

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  
Jan 09 2020 10:45 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**

RECEIVED

DEC 11 2019

PLEADING TITLE - 1

1  
2  
3 **NOW COMES** Lee Edward Szymborski, Plaintiff. Notice is hereby

4 Given that Plaintiff in proper person hereby appeals to the Supreme

5  
6 Court of Nevada from THE NOTICE OF ENTRY OF ORDER

7 DENYING PLAINTIFF'S MOTION TO RESET TRIAL TO A JURY

8  
9 TRIAL DATED NOVEMBER 19, 2019 pursuant to N.R.C.P. RULE

10 3.A(6) "An order changing or refusing to change the place of trial only

11 when a notice of appeal from the order is filed within 30 days"

12  
13 The order was filed on November 13, 2019. This is a timely appeal.

14 Further, the ORDER denying Plaintiff's Motion for a Jury Trial at

15  
16 minimum violates N.R.C.P. RULE 1. SCOPE AND APPLICATION OF

17 RULES "the literal application of a rule would work hardship or

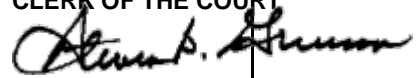
18  
19 injustice to a particular situation."

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21  
22 The ORDER clearly violates Federal Law pursuant to the regulations of

23  
24 Title 11 of The Americans with Disabilities Act (ADA).

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3 Respectfully Submitted,

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5 Lee E. Szymborski, Plaintiff 12/07/2019  
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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),  
14  
15

Case No: A-14-700178-C

Dept No: VIII

16  
17 **CASE APPEAL STATEMENT**

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

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

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

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

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

7 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, December 23, 2019

8 \*\*Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: N/A

10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: May 2, 2014

12 10. Brief Description of the Nature of the Action: NEGLIGENCE - Medical/Dental

13 Type of Judgment or Order Being Appealed: Misc. Order

14 11. Previous Appeal: Yes

15 Supreme Court Docket Number(s): 66398, 80243

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 3 day of January 2020.

19 Steven D. Grierson, Clerk of the Court

20 /s/ Amanda Hampton

21 Amanda Hampton, Deputy Clerk

22 200 Lewis Ave

23 PO Box 551601

24 Las Vegas, Nevada 89155-1601

25 (702) 671-0512

26 cc: Lee E. Szymborski

**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****80243****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 to Proceed In Forma Pauperis

Granted for: 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

# CASE SUMMARY

CASE NO. A-14-700178-C

	Filed By: Plaintiff Szymborski, Lee E <i>Notice of Motion on Motion for Reconsideration, or in the Alternative, Motion to Set Aside</i>
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 <i>Spring Mountain Treatment Center and Darryl Dubroca's Opposition to Plaintiff's Motion for Reconsideration or in the Alternative, Motion to Set Aside</i>
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 <i>Order Denying Plaintiff's Motion for Reconsideration, or in the Alternative, Motion to Set Aside</i>
03/24/2015	 Request Filed by: Plaintiff Szymborski, Lee E <i>Request for Transcript(s) of Proceedings</i>
03/25/2015	 Statement of Legal Aid Representation and Fee Waiver For: Plaintiff Szymborski, Lee E <i>Statement of Legal Aid Representation</i>
04/13/2015	 Transcript of Proceedings <i>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</i>
04/13/2015	 Transcript of Proceedings <i>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</i>
11/27/2017	 NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed in Part, Reversed in Part and Remand</i>
12/13/2017	 Notice of Hearing <i>Notice of Hearing</i>
01/29/2018	 Notice of Appearance <i>Notice Of Appearance Of Counsel</i>



# 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

## CASE SUMMARY

CASE NO. A-14-700178-C

Filed by: Defendant Spring Mountain Treatment Center  
*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

*Media Request And Order Allowing Camera Access To Court Proceedings*

10/01/2018



Order

*Order Granting in Part and Denying in Part Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint*

10/03/2018



Notice of Entry

Filed By: Defendant Spring Mountain Treatment Center  
*Notice of Entry of Order*

10/08/2018



Third Amended Complaint

*Third Amended Complaint*

10/22/2018



Answer to Amended Complaint

Filed By: Defendant Spring Mountain Treatment Center  
*Defendants Spring Mountain Treatment Center's Answer to Plaintiff's Third Amended Complaint*

12/12/2018



Appointment of Arbitrator

*Appointment of Arbitrator*

12/21/2018



Notice of Early Arbitration Conference

Filed By: Arbitrator Peterson, Jessica K., ESQ  
*Notice of Early Arbitration Conference*

01/03/2019



Arbitration Discovery Order

Filed By: Arbitrator Peterson, Jessica K., ESQ  
*Arbitration Discovery Order*

05/14/2019



Motion to Compel

Filed By: Defendant Spring Mountain Treatment Center  
*Defendant Spring Mountain Treatment Center's Motion to Compel Discovery and For Sanctions*

05/17/2019



Arbitration Discovery Order

Filed By: Arbitrator Peterson, Jessica K., ESQ  
*Amended Arbitration Discovery Order and Order Regarding Plaintiff's Motion to Compel*

05/17/2019



Notice to Appear for Arbitration Hearing

Filed by: Arbitrator Peterson, Jessica K., ESQ  
*Amended Notice to Appear for Arbitration Hearing*

05/28/2019



Request for Exemption From Arbitration

Filed by: Plaintiff Szymborski, Lee E  
*Plaintiff's Request for Exemption from Arbitration*

06/04/2019








Opposition to Request for Exemption

Filed by: Defendant Spring Mountain Treatment Center  
*Defendant Spring Mountain Treatment Center's Opposition to Request From Exemption from*

# CASE SUMMARY

CASE NO. A-14-700178-C

## Arbitration

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

# CASE SUMMARY









CASE NO. A-14-700178-C

## Certificate of Service

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>

# CASE SUMMARY

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12/11/2019	 Application to Proceed in Forma Pauperis
12/16/2019	 Case Appeal Statement Filed By: Plaintiff Szymborski, Lee E <i>Case Appeal Statement</i>
12/23/2019	 Order to Proceed In Forma Pauperis Granted for: Plaintiff Szymborski, Lee E <i>Order to Proceed In Forma Pauperis</i>
12/30/2019	 Motion Filed By: Plaintiff Szymborski, Lee E <i>Notice of Emergency Motion for Stay of District Court Proceedings</i>
12/30/2019	 Affidavit of Service Filed By: Plaintiff Szymborski, Lee E <i>Affidavit of Service</i>
12/30/2019	 Request Filed by: Plaintiff Szymborski, Lee E <i>Request for All Transcripts Motion to Stay Discovery</i>
12/30/2019	 Motion Filed By: Plaintiff Szymborski, Lee E <i>Motion to Reset Trial to Jury Trial Demand for A Jury Trial</i>
01/03/2020	 Case Appeal Statement Filed By: Plaintiff Szymborski, Lee E <i>Case Appeal Statement</i>
<b><u>DISPOSITIONS</u></b>	
07/23/2014	<b>Order of Dismissal With Prejudice</b> (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	<b>Order of Dismissal With Prejudice</b> (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	<b>Order of Dismissal Without Prejudice</b> (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	<b>Order of Dismissal With Prejudice</b> (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	<b>Order of Dismissal</b> (Judicial Officer: Kishner, Joanna S.) Debtors: Lee E Szymborski (Plaintiff) Creditors: Spring Mountain Treatment Center (Defendant) Judgment: 10/01/2018, Docketed: 10/02/2018

# CASE SUMMARY

CASE NO. A-14-700178-C

Comment: Certain Claims

## HEARINGS

06/24/2014	<b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Defendant Spring Mountain Treatment Center's Motion to Dismiss</i> Granted;
06/24/2014	<b>Joinder</b> (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Darryl Dubroca's Joinder to Spring Mountain Treatment Center's Motion to Dismiss</i> Granted;
06/24/2014	 <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.) Matter Heard; Journal Entry Details: <i>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. Szyborski documents must be properly served. Mr. Doyle argued medical malpractice claim, no affidavit. Mr. Szyborski argued this is an action of negligence, has nothing to do with medical malpractice. Further arguments by Mr. Szyborski. 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) ;</i>
07/11/2014	<b>CANCELED Status Check</b> (3:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated - per Judge</i> <i>Status Check: Order 6/24/14</i>
08/12/2014	<b>CANCELED Status Check: Medical/Dental Malpractice</b> (1:00 PM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated - Case Closed</i>
09/12/2014	 <b>Motion For Reconsideration</b> (3:00 AM) (Judicial Officer: Kishner, Joanna S.) <b>09/12/2014, 09/19/2014</b> Events: 08/07/2014 Notice of Motion <i>Plaintiff's Motion for Reconsideration, or in the Alternative, Motion to Set Aside</i> Continued; Denied; Journal Entry Details: <i>Court NOTED a Decision and Order has been filed, denying the motion.;</i> Continued; Denied;
02/03/2015	 <b>Status Check: Medical/Dental Malpractice</b> (1:00 PM) (Judicial Officer: Wiese, Jerry A.) Matter Heard; Journal Entry Details: <i>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.;</i>
08/01/2016	 <b>Status Check: Medical/Dental Malpractice</b> (8:30 AM) (Judicial Officer: Wiese, Jerry A.) Matter Heard; Journal Entry Details: <i>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.;</i>



# CASE SUMMARY

CASE NO. A-14-700178-C

01/11/2018



**Hearing (9:00 AM)** (Judicial Officer: Kishner, Joanna S.)

Matter Heard;

Journal Entry Details:

*Mr. Bisson appeared on behalf of Mr. Szyborski 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. Szyborski 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 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*



**CASE SUMMARY****CASE NO. A-14-700178-C**

*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 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;*

09/12/2019

**CANCELED Arbitration Hearing** (7:00 AM)

*Vacated - per Order*

09/17/2019



**Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

*Motion to Withdraw as Attorney of Record (for Plaintiff)*

Granted;

Journal Entry Details:

*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.;*

09/18/2019



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

*Minute Order Re: Recusal*

Minute Order - No Hearing Held;

Journal Entry Details:

*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;*

09/20/2019

**CANCELED Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)

*Vacated - Superseding Order*

*Motion to Withdraw as Attorney of Record*

09/26/2019

**CANCELED Motion to Continue Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

*Vacated - Inappropriate Documents Filed*

*Motion to Reset Trial to A Jury Trial*

# CASE SUMMARY

CASE NO. A-14-700178-C

11/05/2019



**Motion** (9:00 AM) (Judicial Officer: Atkin, Trevor)

*Plaintiff's Motion to Reset Trial to a Jury Trial*

Denied; Plaintiff's Motion to Reset Trial to a Jury Trial

Journal Entry Details:

*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);*

11/05/2019

**CANCELED Opposition** (9:00 AM) (Judicial Officer: Atkin, Trevor)

*Vacated - On in Error*

*Plaintiff's Limited Opposition to Motion to Withdraw as Attorney*

11/12/2019



**Motion to Stay** (9:00 AM) (Judicial Officer: Atkin, Trevor)

*Plaintiff's Motion to Stay Discovery*

## MINUTES

Denied; Plaintiff's Motion to Stay Discovery

Journal Entry Details:

*Court STATED its understanding is Plaintiff needs counsel. Mr. Szymborski stated yes and that he needed time to review the Nevada Rules of Procedure. Mr. Szymborski advised he is mentally and physically disabled and has to depend on a companion. Mr. Szymborski 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 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)*

**CASE SUMMARY****CASE NO. A-14-700178-C**

DATE

FINANCIAL INFORMATION

**Defendant** Dubroca, Darryl

Total Charges 223.00

Total Payments and Credits 223.00

**Balance Due as of 1/3/2020 0.00****Defendant** Spring Mountain Treatment Center

Total Charges 223.00

Total Payments and Credits 223.00

**Balance Due as of 1/3/2020 0.00****Plaintiff** Szymborski, Lee E

Total Charges 270.00

Total Payments and Credits 270.00

**Balance Due as of 1/3/2020 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

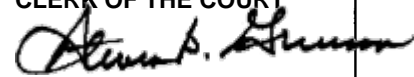
Signature of Initiating party or representative

See other side for family-related case filings

CLERK OF THE COURT

MAY 02 2014

RECEIVED



**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](mailto: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 RESET TRIAL TO A  
JURY TRIAL**

**Hearing Date: November 5, 2019  
Hearing Time: 9:00 a.m.**

Plaintiff, LEE SZYMBORSKI, filed a Motion to Reset Trial to a Jury Trial on July 18, 2018. Plaintiff filed an Opposition on September 23, 2018. Defendant, SPRING MOUNTAIN TREATMENT CENTER filed an Opposition on October 3, 2019. Plaintiff filed a Response to Opposition on October 18, 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.

Having considered all pleadings on file, argument of counsel, and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Plaintiff's Motion to Reset Trial to a Jury Trial is DENIED.

**IT IS SO ORDERED.**

DATED this 13 day of November, 2019.



DISTRICT COURT JUDGE

Respectfully Submitted By:

HALL PRANGLE & SCHOONVELD, LLC



TYSON DOBBS, ESQ.

Nevada Bar No. 11953

T. CHARLOTTE BUYS, ESQ.

Nevada Bar No. 14845

VANESSA TURLEY, ESQ.

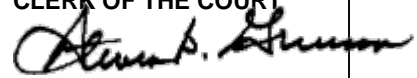
Nevada Bar No. 14635

1140 N. Town Center Dr., Ste. 350

Las Vegas, NV 89144

*Attorneys for Defendant*

*Spring Mountain Treatment Center*



NEO  
TYSON J. DOBBS, ESQ.  
Nevada Bar No. 11953  
T. CHARLOTTE BUYS, ESQ.  
Nevada Bar No. 14845  
VANESSA TURLEY, ESQ.  
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(702) 889-6400 – Office  
(702) 384-6025 – Facsimile  
Email: [efile@hpslaw.com](mailto: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  
RESET TRIAL TO A JURY TRIAL**

PLEASE TAKE NOTICE that an Order Denying Plaintiff's Motion to Reset Trial to a Jury Trial was entered in the above-entitled Court on the 13<sup>th</sup> day of November, 2019, a copy of which is attached hereto.

DATED this 19<sup>th</sup> 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 19<sup>th</sup> day of November, 2019, I served a true and correct copy of the foregoing

**NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO RESET**

**TRIAL TO A JURY TRIAL** 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;

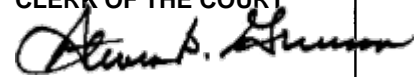
  X   U.S. Mail, first class postage pre-paid to the following parties at their last known  
address;

\_\_\_\_\_ 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  
HALL PRANGLE & SCHOONVELD, LLC  
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Phone: (702) 889-6400  
Facsimile: (702) 384-6025  
[efile@hpslaw.com](mailto: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 RESET TRIAL TO A  
JURY TRIAL**

**Hearing Date: November 5, 2019  
Hearing Time: 9:00 a.m.**

Plaintiff, LEE SZYMBORSKI, filed a Motion to Reset Trial to a Jury Trial on July 18, 2018. Plaintiff filed an Opposition on September 23, 2018. Defendant, SPRING MOUNTAIN TREATMENT CENTER filed an Opposition on October 3, 2019. Plaintiff filed a Response to Opposition on October 18, 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.

Having considered all pleadings on file, argument of counsel, and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Plaintiff's Motion to Reset Trial to a Jury Trial is DENIED.

**IT IS SO ORDERED.**

DATED this 13 day of November, 2019.



DISTRICT COURT JUDGE

Respectfully Submitted By:

HALL PRANGLE & SCHOONVELD, LLC



TYSON 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*

*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**

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

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<b>August 01, 2016</b>	<b>8:30 AM</b>	<b>Status Check: Medical/Dental Malpractice</b>
------------------------	----------------	---

**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**

<b>PRESENT:</b>	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.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****March 06, 2018**

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

**March 06, 2018      9:30 AM      Motion to Dismiss      Defendant's 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**

- 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 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.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 21, 2018**

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

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**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**

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

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**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**

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

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**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**

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

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**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**

<b>PRESENT:</b>	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**

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

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**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

June 24, 2014

November 12, 2019

PRINT DATE: 01/03/2020 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

# 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  
RESET TRIAL TO A JURY TRIAL; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S  
MOTION TO RESET TRIAL TO A JURY TRIAL; DISTRICT COURT MINUTES

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 3 day of January 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk