to Stay Discovery</i>
11/19/2019	 Order Denying Motion <i>Order Denying Plaintiff's Motion to Reset Trial to a Jury Trial</i>
11/19/2019	 Order Denying Motion <i>Order Denying Plaintiff's Motion to Stay Discovery</i>
11/19/2019	 Notice of Entry of Order <i>Notice of Entry of Order Denying Plaintiff's Motion to Reset Trial to a Jury Trial</i>
11/19/2019	 Notice of Entry of Order <i>Notice of Entry of Order Denying Plaintiff's Motion to Stay Discovery</i>
12/11/2019	 Notice of Appeal <i>Notice of Appeal</i>
12/11/2019	 Certificate of Service Filed by: Plaintiff Szymborski, Lee E <i>Certificate of Service</i>
12/11/2019	 Notice of Entry Filed By: Plaintiff Szymborski, Lee E <i>Notice of Entry of Order Denying Plaintiff's Motion to Reset Trial to a Jury Trial</i>
12/11/2019	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Szymborski, Lee E <i>Application to Proceed in Forma Pauperis</i>
12/11/2019	 Notice of Appeal Filed By: Plaintiff Szymborski, Lee E <i>Notice of Appeal</i>
12/11/2019	 Notice of Entry <i>Notice of Entry of Order Denying Plaintiff's Motion to Stay Discovery</i>
12/11/2019	 Certificate of Service Filed by: Plaintiff Szymborski, Lee E <i>Certificate of Service</i>
12/11/2019	 Application to Proceed in Forma Pauperis

CASE SUMMARY

CASE NO. A-14-700178-C

12/16/2019



Case Appeal Statement

Filed By: Plaintiff Szymborski, Lee E

Case Appeal Statement

DISPOSITIONS

07/23/2014

Order of Dismissal With Prejudice (Judicial Officer: Kishner, Joanna S.)

Debtors: Lee E Szymborski (Plaintiff)

Creditors: Spring Mountain Treatment Center (Defendant), Darryl Dubroca (Defendant)

Judgment: 07/23/2014, Docketed: 07/30/2014

05/16/2018

Order of Dismissal With Prejudice (Judicial Officer: Kishner, Joanna S.)

Debtors: Lee E Szymborski (Plaintiff)

Creditors: Darryl Dubroca (Defendant)

Judgment: 05/16/2018, Docketed: 05/16/2018

05/16/2018

Order of Dismissal Without Prejudice (Judicial Officer: Kishner, Joanna S.)

Debtors: Lee E Szymborski (Plaintiff)

Creditors: Spring Mountain Treatment Center (Defendant)

Judgment: 05/16/2018, Docketed: 05/16/2018

Comment: Certain Claim

05/16/2018

Order of Dismissal With Prejudice (Judicial Officer: Kishner, Joanna S.)

Debtors: Lee E Szymborski (Plaintiff)

Creditors: Spring Mountain Treatment Center (Defendant)

Judgment: 05/16/2018, Docketed: 05/16/2018

Comment: Certain Claim

10/01/2018

Order of Dismissal (Judicial Officer: Kishner, Joanna S.)

Debtors: Lee E Szymborski (Plaintiff)

Creditors: Spring Mountain Treatment Center (Defendant)

Judgment: 10/01/2018, Docketed: 10/02/2018

Comment: Certain Claims

HEARINGS

06/24/2014

Motion to Dismiss (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.)

Defendant Spring Mountain Treatment Center's Motion to Dismiss

Granted;

06/24/2014

Joinder (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.)

Darryl Dubroca's Joinder to Spring Mountain Treatment Center's Motion to Dismiss

Granted;

06/24/2014



All Pending Motions (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.)

Matter Heard;

Journal Entry Details:

DEFENDANT SPRING MOUNTAIN TREATMENT CENTER'S MOTION TO DISMISS...DARRYL DUBROCA'S JOINDER TO SPRING MOUNTAIN TREATMENT CENTER'S MOTION TO DISMISS Mr. Doyle states he was not served with opposition, happened to notice opposition online late yesterday. Court noted to Mr. Szymborski documents must be properly served. Mr. Doyle argued medical malpractice claim, no affidavit. Mr. Szymborski argued this is an action of negligence, has nothing to do with medical malpractice. Further arguments by Mr. Szymborski. Court stated its findings and ORDERED, Defendant Spring Mountain Treatment Center's Motion to Dismiss and the Joinder thereto are GRANTED; both Spring Mountain Treatment Center and Darryl Dubroca are Dismissed. Mr. Doyle to prepare the order, circulating to Plaintiff. Matter SET for Status Check regarding receipt of proposed order. 7/11/14 STATUS CHECK: ORDER (CHAMBERS) ;

07/11/2014


CANCELED Status Check (3:00 AM) (Judicial Officer: Kishner, Joanna S.)


CASE SUMMARY


CASE NO. A-14-700178-C


*Vacated - per Judge
Status Check: Order 6/24/14*


08/12/2014 **CANCELED Status Check: Medical/Dental Malpractice** (1:00 PM) (Judicial Officer: Wiese, Jerry A.)
Vacated - Case Closed

09/12/2014  **Motion For Reconsideration** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)
09/12/2014, 09/19/2014
Events: 08/07/2014 Notice of Motion
Plaintiff's Motion for Reconsideration, or in the Alternative, Motion to Set Aside
Continued;
Denied;
Journal Entry Details:
Court NOTED a Decision and Order has been filed, denying the motion.;
Continued;
Denied;

02/03/2015  **Status Check: Medical/Dental Malpractice** (1:00 PM) (Judicial Officer: Wiese, Jerry A.)
Matter Heard;
Journal Entry Details:
The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Judicial Executive Assistant, Tatyana Ristic, advised this should be an inactive case, yet the Department closed it. COURT ORDERED, case status to be changed to INACTIVE.;

08/01/2016  **Status Check: Medical/Dental Malpractice** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)
Matter Heard;
Journal Entry Details:
The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Judicial Executive Assistant, Tatyana Ristic advised this case is on appeal. COURT ORDERED, case REOPENED and status to be changed to INACTIVE.;

01/11/2018  **Hearing** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
Mr. Bisson appeared on behalf of Mr. Szyzborski and stated he just spoke with Mr. Callister and was informed they were coming in on the case. Court did not see a Notice of Appearance. Mr. Bisson stated they have not officially filed the notice; however, it was discussed last night that he attend today s hearing. Mr. Dobbs had no objection. Upon Court s inquiry, Mr. Szyzborski requested that counsel speak on his behalf even though a Notice of Appearance had not been filed. Court advised it has a waiver from both sides. COURT ORDERED, case REOPENED, effective today. Colloquy regarding scheduling. Mr. Dobbs indicated the professional negligence claim was dismissed. Mr. Callister, Esq., appeared later in the hearing and Court explained what occurred in the proceeding. Court advised due to the negligence claims being dismissed this was not a medical malpractice case which means counsel need to file a Joint Case Conference Report (JCCR) to get a scheduling order. Court noted this was a 2014 case. Mr. Dobbs stated this was a 12(b)(5) motion initially and they need to answer. COURT ORDERED, answer/response due within twenty (20) days and then parties can proceed in the ordinary course. ;

03/06/2018  **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Defendants' Motion to Dismiss
Granted in Part; Defendant's Motion to Dismiss
Journal Entry Details:
After the Court's consideration of the papers submitted by counsel in connection with this matter, and, having heard the oral arguments presented by both Mr. Dobbs and Mr. Callister, COURT stated its FINDINGS and ORDERED Defendants' Motion to Dismiss GRANTED IN PART WITH PREJUDICE and DENIED IN PART WITHOUT PREJUDICE. As to Darryl Dubroca, Defendants' Motion to Dismiss is GRANTED WITH PREJUDICE. As to Spring Mountain Treatment Center, Defendants' Motion to Dismiss plaintiff's First Claim for Negligence is GRANTED WITH LEAVE TO AMEND; Second Claim for Professional

CASE SUMMARY

CASE NO. A-14-700178-C

Negligence and Third Claim for Malpractice is not before this Court because it was already the subject of a Motion to Dismiss and then it was granted by the Nevada Supreme Court; the Third Claim for Gross Negligence and Negligence Per Se and Fourth Claim for Negligent Hiring, Supervision and Training are GRANTED WITH LEAVE TO AMEND. Additionally, as to Defendant's Motion to Dismiss Plaintiff's Claim for Punitive Damages is GRANTED WITHOUT PREJUDICE. Mr. Dobbs to prepare the Order, to include the date the Amended Pleading is DUE thirty (30) days from Notice of Entry of Order, and circulate it to counsel pursuant to EDCR 7.21.;

08/21/2018



Motion to Dismiss (9:30 AM) (Judicial Officer: Kishner, Joanna S.)

Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint
Granted;

Journal Entry Details:

Court noted it received a Media Request late yesterday and inquired if there was any objection by the parties. There being no objection, Order SIGNED IN OPEN COURT. The Court then addressed Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint, stating its inclination and allowed argument by counsel. Following arguments by Mr. Dobbs and Mr. Callister, COURT ORDERED, Motion GRANTED IN PART and DENIED IN PART; GRANTED as to Punitive Damages and Negligent Hiring; DENIED as to Negligence; and GRANTED WITH LEAVE TO AMEND as to Negligence Per Se, Negligent Supervision and Negligent Training. Amended pleading DUE three weeks from Notice of Entry of Order. Mr. Dobbs to prepare the Order in accordance with EDCR 7.21.;

08/06/2019



Mandatory Rule 16 Conference (10:30 AM) (Judicial Officer: Kishner, Joanna S.)

MINUTES

Matter Heard;

Journal Entry Details:

Court addressed the Joint Case Conference Report filed July 23, 2019. Court gave a friendly reminder to the parties about courtesy copies of pleadings being required to be provided to the Court. Court noted the parties had decided to exempt this matter from arbitration proceedings, and this case was supposed to be tried long ago. Discussions as to status of medical releases, and whether having a settlement conference done in this matter would be appropriate. Estimate was 4-5 days for a bench trial. Court adopted the proposed discovery deadlines provided in the Joint Case Conference Report. COURT ORDERED, bench trial date SET on the Court's trial stack in April, 2020. New trial order and scheduling order to issue from Chambers. FURTHER, Motions in limine are due February 24, 2020. Matter SET for status check. 1/16/20 9:00 A.M. STATUS CHECK: TRIAL READINESS 3/19/20 10:15 A.M. PRE-TRIAL CONFERENCE 4/14/20 9:00 A.M. CALENDAR CALL 4/20/20 9:00 A.M. BENCH TRIAL;

SCHEDULED HEARINGS

Status Check: Trial Readiness (04/16/2020 at 9:00 AM) (Judicial Officer: Atkin, Trevor)

Pre Trial Conference (04/21/2020 at 8:30 AM) (Judicial Officer: Atkin, Trevor)

Calendar Call (05/18/2020 at 8:30 AM) (Judicial Officer: Atkin, Trevor)

Calendar Call (Bench Trial Setting On or After 06/12/2020)

Bench Trial (05/26/2020 at 9:00 AM) (Judicial Officer: Atkin, Trevor)

Bench Trial (Setting On or After 06/12/2020)

09/04/2019



Minute Order (3:00 AM) (Judicial Officer: Kishner, Joanna S.)





Minute Order - No Hearing Held;

Journal Entry Details:

On August 26, 2019, a document entitled, "Motion to Reset Trial to a Jury Trial" was filed by Plaintiff, Lee Edward Szyborski in proper person. As the Plaintiff is represented by counsel Matthew Callister Esq., Plaintiff, pursuant to the rules, cannot file pleadings on his own behalf. Thus, the document is a rogue pleading. Therefore, the Motion to Reset Trial to a Jury Trial, filed on August 26, 2019, is hereby STRICKEN from the record and the hearing scheduled for September 26, 2019, at 9:00 a.m. is hereby VACATED. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk Susan Botzenhart, to all parties registered for Odyssey File & Serve. sb CLERK'S NOTE: A copy of the above Minute Order was forwarded to Records, for purposes of striking the Motion to Reset Trial to a Jury Trial filed August 26, 2019. sb;

CASE SUMMARY

CASE NO. A-14-700178-C

09/12/2019	CANCELED Arbitration Hearing (7:00 AM) <i>Vacated - per Order</i>
09/17/2019	 Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Motion to Withdraw as Attorney of Record (for Plaintiff)</i> Granted; Journal Entry Details: <i>Court provided the upcoming dates scheduled in this matter; and explained the administrative issues. Statements by Mr. Szyborski. There being no opposition by defense counsel, and there having been good cause shown, COURT ORDERED, Motion GRANTED. Mr. Callister to submit a proposed order to the Court. Mr. Dobbs waived the signing of the proposed order.;</i>
09/18/2019	 Minute Order (3:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Minute Order Re: Recusal</i> Minute Order - No Hearing Held; Journal Entry Details: <i>Although the Court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11(A) of the Nevada Code of Judicial Conduct, in order to avoid the appearance of impartiality as the Court could be viewed to have information relating to the circumstances of the matter or one of the parties. Thus, the Court recuses itself from the matter and requests that it be randomly reassigned in accordance with appropriate procedures. CLERK'S NOTE: This Minute Order was electronically served to all parties registered for Odyssey File & Serve. A copy of the above Minute Order was forwarded to District Court Clerk's Office Master Calendar, for purposes of reassignment. sb;</i>
09/20/2019	CANCELED Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - Superseding Order</i> <i>Motion to Withdraw as Attorney of Record</i>
09/26/2019	CANCELED Motion to Continue Trial (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - Inappropriate Documents Filed</i> <i>Motion to Reset Trial to A Jury Trial</i>
11/05/2019	 Motion (9:00 AM) (Judicial Officer: Atkin, Trevor) <i>Plaintiff's Motion to Reset Trial to a Jury Trial</i> Denied; Plaintiff's Motion to Reset Trial to a Jury Trial Journal Entry Details: <i>Following arguments, COURT FINDS motion is untimely and previously ruled on 9/16/19 for same motion under Rule 38(d). COURT ORDERED, Plaintiff's Motion to Reset Trial to a Jury Trial is DENIED. Colloquy. COURT ORDERED, Bench Trial RESET for an additional 90 days to allow Plaintiff sufficient time to prepare for trial, regardless of self-representation or if Plaintiff retains counsel to represent Plaintiff at trial. COURT FINDS Bench Trial to be set on or after 4/16/20 9:00 a.m. Status Check: Trial Readiness 4/21/20 8:30 a.m. Pretrial Conference 5/18/20 8:30 a.m. Calendar Call (Bench Trial Setting On or After 06/12/2020) 5/26/20 9:00 a.m. Bench Trial (On or After 06/12/2020);</i>
11/05/2019	CANCELED Opposition (9:00 AM) (Judicial Officer: Atkin, Trevor) <i>Vacated - On in Error</i> <i>Plaintiff's Limited Opposition to Motion to Withdraw as Attorney</i>
11/12/2019	 Motion to Stay (9:00 AM) (Judicial Officer: Atkin, Trevor) <i>Plaintiff's Motion to Stay Discovery</i> MINUTES Denied; Plaintiff's Motion to Stay Discovery Journal Entry Details: <i>Court STATED its understanding is Plaintiff needs counsel. Mr. Szyborski stated yes and that he needed time to review the Nevada Rules of Procedure. Mr. Szyborski advised he is mentally and physically disabled and has to depend on a companion. Mr. Szyborski requested 90 days so that he would not be prejudiced as this is a meritorious case. Ms. Buys advised they would not normally object to a stay when counsel has withdrawn, but this case has been going</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-14-700178-C

on since 2014. This was filed as a pro se complaint, it has gone up to the Supreme Court, sent back down, and gone to arbitration and throughout the entire time plaintiff, through plaintiff's counsel, has been delaying this matter while defense has diligently been trying to move it forward. There were late exemptions to remove it from arbitration, failure to do discovery during arbitration, and now plaintiff is claiming unrelated pre-dating disabilities are excluding him from engaging in litigation. Court NOTED this matter is set for a bench trial on April 20, 2020. The Court is not going to grant a stay of discovery, but will grant 60 days for the plaintiff to get ready. Statements by Mr. Szymborski and a request for a status check. COURT ORDERED, Trial date VACATED and RESET. COURT FURTHER ORDERED, Status Check: Trial Readiness, Pretrial Conference, and Calendar Call dates SET. Mr. Szymborski requested the minutes be mailed to him and verified his address and e-mail. 4/16/20 9:00 AM STATUS CHECK: TRIAL READINESS 4/21/20 8:30 AM PRETRIAL CONFERENCE 5/18/20 8:30 AM CALENDAR CALL 5/26/20 9:00 AM BENCH TRIAL CLERK'S NOTE: The above minute order has been distributed to: Lee E. Szymborski 4605 Black Stallion Avenue North Las Vegas, Nevada 89031 leeandassociates1@outlook.com CLERK'S NOTE: Minutes prepared by Michele Tucker, Courtroom Clerk after review of JAVS. /mlt ;

SCHEDULED HEARINGS

Status Check: Trial Readiness (04/16/2020 at 9:00 AM) (Judicial Officer: Atkin, Trevor)

Pre Trial Conference (04/21/2020 at 8:30 AM) (Judicial Officer: Atkin, Trevor)

Calendar Call (05/18/2020 at 8:30 AM) (Judicial Officer: Atkin, Trevor)

Calendar Call (Bench Trial Setting On or After 06/12/2020)

Bench Trial (05/26/2020 at 9:00 AM) (Judicial Officer: Atkin, Trevor)

Bench Trial (Setting On or After 06/12/2020)

04/16/2020 **Status Check: Trial Readiness** (9:00 AM) (Judicial Officer: Atkin, Trevor)

04/21/2020 **Pre Trial Conference** (8:30 AM) (Judicial Officer: Atkin, Trevor)

05/18/2020 **Calendar Call** (8:30 AM) (Judicial Officer: Atkin, Trevor)
Calendar Call (Bench Trial Setting On or After 06/12/2020)

05/26/2020 **Bench Trial** (9:00 AM) (Judicial Officer: Atkin, Trevor)
Bench Trial (Setting On or After 06/12/2020)

DATE

FINANCIAL INFORMATION

Defendant Dubroca, Darryl

Total Charges 223.00

Total Payments and Credits 223.00

Balance Due as of 12/16/2019 0.00

Defendant Spring Mountain Treatment Center

Total Charges 223.00

Total Payments and Credits 223.00

Balance Due as of 12/16/2019 0.00

Plaintiff Szymborski, Lee E

Total Charges 270.00

Total Payments and Credits 270.00

Balance Due as of 12/16/2019 0.00



CIVIL COVER SHEET

County, Nevada

Case No. _____
(Assigned by Clerk's Office)

A-14-700178-C
XXXI

29

I. Party Information

Plaintiff(s) (name/address/phone):

Attorney (name/address/phone):

Lee Symborski

Defendant(s) (name/address/phone):

Attorney (name/address/phone):

Spring Mountain Treatment Center
Darryl Dubroca
ROE Corporations LXX inclusive

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

Civil Cases

Real Property

- ☐ Landlord/Tenant
 - ☐ Unlawful Detainer
- ☐ Title to Property
 - ☐ Foreclosure
 - ☐ Liens
 - ☐ Quiet Title
 - ☐ Specific Performance
- ☐ Condemnation/Eminent Domain
- ☐ Other Real Property
 - ☐ Partition
 - ☐ Planning/Zoning

Negligence

- ☐ Negligence - Auto
- ☒ Negligence - Medical/Dental
- ☐ Negligence - Premises Liability (Slip/Fall)
- ☒ Negligence - Other (LS)

Torts

- ☐ Product Liability
 - ☐ Product Liability/Motor Vehicle
 - ☐ Other Torts/Product Liability
- ☐ Intentional Misconduct
 - ☐ Torts/Defamation (Libel/Slander)
 - ☐ Interfere with Contract Rights
- ☐ Employment Torts (Wrongful termination)
- ☐ Other Torts
 - ☐ Anti-trust
 - ☐ Fraud/Misrepresentation
 - ☐ Insurance
 - ☒ Legal Tort (LS)
 - ☐ Unfair Competition

Probate

- Estimated Estate Value: _____
- ☐ Summary Administration
 - ☐ General Administration
 - ☐ Special Administration
 - ☐ Set Aside Estates
 - ☐ Trust/Conservatorships
 - ☐ Individual Trustee
 - ☐ Corporate Trustee
 - ☐ Other Probate

Other Civil Filing Types

- ☐ Construction Defect
 - ☐ Chapter 40
 - ☐ General
- ☐ Breach of Contract
 - ☐ Building & Construction
 - ☐ Insurance Carrier
 - ☐ Commercial Instrument
 - ☐ Other Contracts/Act/Judgment
 - ☐ Collection of Actions
 - ☐ Employment Contract
 - ☐ Guarantee
 - ☐ Sale Contract
 - ☐ Uniform Commercial Code
- ☐ Civil Petition for Judicial Review
 - ☐ Foreclosure Mediation
 - ☐ Other Administrative Law
 - ☐ Department of Motor Vehicles
 - ☐ Worker's Compensation Appeal
- ☐ Appeal from Lower Court (also check applicable civil case box)
 - ☐ Transfer from Justice Court
 - ☐ Justice Court Civil Appeal
- ☐ Civil Writ
 - ☐ Other Special Proceeding
- ☐ Other Civil Filing
 - ☐ Compromise of Minor's Claim
 - ☐ Conversion of Property
 - ☒ Damage to Property (LS)
 - ☐ Employment Security
 - ☐ Enforcement of Judgment
 - ☒ Foreign Judgment - Civil (LS)
 - ☒ Other Personal Property (LS)
 - ☐ Recovery of Property
 - ☐ Stockholder Suit
 - ☒ Other Civil Matters (LS)

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- ☐ NRS Chapters 78-88
- ☐ Commodities (NRS 90)
- ☐ Securities (NRS 90)
- ☐ Investments (NRS 104 Art. 8)
- ☐ Deceptive Trade Practices (NRS 598)
- ☐ Trademarks (NRS 600A)
- ☒ Enhanced Case Mgmt/Business
- ☐ Other Business Court Matters

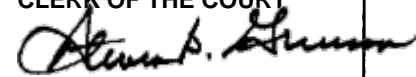
Date

Signature of Initiating party or representative

See other side for family-related case filings

CLERK OF THE COURT

RECEIVED
MAY 02 2014



ORDR

TYSON DOBBS, ESQ.
Nevada Bar No. 11953
T. CHARLOTTE BUYS, ESQ.
Nevada Bar No. 14845
VANESSA TURLEY, ESQ.
Nevada Bar No. 14635
HALL PRANGLE & SCHOONVELD, LLC
1140 N. Town Center Dr., Ste. 350
Las Vegas, NV 89144
Phone: (702) 889-6400
Facsimile: (702) 384-6025
efile@hpslaw.com
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

LEE E. SZYMBORSKI,

Plaintiff,

vs.

SPRING MOUNTAIN TREATMENT
CENTER, DOES I-XX, inclusive, and ROE
CORPORATIONS I-XX, inclusive,

Defendants.

CASE NO.: A-14-700178-C
DEPT. NO.: VIII

**ORDER DENYING PLAINTIFF'S
MOTION TO STAY DISCOVERY**

**Hearing Date: November 12, 2019
Hearing Time: 9:00 a.m.**

Plaintiff, LEE SZYMBORSKI, filed a Motion to Stay Discovery on October 9, 2019. Defendant, SPRING MOUNTAIN TREATMENT CENTER, subsequently filed an Opposition on October 28, 2019. On November 5, 2019, the Court heard oral argument from all parties. Plaintiff appeared on his own behalf. T. Charlotte Buys, Esq. of HALL PRANGLE & SCHOONVELD, appeared on behalf of the Defendant.

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

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the Plaintiff's Motion to Stay Discovery is DENIED.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the bench trial in
2 this matter, which had been previously set for April 20, 2020, at 9:00 AM has been continued 60
3 days.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the non-jury, bench
5 trial in this matter is set on a five-week trial stack to begin on **May 26, 2020, at 9:00 AM in**
6 **Department VIII.**

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the Pre-Trial/Trial
8 setting conference previously set for March 21, 2020, will now be held on **April 21, 2020, at**
9 **8:30 AM.**

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the Calendar Call/
11 Final Trial Setting conference previously set for April 14, 2020, will now be held on **May 18,**
12 **2020, at 8:30 AM.**

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that all other discovery
14 deadlines as set forth in Amended Scheduling Order and Order Setting Civil Non-Jury Trial
15 issued on August 15, 2019, by Judge Joanna Kishner, shall remain the same.

16 **IT IS SO ORDERED.**

17 DATED this 13 day of November, 2019.

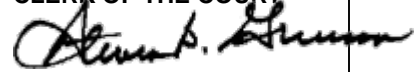
18
19 

DISTRICT COURT JUDGE

20 Respectfully Submitted By:
21 HALL PRANGLE & SCHOONVELD, LLC

22 

23 TYSON DOBBS, ESQ.
Nevada Bar No. 11953
24 T. CHARLOTTE BUYS, ESQ.
Nevada Bar No. 14845
25 VANESSA TURLEY, ESQ.
Nevada Bar No. 14635
26 1140 N. Town Center Dr., Ste. 350
27 Las Vegas, NV 89144
28 *Attorneys for Defendant*
Spring Mountain Treatment Center



NEO
TYSON J. DOBBS, ESQ.
Nevada Bar No. 11953
T. CHARLOTTE BUYS, ESQ.
Nevada Bar No. 14845
VANESSA TURLEY, ESQ.
Nevada Bar No. 14635
HALL PRANGLE & SCHOONVELD, LLC
1140 N. Town Center Dr., Ste. 350
Las Vegas, NV 89144
(702) 889-6400 – Office
(702) 384-6025 – Facsimile
Email: efile@hpslaw.com
Attorneys for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LEE E. SZYMBORSKI,

Plaintiff,

vs.

SPRING MOUNTAIN TREATMENT
CENTER, DOES I-XX, inclusive, and ROE
CORPORATIONS I-XX, inclusive,

Defendants.

CASE NO.: A-14-700178-C
DEPT. NO.: VIII

**NOTICE OF ENTRY OF ORDER
DENYING PLAINTIFF'S MOTION TO
STAY DISCOVERY**

PLEASE TAKE NOTICE that an Order Denying Plaintiff's Motion to Stay Discovery was entered in the above-entitled Court on the 13th day of November, 2019, a copy of which is attached hereto.

DATED this 19th day of November, 2019.

HALL PRANGLE & SCHOONVELD, LLC

By: /s/ T. Charlotte Buys
TYSON J. DOBBS, ESQ.
Nevada Bar No. 11953
T. CHARLOTTE BUYS, ESQ.
Nevada Bar No. 14845
VANESSA TURLEY, ESQ.
Nevada Bar No. 14635
1140 N. Town Center Dr., Ste. 350
Las Vegas, NV 89144
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 19th day of November, 2019, I served a true and correct copy of the foregoing

NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO STAY

DISCOVERY as follows:

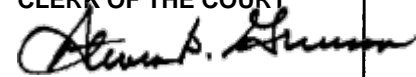
_____ the E-Service Master List for the above referenced matter in the Eighth Judicial District Court e-filing System in accordance with the electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules;

 X U.S. Mail, first class postage pre-paid to the following parties at their last known address;

_____ Receipt of Copy at their last known address:

Lee Edward Szymborski
4605 Black Stallion Avenue
North Las Vegas, NV 89031
Plaintiff

/s/ Reina Claus
An employee of HALL PRANGLE & SCHOONVELD, LLC



ORDR

TYSON DOBBS, ESQ.
Nevada Bar No. 11953
T. CHARLOTTE BUYS, ESQ.
Nevada Bar No. 14845
VANESSA TURLEY, ESQ.
Nevada Bar No. 14635
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Las Vegas, NV 89144
Phone: (702) 889-6400
Facsimile: (702) 384-6025
efile@hpslaw.com
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

LEE E. SZYMBORSKI,

Plaintiff,

vs.

SPRING MOUNTAIN TREATMENT
CENTER, DOES I-XX, inclusive, and ROE
CORPORATIONS I-XX, inclusive,

Defendants.

CASE NO.: A-14-700178-C
DEPT. NO.: VIII

**ORDER DENYING PLAINTIFF'S
MOTION TO STAY DISCOVERY**

**Hearing Date: November 12, 2019
Hearing Time: 9:00 a.m.**

Plaintiff, LEE SZYMBORSKI, filed a Motion to Stay Discovery on October 9, 2019. Defendant, SPRING MOUNTAIN TREATMENT CENTER, subsequently filed an Opposition on October 28, 2019. On November 5, 2019, the Court heard oral argument from all parties. Plaintiff appeared on his own behalf. T. Charlotte Buys, Esq. of HALL PRANGLE & SCHOONVELD, appeared on behalf of the Defendant.

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

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the Plaintiff's Motion to Stay Discovery is DENIED.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the bench trial in
2 this matter, which had been previously set for April 20, 2020, at 9:00 AM has been continued 60
3 days.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the non-jury, bench
5 trial in this matter is set on a five-week trial stack to begin on **May 26, 2020, at 9:00 AM in**
6 **Department VIII.**

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the Pre-Trial/Trial
8 setting conference previously set for March 21, 2020, will now be held on **April 21, 2020, at**
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10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the Calendar Call/
11 Final Trial Setting conference previously set for April 14, 2020, will now be held on **May 18,**
12 **2020, at 8:30 AM.**

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that all other discovery
14 deadlines as set forth in Amended Scheduling Order and Order Setting Civil Non-Jury Trial
15 issued on August 15, 2019, by Judge Joanna Kishner, shall remain the same.

16 **IT IS SO ORDERED.**

17 DATED this 13 day of November, 2019.

18
19 

DISTRICT COURT JUDGE

20 Respectfully Submitted By:
21 HALL PRANGLE & SCHOONVELD, LLC

22 

23 TYSON DOBBS, ESQ.
Nevada Bar No. 11953
24 T. CHARLOTTE BUYS, ESQ.
Nevada Bar No. 14845
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27 Las Vegas, NV 89144
28 *Attorneys for Defendant*
Spring Mountain Treatment Center

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

June 24, 2014

A-14-700178-C Lee Szymborski, Plaintiff(s)
vs.
Spring Mountain Treatment Center, Defendant(s)

June 24, 2014

9:30 AM

All Pending Motions

HEARD BY: Bonaventure, Joseph T.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Doyle, Kerry J. Attorney
 Szymborski, Lee E Plaintiff

JOURNAL ENTRIES

- DEFENDANT SPRING MOUNTAIN TREATMENT CENTER'S MOTION TO DISMISS...DARRYL DUBROCA'S JOINDER TO SPRING MOUNTAIN TREATMENT CENTER'S MOTION TO DISMISS

Mr. Doyle states he was not served with opposition, happened to notice opposition online late yesterday. Court noted to Mr. Szymborski documents must be properly served. Mr. Doyle argued medical malpractice claim, no affidavit. Mr. Szymborski argued this is an action of negligence, has nothing to do with medical malpractice. Further arguments by Mr. Szymborski. Court stated its findings and ORDERED, Defendant Spring Mountain Treatment Center's Motion to Dismiss and the Joinder thereto are GRANTED; both Spring Mountain Treatment Center and Darryl Dubroca are Dismissed. Mr. Doyle to prepare the order, circulating to Plaintiff. Matter SET for Status Check regarding receipt of proposed order.

7/11/14 STATUS CHECK: ORDER (CHAMBERS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

September 19, 2014

A-14-700178-C Lee Szymborski, Plaintiff(s)
vs.
Spring Mountain Treatment Center, Defendant(s)

**September 19, 2014 3:00 AM Motion For
Reconsideration**

HEARD BY: Kishner, Joanna S.

COURTROOM: No Location

COURT CLERK: Shelly Landwehr

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court NOTED a Decision and Order has been filed, denying the motion.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 03, 2015

A-14-700178-C Lee Szymborski, Plaintiff(s)
vs.
Spring Mountain Treatment Center, Defendant(s)

**February 03, 2015 1:00 PM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 10D

COURT CLERK: Alice Jacobson
Tena Jolley
Treva Palmer
Michelle Jones
Keri Cromer

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Judicial Executive Assistant, Tatyana Ristic, advised this should be an inactive case, yet the Department closed it. COURT ORDERED, case status to be changed to INACTIVE.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

August 01, 2016

A-14-700178-C Lee Szymborski, Plaintiff(s)
vs.
Spring Mountain Treatment Center, Defendant(s)

**August 01, 2016 8:30 AM Status Check:
Medical/Dental
Malpractice**

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

COURT CLERK: Alice Jacobson
Kory Schlitz
Olivia Black

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Judicial Executive Assistant, Tatyana Ristic advised this case is on appeal. COURT ORDERED, case REOPENED and status to be changed to INACTIVE.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence**COURT MINUTES****January 11, 2018**

A-14-700178-C Lee Szymborski, Plaintiff(s)
 vs.
 Spring Mountain Treatment Center, Defendant(s)

January 11, 2018 9:00 AM Hearing

HEARD BY: Kishner, Joanna S.**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Louisa Garcia**RECORDER:** Sandra Harrell**REPORTER:****PARTIES**

PRESENT:	Bisson, Mitchell	Attorney
	Callister, Matthew Q	Attorney
	Dobbs, Tyson J.	Attorney
	Szymborski, Lee E	Plaintiff

JOURNAL ENTRIES

- Mr. Bisson appeared on behalf of Mr. Szymborski and stated he just spoke with Mr. Callister and was informed they were coming in on the case. Court did not see a Notice of Appearance. Mr. Bisson stated they have not officially filed the notice; however, it was discussed last night that he attend today s hearing. Mr. Dobbs had no objection. Upon Court s inquiry, Mr. Szymborski requested that counsel speak on his behalf even though a Notice of Appearance had not been filed. Court advised it has a waiver from both sides. COURT ORDERED, case REOPENED, effective today. Colloquy regarding scheduling. Mr. Dobbs indicated the professional negligence claim was dismissed. Mr. Callister, Esq., appeared later in the hearing and Court explained what occurred in the proceeding. Court advised due to the negligence claims being dismissed this was not a medical malpractice case which means counsel need to file a Joint Case Conference Report (JCCR) to get a scheduling order. Court noted this was a 2014 case. Mr. Dobbs stated this was a 12(b)(5) motion initially and they need to answer. COURT ORDERED, answer/response due within twenty (20) days and then parties can proceed in the ordinary course.

March 06, 2018

June 24, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

August 21, 2018

A-14-700178-C Lee Szymborski, Plaintiff(s)
vs.
Spring Mountain Treatment Center, Defendant(s)

August 21, 2018 9:30 AM Motion to Dismiss

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Callister, Matthew Q Attorney
Dobbs, Tyson J. Attorney
Szymborski, Lee E Plaintiff

JOURNAL ENTRIES

- Court noted it received a Media Request late yesterday and inquired if there was any objection by the parties. There being no objection, Order SIGNED IN OPEN COURT.

The Court then addressed Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint, stating its inclination and allowed argument by counsel. Following arguments by Mr. Dobbs and Mr. Callister, COURT ORDERED, Motion GRANTED IN PART and DENIED IN PART; GRANTED as to Punitive Damages and Negligent Hiring; DENIED as to Negligence; and GRANTED WITH LEAVE TO AMEND as to Negligence Per Se, Negligent Supervision and Negligent Training. Amended pleading DUE three weeks from Notice of Entry of Order. Mr. Dobbs to prepare the Order in accordance with EDCR 7.21.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

August 06, 2019

A-14-700178-C Lee Szymborski, Plaintiff(s)
vs.
Spring Mountain Treatment Center, Defendant(s)

**August 06, 2019 10:30 AM Mandatory Rule 16
Conference**

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Bisson, Mitchell Attorney
 Dobbs, Tyson J. Attorney

JOURNAL ENTRIES

- Court addressed the Joint Case Conference Report filed July 23, 2019. Court gave a friendly reminder to the parties about courtesy copies of pleadings being required to be provided to the Court. Court noted the parties had decided to exempt this matter from arbitration proceedings, and this case was supposed to be tried long ago. Discussions as to status of medical releases, and whether having a settlement conference done in this matter would be appropriate. Estimate was 4-5 days for a bench trial. Court adopted the proposed discovery deadlines provided in the Joint Case Conference Report. COURT ORDERED, bench trial date SET on the Court's trial stack in April, 2020. New trial order and scheduling order to issue from Chambers. FURTHER, Motions in limine are due February 24, 2020. Matter SET for status check.

1/16/20 9:00 A.M. STATUS CHECK: TRIAL READINESS

3/19/20 10:15 A.M. PRE-TRIAL CONFERENCE

4/14/20 9:00 A.M. CALENDAR CALL

4/20/20 9:00 A.M. BENCH TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

September 04, 2019

A-14-700178-C Lee Szymborski, Plaintiff(s)
vs.
Spring Mountain Treatment Center, Defendant(s)

September 04, 2019 3:00 AM Minute Order

HEARD BY: Kishner, Joanna S.

COURTROOM: Chambers

COURT CLERK: Susan Botzenhart

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- On August 26, 2019, a document entitled, "Motion to Reset Trial to a Jury Trial" was filed by Plaintiff, Lee Edward Szymborski in proper person. As the Plaintiff is represented by counsel Matthew Callister Esq., Plaintiff, pursuant to the rules, cannot file pleadings on his own behalf. Thus, the document is a rogue pleading. Therefore, the Motion to Reset Trial to a Jury Trial, filed on August 26, 2019, is hereby STRICKEN from the record and the hearing scheduled for September 26, 2019, at 9:00 a.m. is hereby VACATED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk Susan Botzenhart, to all parties registered for Odyssey File & Serve. sb

CLERK'S NOTE: A copy of the above Minute Order was forwarded to Records, for purposes of striking the Motion to Reset Trial to a Jury Trial filed August 26, 2019. sb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

September 17, 2019

A-14-700178-C Lee Szymborski, Plaintiff(s)
vs.
Spring Mountain Treatment Center, Defendant(s)

**September 17, 2019 9:00 AM Motion to Withdraw as
Counsel**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Callister, Matthew Q Attorney
Dobbs, Tyson J. Attorney
Szymborski, Lee E Plaintiff

JOURNAL ENTRIES

- Court provided the upcoming dates scheduled in this matter; and explained the administrative issues. Statements by Mr. Szymborski. There being no opposition by defense counsel, and there having been good cause shown, COURT ORDERED, Motion GRANTED. Mr. Callister to submit a proposed order to the Court. Mr. Dobbs waived the signing of the proposed order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

September 18, 2019

A-14-700178-C Lee Szymborski, Plaintiff(s)
vs.
Spring Mountain Treatment Center, Defendant(s)

September 18, 2019 3:00 AM Minute Order

HEARD BY: Kishner, Joanna S.

COURTROOM: Chambers

COURT CLERK: Susan Botzenhart

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Although the Court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11(A) of the Nevada Code of Judicial Conduct, in order to avoid the appearance of impartiality as the Court could be viewed to have information relating to the circumstances of the matter or one of the parties. Thus, the Court recuses itself from the matter and requests that it be randomly reassigned in accordance with appropriate procedures.

CLERK'S NOTE: This Minute Order was electronically served to all parties registered for Odyssey File & Serve. A copy of the above Minute Order was forwarded to District Court Clerk's Office Master Calendar, for purposes of reassignment. sb

November 05, 2019

PRINT DATE: 12/16/2019 Page 13 of 15 Minutes Date: June 24, 2014

November 12, 2019

PRINT DATE: 12/16/2019 Page 14 of 15 Minutes Date: June 24, 2014

requested the minutes be mailed to him and verified his address and e-mail.

4/16/20 9:00 AM STATUS CHECK: TRIAL READINESS

4/21/20 8:30 AM PRETRIAL CONFERENCE

5/18/20 8:30 AM CALENDAR CALL

5/26/20 9:00 AM BENCH TRIAL

CLERK'S NOTE: The above minute order has been distributed to:

Lee E. Szymborski
4605 Black Stallion Avenue
North Las Vegas, Nevada 89031
leeandassociates1@outlook.com

CLERK'S NOTE: Minutes prepared by Michele Tucker, Courtroom Clerk after review of JAVS. /mlt



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

LEE E. SZYMBORSKI
4605 BLACK STALLION AVE.
NORTH LAS VEGAS, NV 89031

DATE: December 16, 2019
CASE: A-14-700178-C

RE CASE: LEE E. SZYMBORSKI vs. SPRING MOUNTAIN TREATMENT CENTER

NOTICE OF APPEAL FILED: December 11, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S MOTION TO STAY
DISCOVERY; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO STAY
DISCOVERY DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

LEE E. SZYMBORSKI,

Plaintiff(s),

vs.

SPRING MOUNTAIN TREATMENT
CENTER,

Defendant(s),

Case No: A-14-700178-C

Dept No: VIII

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 16 day of December 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk