

IN THE SUPREME COURT OF THE STATE OF NEVADA

Marilee Brown, Marilou Brown,
Gregory J. Brown (for Beverly M.
Brown's Family),

Appellants,

vs.

St. Mary's Regional Medical Center;
Tammy Evans (erroneously named as
Tami Evans); Prem Reddy, M.D.,
Tanzeel Islam, M.D.; and Shridevi
Challapalli, M.D.

Respondents.

Case No.: 81434

District Court

Electronically Filed
Case No. 2000472
Jul 15 2020 02:27 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Second Judicial
District Court, the Honorable Kathleen
Drakulich Presiding

MOTION TO DISMISS APPEAL FOR LACK OF JURISDICTION

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Attorneys for Respondents

St. Mary's Regional Medical Center,

Tammy Evans (erroneously named as Tami Evans),

Prem Reddy, M.D., Tanzeel Islam, M.D. and Shridevi Challapalli, M.D.

1 **I. INTRODUCTION**

2 This is a proper person appeal from the District Court’s June 10, 2020 Order
3
4 granting Defendants Saint Mary’s Regional Medical Center, Tammy Evans
5 (erroneously named as Tami Evans), Prem Reddy, M.D., Tanzeel Islam, M.D. and
6 Sri Challapalli, M.D.’s (collectively “Saint Mary’s) Motion to Dismiss Plaintiffs’
7
8 Complaint for failure to comply with NRS 41A.071.¹ Plaintiffs’ March 3, 2020
9 Complaint, filed by nonlawyers Marilee Brown and Marilou Brown, stated that
10 their claims pursuant to NRS 41A and 41.085 for medical negligence and wrongful
11 death arising the Beverly M. Brown’s death on March 5, 2019 were being brought
12 by “Plaintiffs Marilee Brown, Marilou Brown (*and for Beverly M. Brown’s*
13 *family*), with Legal Power of Attorney as representatives [+ Heirs] of Beverly
14 Brown”.² Plaintiffs’ July 8, 2020 notice of appeal was signed by nonlawyers
15 Gregory J. Brown, Marilee Brown, and Marilou Brown and seeks review of the
16 district court’s June 10, 2020 Order.³ To the extent that Plaintiffs’ seek to
17 represent any other member of Beverly M. Brown’s family and/or her estate, their
18 notice of appeal is invalid because “no rule or statute permits a [nonlawyer] to
19 represent any other person. . . or any other entity in the district court or in this
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27 ¹ The District Court’s June 10, 2020 order granting Saint Mary’s Motion to Dismiss is attached
28 as **Exhibit 1**.

² Plaintiffs’ March 3, 2020 Complaint is attached as **Exhibit 2** (emphasis in original).

³ Plaintiffs’ June 26, 2020 notice of appeal is attached as **Exhibit 3**.

court.” *Salman v. Newell*, 110 Nev. 1333, 1335-36 (1994). Accordingly, Plaintiffs’ appeal should be dismissed because their notice of appeal is the product of the unauthorized practice of law, and thus fails to confer jurisdiction on this court. *See Guerin v. Guerin*, 116 Nev. 210, 214 (2000).

II. PROCEDURAL BACKGROUND

On March 3, 2020, Plaintiffs, “Marilee Brown, Marilou Brown (*and for Beverly M. Brown’s family*), with Legal Power of Attorney as representatives [and heirs] of Beverly Brown” filed a complaint against St. Mary’s Regional Medical Center, Tammy Evans (erroneously named as Tami Evans), Prem Reddy, M.D., Tanzeel Islam, M.D. and Sri Challapalli, M.D., asserting one cause of action pursuant to NRS 41, 41A, 41.085 and 41.130 alleging

“that Defendants did commit Medical Negligent actions to include Medicinal, Treatment, Judgment, protocol, Etc. Errors, against the Plaintiffs which led to the Wrongful Suffering and Death of their Mother, patient Beverly Morris (M.) Brown; to include but not limited to the fact that Defendants did commit Medical Negligent Actions, Errors that lead to the Detrimental Health, Suffering and Wrongful Death of their mother, patient Beverly (M.) Brown; And to include Breach of Duty, Medical Negligence/Malpractice, Causation of Human, Financial, Other Loss in these proceedings; Significant Emotional, Financial Distress; Et Al, to the Plaintiffs and their family, Subject to the jurisdiction of this Court.”⁴

⁴ See **Exhibit 2**, at pp.1:14-15, 14:22-15:5.

No affidavit of a medical expert was attached to Plaintiffs' Complaint as required by NRS 41A.071.

On March 26, 2020, St. Mary's filed a motion to dismiss Plaintiffs' Complaint on the grounds that their complaint was void ab initio and should be dismissed because it asserted claim(s) based on professional negligence and was filed without a medical expert affidavit as required by NRS 41A.071.⁵ In addition, Defendants also argued that Plaintiffs' Complaint should be dismissed because as nonlawyers, they were not permitted to file suit on behalf of another individual or entity, *i.e.*, "*Beverly M. Brown's family*" and/or as "representatives [+ heirs] of Beverly Brown."⁶ After full briefing, during which Plaintiffs sought to file an amended complaint⁷, the district court granted Defendants' Motion. The district court's June 10, 2020 Order found that because Plaintiffs' Complaint asserted claims grounded in professional negligence and they failed to attach an affidavit from a medical expert supporting those claims, the complaint was void ab initio, could not be amended, and needed to be dismissed under NRS 41A.071.⁸ The district court did not address Defendants' alternative argument that the complaint

⁵ Defendants' Motion to Dismiss Plaintiffs' Complaint is attached as **Exhibit 4**.

⁶ Defendants' Reply in Support of their Motion to Dismiss is attached as **Exhibit 5**.

⁷ Plaintiffs' Opposition to Defendants' Motion to Dismiss is attached as **Exhibit 6**.

⁸ See **Exhibit 1**.

needed to be dismissed because as nonlawyers, the Plaintiffs were not permitted to file suit on behalf of other individuals or entities.⁹

III. LEGAL ARGUMENT

A. Plaintiffs' Notice Of Appeal Is Invalid And Fails To Vest Jurisdiction In This Court.

Plaintiffs' appeal should be dismissed because Marilee Brown, Marilou Brown and Gregory Brown are not authorized to represent "Beverly M. Brown's family" and/or serve as "representatives" of Beverly Brown before this Court under Nevada law. NRS 7.285 provides that "[n]o person shall practice law in this state unless he is an active member of the State Bar of Nevada pursuant to the rules of the supreme court." See also SCR 77. Although a person is entitled to represent himself or herself in the district court, *see* SCR 44 ("[n]othing in these rules shall be so construed as to prevent any person from appearing in his own behalf in any court in this state except the supreme court"), "no rule or statute permits a [nonlawyer] to represent any other person, a company, a trust, or any other entity" in either the district court or this Court. *See Salman*, 110 Nev. at 1336.

Here, Plaintiffs have filed a notice of appeal seeking review of the district court's order dismissing their complaint, including claims which they filed on behalf of "Beverly M. Brown's family" and as "representatives" of Beverly

⁹ *Id.*

Brown. As Plaintiffs cannot represent any other person or entity in this Court, their notice of appeal is the product of the unauthorized practice of law and it fails to confer jurisdiction on this Court. Accordingly, Plaintiffs' appeal should be dismissed.

IV. CONCLUSION

For the foregoing reasons, Defendants respectfully request that this Court dismiss this appeal for lack of jurisdiction because no rule or statute authorizes Plaintiffs to represent any other person or entity in this Court.

Dated this 15 day of July, 2020.

HALL PRANGLE & SCHOONVELD, LLC

By: /s/ Michael E. Prangle

MICHAEL E. PRANGLE, ESQ.

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*Attorneys for Respondents St. Mary's Regional
Medical Center, Tammy Evans (erroneously
named as Tami Evans), Prem Reddy, M.D.,
Tanzeel Islam, M.D. and Sridevi Challapalli, M.D.*

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO DISMISS APPEAL FOR LACK OF JURISDICTION** was filed electronically with the Nevada Supreme Court on the 15th day of July, 2020.

I further certify that that I am an employee of HALL PRANGLE & SCHOONVELD, LLC, and that on the 15th day of July, 2020, I served a true and correct copy of the foregoing **MOTION TO DISMISS APPEAL FOR LACK OF JURISDICTION** via:

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

Marilee Brown	Edward J. Lemons, Esq.
Marilou Brown	Alice Campos Mercado, Esq.
45 Nives Court	Lemons, Grundy & Eisenberg
Sparks, NV 89441	6005 Plumas street, 3 rd Floor
<i>Plaintiff in Pro Per</i>	Reno, NV 89519
	<i>Attorneys for Defendant Mark McAllister, M.D.</i>

/s/Arla Clark
An employee of HALL PRANGLE & SCHOONVELD, LLC

EXHIBIT 1

MICHAEL E. PRANGLE, ESQ.
Nevada Bar No. 8619
RICHARD D. DEJONG, ESQ
Nevada Bar No. 15207
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St. Mary's Regional Medical Center,
Tammy Evans (erroneously named as Tami Evans),
Prem Reddy, M.D., Tanzeel Islam, M.D. and Sri Challapalli, M.D.

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

Marilee Brown, Marilou Brown (for Beverly
M. Brown's Family),

CASE NO. CV20-00422
DEPT NO. I

Plaintiffs,

vs.

NOTICE OF ENTRY OF ORDER

St. Mary's Regional Medical Center, Tami
Evans, Prem Reddy, M.D., Mark McAllister,
M.D., Tanzeel Islam, M.D., DOES I through
X inclusive; ROES Businesses I through X
inclusive,

Defendants.

PLEASE TAKE NOTICE that the Order Granting Defendants Saint Mary's Regional
Medical Center, Tammy Evans (erroneously named as Tami Evans) and Prem Reddy, M.D.'s
Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.071 filed March
26, 2020 was entered in the above entitled Court on the 8th day of June 2020.

A copy of the Order is attached hereto.

///

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///

HALL PRANGLE & SCHOONVELD, LLC
1140 NORTH TOWN CENTER DRIVE, STE. 350
LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned do hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 8th day of June, 2020.

HALL PRANGLE & SCHOONVELD, LLC

/s/ Richard D. De Jong
MICHAEL E. PRANGLE, ESQ.
Nevada Bar No. 8619
RICHARD D. DEJONG, ESQ
Nevada Bar No. 15207
1140 North Town Center Drive, Suite 350
Las Vegas, NV 89144
*Attorneys for Defendant St. Mary's Regional
Medical Center, Tammy Evans (erroneously named
as Tami Evans), Prem Reddy, M.D., Tanzeel Islam,
M.D. and Sri Challapalli, M.D.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 8th day of June, 2020, I served a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER via:

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

Marilee Brown	Edward J. Lemons, Esq.
Marilou Brown	Alice Campos Mercado, Esq.
45 Nives Court	Lemons, Grundy & Eisenberg
Sparks, NV 89441	6005 Plumas street, 3 rd Floor
<i>Plaintiff in Pro Per</i>	Reno, NV 89519
	<i>Attorneys for Defendant Mark McAllister, M.D.</i>

/s/ Arla Clark
An employee of HALL PRANGLE & SCHOONVELD, LLC

EXHIBIT A

3060

IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE

MARILEE BROWN, MARILOU BROWN,
GREGORY J. BROWN (for Beverly M.
Brown's family),

Plaintiffs,

Case No.: CV20-00422

Dept. No.: 1

vs.

ST. MARY'S REGIONAL MEDICAL
CENTER; TAMI EVANS; PREM REDDY,
M.D.; MARK McALLISTER, M.D.; TANZEEL
ISLAM, M.D.; SRIDEVI CHALLAPALLI,
M.D., and DOES I through X, inclusive; ROE
BUSINESSES I through X, inclusive,

Defendants.

**ORDER GRANTING MOTION TO DISMISS PLAINTIFFS' COMPLAINT
FOR FAILURE TO COMPLY WITH NRS 41A.071**

Currently before the Court is Defendants Saint Mary's Regional Medical Center, Tammy Evans (erroneously named as Tami Evans), and Prem Reddy, M.D.'s (collectively "Defendants Saint Mary's") *Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071* ("Motion") filed March 26, 2020. On April 13, 2020, Plaintiffs filed an *Opposition to Defendants' Motion to Dismiss – to Include Amendments/Clarification, et al as Specified in Their Civil Complaint; and Amendment Request Here to Include Additional Plaintiff (Return Service of Summons and Additional Laintiff [sic] Documentation Submitted Separately)* ("Opposition"). On April 20, 2020, Defendants filed a *Reply in Support of Motion to Dismiss* and submitted the Motion to the Court for

1 consideration. On May 15, 2020, Defendants Saint Mary’s filed an *Errata to Defendants St. Mary’s*
2 *Regional Medical Center, Tammy Evans, and Prem Reddy M.D.’s Reply in Support of Motion to*
3 *Dismiss*. Plaintiffs filed *Plaintiffs’ (a) Opposition to Defendant Tammy Evans’ (Tiffany Coury) /*
4 *Prem Reddy MD’s May 15, 2020 Errata Related to Plaintiffs’ May 14, 2020 (& Prior) Default*
5 *Motions Against Defendants Tanzeel Islam and Sridevi Chapallapalli; (b) in Support of Plaintiffs’*
6 *May 6 / 14, 2020 Supplemental & Dismissal Filings Nexused to Defendants’ Replies/Errata; (c) With*
7 *Plaintiffs’ Notice of Their Request for Submission of all Adjudicated Filings for no Response / Other*
8 *(Separate Filings)* on May 28, 2020.

9 **I. Background**

10 On March 3, 2020, Plaintiffs filed the *Civil Complaint* (“Complaint”) in this case which
11 alleges medical negligence / malpractice. *See generally* Compl. On April 13, 2020, Plaintiffs filed
12 an *Amendment to Civil Complaint / Return Service of Summons* (“Amendment to Complaint”) which
13 sought to substitute Tiffany Coury for Defendant Tammy Evans and add Mr. Gregory J. Brown as a
14 Plaintiff but did not alter or add to the factual allegations set forth in the Complaint. *See generally*
15 *Am. to Compl.* Plaintiffs allege Beverly Morris Brown (“Ms. Brown”) died on March 5, 2019 as a
16 result of the treatment she received in December 2018 and February 2019 from Defendants. *Mot. at*
17 *3:8–12.*

18 **II. Relevant Legal Authority**

19 In reviewing a motion to dismiss pursuant to Nevada Rules of Civil Procedure Rule 12(b)(5)
20 for failure to state a claim upon which relief can be granted, the “court must construe the pleadings
21 liberally and accept all factual allegations in the complaint as true . . . [and] draw every fair inference
22 in favor of the non-moving party. ‘A complaint will not be dismissed for failure to state a claim unless
23 it appears beyond a doubt that the plaintiff could prove no set of facts which, if accepted by the trier
24 of fact, would entitle him or her to relief.’” *Blackjack Bonding v. City of Las Vegas Mun. Court*, 116
25 Nev. 1213, 1217, 14 P.3d 1275, 1278 (2000) (citing *Simpson v. Mars. Inc.*, 113 Nev. 188, 190, 929
26 P.2d 966, 967 (1997)). As Nevada is a “notice-pleading” jurisdiction, a complaint need only set forth
27 sufficient facts to demonstrate the necessary elements of a claim for relief so that the defending party
28 has “adequate notice of the nature of the claim and relief sought.” *Hay v. Hay*, 100 Nev. 196, 198,

1 678 P.2d 672, 674 (1984); see also *Stockmeier v. Nevada Dep't of Corrections*, 124 Nev. 313, 316,
2 183 P.3d 133, 135 (2008) (dismissing a claim, pursuant to NRCP 12(b)(5), is proper where the
3 allegations are insufficient to establish the elements of a claim for relief).

4 NRS 41A.071 provides:

5 If an action for professional negligence is filed in the district court, the district
6 court shall dismiss the action, without prejudice, if the action is filed without an
affidavit that:

- 7 1. Supports the allegations contained in the action;
 - 8 2. Is submitted by a medical expert who practices or has practiced in an area that
9 is substantially similar to the type of practice engaged in at the time of the
alleged professional negligence;
 - 10 3. Identifies by name, or describes by conduct, each provider of health care who
is alleged to be negligent; and
 - 11 4. Sets forth factually a specific act or acts of alleged negligence separately as
to each defendant in simple, concise and direct terms.
- 12

13 The Nevada Supreme Court has held that pursuant to NRS 41A.071 “a complaint filed without
14 a supporting medical expert affidavit is void ab initio and must be dismissed. Because a void
15 complaint does not legally exist, it cannot be amended . . . and an NRS 41A.071 defect cannot be
16 cured through amendment.” *Washoe Med. Ctr. v. Second Judicial Dist. Court of State of Nev. ex rel.*
17 *Cty. of Washoe*, 122 Nev. 1298, 1301–02, 148 P.3d 790, 792 (2006). The court went on to state that
18 the “shall” in NRS 41A.071 “is mandatory and does not denote judicial discretion.” *Id.* at 1303
19 (citations omitted).

20 NRS 41A.015 defines professional negligence as: “[t]he failure of a provider of health care, in
21 rendering services, to use the reasonable care, skill or knowledge used under similar circumstances
22 by similarly trained and experienced providers of health care.” When a plaintiff’s claim is for injuries
23 resulting from negligent medical treatment, the claim sounds in medical malpractice. *Szymborski v.*
24 *Spring Mountain Treatment Center*, 133 Nev. 638, 642, 403 P.3d 1280, 1284 (2017) (citations
25 omitted). *Szymborski* stands for the proposition that “allegations of breach of duty involving medical
26 judgment, diagnosis, or treatment indicate that a claim is for medical malpractice.” *Id.* When a
27 plaintiff’s claim is for injuries resulting from negligent acts that did not affect the medical treatment
28 of a patient, the claim sounds in ordinary negligence. *Id.* (citations omitted). If the alleged breach of

1 a duty of care set forth in the complaint is one that was based upon medical art or science, training or
2 expertise, then it is a claim for medical malpractice. *Id.* (citations omitted). By extension, if the jury
3 can only evaluate the plaintiff's claims after presentation of the standards of care by a medical expert,
4 then it is a medical malpractice case. *Id.* (citing, *Humboldt Gen. Hosp. v. Sixth Judicial Dist. Court*,
5 132 Nev. 544, 550–51, 376 P3d 167, 172 (2016). If, on the other hand, the reasonableness of the
6 health care provider's actions can be evaluated by jurors on the basis of their common knowledge and
7 experience, then the claim is likely based in ordinary negligence. *Id.* 133 Nev. at 642 (citations
8 omitted). Given the subtle distinction, a single set of circumstances may sound in both ordinary
9 negligence and medical malpractice, and an inartful complaint will likely use terms that invoke both
10 causes of action. *Id.* (citing, *Mayo v. United States*, 785 F.Supp.2d 692, 695 (M.D. Tenn. 2011)). It
11 is the nature of the grievance rather than the form of the pleadings that determines the character of
12 the action. *Id.* (citing, *State Farm Mut. Auto. Ins. Co. v. Wharton*, 88 Nev. 183, 186, 495 P.2d 359,
13 361 (1972)).

14 **III. Analysis**

15 Defendants Saint Mary's argue all of Plaintiffs' factual claims arise out of medical care,
16 treatment, and alleged breaches of the medical providers' duties of care and therefore sound in
17 medical malpractice. Mot. at 4:3–5; 5:19–22. Defendants Saint Mary's maintain all of Plaintiffs'
18 allegations fall within the definition of professional negligence pursuant to NRS 41A.015. *Id.* at
19 5:26–6:4. Defendants Saint Mary's contend Plaintiffs failed to satisfy the affidavit requirement
20 pursuant to NRS 41A.071 and the Complaint must be dismissed. *Id.* at 6:5–7:10.

21 Plaintiffs request a hearing to clarify this matter. Opp. at 1:15. Plaintiffs contend their claims
22 in the Complaint rely upon other statutes. *Id.* at 2:13–14. Plaintiffs assert the Complaint can be tolled
23 pursuant to NRS 41A.097(2) and that should be considered as a mitigating factor and for this Court
24 to maintain all the issues until Plaintiffs can obtain a medical expert affidavit because such a dismissal
25 would be prejudicial to Plaintiffs as they may not be able to re-file any medical issues due to running
26 of the statute of limitations. *Id.* at 2:15–3:5; 5:3–6. Plaintiffs assert it is within this Court's discretion
27 whether to dismiss the action. *Id.* at 3:5–6. Plaintiffs insist the word "shall" in NRS 41A.071 is not
28 mandatory and argue cases should be decided upon the merits rather than dismissed on procedural

1 grounds. *Id.* at 3:11–4:7. Plaintiffs claim because pleadings of a pro per litigant are held to a less
2 stringent standard, the Complaint should not be dismissed. *Id.* at 4:8–9. Plaintiffs insist there are
3 factual allegations in the Complaint that are non-medical including: (1) failure to follow protocol; (2)
4 lack of communication; (3) age/other discrimination / jeopardy to the elderly; (4) negligence
5 jeopardizing patients/others safety related to infectious persons; and (5) failure to expedite medical
6 documentation that jeopardized this patient’s case. *Id.* at 4:9–14; 5:6–12. Plaintiffs state that in the
7 Complaint they requested the ability to amend the Complaint, and they should be allowed to do so in
8 this instance without having all of their non-medical claims dismissed as that would cause significant
9 hardship. *Id.* at 5:12–16.

10 Plaintiffs then claim they themselves are sufficiently familiar with this case to prepare a joint
11 affidavit that illustrates their education, experience, and caretaking of patients that will suffice until
12 Plaintiffs can obtain a proper medical expert affidavit if required. *Id.* at 6:11–24. Plaintiffs assert it
13 is difficult to obtain written or testimonial support from medical experts because they fear reprisal,
14 damage to their reputation, or denial of hospital rights in speaking out. *Id.* at 8:9–16. Plaintiffs allege
15 Defendants Saint Mary’s failed to perform an investigation into the facts surrounding Ms. Brown’s
16 death and instead engaged in a coverup. *Id.* at 9:16–20. Plaintiffs maintain a jury can evaluate
17 Plaintiffs claims despite any procedural shortcomings, especially those based on the nonmedical
18 functions. *Id.* at 11:14–19. Plaintiffs state that it is the substance rather than the form of the claim
19 that must be examined. *Id.* at 16:21–17:1. Plaintiffs request this Court allow them to amend the
20 Complaint to: (1) add age/other discrimination violations; (2) add Gregory J. Brown as a Plaintiff; (3)
21 clarify, correct, and amend the Complaint; and (4) time to secure a medical expert affidavit if
22 necessary.¹ *Id.* at 20:13–22.

23 In the Reply, Defendants Saint Mary’s maintain the application of NRS 41A.071 focuses on
24 whether a defendant is a provider of health care and whether the allegations in a complaint
25 contemplate a failure in rendering of services by that provider. Reply at 5:3–7. Defendants Saint
26 Mary’s argue that all of the allegations are in relation to medical care and treatment provided to Ms.

27 ¹ The Amendment to the Complaint adding/substituting parties was filed concurrently with the Opposition on
28 April 13, 2020 and does not allege any claims for discrimination or request additional time to secure a medical
expert affidavit.

1 Brown at Saint Mary's Regional Medical Center, a licensed hospital and the respective physicians
2 who practice there. *Id.* at 5:8–18. Defendants Saint Mary's maintain a plaintiff cannot avoid
3 application of NRS 41A.071 through artful pleading and emphasize Plaintiffs' claims arise out of
4 breaches of duties involving medical judgment, diagnosis, or treatment. *Id.* at 5:19–6:2. Defendants
5 Saint Mary's point out that the Nevada Supreme Court has held that "allegations of negligent
6 maintenance of medical records are properly characterized as medical malpractice." *Id.* at 6:5–8;
7 *Jones v. Wilkin*, 111 Nev. 1335, 1338, 905 P.2d 166, 168 (1995). Defendants Saint Mary's argue
8 Plaintiffs seek to impose liability for treatment Ms. Brown received for a foot wound, an atrial
9 fibrillation, an improper amputation, low oxygen levels, and a pulmonary injury. Reply at 6:14–16.
10 Defendants Saint Mary's state these allegations clearly implicate professional negligence and the
11 Complaint repeatedly describes these claims as one for medical malpractice. *Id.* at 6:14–19.
12 Defendants Saint Mary's also contend Plaintiffs lack standing to bring this suit as self-represented
13 litigants on behalf of their mother's estate. *Id.* at 7:1–8:2.

14 Having reviewed the pleadings on file and having reviewed the facts and legal support set
15 forth therein, this Court finds good cause to grant the Motion. For NRS 41A.071 to apply to this
16 action, it must be an action for professional negligence. Plaintiffs allege "Defendants did commit
17 Medical Negligent actions to include Medicinal, Treatment, Judgment, protocol, Etc [sic] errors,
18 against the Plaintiffs which led to the Wrongful Suffering and Death of their mother" Compl. at
19 14:26–27. This language or substantially similar language is repeated three times in this section of
20 the Complaint. *Id.* at 14:22–15:13. Further, all of the allegations contained in the Complaint directly
21 involve medical judgment, diagnosis, or treatment that Ms. Brown allegedly received or should have
22 received, which the Nevada Supreme Court has held means the claim sounds in professional
23 negligence. *Szyborski*, 133 Nev. at 642.

24 This Court has reviewed the allegations contained in the Complaint. Contrary to Plaintiffs'
25 claim that there are factual allegations in the Complaint that are non-medical (to include failure to
26 follow protocol, lack of communication, age/other discrimination/jeopardy to the elderly, negligence
27 jeopardizing patients/others safety related to infectious persons, and failure to expedite medical
28 documentation that jeopardized this patient's case) each of these allegations is inextricably tied to a

1 claim for professional negligence and Plaintiffs cannot now claim otherwise for the sole purpose of
2 remedying a violation of NRS 41A.071.

3 To evaluate whether the medical professionals in this case followed established protocol
4 necessarily requires expert testimony to explain the standard of care. *Id.* The protocol Plaintiffs claim
5 was not followed related to the amount and type of medication administered to Ms. Brown which is
6 rooted in professional negligence, as the Complaint contends that the physicians prescribed the
7 medication. Compl. at 3:22–27.

8 As to the alleged “lack of communication,” the only usage of the word “communication” in
9 the Complaint deals with “the communication between providers and patients/patients’ families so as
10 to ensure the improvement of quality care, healthcare Improvement and less Medical Medicinal,
11 Judgment mistakes/error that lead to the deteriorating medical condition, suffering and preventable
12 death of patients as what happened in this case” Compl. at 16:26–17:2. The failure of
13 communication alleged is related directly to quality of care, the deteriorating medical condition,
14 suffering and preventable death of Ms. Brown and thus is rooted in professional negligence.
15 *Szymborski*, 133 Nev. at 642. In some instances, the failure to communicate is co-extensive with the
16 failure to follow procedure, and in other instances it overlaps with the failure to provide medical
17 documentation. Mot. at 2:20–22; 9:16–10:2. Regardless, these do not form an independent basis for
18 an ordinary negligence claim such that an expert affidavit would not be required in this case.

19 Further, the Complaint does not set forth a claim for age discrimination and there is no factual
20 explanation or legal support for the allegation of “jeopardy to the elderly.” Any negligence claim
21 derived from exposure to an infected patient as alleged by Plaintiffs is purported to be the direct result
22 of the medical decisions made for and treatment provided to Ms. Brown and as such falls squarely
23 within the scope of a professional negligence claim. *Szymborski*, 133 Nev. at 642. As for the failure
24 to expedite the medical documentation in this case, the Nevada Supreme Court has held “allegations
25 of negligent maintenance of medical records are properly characterized as medical malpractice.”
26 *Jones*, 111 Nev. at 1338. Failure to expedite the medical documents is pertinent to the diagnosis and
27 treatment of Ms. Brown and therefore does not state a claim for ordinary negligence. *Szymborski*,
28 133 Nev. at 642.

Moreover, and importantly, there are no separate claims for relief pled in the Complaint related to the purported non-medical claims. The Complaint sets forth a “Statement of Facts Main Medical Malpractice Information Summary,” a “Background History,” a “Primary Background Related to ISSUE AT HAND- Patient Beverly M. Brown,” “ISSUE AT HAND FOR MEDICAL NEGLIGENCE/MALPRACTICE- History and Details,” “MAIN MEDICAL NEGLIGENCE SUMMARY INFORMATION” and “MAIN MEDICAL MALPRACTICE INFORMATION (REITERATED).” With the exception of the “Background” sections, each of these headings references “Medical Malpractice” or “Medical Negligence” or both. There are no allegations in the Complaint related to ordinary negligence. By way of example, a reading of the section labeled “MAIN MEDICAL NEGLIGENCE SUMMARY INFORMATION” reveals allegations that pertain to Ms. Brown that relate to lack of care on behalf of treating physicians to include failure to look at Ms. Brown’s “extensive medical information provided by the family,” an “error in a pulmonary procedure by the Interventional Radiologist as they had been attempting to remove fluid from this patient’s lungs” and removal of “critical life saving medication” “needed to prevent arterial blockages” that “ultimately led to Beverly M. Brown’s blockages, stroke, heart stress/CHF UNCONTROLLABLE AFIB, returned infectious Pneumonia and Death at Renown hospital.” *Id.* at 9:5-10; 10:18-20. To the extent Plaintiffs are now contending that claims for ordinary negligence were pled, they have failed to set forth the necessary elements of those claims and/or factual allegations sufficient to support those claims denying Defendants “adequate notice of the nature of the claim and relief sought” in violation of *Hay*.

Accordingly, this Court finds that Plaintiffs’ Complaint (as originally filed and as amended to add or substitute parties) states a claim or claims for professional negligence and as such NRS 41A.071 applies. Plaintiffs admit that the Complaint does not contain a medical expert affidavit. *Opp.* at 3:3–6. As noted above, the Nevada Supreme Court has held that “a complaint filed without a supporting medical expert affidavit is void ab initio and must be dismissed. Because a void complaint does not legally exist, it cannot be amended . . . and an NRS 41A.071 defect cannot be cured through amendment” as well as pointing out that the word “shall” in NRS 41A.071 “is mandatory and does not denote judicial discretion.” *Washoe Med. Ctr.*, 122 Nev. at 1301–02, 1303.

1 The Nevada Supreme Court has acknowledged that NRS 41A.071 applies to all medical malpractice
2 actions even if the person is representing themselves. *Anderson v. Sierra Surgery Hosp.*, Case No.
3 58753, 2012 WL 2308670, *1 (2012).

4 As such, this Court finds that dismissal of Plaintiffs' Complaint is proper pursuant to NRS
5 41A.071. This Court does not reach Defendants Saint Mary's argument regarding Plaintiffs' standing
6 because it has found the Complaint to be void ab initio pursuant to NRS 41A.071.

7 Based upon the foregoing and good cause appearing,

8 IT IS HEREBY ORDERED that Defendants Saint Mary's *Motion to Dismiss Plaintiffs'*
9 *Complaint for Failure to Comply with NRS 41A.071* is GRANTED and this case is DISMISSED to
10 include all motions that are pending or have been submitted to this Court.

11 IT IS SO ORDERED.

12 DATED this 8th day of June, 2020.

13 

14 KATHLEEN DRAKULICH
15 DISTRICT JUDGE
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1 **CERTIFICATE OF SERVICE**

2 CASE NO. CV20-00422

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of
4 the STATE OF NEVADA, COUNTY OF WASHOE; that on the 8th day of June, 2020, I
5 electronically filed the **ORDER GRANTING MOTION TO DISMISS PLAINTIFFS'**
6 **COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.071** with the Clerk of the
7 Court by using the ECF system.

8 I further certify that I transmitted a true and correct copy of the foregoing document by the
9 method(s) noted below:

10 **Electronically filed with the Clerk of the Court by using the ECF system which will send a notice**
11 **of electronic filing to the following:**

12 EDWARD LEMONS, ESQ. for MARK MCALLISTER

13 RICHARD DE JONG, ESQ. for TAMI EVANS, PREM REDDY, M.D.,
14 ST. MARY'S REGIONAL MEDICAL CENTER, et al.

15 ALICE CAMPOS MERCADO, ESQ for MARK MCALLISTER

16 **Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage**
17 **and mailing by Washoe County using the United States Postal Service in Reno, Nevada:**

18 MARILEE BROWN
19 45 NIVES COURT
20 SPARKS, NV 89441

21 MARILOU BROWN
22 45 NIVES COURT
23 SPARKS, NV 89441

24 GREGORY J BROWN
25 45 NIVES COURT
26 SPARKS, NV 89441

27 
28 Department 1 Judicial Assistant

EXHIBIT 2

1. ORIGINAL

2 CODE: 1425
3 NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)
4 BAR NUMBER: N/A (Pro Se litigants)
5 ADDRESS: 45 Nives Court
6 Sparks, NV 89441
7 TELEPHONE: (775) 425-4216

8 IN THE SECOND JUDICIAL DISTRICT COURT OF
9 THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

10 Marilee Brown, Marilou Brown (*for Beverly M. Brown's family*)
11 Plaintiffs, in Proper Person

12 Case No: CV
13 VS Dept No:

14 St. Mary's Regional Medical Center: Tami Evans (Director Medical Services / Risk Mgmt;
15 Prem Reddy, MD - (Prime HealthCare)
16 Mark McAllister, MD (St. Mary's Interventional Radiologist)
17 Tanzeel Islam, MD (St. Mary's Hospitalist)
18 Sridevi Challapalli, MD (St. Mary's Cardiologist),
19 DOES I through X inclusive; ROES Businesses I through X inclusive

20 Defendants,
21 CIVIL COMPLAINT (*Jury Demanded*)

22 **CIVIL COMPLAINT**

23 1. Come now Plaintiffs Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*), with Legal Power
24 of Attorney as representatives of ^{Heirs} Beverly Brown), hereafter referenced as Plaintiffs, hereby Complain and
25 allege of the Defendants, St. Mary's Regional Medical Center – Tami Evans, Director of Medical Services/
26 Risk Mgmt; Prem Reddy, MD (Prime HealthCare); Mark McAllister, MD (St. Mary's Interventional Radiology);
27 Tanzeel Islam, MD (St. Mary's Hospitalist); Sridevi Challapalli, MD (St. Mary's Cardiologist), DOES I - X
28 and ROES Businesses I - X Inclusive, hereafter referenced as Defendants, as set forth in the following:

29 **PRELIMINARY STATEMENT**

30 2a. Plaintiffs will serve the Defendants with this Complaint and Summons by a Non Party over 18 years of
31 age and within 120 days of Filing pursuant to the Nevada Rules of Civil Procedure NRCP 4(a)(c)(d)(i); and will
32 provide an Affidavit of Service to the Court upon Service of Same Complaint and Summons NRCP (4)(g)(2)

33 **2b. Pro Se Plaintiffs Note: The Courts State:**

34 "*Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than
35 formal pleading drafted by lawyers (Defendant)(caselaw)*" And

36 "*the Nevada Supreme Court held that the basic underlying policy governing the exercise of discretion
37 is to have cases decided upon the merits, rather than dismissed on procedural grounds (caselaw)*"

1.

JURISDICTION

2. 3. Plaintiffs are informed and believe, and therefore alleges, that this Court has subject jurisdiction over this
3. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of ^{Heirs}
^{NRS 41, 41A}
4. Beverly Brown); ^{NRS 41.085, 41.130} and any other applicable law or statute under this jurisdiction not yet known by
5. the Plaintiffs; in that the Defendants did commit Medical Negligent actions to include Medicinal,
6. Treatment, Judgment, protocol, Etc Errors, against the Plaintiffs which led to the Wrongful Suffering and Death
7. of their mother, patient Beverly Morris (M.) Brown; to include but not limited to the fact that Defendants did
8. commit Medical Negligent Actions, Errors that lead to the Detrimental Health, Suffering and Wrongful death
^{-Actual & proximate}
9. of their mother, patient Beverly Morris (M.) Brown; And to include Breach of Duty, Medical Negligence /
10. Malpractice, Causation of Financial loss in these proceedings, and Emotional, Financial Distress, et al, to
11. the Plaintiffs and their family, Subject to the jurisdiction of this Court.

12. 4. Plaintiffs are informed and believe, and therefore alleges, that this Court has subject jurisdiction over this
13. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of ^{Heirs}
^{NRS 41, 41A}
14. Brown); ^{NRS 41.085, 41.130} and any other applicable law or statute under this jurisdiction not yet known to Plaintiffs;
15. 5. Plaintiffs advise that this Complaint may be Amended at a later date as authorized by the Court to include
16. additional laws, clarifications, corrections, etc. to this Complaint.

17.

VENUE

18. 6. Venue is Proper in this Court as Defendants' Medical Negligence conduct asserted in this Complaint by
19. the Plaintiffs took place within the State of Nevada, County of Washoe, where the Defendants and the
20. Plaintiffs reside/work; and in which Defendants' Negligent Medical Malpractice Actions occurred.

21.

PARTIES

22. 7. Plaintiffs Marilee Brown and Marilou Brown (and for Beverly M. Brown's family) - (with Legal Power of
23. Attorney as representatives of ^{Heirs} Beverly Brown), (hereafter referred to as "Plaintiffs") currently reside in the
24. State of Nevada, County of Washoe; and St. Mary's Regional Medical Center – Tami Evans, Director of
25. Medical Services/Risk Mgmt; Prem Reddy, MD - (Prime HealthCare); Mark McAllister, MD (St. Mary's Interv.
26. Radiologist); Tanzeel Islam, MD (St. Mary's Hospitalist); Sridevi Challapalli, MD (St. Mary's Cardiologist),
27. (hereafter referred to as "Defendants") currently reside/work, in the State of Nevada, County of Washoe.

1. 8. All of the Acts or Failures of Duty, et al are performed and/or are attributable to the Defendants,
2. individually and/or combined; et seq;
3. 9. The names and capacities, whether individual, corporate, associate or otherwise of Defendants and
4. /or their alter egos sued herein as DOES I through X, and ROE Business Entities I through X, inclusive,
5. are presently unknown, and Plaintiffs will Amend this Complaint to insert the names (s) when ascertained.

STATEMENT OF FACTS

6. 10. **MAIN MEDICAL MALPRACTICE INFORMATION SUMMARY:**

7. a. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
8. Hospitalist's and Interventional Radiologist's removal of patient from lifesaving medications for procedure
9. that **threatened/negatively impacted patient's health** without prior consult with her primary Cardiology
10. Specialist who would have advised against same unless necessary (**All Led to Patient Beverly M. Brown's**
11. **deteriorating medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
12. b. On/About February 21, 2019: Interventional Radiologist's pulmonary procedure error resulting in the
13. Hospitalist's continued removal of patient's necessary life saving medication; buildup of plural fluid in
14. patient's lungs that could no longer be removed by procedure due to the Interventional Radiologist's error
15. even when purportedly healed around Feb 25, 2019 (**All Led to Patient Beverly M. Brown's deteriorating**
16. **medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
17. c. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
18. Hospitalist's and Interventional Radiologist's removal of patient from lifesaving medications for procedure
19. that threatened/negatively impacted patient's health without prior consult with her primary Cardiology
20. Specialist who would have advised against same unless necessary (**All Led to Patient Beverly M.**
21. **deteriorating medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
22. d. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
23. Hospitalist's refusal to consult with the patient's cardiology specialist per protocol - who would have
24. maintained her on the necessary amount and type of lifesaving medication (*yet other hospital admitting*
25. *staff cc'ed said important specialists regarding patient's initial and proceeding care*) (**All Led to Patient**
26. **Beverly M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
27. e. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
28. Hospitalist's refusal to consult with the hospital assigned cardiology, pulmonary specialists per protocol

1. (despite assigned specialists apparent readings of patient's tests during hospital stay) until On/About
2. 2/25/19 when family members emphasized specialists needed to be consulted for patient's proper care and
3. treatment (**All Led to Patient Beverly M. Brown's 11. deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
4. f. On/About February 25, 2019: Attending hospital cardiology specialist misreading and alluding only to
5. hospital notes with erroneous interpretation of hospital medication given to patient; failure to consult with
6. patient's primary cardiology specialist who would have affirmed patient needed to be on correct
7. medications and amounts – who was in the same St. Mary's office as she; and purportedly released the
8. patient per the Hospitalist with apparent ongoing life threatening conditions (**All Led to Patient Beverly**
9. **M. Brown' deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
10. g. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
11. Hospitalists failed to consult with patient's primary cardiology specialist who would have affirmed patient
12. needed to be on correct medications and amounts while and after hospital admission (**All Led to Patient**
13. **Beverly M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
14. h. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
15. Hospitalist failed to timely review and properly reviews patients life threatening health condition symptoms
16. for proper treatment until speaking with the family on/about Feb 25, 2019; Failed to consult with patient's
17. primary cardiology specialist who would have affirmed patient needed to be on correct medications and
18. amounts while and after hospital admission; purportedly only consulted with a pharmacist who gave the
19. incorrect dosage for one lifesaving medication (2.5 Eliquis/2X per day, when it should have been 5mg/2X
20. per day) to be administered at the hospital; Failed to have patient on life saving medication Plavix at all;
21. and purportedly released the patient with apparent ongoing life threatening conditions; False statement
22. asserting family refused skilled nursing facility for PT to patient's detriment – when Hospitalist agreed
23. Home Therapy program was best for patient due to weak condition and malnutrition from hospital stay;
24. Hospitalist and Palliative Care staff pushing for DNR when patient wanted to live and simply, repeatedly
25. stating to patient and her family that she was just "OLD"; ETC (All Led to Patient Beverly M. Brown's
26. deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;
27. i. On/About December 12 -14, 2018, thereafter to and including On/About February 20 - 27, 28/2019:
28. Hospitalists Failed to consult with patient's primary cardiology specialist who would have affirmed patient

1. needed to be on correct medications and amounts and purportedly released the patient asserting to
2. specialists' recommendations with apparent ongoing life threatening conditions (**All Led to Patient Beverly**
3. **M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish**
4. j. On/About February 26,27/2019 - February 28, 2019: Hospital staff's placement of patient Beverly M.
5. Brown in a room with an infection patient that contributed to patient's pulmonary, respiratory issues death
6. on 3/5/19 (**All Led to Patient Beverly M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish**
7. k. On/About: March 3, 2019 - March 5, 2019: St. Mary's Hospital Failed to timely fax vital documentation
8. requested by Renown for assisting in care and treatment of patient until 3/5/19; with said delinquency
9. impacting vital care/treatment and contributed to patient's death on 3/5/19 (**All Led to Patient Beverly M.**
10. **Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish**
11. ETC
12. m. All directly contributing to the Wrongful Suffering and Death of this patient who had severe Chronic
13. Medical conditions but the Negligence of St Mary's Regional Medical Center Hospital staff caused an
14. unnecessary Terminal Medical Condition of this patient (**Lead to Patient Beverly M. Brown's death on**
15. **March 5, 2019)**
16. n. From About April 2019 To The Date of this Filing, after securance and review of medical records from
17. St. Mary's Medical Center, the patient's family attempted to address the aforementioned issues with St.
18. Mary's Regional Medical Center without response, except upon contact with Prime Health Care said
19. Organization referred patient's family to St. Mary Regional Medical Center Risk Management Department.
20. Upon consult with same, Kathy Millard of Risk Management advised their department would investigate
21. the matter and respond in writing within 45 days.
22. o. Throughout February 2020, Upon consult with local counsel, it was advised to patient's family that any
23. medical malpractice case had to be filed in Court within a one year Statute of Limitations.
24. p. During this time, St. Mary's Regional Medical Center Risk Management and Legal Department refused
25. to return patient's family's calls for informal meeting in this matter, Alternative Dispute Resolution,
26. Mediation or Arbitration proceedings to resolve their concerns .Nor would same discuss matters when
27. Patient's family physically went to this Department to inquire of voluntary participation.
28. q. On/about February 21, 2020, Upon consult with Nevada District Court staff in Reno, NV, it was stated
29. by the Clerks that no such programs could be accessed through the Court unless a formal Civil Complaint

1. was filed –predicating this Action by the patient's family.
2. r. For the aforementioned reason, Plaintiffs (*and patient's family*) had no choice but to file this Civil Action in
3. order ~~1~~ to engage in Court and/or other sponsored programs to facilitate resolution of this matter and the
4. issues within since St. Mary's Regional Center Risk and Legal Department would not return Plaintiffs'
5. aforementioned requests to engage in said programs;
6. s. All to facilitate Hospital and Health Care Providers accountability and education for improving the quality
7. of care and reduction of medical mistakes by their accredited bodies; To improve the communication between
8. providers and patients/patients' families so as to ensure the improvement of quality care, healthcare
9. improvement and less Medical Medicinal, Judgment mistakes/error that lead to the suffering and
10. preventable death of patients; etc

11. 11.

BACKGROUND HISTORY

12. A/1. **Background History Related to Issue At Hand – St. Mary's Hospital/Medical Center (More Available) Patient Beverly M. Brown**

13. 1a. Beverly M. Brown had Chronic medical conditions of Cardiovascular disease, Afib, etc as disclosed herein and more details available for the Related ISSUE AT HAND
14. 1b. Beverly M. Brown continued her heart and vascular care in Reno, Nevada with St. Mary's interventional vascular cardiologist Dr. Devang Desai after treatment with Renown and UCDavis physicians for associated illnesses; and her Cardiologist in Reno, NV Retired.
15. 2a. St Mary's wound care unit Infection Disease Specialist recommended Beverly M. Brown take conservative approach of oral antibiotics in an attempt to clear up her foot infection instead of a more aggressive necessary cutting the infection out of ~~an amputated toe~~ wound caused by her condition. The medication simply made Beverly M. Brown sick and did not help with the wound considering her
16. compromised circulatory vascular condition.
17. 2b. During a follow up visit at St. Mary's wound care center, Beverly M. Brown's wound was so infected the attending care professionals referred her to St. Mary's ER. Beverly M Brown's daughters wanted to immediately drive Beverly to UCDavis Medical Center in Sacramento, CA but St. Mary's medical staff advised against that and advised immediate hospitalization (*for their financial gain*). Beverly and
18. her daughters followed all medical advice and recommendations.
19. 3a. Once hospitalized, the St. Mary's health care professionals put Beverly M. Brown on IV heparin medication and could not remove this medication despite the vascular surgeon agreeing Beverly was best treated at
20. UCDavis. Unfortunately, the IV heparin drip now required medical transport vs. private family transport to UCDavis Medical Center, which caused over a week delay in travel and longer for interventional treatment
21. Beverly M. Brown's condition required not only limb but LIFE saving treatment upon arrival at UCDavis.
22. 3b. During the very lengthy waiting period at St. Mary's Hospital for transport to UC Davis Medical Center in Sacramento, CA, Beverly M. Brown's condition deteriorated dramatically, to the degree attending
23. nurses and staff disclosed to Beverly's daughters that they feared she would die and not survive the trip.
24. 3c. St Mary's did NOT treat Beverly M. Brown for her cardiovascular condition except for IV Heparin pending transport to UCDavis hospital for treatment. Due to a limited number of patients allowed at UC Davis via

1. medical transport, Beverly M. Brown's transfer of care was further delayed. Beverly M. Brown's daughter Marilou Brown finally contacted UCDavis Dr. Laird and advised of the delay and Beverly's deteriorating condition. Dr. Laird expedited UC Davis transfer acceptance thereafter.
2. 3d. UC Davis medical staff advised Beverly M. Brown's daughters that they would NOT be able to do any vascular treatment to further save Beverly M. Brown's infected foot/leg and would now require amputation
3. - all because her vascular Dr. ~~Desai~~ stated she could walk ~~on her amputated leg~~ when she should not have while it was recovering from infection; AND MOSTLY BECAUSE OF
4. St. Mary's actions noted above by the Wound Care Center poor treatment decisions, * followed by St. Mary's decisions to Admit Beverly Brown to the Hospital for financial gain, poor medical treatment, thereafter delayed
5. transport to UCDavis, when this patient's daughters could have expedited transport to UCDavis on their own.
6. 3e. UCDavis Staff stated they had to do extensive treatment on Beverly M. Brown's Cardio condition (Afib, etc) - aggravated by the lack of care at St Mary's hospital in Reno, NV and lengthy delay there for transport
7. to UC Davis Medical Center in Sacramento, CA
8. Again, had St Mary's care staff simply let Beverly's daughters drive Beverly to UC Davis Medical Center ER - Beverly M. Brown would have been treated more exigently. (As Noted above: Brown subsequently learned
9. from Specialist that St Mary's ER protocol was to admit as many patients as possible, unfortunately to the demise of Beverly M. Brown in this case;
10. 4. Beverly M. Brown's leg amputation led to accelerated extensive bone loss (20%) from Osteoporosis due to Beverly M. Brown's inactivity and severe impact on her already compromised cardiovascular
11. condition (CHF) because she had very limited mobility from June 2016 - Dec 2018 / March 2019
12. **A/2. Primary Background Related to ISSUE AT HAND – Patient Beverly M. Brown**
13. 1a. In December 2018, Beverly M Brown was hospitalized at St. Mary's Hospital in Reno, Nevada for her Cardiovascular Condition, low oxygen level. Patient had her lungs aspired and was released.
14. 1b. However, upon review of medical documentation it was noted that the attending Hospitalist and Interventional Radiologist protocol was to conduct the aspiration without consult with Cardiovascular
15. and Pulmonary Specialists; which included removing the patient from life saving medications which caused more jeopardy to the patient than leaving this patient on same medications, Plavix and Eliquis;
16. Despite having the hospital assigned Cardiologist reading patient's test, residing in same St. Mary's Office as patient's primary Cardiologist.
17. 2a. From December 2018 - February 28, 2019, St. Mary's Cardiology reduced Beverly M. Brown's Eliquis from 5 to 2.5mg/2X per day due to incidental bleeding, intermittent blood in her phlegm due to an in hospital
18. radiological procedure to remove fluid from her lungs.
19. 2b. * Within the week Marilou Brown called St. Mary's Cardiology requesting to know if Beverly M. Brown should return to an Eliquis 5mg/2X per day dosage as recommended by her Cardiologist from Renown,
20. Dr. Ganchan since Beverly no longer spotted blood and if vascular arterial tests should be ordered since it had been a year or more since said tests on Beverly had last been done.
21. 2c. St. Mary's Issue: The cardio nurse who answered the telephone said Beverly M. Brown should stay at 2.5mg for her weight and size. Marilou Brown explained with Beverly's AFIB/CHF condition, it was
22. advised by her previous cardiologist that Beverly's condition required she be at a 5mg 2X per day. Marilou Brown again requested the nurse ask the St. Mary's Cardiologist (Dr. Desai) if she could
23. return to this 5mg, 2x/day Eliquis dosage since she was not spotting blood from the procedure anymore. Marilou again reiterated to the nurse her concern because of what Beverly M. Brown's
24. previous, now retired Cardiologist recommended for her condition; 5mg twice a day. Beverly M. Brown's family did not hear back to this Request despite other same issue messages left for
25. this cardio nurse on this matter. Beverly M. Brown had resumed taking Plavix.

1. B. ISSUE AT HAND FOR MEDICAL NEGLIGENCE / MALPRACTICE – History and Details

2. 1. On/about February 20, 2019, During a primary care visit and a planned pulmonary visit at St. Mary's (*which was set up by her aforementioned family members to get an electric wheelchair for her and oxygen*
3. *authorizations*), Beverly M. Brown was again admitted by the attending Primary care physician to St. Mary's hospital due to low oxygen levels and for her now severe Cardiovascular condition.
4. 2a. On/about February 20, 2019, a female attending ER practitioner at St. Mary's Hospital in Reno, Nevada began discussing Directives, Resuscitation, End of Life issues with patient Beverly M. Brown's daughters in
5. front of this patient The daughters requested this conversation stop in front of the patient as it was placing undue further stress on Beverly clearly leaving her with the impression of dying when she is wanting to live!
6. 2b. This hospitalization became an unnecessary lengthy stay from Feb 20 - Feb 28th, 2019 as a result of a radiological pulmonary procedural error; further complicated by vital, life saving medications being withdrawn
7. completely from Beverly M. Brown during almost her entire hospital stay (*contrary to what a nurse told this patient's family*) when they specifically went over meds with her in the hospital – including the fact this
8. patient needed to be on 5mg/2x per day Eliquis, and Plavix).
9. 2c. Beverly M. Brown's daughters specifically asked of the ER Physician, one of the nurses and the attending Hospitalist if Beverly was on 5 mg/2 X per day Eliquis, and Plavix, other meds for said entities responded
10. "YES" to each question they asked. Plaintiff Marilou Brown specifically stated Beverly M. Brown needed to be on 5 Eliquis/2 X per day and Plavix; and was led to believe she was on these medications and dosages.
11. 2d. However, upon reviewing more details of the discharge information the family learned these vital, life saving meds had not been given to Beverly M. Brown for her hospital stay (*Plavix; Eliquis almost the*
12. *entire stay and then back to only 2.5 mg/X2 per day per Hospitalist consult with a pharmacist vs consulting with Beverly M. Brown's Primary Cardiologist who works for St. Mary's and would have*
13. *placed her back on 5 mg unless any bleeding occurred*).
14. 2e. Again, Beverly M. Brown's Primary Cardiologist works for St. Mary's Medical Center yet was never consulted (*with any assigned cardiologists to the Hospital apparently only reviewing patient tests and*
15. *notes*); with the one Cardiology Specialist consulted at patient's family's urgency of the Hospitalist on / about Feb 25, 2019, having erroneous medication information in her purported consult dictation; and one
16. Pulmonary Specialist consulted at patient's family's insistence on/about Feb 25, 2019 because of a procedural error by the Interventional Radiologist doing a lung aspiration procedure on Beverly M.
17. Brown had resulted in pulmonary injury and no further aspiration procedure could be conducted.
18. 3. The Hospitalist met the family days later, on /about Feb 25, 2019?, for the first time since this patient was admitted and only then were they informed of the dire situation she was in.. The Hospitalist informed the
19. Plaintiffs of this pulmonary aspiration error and inquired if this patient had an AFIB/CHF condition, five days since this patient's admittance. In fact, the Hospitalist admitted he had not contacted pulmonary or
20. cardio specialists per hospital protocol; until family (Plaintiffs) demanded and complained for Specialist intervention, especially since the patient's own specialists work for St. Mary's Medical Center.
21. 4. Despite specialist late intervention at the demand of family - detrimental, life threatening cardio pulmonary damage was done to Beverly M. Brown; with more fluid build up during this St. Mary's hospital stay. In
22. addition, consequential pneumonia and pairing this patient in a room with a serious infectious patient exacerbated Beverly M. Brown's condition upon discharge after the Drs claimed she was healed and cleared
23. her for home for which the family asked for in home post hospital care. At no time did the Hospitalist advise of adverse results if this patient went to Home care and patient was not in a condition for Physical Therapy
24. falsely asserted by the Hospitalist in his Discharge Summary
25. 5. In Summary, the attending physician/Hospitalist Defendant did not read Beverly's hospital intake condition notes on the present and past visit and was not aware until midway through this patient's hospital
26. admittance that she had uncontrolled Atrial Fibrillation (Afib). The physician did not address specialists at the hospital until the family adamantly requested this due to Beverly M. Brown's deteriorating
27. condition; or this patient's cardiology specialists outside the hospital whom worked for St. Mary's at all.

1. 6. Despite the family requesting this not be done, the physicians and Palliative care personnel would keep reiterating IN FRONT OF THE PATIENT AND HER HUSBAND that she "WAS OLD"
2. And RECOMMENDED DO NOT RESUCITATE (DNR) clearly covering up for the hospital Error and Beverly M. Brwn's deteriorating condition (deteriorating because they REMOVED all her VITAL LIFE
3. SAVING medication necessary for her heart and vascular condition) and negligent diagnosis/treatment.
BEVERLY M. BROWN MADE IT CLEAR SHE WANTED TO LIVE.

4. C. **MAIN MEDICAL NEGLIGENCE SUMMARY INFORMATION:**

5. 1. As per above, In February 2019, while visiting with Beverly M Brown who was hospitalized at St. Mary's Hospital in Reno, Nevada for her Cardiovascular Condition, the attending Hospitalist, Dr. Tanzeel Islam(?),
6. came in to speak with Beverly Morris Brown's family (the Plaintiffs named above). Dr. Tanzeel Islam (?) asked/stated the following:
7. After 4-5 days in the hospital Dr. Tanzeel Islam (?) only then visited with the family and only then did he first inquire if Beverly M. Brown had Afib - which he just surmised after doing days of repetitive unnecessary
8. tests.....stating PROTOCOL.
9. He admitted he had not looked at the extensive medical information provided by the family and prior hospital records from her previous and current hospitalization/other medical attendances.
10. Only after 4-5 days did Dr Tanzeel Islam (?) visit and explain there had been an error in a pulmonary procedure by the Interventional Radiologist as they had been attempting to do to remove fluid from this patient's lungs
11. He stated he was working on Healing the pulmonary injury
12. He stated he had not consulted with any specialists (Pulmonary or Cardiology) because hospital protocol and further stated No Specialists were to be consulted unless absolutely necessary (family then demanded same)
13. Hospitalists don't contact Specialists unless there is a medicine change question, other significant reasons; And don't contact patient's primary Outside Hospital Treating Specialist
14. Upon Review of Discharge papers, the Attending Hospitalist simply consulted with a pharmacist for dose and return of patient on one medication (Eliquis) with no dosage given on Plavix, both extensively needed
15. for the health of this patient; and the Hospital assigned Cardiologists simple reviewing tests and/or noting information – some inaccurate – and what appears to be discharge of this patient with ongoing
16. life threatening conditions.
17. The Hospitalist, Dr Tanzeel Islam (?) recommended Beverly M. Brown not be resuscitated if she coded as she would have broken ribs and he emphasized SHE WAS OLD, clearly to cover up under his statement
18. of following PROTOCOL and the Pulmonary error caused by the interventional radiologist physician. He stated such in front of the patient and her husband.
19. 2. Plaintiffs expressed their concerns to the hospital Social Worker about the protocol and malpractice performance, statements made by the Hospitalist; as well as the palliative care employee – clearly resulting
20. in a negative emotional and physical impact on the patient and family because the message related was death, not healing of patients.
21. This Social Worker stated she would reflect all the family's concerns to the hospital board and later confirmed to the family members she did so via email/other correspondence. This Social Worker also informed
22. them that St. Mary's recognition as "being one of the 200 best hospitals" simply had to do with a Survey for which the hospitals pay to participate in and exclude all hospitals who don't participate - 19. making it a
23. very inaccurate statistic.
24. 3. Hospitalist, Dr. Tanzeel Islam (?) came in on a later date stated he consulted with a Pulmonary Specialist and was able to get proper advice on dealing with the pulmonary injury followed by infectious pneumonia etc.

1. There was no indication he spoke to any Cardiologist or at minimum did not seek the extensive consult needed for Beverly M. Brown's chronic cardiovascular condition.
2. 4a On/about February 26, 27-28, 2019, St. Mary's staff placed Beverly M. Brown, who was in a very weakened state, in a room with an infected patient; with another infectious patient who kept entering the hallway. The
3. staff then moved Beverly M. Brown across the hallway during the night after they affirmed the other patient
4. was infected and quarantined.
5. As a result of being with this infected patient; Beverly M. Brown's weakened condition from being taken off her cardio-vascular life saving medications; the lung aspiration Error, - Beverly M. Brown got weaker.
6. In ADDITION, her husband OF SIXTY (60) YEARS, Charles F. Brown, had been in that same room visiting Beverly M. Brown all day in the infected and later quarantined patient's room AND became very sick. He
7. was treated at Renown Urgent Care after Beverly M. Brown died on March 5, 2019.
8. Because of his Sickness, he was not able to physically be with his wife of SIXTY (60) years, Beverly M. Brown, when she died on March 5, 2019 at Renown Hospital due to the Negligent, Malpractice errors
9. caused by Defendants.
10. 4b. On/about February 27, 2019 Beverly M. Brown was moved to a different floor level and put in a room with an infectious patient, who was later quarantined (REITERATED FROM ABOVE, AGAIN BELOW)
11. That same day, an attending male nurse aid had informed Beverly M. Brown's daughters Marilee Brown and Marilou Brown as they walked down the hallway to stay away from a mentally ill patient in a wheelchair
12. that was at the entrance of his room and often in the hallway because he had infection that could be spread.
13. 4c. On February 27, 2019 The night before Beverly M. Brown's discharge, the family received a call from a St. Mary's hospital employee that Beverly M. Brown had been moved across the hallway from her prior room.
14. 4d. The following day, February 28, 2019 the aforementioned family members noticed a DO NOT ENTER sign - INFECTIOUS PATIENT/QUARANTINE at the entry way of where Beverly M. Brown had been
15. in the day before and only masked and gowned medical professionals were allowed into that room with this patient.
16. 5. Beverly M. Brown was discharged late in the day on February 28, 2019 with oxygen her aforementioned family members had been seeking for her. She was in such a very weak state that Marilee and Marilou
17. Brown asked the Nurse Aids to give her a sponge bath before leaving the hospital because she would be too weak to have a shower at home.
18. 6. Beverly M. Brown was discharged with full medical clearance TO GO HOME with Oxygen over the weekend yet she had significant, ongoing life threatening medical conditions; Yet within two days of discharge patient
19. had a cranial blockage causing a stroke because the Drs at St Mary's had reduced then removed the critical life saving medication she needed to prevent arterial blockages. The removal of these critical life saving
20. medications altogether during her Second hospital stay due the lung procedural error ultimately led to Beverly M. Brown's blockages, stroke, heart stress/CHF/UNCONTROLLABLE AFIB, returned infectious Pneumonia
21. and Death at Renown hospital.
22. 7a. Upon review of Beverly M. Brown's discharge papers, it appeared **Attending Hospitalist, Tanzeel Islam** (?) **simply consulted with a pharmacist for dosage and return of patient on one medication (Eliquis) with no**
23. **dosage given on Plavix – both extensively needed for the healthy of this patient; and the Hospital assigned Cardiologists simple reviewing tests and/or noting information – some inaccurate – and what appears to be**
24. **discharge of patient with ongoing life threatening conditions.**
25. 7b. Upon review of Beverly M. Brown's discharge papers, the aforementioned family members noticed that she had NOT been given any; delinquent given and/or been given reduced amount of necessary medication

10/17

1. upon consult only with a pharmacist; the critical life saving Cardiovascular medications (Eliquis and Plavix) vital to Beverly M. Brown's cardiovascular condition and her life.
2. Upon discharge Beverly M. Brown resumed taking full dosage LIFE Saving medicines: Plavix for clots and Eliquis (yet still at the improper dosage of 2.5mg/2X per day too late and still to little with the damage already
3. done directly contributing to the death of this patient, after Hospitalists improper consult with pharmacist vs. Patient's primary St. Mary's cardiology physician who would have specified 5mg/2X per day).
4. 7c. In addition, this patient's discharge papers showed she was discharged with life threatening conditions; and had been placed with an infected patient a day prior to final discharge – all directly contributing to the death of
5. this patient.
6. 8. On Sunday March 3, 2019, only three (3) days after being fully cleared for HOME care by St. Mary's hospital the aforementioned family members noticed Beverly M. Brown appeared to be having a stroke. Marilou Brown
7. called for Paramedics, who took Beverly M. Brown to the requested RENOWN hospital. Marilou Brown rode in the ambulance with her mother to Renown Hospital while Marilee Brown and Charles Brown (*patient's husband of 60 years*) followed in their private vehicle.
9. There was a blood clot that had formed in Beverly M. Brown's brain but while the lifesaving procedure was attempted it appeared to be resolving so Beverly M. Brown was placed in Intensive Care.
10. 9. On Monday March 4, 2019. Marilee and Marilou Brown went to Renown hospital and were there until 10pm. Their brother, Peter Brown, was present intermittently to visit with Beverly M. Brown, his mother. Peter
11. Brown works as a Courier for Renown Hospital.
12. Beverly Brown appeared to be having difficulty breathing, with raspy respiratory sounds. Amanda, the Renown ICU nurse stated Beverly M. Brown's chest X-ray did not look good. Marilou and Marilee Brown also noticed
13. blood clots in the urinary tube and Beverly M. Brown expressed she was having difficulty urinating.
14. Beverly M. Brown expressed she was having severe pain in her amputated leg for which the attending night physician gave her pain medication along with Gabapentin (nerve paid medication). Beverly M. Brown
15. fell asleep and Marilee and Marilou Brown went home 10 pm. Their father, Charles F. Brown was sick at home because of his presence in the infected patient's room all day in patient's room.
16. 10. On Tuesday March 5, 2019 in the very early morning, Charles F, Brown answered a call from the Renown physician who requested to know if they could intubate Beverly M. Brown as she was having difficulty
17. breathing. Charles F. Brown said to do everything they could for Beverly M. Brown. Marilou, who was also on the phone, asked the attending physician was causing her condition. The attending ICU Pulmonary physician
18. stated he had an idea what was causing Beverly M. Brown's pulmonary condition, (which he affirmed later to be infectious pneumonia after he finally received the documents he had been requesting for three (3) days from
19. St. Mary's hospital;. 3 days too late on the day of her death March 5, 2019). The physician recommended the family come to the hospital.
20. Again, Charles F. Brown was very ill (*he had been in the same room at St. Mary's with the infectious woman Beverly M. Brown had been a roommate with as noted above*) so he could not go to the hospital to see his
21. wife of sixty (60) years during this critical stages of illness (He later had to go to urgent care and was given antibiotic treatment), thus could not be there with her when she took her last breath.
22. 11. As they prepared to leave for the hospital, Marilou Brown received a call from Peter Brown, who stated they needed to get there fast because Beverly M. Brown had just "coded" and had been revived. When Marilee
23. Brown and Marilou Brown arrived at Renown hospital. Beverly M. Brown was intubated and awake. She tried to get comfortable in her bed.
24. 12. After St. Mary's finally faxed over their documents to Renown, the attending pulmonary physician spoke with Marilou Brown, Peter Brown about tests he wanted to do. Marilou Brown asked the attending physician
25. what his suspicions were that he mentioned to Charles Brown and Marilou Brown that morning that were

1. causing Beverly's deteriorating condition. The attending physician stated infectious pneumonia and planned to order a CT scan.
2. (Note: The attending ICU Pulmonary physician stated he had an idea what was causing Beverly M. Brown's pulmonary condition - affirmed later upon his receipt of St. Mary's hospital documents finally 3 days later,
3. three (3) days too late on the day of her death March 5, 2019).
4. At that time, Beverly M. Brown began coding again, with Marilee Brown by her side along with a Renown Nurse - who commenced CPR. Marilou Brown instructed the nurse and the attending Renown
5. Physician to stop CPR measures and to let her go. Plaintiffs would rather patient go quickly from a heart attack and thankful she had been intubated instead of dying from a more painful death such as drowning
7. in her own fluids. Beverly M. Brown's family said goodbye at her bedside and on the phone.
8. **Beverly M. Brown passed away on March 5, 2019 at approximately 12:22pm.**

8. D. CONCLUSION

9. MAIN MEDICAL MALPRACTICE INFORMATION (REITERATED):

10. 1. Of Note: Renown could not aspirate Beverly M. Brown's lungs to remove fluid causing respiratory distress
11. which ultimately resulted in her heart failure because her heart was too weak from having been removed from
12. her critical life saving cardio-vascular heart medications Eliquis and Plavix that St. Mary's completely removed
13. by their own discharge admittance – which resulted in her blood clots Sunday through Tuesday March
14. 2019, stress on her heart, heart failure and ultimate death.
15. 2. The removal of critical life saving medication by St. Mary's physicians from Beverly M. Brown after the
16. Interventionist Radiologist's aspiration error should NOT have BEEN DONE despite any possible bleeding
17. because such removal led to her higher risk of stroke and ultimate death – which ultimately DID OCCUR
18. days after discharge because of the aforementioned action.
19. The pulmonary aspiration error led to further significant cardio and pulmonary health issues which limited
20. further critical medical intervention; in addition to Beverly M. Brown ultimately full clearance and discharge for
21. home in a much more deteriorated, weakened and damaged state of health – all as a result of the initial
22. pulmonary aspiration Error and complicated by additional medical negligence /errors; ultimately leading to
23. Beverly M. Brown's Sufferomg and Death, as well as her family's anguish; And
24. St Mary's personnel placed Beverly M. Brown in a room for discharge with an infected patient at upon –
25. which also caused her husband Charles Brown to be sickened, resulting in the fact he could not physically
26. be with his wife when she passed away at Renown hospital because of his illness (he admittedly stated he
27. had never been that sick before in his life).
28. 3a. St Mary's & Renown's medical documentation supports she died because of infections pneumonia (*from*

1. *St. Mary's pulmonary Error procedure & from being placed in a room with the infected patient*), blood
2. clots ultimately leading to stroke, organ failure, furthered, Uncontrollable heart AFIB a and Congestive heart
3. failure (CHF) etc - all because St. Mary's removal of Beverly M. Brown's critical life Saving medication, Plavix
4. and Eliquis during her entire St. Mary's treatment and hospital stay because of the pulmonary injury caused
5. at St. Mary's hospital by the Interventional Radiologist; and;
6. **3b.** St. Mary's Hospitalist discharged patient with ongoing life threatening conditions.
7. **3c.** Beverly was discharged with full medical clearance TO GO HOME with Oxygen over the weekend yet
8. **she had significant, ongoing life threatening medical conditions;**
9. Yet within two days of discharge patient had a cranial blockage cusing a stroke because the Defendants
10. at St Mary's reduced, then removed the critical life saving medication she needed to prevent arterial
11. blockages.
12. The **removal of these critical life saving medications altogether during her Second hospital stay due the**
13. **pulmonary procedural Error ultimately led to Beverly M. Brown's blockages, stroke, heart stress/CHF**
14. **/ UNCONTROLLABLE AFIB, returned infectious Pneumonia and Death at Renown hospital.**
15. **4a.** Upon review of Beverly M. Brown's discharge papers, it appeared the **Attending Hospitalist simply**
16. **consulted with a pharmacist for dosage and return of patient on one medication (Eliquis) with no dosage**
17. **given on Plavix – both extensively needed for the healthy of this patient; and the Hospital assigned**
18. **Cardiologists simple reviewing tests and/or noting information – some inaccurate – and what appears to**
19. **be discharge of patient with ongoing life threatening conditions.**
20. **4b.** Upon review of Beverly M. Brown's discharge papers, the aforementioned family members noticed that
21. she had NOT been given any; delinquently given and/or been given reduced amount of necessary medicine
22. upon consult only with a pharmacist; the critical life saving Cardiovascular medications (Eliquis and Plavix)
23. vital to Beverly M. Brown's cardiovascular condition and her life.
24. **5.** Upon discharge Beverly M. Brown resumed taking full dosage LIFE Saving medicines: Plavix for clots
25. and Eliquis (yet still at the improper dosage of 2.5mg/2X per day recommended by a pharmacist; too late
26. and still to little with the damage already done Directly Contributing to the Sufferig, Death of this patient).
27. **6a.** In addition, The patient's discharge papers showed she was discharged with life threatening
28. conditions; and

1. **6b.** Had been placed with an infected patient a day/two prior to final discharge;
2. All Directly Contributing to the Suffering and Death of this patient, who had severe Chronic Medical
3. conditions but the ^{malpractice/} Negligence of St Mary's Regional Medical Center Hospital staff caused an
4. unnecessary Terminal Medical Condition of this patient; All to the Anguish of her family.
5. 7. From April 2019 to date, after securance and review of medical records from St. Mary's Medical Center,
6. the patient's family attempted to address the aforementioned issues with St. Mary's Regional Medical
- 7.. Center without response, except upon contact with Prime Health Care said Organization referred patient's family to St. Mary Regional Medical Center Risk Management Department. Upon consult with same, Kathy
8. Millard of St. Mary's Risk Management Department advised their Department would investigate the matter and respond in writing within 45 days.
9. **8a.** Throughout February 2020, Upon consult with local counsel, it was advised to patient's family that any
10. medical malpractice case had to be filed in Court within a one year Statute of Limitations.
11. **8b.** During this time, St. Mary's Regional Medical Center Risk Management and Legal Department
12. refused to return patients family's calls for informal meeting in this matter, Alternative Dispute Resolution,
13. Mediation or Arbitration proceedings to resolve their concerns .Nor would same discuss matters when
14. Patient's family physically went to this Department to inquire of voluntary participation.
15. 9. Upon consult with Nevada District Court staff in Reno, NV, it was stated by the Clerks that no
16. such programs could be accessed through the Court unless a formal Civil Complaint was filed,
17. predicating this Action by the patient's family.
18. **10.** For the aforementioned reason, Plaintiff and her family had no choice but to file this Civil Action in order
19. to engage in Court/other sponsored programs to facilitate resolution of this matter and the issues within since
20. St. Mary's Regional Center Risk and Legal Department would not return Plaintiff's and her family's
21. aforementioned requests to engage in said programs. .

22. **AS AND FOR THE FIRST CAUSE OF ACTION**

23. 1. Plaintiffs are informed and believe, and therefore allege, that this Court has subject jurisdiction over this
24. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of Beverly
25. ^{NRS 41, 41A} M. Brown); NRS 41.085, 41.130 and any other applicable law or statute under this jurisdiction not yet known by Plaintiffs;
26. in that Defendants did commit Medical Negligent actions to include Medicinal, Treatment, Judgment, protocol,
27. Etc Errors, against the Plaintiffs which led to the Wrongful Suffering and Death of their mother, patient Beverly

1. Morris (M.) Brown; to include but not limited to the fact that Defendants did commit Medical Negligent
2. Actions, Errors that lead to the ^{Actual & Proximate} Detrimental Health, Suffering and Wrongful Death of their mother, patient ^{Preliminary}
3. Beverly Morris (M.) Brown; And to include Breach of Duty, Medical Negligence/Malpractice, Causation of
4. Human, Financial, Other loss in these proceedings; Significant Emotional, Financial Distress; Et Al, to the
5. Plaintiffs and their family, Subject to the jurisdiction of this Court.
6. 2. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs 1 through 10, 11(A-D)
7. ^{Causes of action / claims for relief (all)} of this Complaint as though fully set forth at length herein; to include but not limited to the facts that the
8. Defendants did commit Medical Negligent Actions, Errors that lead to the ^{Actual & Proximate Malpractice} Detrimental Health, Suffering
9. ^{Preliminary} and Death of Beverly M. Brown; Emotional, Financial, Other Anguish Distress to her family; Breach of
10. Duty, Medical Negligence/Malpractice Action, Causation of Financial loss and Emotional, Financial
11. Distress, Et Al, to the Plaintiffs and her family, Etc – All Subject to the jurisdiction of this Court.
12. 3. Plaintiffs advise that this Complaint may be Amended at a later date as authorized by the Court to
13. include additional laws, clarifications, corrections, etc. to this Complaint.

14. **CLAIMS FOR RELIEF**

15. 1. **WHEREFORE**, the Plaintiffs refer to and by such reference incorporate herein each, every and all
16. averments contained in paragraphs 1 – 10, 11(A – D) ^{Causes of action / claims for relief (all)} herein, above and below as fully set forth in this
17. Complaint. The Defendants are liable to the Plaintiffs for the afore and below mentioned damages under
18. Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of ^{Heirs} Beverly Brown);
19. ^{NRS 41, 41A} NRS 41.085, 41.130 and other any other applicable law under this jurisdiction not yet known to Plaintiffs, Et Seq
20. /other, as afforded by the aforementioned and yet unknown other Statutes; by Defendants causing such harm
21. to Plaintiffs ^{Heirs} (with Legal Power of Attorney as representatives of Beverly Brown); as noted above and below.
22. 2. **WHEREFORE**, as a result of the Medical Negligence and Malpractice Actions by Defendants as asserted
23. under the Jurisdiction and Causation Sections of this Complaint; And Affirmed in the Facts set forth herein;
24. The Plaintiffs respectfully request that this Honorable Court grant Judgment to the Plaintiffs against the
25. Defendant containing the following Prayer For Relief, all of which exceeds \$10,000.00 in damages; All of
26. Which will be proven at Trial; ^{and/or} Arbitration ^{deteriorating medical condition,}
27. With All the Aforementioned Directly Contributing to the ^{Preliminary} Suffering and Wrongful Death of this patient
28. who had Chronic Medical conditions, but the medical Negligence of Defendants caused the Unnecessary

1. Suffering and Terminal Medical Condition of this patient Leading to Patient Beverly M. Brown's
2. preliminary Death on March 5, 2019; And emotional Anguish to her family.

3.

PRAYER FOR RELIEF


4. Wherefore Plaintiffs Pray for the Following Relief:

5. 1. An Award of actual, future, and any other financial damages, legal costs, medical, costs representing
6. attorney or self-acquired Fees, legal expenses, disbursement fees and equivalent effort income lost etc, all in
7. sums may be exceeding \$10,000.00 in amount; representing Defendants' violations of and other any other
8. applicable law under this jurisdiction not yet known to the Plaintiffs, et seq/other, as afforded by the
9. aforementioned/other Statutes; **Noting Defendant financially gains from this/other patients' illnesses;**
10. 2. An Award of compensatory and any other financial damages, etc., all in sums exceeding \$10,000.00 in
11. amount; representing Defendants' violations of Nevada State Law NRS 11.310 (with Legal Power of Attorney
12. as representatives of Beverly Brown); ^{@ Heirs NRS 41, 41A}; and other any other applicable laws under this jurisdiction
13. not yet known to the Plaintiffs, et seq/other, as afforded by the aforementioned/other Statutes;
14. 3. An Award of emotional and any other financial damages, etc all in sums exceeding \$10,000.00 in amount;
15. representing Defendants' violations Nevada State Law NRS 11.310 (with Legal Power of Attorney as
16. representatives of Beverly Brown); ^{@ Heirs NRS 41, 41A} and other any other applicable law under this jurisdiction not
17. yet known to the Plaintiffs, et seq/other, as afforded by the aforementioned/other Statutes;
18. 4. An Award of Damages representing Plaintiffs and her family's loss of their Mother by Wrongful Suffering ^{deteriorating medical condition}
19. and **Death caused by Defendants' Negligent Medical Malpractice Actions**, Et seq/Other, as afforded by the
20. aforementioned/other Statutes,
21. With All the Aforementioned Directly Contributing to the ^{deteriorating medical condition.} **Wrongful Suffering and Death of this patient**
22. who had Chronic Medical conditions but the Negligence of Defendants caused the Unnecessary Suffering
23. and Terminal Medical Condition of this patient. Leading to Patient Beverly M. Brown's deteriorating
24. medical condition, suffering and preliminary Death on March 5, 2019; And Anguish to her family.
25. 5. An Award to facilitate Hospital and Health Care Providers accountability and education for improving
26. the quality of care and reduction of medical mistakes by their accredited bodies; To improve the
27. communication between providers and patients/patients' families so as to ensure the improvement of
28. quality care, healthcare Improvement and less Medical Medicinal, Judgment mistakes/error that lead to the

1. deteriorating medical condition, suffering and preventable death of patients as what happened in this case; etc
2. 6. Any other equitable and further relief as afforded by this Court as Deem and Proper.

3. Of Note: Plaintiffs have Filed an Application For Electronic Filing and Service Exemption in this Matter

4. Date: March 3, 2020


Marilee Brown

5. Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
c/o 45 Nives Court

6. Sparks, NV 89441

Telephone: (775) 425-4216

7. AFFIRMATION Pursuant to NRS 239B.030

8. The undersigned do hereby affirm that the preceding document, CIVIL COMPLAINT and Summons

9. filed in this matter does not contain the Social Security Number of any person.

10. Date: March 3, 2020


Marilee Brown

11. Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se

c/o 45 Nives Court

12. Sparks, NV 89441

Telephone: (775) 425-4216

13. CERTIFICATE OF SERVICE

14. The undersigned do hereby affirm that the preceding document, CIVIL COMPLAINT and Summons will be served in person by a Non Party over 18 years of age within the timeframe of 120 days of Filing this

15. Complaint specified pursuant to NRCP 4(a)(c)(d)(i); and will provide an Affidavit of Service to the Court upon Service of Same Complaint and Summons pursuant to NRCP 4(g)(2)

16. Parties To be Served:

17. 1. St. Mary's Regional Medical Center – Tami Evans Director of Medical Services and Risk Mgmt,
2. Prem Reddy, MD - (Prime HealthCare @ 3480 E. Guasti Road, Ontario, CA 91761; 909-235-4400)

18. 3. Mark McAllister, MD (St Mary's Interventional Radiologist)

4. Tanzeel Islam, MD (St. Mary's Hospitalist)

19. 5. Sridevi Challapalli, MD (St. Mary's Cardiologist)

6. DOES I through X inclusive; 7. ROES Businesses I through X inclusive (yet to be determined)

20. At/About:

21. St. Mary's Regional Medical Center (Hospital/Medical Offices)

Risk Management and Legal Department; St Mary's Medical Offices

22. Via 235 West 6th Street, Reno, NV 89503 (Tele: 775-770-3228/3210; 775-770-3745) And FYI to:

23. Prem Reddy, MD - (Prime HealthCare @ 3480 E. Guasti Road, Ontario, CA 91761(909-235-4400)


Marilee Brown

24. Marilee Brown, Marilou Brown, Pro Se Plaintiffs

45 Nives Court

25. Sparks, NV 89441

26. 775-425-4216

Date: March 2020

3

17/17

EXHIBIT 3

Original

FILED

Case No: CV 20-00422

2020 JUN 26 AM 11:52

CODE: 2515

JACQUELINE DRYANT
CLERK OF THE COURT

Electronically Filed
Jul 08 2020 09:09 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

Marilee Brown, Marilou Brown, Gregory J. Brown (*Approved Informa Pauperis*)
Pro Se Plaintiffs/Appellants,

v

Case No: CV 20-00422

St. Mary's Regional Medical Center - Tami Evans (Tiffany Coury), Prem Reddy, MD
Tanzeel Islam, MD, Mark McAllister, MD Sridevi Challapalli, MD
DOES I through X inclusive; ROES Businesses I through X, inclusive

Defendants.

NOTICE OF APPEAL

Notice is hereby given that the above named Plaintiffs/Appellants Appeal to the Supreme Court of Nevada from the District Court Order of June 8, 2020 Dismissing Plaintiffs/Appellants' Complaint in this Action, with nexus to the Court's May 26, 2020/Other Orders:

With Reference to Plaintiffs'/Appellants' May 28, 2020 Opposition in Support of their Default Judgment/Other Supporting Filing Briefs addressing medical and NON MEDICAL issues in this case; for which the Supreme Court has Ruled said NON MEDICAL issues (refute of the District Court's June 8, 2020 Order) are to be Returned Back to District Court for ongoing proceedings (caselaw) - as addressed in Defendants' and Plaintiffs'Appellants' District Court Filings - to be further addressed inPlaintiffs'/Appellants' Informal Appeal Brief later.

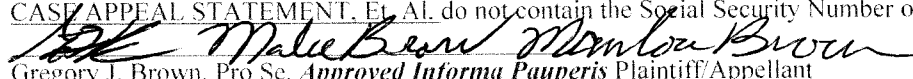
Respectfully Submitted,



Gregory J. Brown, Pro Se, *Approved Informa Pauperis* Plaintiff/Appellant
Marilee Brown, Pro Se, Plaintiff/Appellant
Marilou Brown, Pro Se, Plaintiff/Appellant
45 Nives Court
Sparks, NV 89441
Telephone: (775) 425-4216
Date: June 26, 2020

AFFIRMATION Pursuant to NRS 239B.002

The undersigned do hereby affirm that the preceding documents, NOTICE OF APPEAL and CASE/APPEAL STATEMENT, Et. Al. do not contain the Social Security Number of any person.



Gregory J. Brown, Pro Se, *Approved Informa Pauperis* Plaintiff/Appellant
Marilee Brown, Pro Se, Plaintiff/Appellant
Marilou Brown, Pro Se, Plaintiff/Appellant
45 Nives Court
Sparks, NV 89441
Telephone: (775) 425-4216
Date: June 26, 2020

CERTIFICATE OF SERVICE

1/2

The undersigned do hereby affirm that the preceding documents, NOTICE OF APPEAL and
CASE APPEAL STATEMENT, Et AL. were served on Defendant via regular mail on this date
June 26, 2020.

Gregory J. Brown, Pro Se, *Approved Informa Pauperis* Plaintiff/Appellant

Marilee Brown, Pro Se, Plaintiff/Appellant

Marilou Brown, Pro Se, Plaintiff/Appellant

45 Nives Court, Sparks, NV 89441

Telephone: (775) 425-4216

Date: June 26, 2020

FILED

Original

2020 JUN 26 AM 11:53

Dept No: 1

JACQUELINE BRYANT
CLERK OF THE COURT

Case No: CV 16-02649

CODE:

IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

Marilee Brown, Marilou Brown, Gregory J. Brown (*Approved Informa Pauperis*)
Pro Se Plaintiffs/Appellants,

v

Case No: CV 20-00422

St. Mary's Regional Medical Center - Tami Evans (Tiffany Coury), Prem Reddy, MD
Tanzeel Islam, MD, Mark McAllister, MD Sridevi Challapalli, MD
DOES I through X inclusive; ROES Businesses I through X inclusive

Defendants.

PLAINTIFFS'/APPELLANTS' Pro Se CASE APPEAL STATEMENT

1. Appellant: Gregory J. Brown, Pro Se (*Approved Informa Pauperis*)
Appellant: Marilee Brown, Pro Se
Appellant: Marilou, Brown, Pro Se

2. Plaintiffs/Appellants Appeal to the Supreme Court of Nevada from the District Court Order of June 8, 2020 Dismissing Plaintiffs'/Appellants' Complaint in this Action, with nexus to the Court's May 26, 2020 /Other Orders;

With Reference to Plaintiffs'/Appellants' May 28, 2020 Opposition in support of their Default Judgment/
Other Supporting Filing Briefs addressing medical and NON MEDICAL issues in this case; for which the
Supreme Court has Ruled said NON MEDICAL issues (refute of the District Court's June 8, 2020 Order)
are to be Returned Back to District Court for ongoing proceedings (caselaw) - as addressed in Defendants'
and Plaintiffs'/Appellants' District Court Filings - to be further addressed in Plaintiffs'/Appellants' Informal
Appeal Brief later.

From: District Court Judge: Kathleen Drakulich

3. Appellants: Gregory J. Brown, Pro Se (*Approved Informa Pauperis*)
Marilee Brown
Marilou Brown

4. Respondents:

5. N/A Not represented

6. N/A Not represented

7. N/A Not represented

8a. Plaintiff/Appellant Gregory J. Brown **was granted Informa Pauperis by the District Court**

Plaintiffs/Appellants Marilee Brown and Marilou Brown have not applied for Informa Pauperis in this case and paid District Court Filing costs. Same Appellants Request Waiver of Costs however in this Court due to Financial limitations; else this case will simply proceed under Plaintiff/Appellant Gregory J. Brown until such time Plaintiffs/Appellants Marilee Brown and Marilou Brown can proceed otherwise.

8b. Plaintiffs/Appellants request that this Case be heard on the Original Record Without Reproduction of Record Portions. No Transcript exists as there was no trial.

9. Civil Complaint initiated (Case No: CV 20-00422): March 3, 2020

10. This Case was NOT the subject of a prior Appeal, etc in the Supreme Court

11. This Case does Not involve a Child Custody Matter

12. Appellant is Agreeable to Settlement Proceedings

13. **Description of Nature of Action, Result in District Court Appealed From:**

A. Notice is hereby given that the above named Plaintiffs/Appellants Appeal to the Supreme Court of Nevada from the District Court Order of June 8, 2020 Dismissing Plaintiffs/Appellants' Complaint in this Action, with nexus to the Court's May 26, 2020/Other Orders;

With Reference to Plaintiffs'/Appellants' May 28, 2020 Opposition in support of their Default Judgment/ Other Supporting Filing Briefs addressing medical and NON MEDICAL issues in this case; **for which the Supreme Court has Ruled said NON MEDICAL issues (refute of the District Court's June 8, 2020 Order) are to be Returned Back to District Court for ongoing proceedings (caselaw) - as addressed in Defendants' and Plaintiffs/Appellants' District Court Filings - to be further addressed in Plaintiffs'/Appellants' Informal Appeal Brief later.**

B. Appellant Requests the Court REINSTATE the NON Medical and Default Judgment Aspects of this case for continued proceedings; **And Provide Equitable Relief Deemed appropriate by the Court** For Appellants as Requested in Appellant's Civil Action and Supported by their Filings

C. The District Court Erred, was Mistaken, had Oversight, executed Disparate Treatment, etc in Rulings against Plaintiffs/Appellants related to the aforementioned Appeal issues - all addressed in Plaintiffs'/Appellants' May 28, 2020 **Default Judgment** and other District Court Filings regarding **NON Medical** issues, Judicial Discretion, Default Judgment, Disparate Treatment, etc with a DETAILED Summary to be addressed in Plaintiffs' Appellants' upcoming Docketing and Opening Brief SUBMITTED LATER AS REQUIRED IN THIS APPEAL.

D. 1. *** Per Other Court case rulings (August 27, 2018 Order affirmation Pg 3, the Court states:**

"Pleadings of a pro per litigant (Plaintiffs- non lawyer) are held to a less stringent standard than formal pleading drafted by lawyers (Defendants) (caselaw)"

"the Nevada Supreme Court held that the basic underlying policy governing the exercise of discretion is to have cases decided upon the merits, rather than dismissed on procedural grounds (caselaw)"

2. Appellants are willing to clarify their arguments further at a Hearing should the Court request same

3a. Prays that the Court will Rule ***Favorably** for Appellants as the ***Non moving Party** pursuant to the Facts and Evidence provided by Appellants and in the Appellate and Nexused District Court Record.

3b. *** Per caselaw - Court May 6, 2019 Order affirmation Pg 3, the Court states "when deciding whether summary judgment is appropriate, the Court must view all evidence in light most favorable to the non-moving party (Plaintiffs) and accept all properly supported evidence, factual allegations, reasonable inferences favorable to non-moving party (Plaintiff) as true".**

4a. Plaintiffs/ Appellants are **Agreeable to any Court Sponsored Mediation/Arbitration.**

4b. Plaintiffs/Appellants are willing to Attend a Settlement Conference before a Settlement Judge.


5. Plaintiffs/Appellants Request Waiver of Costs/Fees And to be Relieved from providing Record Excerpts and Exhibits due to Pro Se (and Approved Informa Pauperis Status for Party Gregory J. Brown), but references Arguments and Exhibits from the Record and Will do so Further in his Appeal in Support of Case Reinstatement.

6. No Transcript is Requested as NO Trial Proceedings Occurred.

7. Appellants Request Relief from the Supreme Court pursuant to the aforementioned arguments, those addressed in the Record, and those further addressed in this Appeal:

- That the Court REINSTATE this case, at least the Default Judgment and NON Medical aspects of same, for continued proceedings: And Provide Equitable Relief Deemed appropriate by the Court For Appellants as requested in Plaintiffs'/Appellants' Civil Action and Supported by their Filings

Respectfully Submitted,



NAME: Gregory J. BROWN

BAR NUMBER: N/A (Pro Se, *Approved Informa Pauperis* litigant)

NAME: Marilee Brown, Pro Se

NAME: Marilou Brown, Pro Se

ADDRESS: 45 Nives Court

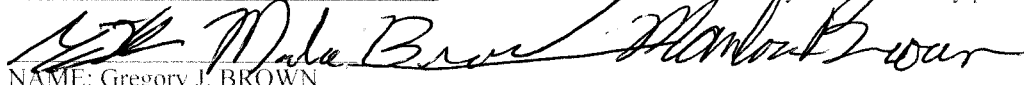
Sparks, NV 89441

TELEPHONE: (775) 425-4216

June 26, 2020

AFFIRMATION Pursuant to NRS 239B.030

The undersigned do hereby affirm that the preceding documents, NOTICE OF APPEAL and CASE APPEAL STATEMENT, Et. Al, do not contain the Social Security Number of any person.



NAME: Gregory J. BROWN

BAR NUMBER: N/A (Pro Se, *Approved Informa Pauperis* litigant)

NAME: Marilee Brown, Pro Se

NAME: Marilou Brown, Pro Se

ADDRESS: 45 Nives Court

Sparks, NV 89441

TELEPHONE: (775) 425-4216

June 26, 2020

CERTIFICATE OF SERVICE

The undersigned do hereby affirm that the preceding documents, NOTICE OF APPEAL and CASE APPEAL STATEMENT, Et. AL, were served on Defendants via regular mail on this date: June 26, 2020.



NAME: Gregory J. BROWN

BAR NUMBER: N/A (Pro Se, *Approved Informa Pauperis* litigant)

NAME: Marilee Brown, Pro Se

NAME: Marilou Brown, Pro Se

ADDRESS: 45 Nives Court

Sparks, NV 89441

TELEPHONE: (775) 425-4216

June 26, 2020

Code 1310

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

MARILEE BROWN, MARILOU BROWN,
GREGORY J. BROWN (for Beverly M. Brown's
family),

Case No. CV20-00422

Plaintiffs,

Dept. No. 1

vs.

ST. MARY'S REGIONAL MEDICAL
CENTER; TAMI EVANS; PREM REDDY, M.D.;
MARK MCALLISTER, M.D.; TANZEEL
ISLAM, M.D.; SRIDEVI CHALLAPALLI, M.D.
AND DOES I THROUGH X, INCLUSIVE, ROE
BUSINESSES I THROUGH X, INCLUSIVE,

Defendants.

CASE APPEAL STATEMENT

This case appeal statement is filed pursuant to NRAP 3(f).

1. Appellants are Marilee Brown, Marilou Brown and Gregory J. Brown.
2. This appeal is from an order entered by the Honorable Judge Kathleen Drakulich.
3. Appellants are representing themselves in Proper Person on appeal, the Appellant's address is:

Gregory J. Brown
Marilee Brown
Marilou Brown
45 Nives Court
Sparks, Nevada 89441

4. Respondent are Saint Mary's Regional Medical Center, Tammy Evans (erroneously named as Tami Evans), and Prem Reddy, M.D.. Respondents were represented in District Court by:

Michael E. Prangle, Esq. SBN 8619
Richard D. DeJong, Esq. SBN 15207
Hall Prangle & Schoonveld, LLC
1140 North Town Center Drive. Ste. 350
Las Vegas, Nevada 89144

5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant s are not represented by counsel in District Court.

7. Appellant s are not represented by counsel on appeal.

8. Appellant filed a Motion to Proceed Informa Pauperis on June 26th, 2020 in the District Court.

9. Proceeding commenced by the filing of a Civil Complaint on March 3rd, 2020.

10. This is a civil proceeding and the Appellant is appealing the Order Granting Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071 filed June 8th, 2020.

11. The case has not been the subject of a previous appeals to the Supreme Court.

12. This case does not involve child custody or visitation.

13. It is unknown if the case involves the possibility of a settlement.

Dated this 1st day of July, 2020.

Jacqueline Bryant
Clerk of the Court
By: /s/ YViloria
YViloria
Deputy Clerk

**SECOND JUDICIAL DISTRICT COURT
STATE OF NEVADA
COUNTY OF WASHOE**

Case History - CV20-00422

Case Description: MARILEE BROWN ETAL VS. SAINT MARY'S REGIONAL ETAL

Case Number: CV20-00422 Case Type: OTHER CIVIL MATTERS - Initially Filed On: 3/3/2020

Parties

<u>Party Type & Name</u>	<u>Party Status</u>
JUDG - KATHLEEN DRAKULICH - D1	Active
PLTF - MARILOU BROWN - @157728	Active
PLTF - MARILEE BROWN - @196169	Active
DEFT - TANZEEL ISLAM, M.D. - @1296794	Active
DEFT - PREM REDDY, M.D. - @1353798	Active
DEFT - TAMI EVANS - @1352762	Active
DEFT - MARK MCALLISTER - @1352763	Active
DEFT - TIFFANY COURY, CEO - @1354586	Active
DEFT - ST. MARY'S REGIONAL MEDICAL CENTER - @1277835	Active
DEFT - SRIDEVI CHALLAPALLI - @1209628	Active
ATTY - Heather S. Hall, Esq. - 10608	Active
ATTY - Edward J. Lemons, Esq. - 699	Active
ATTY - Richard De Jong, Esq. - 15207	Active
ATTY - Alice G. Campos Mercado, Esq. - 4555	Active
ATTY - Michael E. Prangle, Esq. - 8619	Active
ATTY - Robert C. McBride, Esq. - 7082	Party ended on: 4/20/2020 12:00:00AM

Disposed Hearings

- 1 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 4/13/2020 at 11:57:00
Extra Event Text: PLAINTIFFS' REQUEST THAT THEIR OPPOSITION TO DEFENDANTS' MOTION TO DISMISS - TO INCLUDE AMENDMENT/CLARIFICATION O
Event Disposition: S200 - 4/17/2020
- 2 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 4/13/2020 at 11:57:00
Extra Event Text: AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS
Event Disposition: S200 - 4/17/2020
- 3 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 4/16/2020 at 13:29:00
Extra Event Text: DEFT MARK MCALLISTER M.D.'S MOTION TO DISMISS FILED 4-3-2020
Event Disposition: S200 - 6/8/2020
- 4 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 4/20/2020 at 15:56:00
Extra Event Text: DEFT ST MARY'S REGIONAL MEDICAL CENER, TAMMY EVANS, PREM REDDY M.D.'S MOTION TO DISMISS FILED 3-26-2020; PLTFs OPPC
Event Disposition: S200 - 6/8/2020
- 5 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 4/28/2020 at 14:05:00
Extra Event Text: PLAINTIFF GREGORY J BROWNS MOTION TO PROCEED INFORMA PAUPERIS WITH AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION T
Event Disposition: S200 - 6/8/2020
- 6 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 4/28/2020 at 14:05:00
Extra Event Text: PLAINTIFFS REQUEST TO ADD GREGORY J BROWN AS PARTY (MOTION TO PROCEED INFORMA PAUPERIS FILED SEPARATELY)
Event Disposition: S200 - 5/5/2020

Report Does Not Contain Sealed Cases or Confidential Information

- 7 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 4/28/2020 at 14:05:00
Extra Event Text: PLAINTIFFS REQUEST FOR A HEARING WITH REITERAED REFUTES OF DEFENDANTS (TIFFANY COURRY REPLACED TAMMY EVANS, PRI
Event Disposition: S200 - 6/8/2020
- 8 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 4/28/2020 at 14:05:00
Extra Event Text: PLAINTIFFS APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST DEENDANTS TANZEEL ISLAM, MD AN
Event Disposition: S200 - 5/5/2020
- 9 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/7/2020 at 14:20:00
Extra Event Text: MARK MCALLISTER M.D'S MOTION TO STRIKE PLAINTIFFS' REQUEST FOR HEARING WITH REITERATED REFUTES OF DEFENDANTS' A
Event Disposition: S200 - 6/8/2020
- 10 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/14/2020 at 11:56:00
Extra Event Text: PLAINTIFFS REPLY (OPPOSITION) TO DEFENDANT MCALLISTER'S MAY 7, 2020 OPPOSITION (REPLY) REQUEST TO STRIKE PLAINTIFFS
Event Disposition: S200 - 6/8/2020
- 11 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/14/2020 at 11:56:00
Extra Event Text: PLAINTIFFS APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST DEFENDANS TANEEL ISLAM, MD AND
Event Disposition: S200 - 5/26/2020
- 12 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 5/14/2020 at 11:56:00
Extra Event Text: PLAINTIFF GREGORY J. BROWN'S MOTION TO PROCEED INFORMA PAUPERIS WITH AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION
Event Disposition: S200 - 6/8/2020
- 13 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/14/2020 at 11:56:00
Extra Event Text: PLAINTIFFS' OPPOSITION TO DH'ENDANT MCA LUSTER'S DISMISSAL MOTION OF: PLAINTIFF'S HEARING REQUEST ELSE CONSIDERAT
Event Disposition: S200 - 6/8/2020
- 14 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/14/2020 at 11:56:00
Extra Event Text: PLAINTIFFS REQUEST TO SUBMIT THE FOLLOWING (ALREADY FILED DOCUii1EN1:V) TO THE COURT FOR DECISION -AS THE RESPON
Event Disposition: S200 - 6/8/2020
- 15 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/14/2020 at 11:56:00
Extra Event Text: PLAINTIFF'S REQUEST TO ADD GREGORY J BROWN AS PARTY (MOTION TO PROCEED IN FORMA PAUPERIS FILED SEPARATELY)
Event Disposition: S200 - 5/26/2020
- 16 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/14/2020 at 11:56:00
Extra Event Text: PLAINTIFFS REQUEST TO SUBMIT THE FOLLOWING (ALREADY FILED DOCUMENTS) TO THE COURT FOR DECISION - AS THE RESPON
Event Disposition: S200 - 6/8/2020
- 17 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/28/2020 at 12:34:00
Extra Event Text: PLAINTIFFS AMENDED PLEADING / SUPPLEMENTAL BRIEF REQUEST IN SUPPORT OF THEIR HEARING REQUEST / INFO CONSIDERATI
Event Disposition: S200 - 6/8/2020
- 18 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/28/2020 at 12:34:00
Extra Event Text: PLAINTIFFS MOTION TO DISMISS DEFENDANTS TIFFANY COURRY (REPLACED TAMMY EVANS) / PREM REDDY'S APRIL 20, 2020 DELINQI
Event Disposition: S200 - 6/8/2020
- 19 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/28/2020 at 12:34:00
Extra Event Text: AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS
Event Disposition: S200 - 6/8/2020
- 20 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/28/2020 at 12:34:00
Extra Event Text: PLAINTIFFS REQUEST TO SUBMIT THIS SUBMISSION BRIEF AND THE (ALREADY) FILED DOCUMENTS) TO THE COURT FOR DECISION -
Event Disposition: S200 - 6/8/2020

- 21 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/28/2020 at 12:35:00
Extra Event Text: PLAINTIFFS REPLY (OPPOSITION) TO DEFENDANT MCALLISTER'S MAY 7, 2020 OPPOSITION (REPLY) REQUESTING TO STRIKE PLAINTIFF
Event Disposition: S200 - 6/8/2020
- 22 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 6/5/2020 at 12:00:00
Extra Event Text: AFFIDAVIT IN SUPPORT OF DEFAULT JUDGMENT (NO ORDER)
Event Disposition: S200 - 6/8/2020
- 23 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 6/5/2020 at 11:59:00
Extra Event Text: PLAINTIFFS OPPOSITION TO DEFENDANTS TAMMY EVANS PREM REDDY MD'S MAY 15TH, 2020 ERRATA RELATED TO PLAINTIFFS MAY
Event Disposition: S200 - 6/8/2020
- 24 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 6/5/2020 at 12:00:00
Extra Event Text: PLAINTIFFS ADDENDUM TO THEIR MAY 28TH 2020 OPPOSITION TO DEFENDANTS TAMMY EVANS ETC (NO ORDER)
Event Disposition: S200 - 6/8/2020

Actions

- | | <u>Filing Date</u> | <u>-</u> | <u>Docket Code & Description</u> |
|----|--------------------|----------|---|
| 1 | 3/3/2020 | - | 1270 - Application ...
Additional Text: MARILEE BROWN
Transaction 7772099 - Approved By: BVIRREY : 03-03-2020:14:45:25 |
| 2 | 3/3/2020 | - | \$1425 - \$Complaint - Civil
Additional Text: Transaction 7772099 - Approved By: BVIRREY : 03-03-2020:14:45:25 |
| 3 | 3/3/2020 | - | \$PLTF - \$Addl Plaintiff/Complaint
<i>No additional text exists for this entry.</i> |
| 4 | 3/3/2020 | - | PAYRC - **Payment Receipted
Additional Text: A Payment of -\$285.00 was made on receipt DCDC656400. |
| 5 | 3/4/2020 | - | 3105 - Ord Granting ...
Additional Text: ORDER GRANTING APPLICATION FOR ELECTRONIC FILING AND SERVICE EXEMPTION (MARILEE BROWN) -
Transaction 7773572 - Approved By: NOREVIEW : 03-04-2020:11:17:13 |
| 6 | 3/4/2020 | - | NEF - Proof of Electronic Service
Additional Text: Transaction 7773601 - Approved By: NOREVIEW : 03-04-2020:11:20:27 |
| 7 | 3/26/2020 | - | 2315 - Mtn to Dismiss ...
Additional Text: DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.071 -
Transaction 7811786 - Approved By: YVILORIA : 03-26-2020:16:20:02 |
| 8 | 3/26/2020 | - | \$1560 - \$Def 1st Appearance - CV
Additional Text: ST. MARY'S REGIONAL MEDICAL CENTER - Transaction 7811786 - Approved By: YVILORIA : 03-26-2020:16:20:02 |
| 9 | 3/26/2020 | - | \$DEFT - \$Addl Def/Answer - Prty/Appear
Additional Text: PREM REDDY,M.D. - Transaction 7811786 - Approved By: YVILORIA : 03-26-2020:16:20:02 |
| 10 | 3/26/2020 | - | \$DEFT - \$Addl Def/Answer - Prty/Appear
Additional Text: TAMMY EVANS (ERROENOUSLY NAMED AS TAMI EVANS) - Transaction 7811786 - Approved By: YVILORIA :
03-26-2020:16:20:02 |
| 11 | 3/26/2020 | - | 1817 - Initial Appear. Fee Disclosure
Additional Text: DEFENDANTS' INITIAL APPEARANCE FEE DISCLOSURE - Transaction 7811786 - Approved By: YVILORIA :
03-26-2020:16:20:02 |

- 12 3/26/2020 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$268.00 was made on receipt DCDC657575.
- 13 3/26/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7811812 - Approved By: NOREVIEW : 03-26-2020:16:21:02
- 14 4/3/2020 - 2315 - Mtn to Dismiss ...
Additional Text: DEFENDANT MARK MCALLISTERS M.D.S MOTION TO DISMISS - Transaction 7821763 - Approved By: CSULEZIC : 04-03-2020:14:59:43
- 15 4/3/2020 - \$1560 - \$Def 1st Appearance - CV
Additional Text: MARK MCALLISTER M.D. - Transaction 7821763 - Approved By: CSULEZIC : 04-03-2020:14:59:43
- 16 4/3/2020 - PAYRC - **Payment Receipted
Additional Text: A Payment of \$208.00 was made on receipt DCDC657825.
- 17 4/3/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7821869 - Approved By: NOREVIEW : 04-03-2020:15:01:18
- 18 4/13/2020 - 2645 - Opposition to Mtn ...
Additional Text: PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS - TO INCLUDE: - Transaction 7831867 - Approved By: YVILORIA : 04-13-2020:12:38:41
- 19 4/13/2020 - 3860 - Request for Submission
Additional Text: Transaction 7831867 - Approved By: YVILORIA : 04-13-2020:12:38:41
DOCUMENT TITLE: AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 4-13-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 20 4/13/2020 - 3860 - Request for Submission
Additional Text: Transaction 7831867 - Approved By: YVILORIA : 04-13-2020:12:38:41
DOCUMENT TITLE: PLAINTIFFS' REQUEST THAT THEIR OPPOSITION TO DEFENDANTS' MOTION TO DISMISS - TO INCLUDE AMENDMENT/CLARIFICATION OF THEIR TO CIVIL COMPLAINT WITH ADDITIONAL LAWS, CORRECTIONS, CLARIFICATON, ET AL AS SPECIFIED IN THEIR CIVIL COMPLAINT; AND AMENDMENT REQUEST HERE TO INCLUDE ADDITIONAL PLAINTIFF (RETURN SERVICE OF SUMMONS AND ADDITIONAL PLAINTIFF DOCUMENTATION SUBMITTED SEPARATELY)
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 4/13/2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 21 4/13/2020 - 1090 - Amended Complaint
Additional Text: AMENDMENT TO CIVIL COMPANY / RETURN SERVICE OF SUMMONS - Transaction 7831867 - Approved By: YVILORIA : 04-13-2020:12:38:41
- 22 4/13/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7832066 - Approved By: NOREVIEW : 04-13-2020:12:40:34
- 23 4/16/2020 - 1290 - Association of Counsel
Additional Text: NOTICE OF ASSOCIATION OF COUNSEL ON BEHALF OF DEFENDANT MARK MCALLISTER MD - Transaction 7838276 - Approved By: NOREVIEW : 04-16-2020:13:29:33
- 24 4/16/2020 - 3790 - Reply to/in Opposition
Additional Text: REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANT MARKMCALLISTER, M.D.'S MOTION TO DISMISS - Transaction 7838280 - Approved By: YVILORIA : 04-16-2020:13:38:10
- 25 4/16/2020 - 3860 - Request for Submission
Additional Text: Transaction 7838282 - Approved By: NOREVIEW : 04-16-2020:13:30:06
DOCUMENT TITLE: DEFT MARK MCALLISTER M.D.'S MOTION TO DISMISS FILED 4-3-2020
PARTY SUBMITTING: EDWARD LEMONS ESQ
DATE SUBMITTED: 4-16-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

- 26 4/16/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7838283 - Approved By: NOREVIEW : 04-16-2020:13:31:05
- 27 4/16/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7838287 - Approved By: NOREVIEW : 04-16-2020:13:31:09
- 28 4/16/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7838317 - Approved By: NOREVIEW : 04-16-2020:13:39:18
- 29 4/17/2020 - 3366 - Ord Vacating
Additional Text: SUBMISSIONS - Transaction 7839961 - Approved By: NOREVIEW : 04-17-2020:11:56:41
- 30 4/17/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS' REQUEST THAT THEIR OPPOSITION TO DEFENDANTS' MOTION TO DISMISS - TO INCLUDE AMENDMENT/CLARIFICATION OF THEIR TO CIVIL COMPLAINT WITH ADDITIONAL LAWS, CORRECTIONS, CLARIFICATON, ET AL AS SPECIFIED IN THEIR CIVIL COMPLAINT; AND AMENDMENT REQUEST HERE TO INCLUDE ADDITIONAL PLAINTIFF (RETURN SERVICE OF SUMMONS AND ADDITIONAL PLAINTIFF DOCUMENTATION SUBMITTED SEPARATELY) (SEE ORDER FILED 4/17/2020)
- 31 4/17/2020 - S200 - Request for Submission Complet
Additional Text: AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS (SEE ORDER FILED 4/17/2020)
- 32 4/17/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7839964 - Approved By: NOREVIEW : 04-17-2020:11:57:47
- 33 4/20/2020 - 4075 - Substitution of Counsel
Additional Text: SUBSTITUTION OF COUNSEL: HALL PRANGLE & SCHOONVELD LLC IN PLACE OF CARROLL, KELLY TROTTER FRANZEN & MCBRIDE / DEFT ST MARY'S REGIONAL MEDICAL CENTER, TAMMY EVANS AND PREM REDDY MD Transaction 7841720 - Approved By: NOREVIEW : 04-20-2020:11:29:16
- 34 4/20/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7841722 - Approved By: NOREVIEW : 04-20-2020:11:30:18
- 35 4/20/2020 - 3795 - Reply...
Additional Text: DEFENDANTS ST MARY'S REGIONAL MEDICAL CENTER, TAMMY EVANS AND PREM REDDY M.D.'S RELY IN SUPPORT OF MOTION TO DISMISS - Transaction 7842678 - Approved By: YVILORIA : 04-20-2020:15:57:07
- 36 4/20/2020 - 3860 - Request for Submission
Additional Text: Transaction 7842683 - Approved By: NOREVIEW : 04-20-2020:15:57:14
DOCUMENT TITLE: DEFT ST MARY'S REGIONAL MEDICAL CENER, TAMMY EVANS, PREM REDDY M.D.'S MOTION TO DISMISS FILED 3-26-2020; PLTFS OPPOSITION TO DEFTS MOTION TO DISMISS FILED 4-13-2020; DEFTS REPLY TO PLTFS OPPOSITION TO DEFT'S MOTION TO DISMISS FILED 4-20-2020
PARTY SUBMITTING: RICHARD DE JONG ESQ
DATE SUBMITTED: 4-20-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 37 4/20/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7842686 - Approved By: NOREVIEW : 04-20-2020:15:58:14
- 38 4/20/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7842685 - Approved By: NOREVIEW : 04-20-2020:15:58:13
- 39 4/28/2020 - 2475 - Mtn to Strike...
Additional Text: DEFENDANT MARK MCALLISTER M.D.'S MOTION TO STRIKE PLAINTIFF'S REQUEST FOR HEARING WITH REITERATED REFUTES OF DEFENDANTS ANSWERS ETC - Transaction 7852640 - Approved By: YVILORIA : 04-28-2020:10:32:34
- 40 4/28/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7852646 - Approved By: NOREVIEW : 04-28-2020:10:33:38

- 41 4/28/2020 - 1047 - Affidavit of Poverty
Additional Text: AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS - Transaction 7853337 - Approved By: YVILORIA : 04-28-2020:14:09:48
- 42 4/28/2020 - 2385 - Mtn Proceed Forma Pauperis
Additional Text: MOTION TO PROCEED INFORMA PAUPERIS - Transaction 7853337 - Approved By: YVILORIA : 04-28-2020:14:09:48
- 43 4/28/2020 - 3860 - Request for Submission
Additional Text: Transaction 7853337 - Approved By: YVILORIA : 04-28-2020:14:09:48
DOCUMENT TITLE: PLAINTIFF GREGORY J BROWNS MOTION TO PROCEED INFORMA PAUPERIS WITH AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION TO PROCEED INFORMA PAUPERIS
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 4-28-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 44 4/28/2020 - 3860 - Request for Submission
Additional Text: Transaction 7853337 - Approved By: YVILORIA : 04-28-2020:14:09:48
DOCUMENT TITLE: PLAINTIFFS REQUEST TO ADD GREGORY J BROWN AS PARTY (MOTION TO PROCEED INFORMA PAUPERIS FILED SEPARATELY)
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 4-28-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 45 4/28/2020 - 3860 - Request for Submission
Additional Text: Transaction 7853337 - Approved By: YVILORIA : 04-28-2020:14:09:48
DOCUMENT TITLE: PLAINTIFFS REQUEST FOR A HEARING WITH REITERAED REFUTES OF DEFENDANTS (TIFFANY COURRY REPLACED TAMMY EVANS, PREM REDDY, MD; MARK MCALLISTER; MD) ANSWERS IN LIEU OF A HEARIN G- IF SAME SUPPORTS UPHOLDING PLAINTIFFS COMPLAINT
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 4-28-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 46 4/28/2020 - 3860 - Request for Submission
Additional Text: PLAINTIFFS' APPLICATION FOR DEFAULT UDGMENT PURSUANT TO RULE 54/55 OTHER AGAINST DEFENDANTS TANZEEL ISLAM, MD AND SRIDEVI CHALLAPALLI MD FOR NON ANSWER RESPONSE - Transaction 7853337 - Approved By: YVILORIA : 04-28-2020:14:09:48
DOCUMENT TITLE: PLAINTIFFS APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST DEENDANTS TANZEEL ISLAM, MD AND SRIDEVI CALLAPALLI MD FOR NON ANSWER / RESPONSE
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 4-28-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 47 4/28/2020 - 3870 - Request
Additional Text: REQUEST TO ADD GREGORY J. BROWN AS PARTY (MOTION TO PROCEED INFORMA PAUERIS FILED SEPARATELY) - Transaction 7853337 - Approved By: YVILORIA : 04-28-2020:14:09:48
- 48 4/28/2020 - 3870 - Request
Additional Text: PLAINTIFFS REQUEST FOR A HEARING WITH REITERATED REFUTES OF DEFENDANTS' (TIFFANY COURRY REPLACTED TAMMY EVANS, PREM REDDY, MD; MARK MCALLISTER MD) ANSWERS IN LIEU OF A HEARING - IF SAME SUPPORTS UPHOLD - Transaction 7853337 - Approved By: YVILORIA : 04-28-2020:14:09:48
- 49 4/28/2020 - 1225 - Application Default Judgment
Additional Text: PLAINTIFFS' APPLICATION FOR DEFAULT UDGMENT PURSUANT TO RULE 54/55 OTHER AGAINST DEFENDANTS TANZEEL ISLAM, MD AND SRIDEVI CHALLAPALLI MD FOR NON ANSWER RESPONSE - Transaction 7853337 - Approved By: YVILORIA : 04-28-2020:14:09:48
- 50 4/28/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7853352 - Approved By: NOREVIEW : 04-28-2020:14:10:48
- 51 5/5/2020 - 3366 - Ord Vacating
Additional Text: SUBMISSION - Transaction 7863217 - Approved By: NOREVIEW : 05-05-2020:15:46:44

- 52 5/5/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7863218 - Approved By: NOREVIEW : 05-05-2020:15:47:34
- 53 5/5/2020 - 2840 - Ord Denying ...
Additional Text: APPLICATION FOR DEFAULT JUDGMENT - Transaction 7863220 - Approved By: NOREVIEW : 05-05-2020:15:48:25
- 54 5/5/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7863222 - Approved By: NOREVIEW : 05-05-2020:15:49:14
- 55 5/5/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST DEENDANTS TANZEEL ISLAM, MD AND SRIDEVI CALLAPALLI MD FOR NON ANSWER / RESPONSE (SEE ORDER FILED 5/5/2020)
- 56 5/5/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS REQUEST TO ADD GREGORY J BROWN AS PARTY (MOTION TO PROCEED INFORMA PAUPERIS FILED SEPARATELY) (SEE ORDER FILED 5/5/2020)
- 57 5/6/2020 - 2650 - Opposition to ...
Additional Text: PLAINTIFFS' OPPOSITION TO DEFENDANT MCALLISTER'S DISMISSAL MOTION OF: PLAINTIFF'S HEARING REQUEST ELSE CONSIDERATION OF PLAINTIFF'S NEW/REITERATED REFUTES (CLARIFICATIONS) IN LIEU OF HEARING TO UPHOLD PLAINTIFFS' COMPLAINT ISSUES (SEE SEPARATE OPPOSITION/MOTION FILINGS ON SAME ISSUES, AS WELL) - Transaction 7865178 - Approved By: YVILORIA : 05-06-2020:15:22:27
- 58 5/6/2020 - 1120 - Amended ...
Additional Text: PLAINTIFFS' AMENDED PLEADING / SUPPLEMENTAL BRIEF REQUEST IN SUPPORT OF THEIR HEARING REQUEST/INFO CONSIDERATION IN LIEU OF; CLARIFICATION OF DEFENDANTS ERRONEOUS INFORMATION WITHIN SAID PLEADINGS (PLAINTIFFS DIRECT AND REITERATED REFUTES) IN SUPPORT OF THE COURT JUSTIFIABLY UPHOLDING PLAINTIFFS CMPLAINT ISSUES (SEE SEPARATE OPPOSITION/MOTION FILINGS ON SAME ISSUES, AS WELL) - Transaction 7865178 - Approved By: YVILORIA : 05-06-2020:15:22:27
- 59 5/6/2020 - 2315 - Mtn to Dismiss ...
Additional Text: PLAINTIFFS' MOTION TO DISMISS DEFENDANTS TIFFANY COURY (REPLACED TAMMY EVANS) / PREM REDDY'S APRIL 20, 2020 DELINQUENT/ERRONEOUS REPRESENTATION REPLY (SEE SEPARATE OPPOSITION/MOTION FILINGS AS WELL) - Transaction 7865178 - Approved By: YVILORIA : 05-06-2020:15:22:27
- 60 5/6/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7865181 - Approved By: NOREVIEW : 05-06-2020:15:23:25
- 61 5/7/2020 - 3795 - Reply...
Additional Text: DEFENDANT MARK MCALLISTER, M.D.'S REPLY IN SUPPORT OF MOTION TO STRIKE PLAINTIFFS' REQUEST FOR HEARING WITH REITERATED REFUTES OF DEFENDANTS ANSWERS, ETC - Transaction 7866827 - Approved By: YVILORIA : 05-07-2020:14:25:53
- 62 5/7/2020 - 3860 - Request for Submission
Additional Text: Transaction 7866828 - Approved By: NOREVIEW : 05-07-2020:14:21:16
DOCUMENT TITLE: MARK MCALLISTER M.D'S MOTION TO STRIKE PLAINTIFFS' REQUEST FOR HEARING WITH REITERATED REFUTES OF DEFENDANTS' ANSWERS ETC FILED 4-28-2020
PARTY SUBMITTING: EDWARD LEMONS ESQ
DATE SUBMITTED: 5-7-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 63 5/7/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7866833 - Approved By: NOREVIEW : 05-07-2020:14:22:25
- 64 5/7/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7866853 - Approved By: NOREVIEW : 05-07-2020:14:26:53
- 65 5/14/2020 - 3795 - Reply...
Additional Text: PLAINTIFFS' REPLY (OPPOSITION) TO DEFENDANT MCALLISTER'S May 7, 2020 OPPOSITION ("REPLY") REQFESTING TO STRIKE PLAINTIFT'S MAY 6, 2020 AMENDED PLEADING/ SUPPLEMENTAL BRIEF
- 66 5/14/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFFS REQUEST TO SUBMIT THE FOLLOWING (ALREADY FILED DOCUMENTS) TO THE COURT FOR DECISION -AS THE RESPONSE TIME FOR SAME HAS LAPSED: REQUEST FOR SUBMISSION DOCUMENTS FILED SEPARATELY FOR EACH DOCUMENT:REQUEST TO ADD GREGORY .J. BROWN AS PARTY (motion to proceed IN FORMA PAUPERIS (filed separately); PLAINTIFF GREGORY .J. BROWN's Motion to Proceed IN FORMA PAUPERIS, WITH AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS; 3) PLAINTIFFS' APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST DEFENDANTS Tanzeel Islam. MD and Sridevi Challapalli, MD FOR NON ANSWER/ NON RESPONSE
NON RESPONSE
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 5-14-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

67 5/14/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFFS REQUEST TO SUBMIT THE FOLLOWING (ALREADY FILED DOCUMENTS) TO THE COURT FOR DECISION - AS THE RESPONSE TIME FOR SAME HAS LAPSED; REQUEST FOR SUBMISSION DOCUMENTS FILED SEPARATELY FOR EACH DOCUMENT
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 5-14-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

68 5/14/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFFS' OPPOSITION TO DEFENDANT MCA LUSTER'S DISMISSAL MOTION OF: PLAINTIFF'S HEARING REQUEST ELSE CONSIDERATION OF PLAINTIFFS' NEW / REITERATED REFUTES (CLARIFICATIONS) IN LIEU OF HEARING TO UPHOLD PLAINTIFFS' COMPLAINT ISSUES (See Separate Opposition/Motion Filings on Same Issues, as well)
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 5-14-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

69 5/14/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFF GREGORY J. BROWN'S MOTION TO PROCEED IN FORMA PAUPERIS WITH AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 5-14-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

70 5/14/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFF'S REQUEST TO ADD GREGORY J BROWN AS PARTY (MOTION TO PROCEED IN FORMA PAUPERIS FILED SEPARATELY)
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 5-14-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

71 5/14/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFFS APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST DEFENDANTS TANEEL ISLAM, MD AND SRIDEVI CHALLAPALLI MD FOR NON ANSWER/RESPONSE
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 5-14-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

72 5/14/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFFS REPLY (OPPOSITION) TO DEFENDANT MCALLISTER'S MAY 7, 2020 OPPOSITION (REPLY) REQUEST TO STRIKE PLAINTIFFS' MAY 6, 2020 AMENDED PLEADING/SUPPLEMENTAL BRIEF
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 5-14-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

73 5/15/2020 - 3795 - Reply...

Additional Text: ERRATA TO DEFENDANTS ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY EVANS AND PREM REDDY M.D.'S REPLY IN SUPPORT OF MOTION TO DISMISS - Transaction 7879975 - Approved By: YVILORIA : 05-18-2020:08:31:59

74 5/15/2020 - \$1560 - \$Def 1st Appearance - CV

Additional Text: TANZEEL ISLAM, M.D. - Transaction 7879975 - Approved By: YVILORIA : 05-18-2020:08:31:59

- 75 5/15/2020 - \$DEFT - \$Addl Def/Answer - Prty/Appear
Additional Text: SRI CHALLAPALLI, M.D. - Transaction 7879975 - Approved By: YVILORIA : 05-18-2020:08:31:59
- 76 5/15/2020 - 1817 - Initial Appear. Fee Disclosure
Additional Text: DEFENDANT TANZEEL ISLAM, M.D. AND SRI CHALLAALLI M.D.'S INITIAL APPEARANCE FEE DISCLOSURE - Transaction 7879975 - Approved By: YVILORIA : 05-18-2020:08:31:59
- 77 5/18/2020 - PAYRC - **Payment Received
Additional Text: A Payment of \$238.00 was made on receipt DCDC658957.
- 78 5/18/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7880641 - Approved By: NOREVIEW : 05-18-2020:08:32:59
- 79 5/26/2020 - 3105 - Ord Granting ...
Additional Text: REQUEST TO ADD GREGORY J BROWN AS PARTY - Transaction 7891381 - Approved By: NOREVIEW : 05-26-2020:09:01:17
- 80 5/26/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7891385 - Approved By: NOREVIEW : 05-26-2020:09:02:16
- 81 5/26/2020 - 3366 - Ord Vacating
Additional Text: SUBMISSION - Transaction 7891393 - Approved By: NOREVIEW : 05-26-2020:09:04:28
- 82 5/26/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 7891398 - Approved By: NOREVIEW : 05-26-2020:09:05:27
- 83 5/26/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS' REQUEST TO ADD GREGORY J. BROWN AS PARTY (SEE ORDER FILED 5/26/2020)
- 84 5/26/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST DEFENDANS TANEEL ISLAM, MD AND SRIDEVI CHALLAPALLI MD FOR NON ANSWER/RESPONSE (SEE ORDER FILED 5/26/2020)
- 85 5/28/2020 - 2650 - Opposition to ...
Additional Text: PLAINTIFFS (A) OPPOSITION TO DEFENDANTS TAMMY EVANS (TIFFANY COURY)/PREM REDDY MDS MAY 15, 2020 ERRATA RELATED TO PLAINTIFFS MAY 14, 2020 (& PRIOR) DEFAULT MOTIONS AGAINST DEFENDANTS TANZEEL ISLAM AND SRIDEVI CHALLAPALLI; (B) IN SUPPORT OF PLAINTIFFS' MAY 6/14, 2020 SUPPLEMENTAL & DISMISSAL FILINGS NEXUSED TO DEFENDANTS' REPLIES/ERRATA; (C) WITH PLAINTIFFS' NOTICE OF THEIR REQUEST FOR SUBMISSION OF ALL ADJUDICATED FILINGS FOR NO RESPONSE/OTHER (SEPARATE FILINGS0
- 86 5/28/2020 - 3870 - Request
Additional Text: PLAINTIFFS REQUEST TO SUBMIT THIS SUBMISSION BRIEF AND THE (ALREADY FILED DOCUMENTS) TO THE COURT FOR DECISION - AS THE RESPONSE TIME FOR SAME HAS LAPSED; REQUEST FOR SUBMISSION DOCUMENTS FILED SEPARATELY FOR EACH DOCUMENT
- 87 5/28/2020 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: PLAINTIFFS REQUEST TO SUBMIT THIS SUBMISSION BRIEF AND THE (ALREADY) FILED DOCUMENTS) TO THE COURT FOR DECISION - AS THE RESPONSE TIME FOR SAME HAS LAPSED; REQUEST FOR SUBMISSION DOCUMENTS FILED SEPARATELY FOR EACH DOCUMENT
PARTY SUBMITTING: MARILLOU BROWN
DATE SUBMITTED: 5-28-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 88 5/28/2020 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS
PARTY SUBMITTING: MARILLOU BROWN
DATE SUBMITTED: 5-28-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:
- 89 5/28/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFFS MOTION TO DISMISS DEFENDANTS TIFFANY COURY (REPLACED TAMMY EVANS) / PREM REDDY'S APRIL 20, 2020 DELINQUENT/ERRONEOUS REPRESENTATION REPLY (SEE SEPARATE OPPOSITION / MOTION FILINGS AS WELL)
PARTY SUBMITTING: MARILI BROWN
DATE SUBMITTED: 5-28-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

90 5/28/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFFS AMENDED PLEADING / SUPPLEMENTAL BRIEF REQUEST IN SUPPORT OF THEIR HEARING REQUEST / INFO CONSIDERATION IN LIEU OF; CLARIFICATION OF DEFENDANTS ERRONEOUS INFORMATION WITHIN SAID PLEADINGS, (PLAINTIFFS DIRECT AND REITERATED REFUTES) IN SUPPORT OF THE COURT JUSTIFIABLY UPHOLDING PLAINTIFFS' COMPLAINT ISSUES (SEE SEPARATE OPPOSITION/MOTION FILINGS ON SAME ISSUES, AS WELL)
PARTY SUBMITTING: MARILOU BROWN
DATE SUBMITTED: 5/28/2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

91 5/28/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFFS REPLY (OPPOSITION) TO DEFENDANT MCALLISTER'S MAY 7, 2020 OPPOSITION (REPLY) REQUESTING TO STRIKE PLAINTIFFS MAY 6, 2020, AMENDED PLEADING / SUPPLEMENTAL BRIEF
PARTY SUBMITTING: MARILOU BROWN
DATE SUBMITTED: 5-28-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

92 6/5/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFFS OPPOSITION TO DEFENDANTS TAMMY EVANS PREM REDDY MD'S MAY 15TH, 2020 ERRATA RELATED TO PLAINTIFFS MAY 14 2020 DEFAULT MOTIONS AGAINST DEFENDANTS TANZEEL ISLAM ETC (NO ORDER)
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 6/5/2020
SUBMITTED BY: AZAMORA
DATE RECEIVED JUDGE OFFICE:

93 6/5/2020 - 1020 - Addendum

Additional Text: PLAINTIFF'S ADDENDUM TO THEIR MY 28. 2020 OPPOSITION TO DEFENDANTS TAMMY EVANS (TIFFANY COURY) / PREM REDDY MD'S MAY 15, 2020 ERRATA- NEXUSED TO PLAINTIFFS APRIL 28 & MAY 14, 2020 DEFAULT FILINGS AGAINST DEFENDANT'S TANZEEL ISLAM AND SRIDEVI CHALLAPALLI.

94 6/5/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFFS ADDENDUM TO THEIR MAY 28TH 2020 OPPOSITION TO DEFENDANTS TAMMY EVANS ETC (NO ORDER)
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 6/5/2020
SUBMITTED BY: AZAMORA
DATE RECEIVED JUDGE OFFICE:

95 6/5/2020 - 1030 - Affidavit in Support...

Additional Text: AFFIDAVIT IN SUPPORT OF DEFAULT JUDGMENT

96 6/5/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: AFFIDAVIT IN SUPPORT OF DEFAULT JUDGMENT (NO ORDER)
PARTY SUBMITTING: MARILEE BROWN
DATE SUBMITTED: 6/5/2020
SUBMITTED BY: AZAMORA
DATE RECEIVED JUDGE OFFICE:

97 6/8/2020 - 3060 - Ord Granting Mtn ...

Additional Text: MOTION TO DISMISS PLAINTIFFS' COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.071 - Transaction 7912510 - Approved By: NOREVIEW : 06-08-2020:08:13:38

98 6/8/2020 - NEF - Proof of Electronic Service

Additional Text: Transaction 7912516 - Approved By: NOREVIEW : 06-08-2020:08:14:38

99 6/8/2020 - S200 - Request for Submission Complet

Additional Text: DEFT MARK MCALLISTER, M.D.'S MOTION TO DISMISS FILED 4-3-2020 (SEE ORDER FILED 6/8/2020)

- 100 6/8/2020 - S200 - Request for Submission Complet
Additional Text: DEFT ST MARY'S REGIONAL MEDICAL CENER, TAMMY EVANS, PREM REDDY M.D.'S MOTION TO DISMISS FILED 3-26-2020; PLTFS OPPOSITION TO DEFTS MOTION TO DISMISS FILED 4-13-2020; DEFTS REPLY TO PLTFS OPPOSITION TO DEFT'S MOTION TO DISMISS FILED 4-20-2020 (SEE ORDER FILED 6/8/2020)
- 101 6/8/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS REQUEST FOR A HEARING WITH REITERAED REFUTES OF DEFENDANTS (TIFFANY COURY REPLACED TAMMY EVANS, PREM REDDY, MD; MARK MCALLISTER; MD) ANSWERS IN LIEU OF A HEARIN G- IF SAME SUPPORTS UPHOLDING PLAINTIFFS COMPLAINT (SEE ORDER FILED 6/8/2020)
- 102 6/8/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFF GREGORY J BROWNS MOTION TO PROCEED INFORMA PAUPERIS WITH AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION TO PROCEED INFORMA PAUPERIS (SEE ORDER FILED 6/8/2020)
- 103 6/8/2020 - S200 - Request for Submission Complet
Additional Text: MARK MCALLISTER M.D'S MOTION TO STRIKE PLAINTIFFS' REQUEST FOR HEARING WITH REITERATED REFUTES OF DEFENDANTS' ANSWERS ETC FILED 4-28-2020 (SEE ORDER FILED 6/8/2020)
- 104 6/8/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS' OPPOSITION TO DH'ENDANT MCA LUSTER'S DISMISSAL MOTION OF: PLAINTIFF'S HEARING REQUEST ELSE CONSIDERATION OF PLAINTIFFS' NEW / REITERATED REFUTES (CLARIFICATIONS) IN LIU OF HEARING TO UPHOLD PLAINTIFFS' COMPLAINT ISSUES (See Separate Opposition/Motion Filings on Same Issues, as well) (SEE ORDER FILED 6/8/2020)
- 105 6/8/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFF GREGORY J. BROWN'S MOTION TO PROCEED INFORMA PAUPERIS WITH AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS (SEE ORDER FILED 6/8/2020)
- 106 6/8/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS REQUEST TO SUBMIT THE FOLLOWING (ALREADY FILED DOCUMENTS) TO THE COURT FOR DECISION - AS THE RESPONSE TIME FOR SAME HASLAPSED; REQUEST FOR SUBMISSION DOCUMENTS FILED SEPARATELY FOR EACH DOCUMENT (SEE ORDER FILED 6/8/2020)
- 107 6/8/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS REQUEST TO SUBMIT THE FOLLOWING (ALREADY FILED DOCUii1EN1:V) TO THE COURT FOR DECISION -AS THE RESPONSE TIME FOR SAME HAS LAPSED: REQUEST FOR SUBMISSION DOCUMENTS FILED SEPARATELY FOR EACH DOCUMENT:REQUEST TO ADD GREGORY .J. BROWN AS PARTY (motion to proceed INFORJ1A PAUPERIS (filed separate); PLAINTIFF GREGORY .J. BROWN's Motion to Proceed INFORMA PAUPERIS, WITH AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION TO PROCEED INFORMA PAUPERIS; 3) PLAINTIFFS' APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/0THER AGAINST DEFENDANTS TanzEel Islam. MD and Sridevi Challapalli, MD FOR NON ANSWER/ NON RESONSE (SEE ORDER FILED 6/8/2020)
- 108 6/8/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS REPLY (OPPOSITION) TO DEFENDANT MCALLISTER'S MAY 7, 2020 OPPOSITION (REPLY) REQUEST TO STRIKE PLAINTIFFS' MAY 6, 2020 AMENDED (SEE ORDER FILED 6/8/2020)
- 109 6/8/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS REQUEST TO SUBMIT THIS SUBMISSION BRIEF AND THE (ALREADY) FILED DOCUMENTS) TO THE COURT FOR DECISION - AS THE RESPONSE TIME FOR SAME HAS LAPSED; REQUEST FOR SUBMISSION DOCUMENTS FILED SEPARATELY FOR EACH DOCUMENT (SEE ORDER FILED 6/8/2020)
- 110 6/8/2020 - S200 - Request for Submission Complet
Additional Text: AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS (SEE ORDER FILED 6/8/2020)
- 111 6/8/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS MOTION TO DISMISS DEFENDANTS TIFFANY COURY (REPLACED TAMMY EVANS) / PREM REDDY'S APRIL 20, 2020 DELINQUENT/ERRONEOUS REPRESENTATION REPLY (SEE SEPARATE OPPOSITION / MOTION FILINGS AS WELL) (SEE ORDERF FILED 6/8/2020)
- 112 6/8/2020 - S200 - Request for Submission Complet
Additional Text: PLAINTIFFS AMENDED PLEADING / SUPPLEMENTAL BRIEF REQUEST IN SUPPORT OF THEIR HEARING REQUEST / INFO CONSIDERATION IN LIEU OF; CLARIFICAITON OF DEFENDANTS ERRONEOUS INFORMATION WITHIN SAID PLEADINGS, (PLAINTIFFS DIRECT AND REITERATED REFUTES) IN SUPPORT OF THE COURT JUSTIFIABLY UPHOLDING PLAINTIFFS' COMPLAINT ISSUES (SEE SEPARATE OPPOSITION/MOTION FILINGS ON SAME ISSUES, AS WELL) (SEE ORDER FILED 6/8/2020)
- 113 6/8/2020 - S200 - Request for Submission Complet

Additional Text: PLAINTIFFS REPLY (OPPOSITION) TO DEFENDANT MCALLISTER'S MAY 7, 2020 OPPOSITION (REPLY) REQUESTING TO STRIKE PLAINTIFFS MAY 6, 2020, AMENDED PLEADING / SUPPLEMENTAL BRIEF (SEE ORDER FILED 6/8/2020)

114 6/8/2020 - S200 - Request for Submission Complet

Additional Text: PLAINTIFFS OPPOSITION TO DEFENDANTS TAMMY EVANS PREM REDDY MD'S MAY 15TH, 2020 ERRATA RELATED TO PLAINTIFFS MAY 14 2020 DEFAULT MOTIONS AGAINST DEFENDANTS TANZEEL ISLAM ETC (SEE ORDER FILED 6/8/2020)

115 6/8/2020 - S200 - Request for Submission Complet

Additional Text: PLAINTIFFS ADDENDUM TO THEIR MAY 28TH 2020 OPPOSITION TO DEFENDANTS TAMMY EVANS ETC (SEE ORDER FILED 6/8/2020)

116 6/8/2020 - S200 - Request for Submission Complet

Additional Text: AFFIDAVIT IN SUPPORT OF DEFAULT JUDGMENT (SEE ORDER FILED 6/8/2020)

117 6/8/2020 - F135 - Adj Motion to Dismiss by DEFT

No additional text exists for this entry.

118 6/10/2020 - 2540 - Notice of Entry of Ord

Additional Text: Transaction 7918025 - Approved By: NOREVIEW : 06-10-2020:10:56:28

119 6/10/2020 - NEF - Proof of Electronic Service

Additional Text: Transaction 7918029 - Approved By: NOREVIEW : 06-10-2020:10:57:28

120 6/26/2020 - 2515 - Notice of Appeal Supreme Court

Additional Text: NOTICE OF APPEAL - 6/8/2020

121 6/26/2020 - 1310 - Case Appeal Statement

Additional Text: CASE APPEAL STATEMENT

122 6/26/2020 - 3860 - Request for Submission

Additional Text: REQUEST FOR SUBMISSION OF NOTICE OF APEAL AND CASE APPEAL STATEMENT (NO S1 BUILT)

123 6/26/2020 - 2385 - Mtn Proceed Forma Pauperis

Additional Text: MOTION TO PROCEED INFORMA PAUPERIS ON APPEAL

124 6/26/2020 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: PLAINTIFF GREGORY J BROWN'S MOTION TO PROCEED INFORMA PAUPERIS ON APPEAL WITH AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION TO PROCEED INFORMA PAUERIS
PARTY SUBMITTING: MARILOU BROWN, MARILEE BROWN, GREGORY BROWN
DATE SUBMITTED: 6-26-2020
SUBMITTED BY: YV
DATE RECEIVED JUDGE OFFICE:

125 6/26/2020 - 1270 - Application ...

Additional Text: APPLICATION OF ELECTRONIC FILING AND SERVICE EXEMPTION ON APPEAL

126 7/1/2020 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7952629 - Approved By: NOREVIEW : 07-01-2020:17:12:11

127 7/1/2020 - 1310E - Case Appeal Statement

Additional Text: CASE APPEAL STATEMENT - Transaction 7952629 - Approved By: NOREVIEW : 07-01-2020:17:12:11

128 7/1/2020 - 4113 - District Ct Deficiency Notice

Additional Text: NOTICE OF APPEAL DEFICIENCY - FILING FEES - Transaction 7952629 - Approved By: NOREVIEW : 07-01-2020:17:12:11

3060

IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE

MARILEE BROWN, MARILOU BROWN,
GREGORY J. BROWN (for Beverly M.
Brown's family),

Plaintiffs,

Case No.: CV20-00422

Dept. No.: 1

vs.

ST. MARY'S REGIONAL MEDICAL
CENTER; TAMI EVANS; PREM REDDY,
M.D.; MARK McALLISTER, M.D.; TANZEEL
ISLAM, M.D.; SRIDEVI CHALLAPALLI,
M.D., and DOES I through X, inclusive; ROE
BUSINESSES I through X, inclusive,

Defendants.

**ORDER GRANTING MOTION TO DISMISS PLAINTIFFS' COMPLAINT
FOR FAILURE TO COMPLY WITH NRS 41A.071**

Currently before the Court is Defendants Saint Mary's Regional Medical Center, Tammy Evans (erroneously named as Tami Evans), and Prem Reddy, M.D.'s (collectively "Defendants Saint Mary's") *Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071* ("Motion") filed March 26, 2020. On April 13, 2020, Plaintiffs filed an *Opposition to Defendants' Motion to Dismiss – to Include Amendments/Clarification, et al as Specified in Their Civil Complaint; and Amendment Request Here to Include Additional Plaintiff (Return Service of Summons and Additional Laintiff [sic] Documentation Submitted Separately)* ("Opposition"). On April 20, 2020, Defendants filed a *Reply in Support of Motion to Dismiss* and submitted the Motion to the Court for

1 consideration. On May 15, 2020, Defendants Saint Mary’s filed an *Errata to Defendants St. Mary’s*
2 *Regional Medical Center, Tammy Evans, and Prem Reddy M.D.’s Reply in Support of Motion to*
3 *Dismiss*. Plaintiffs filed *Plaintiffs’ (a) Opposition to Defendant Tammy Evans’ (Tiffany Coury) /*
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8 *(Separate Filings)* on May 28, 2020.

9 **I. Background**

10 On March 3, 2020, Plaintiffs filed the *Civil Complaint* (“Complaint”) in this case which
11 alleges medical negligence / malpractice. *See generally* Compl. On April 13, 2020, Plaintiffs filed
12 an *Amendment to Civil Complaint / Return Service of Summons* (“Amendment to Complaint”) which
13 sought to substitute Tiffany Coury for Defendant Tammy Evans and add Mr. Gregory J. Brown as a
14 Plaintiff but did not alter or add to the factual allegations set forth in the Complaint. *See generally*
15 *Am. to Compl.* Plaintiffs allege Beverly Morris Brown (“Ms. Brown”) died on March 5, 2019 as a
16 result of the treatment she received in December 2018 and February 2019 from Defendants. Mot. at
17 3:8–12.

18 **II. Relevant Legal Authority**

19 In reviewing a motion to dismiss pursuant to Nevada Rules of Civil Procedure Rule 12(b)(5)
20 for failure to state a claim upon which relief can be granted, the “court must construe the pleadings
21 liberally and accept all factual allegations in the complaint as true . . . [and] draw every fair inference
22 in favor of the non-moving party. ‘A complaint will not be dismissed for failure to state a claim unless
23 it appears beyond a doubt that the plaintiff could prove no set of facts which, if accepted by the trier
24 of fact, would entitle him or her to relief.’” *Blackjack Bonding v. City of Las Vegas Mun. Court*, 116
25 Nev. 1213, 1217, 14 P.3d 1275, 1278 (2000) (citing *Simpson v. Mars. Inc.*, 113 Nev. 188, 190, 929
26 P.2d 966, 967 (1997)). As Nevada is a “notice-pleading” jurisdiction, a complaint need only set forth
27 sufficient facts to demonstrate the necessary elements of a claim for relief so that the defending party
28 has “adequate notice of the nature of the claim and relief sought.” *Hay v. Hay*, 100 Nev. 196, 198,

1 678 P.2d 672, 674 (1984); see also *Stockmeier v. Nevada Dep't of Corrections*, 124 Nev. 313, 316,
2 183 P.3d 133, 135 (2008) (dismissing a claim, pursuant to NRCP 12(b)(5), is proper where the
3 allegations are insufficient to establish the elements of a claim for relief).

4 NRS 41A.071 provides:

5 If an action for professional negligence is filed in the district court, the district
6 court shall dismiss the action, without prejudice, if the action is filed without an
affidavit that:

- 7 1. Supports the allegations contained in the action;
 - 8 2. Is submitted by a medical expert who practices or has practiced in an area that
9 is substantially similar to the type of practice engaged in at the time of the
alleged professional negligence;
 - 10 3. Identifies by name, or describes by conduct, each provider of health care who
is alleged to be negligent; and
 - 11 4. Sets forth factually a specific act or acts of alleged negligence separately as
to each defendant in simple, concise and direct terms.
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13 The Nevada Supreme Court has held that pursuant to NRS 41A.071 “a complaint filed without
14 a supporting medical expert affidavit is void ab initio and must be dismissed. Because a void
15 complaint does not legally exist, it cannot be amended . . . and an NRS 41A.071 defect cannot be
16 cured through amendment.” *Washoe Med. Ctr. v. Second Judicial Dist. Court of State of Nev. ex rel.*
17 *Cty. of Washoe*, 122 Nev. 1298, 1301–02, 148 P.3d 790, 792 (2006). The court went on to state that
18 the “shall” in NRS 41A.071 “is mandatory and does not denote judicial discretion.” *Id.* at 1303
19 (citations omitted).

20 NRS 41A.015 defines professional negligence as: “[t]he failure of a provider of health care, in
21 rendering services, to use the reasonable care, skill or knowledge used under similar circumstances
22 by similarly trained and experienced providers of health care.” When a plaintiff’s claim is for injuries
23 resulting from negligent medical treatment, the claim sounds in medical malpractice. *Szymborski v.*
24 *Spring Mountain Treatment Center*, 133 Nev. 638, 642, 403 P.3d 1280, 1284 (2017) (citations
25 omitted). *Szymborski* stands for the proposition that “allegations of breach of duty involving medical
26 judgment, diagnosis, or treatment indicate that a claim is for medical malpractice.” *Id.* When a
27 plaintiff’s claim is for injuries resulting from negligent acts that did not affect the medical treatment
28 of a patient, the claim sounds in ordinary negligence. *Id.* (citations omitted). If the alleged breach of

1 a duty of care set forth in the complaint is one that was based upon medical art or science, training or
2 expertise, then it is a claim for medical malpractice. *Id.* (citations omitted). By extension, if the jury
3 can only evaluate the plaintiff's claims after presentation of the standards of care by a medical expert,
4 then it is a medical malpractice case. *Id.* (citing, *Humboldt Gen. Hosp. v. Sixth Judicial Dist. Court*,
5 132 Nev. 544, 550–51, 376 P3d 167, 172 (2016). If, on the other hand, the reasonableness of the
6 health care provider's actions can be evaluated by jurors on the basis of their common knowledge and
7 experience, then the claim is likely based in ordinary negligence. *Id.* 133 Nev. at 642 (citations
8 omitted). Given the subtle distinction, a single set of circumstances may sound in both ordinary
9 negligence and medical malpractice, and an inartful complaint will likely use terms that invoke both
10 causes of action. *Id.* (citing, *Mayo v. United States*, 785 F.Supp.2d 692, 695 (M.D. Tenn. 2011)). It
11 is the nature of the grievance rather than the form of the pleadings that determines the character of
12 the action. *Id.* (citing, *State Farm Mut. Auto. Ins. Co. v. Wharton*, 88 Nev. 183, 186, 495 P.2d 359,
13 361 (1972)).

14 **III. Analysis**

15 Defendants Saint Mary's argue all of Plaintiffs' factual claims arise out of medical care,
16 treatment, and alleged breaches of the medical providers' duties of care and therefore sound in
17 medical malpractice. Mot. at 4:3–5; 5:19–22. Defendants Saint Mary's maintain all of Plaintiffs'
18 allegations fall within the definition of professional negligence pursuant to NRS 41A.015. *Id.* at
19 5:26–6:4. Defendants Saint Mary's contend Plaintiffs failed to satisfy the affidavit requirement
20 pursuant to NRS 41A.071 and the Complaint must be dismissed. *Id.* at 6:5–7:10.

21 Plaintiffs request a hearing to clarify this matter. Opp. at 1:15. Plaintiffs contend their claims
22 in the Complaint rely upon other statutes. *Id.* at 2:13–14. Plaintiffs assert the Complaint can be tolled
23 pursuant to NRS 41A.097(2) and that should be considered as a mitigating factor and for this Court
24 to maintain all the issues until Plaintiffs can obtain a medical expert affidavit because such a dismissal
25 would be prejudicial to Plaintiffs as they may not be able to re-file any medical issues due to running
26 of the statute of limitations. *Id.* at 2:15–3:5; 5:3–6. Plaintiffs assert it is within this Court's discretion
27 whether to dismiss the action. *Id.* at 3:5–6. Plaintiffs insist the word "shall" in NRS 41A.071 is not
28 mandatory and argue cases should be decided upon the merits rather than dismissed on procedural

1 grounds. *Id.* at 3:11–4:7. Plaintiffs claim because pleadings of a pro per litigant are held to a less
2 stringent standard, the Complaint should not be dismissed. *Id.* at 4:8–9. Plaintiffs insist there are
3 factual allegations in the Complaint that are non-medical including: (1) failure to follow protocol; (2)
4 lack of communication; (3) age/other discrimination / jeopardy to the elderly; (4) negligence
5 jeopardizing patients/others safety related to infectious persons; and (5) failure to expedite medical
6 documentation that jeopardized this patient’s case. *Id.* at 4:9–14; 5:6–12. Plaintiffs state that in the
7 Complaint they requested the ability to amend the Complaint, and they should be allowed to do so in
8 this instance without having all of their non-medical claims dismissed as that would cause significant
9 hardship. *Id.* at 5:12–16.

10 Plaintiffs then claim they themselves are sufficiently familiar with this case to prepare a joint
11 affidavit that illustrates their education, experience, and caretaking of patients that will suffice until
12 Plaintiffs can obtain a proper medical expert affidavit if required. *Id.* at 6:11–24. Plaintiffs assert it
13 is difficult to obtain written or testimonial support from medical experts because they fear reprisal,
14 damage to their reputation, or denial of hospital rights in speaking out. *Id.* at 8:9–16. Plaintiffs allege
15 Defendants Saint Mary’s failed to perform an investigation into the facts surrounding Ms. Brown’s
16 death and instead engaged in a coverup. *Id.* at 9:16–20. Plaintiffs maintain a jury can evaluate
17 Plaintiffs claims despite any procedural shortcomings, especially those based on the nonmedical
18 functions. *Id.* at 11:14–19. Plaintiffs state that it is the substance rather than the form of the claim
19 that must be examined. *Id.* at 16:21–17:1. Plaintiffs request this Court allow them to amend the
20 Complaint to: (1) add age/other discrimination violations; (2) add Gregory J. Brown as a Plaintiff; (3)
21 clarify, correct, and amend the Complaint; and (4) time to secure a medical expert affidavit if
22 necessary.¹ *Id.* at 20:13–22.

23 In the Reply, Defendants Saint Mary’s maintain the application of NRS 41A.071 focuses on
24 whether a defendant is a provider of health care and whether the allegations in a complaint
25 contemplate a failure in rendering of services by that provider. Reply at 5:3–7. Defendants Saint
26 Mary’s argue that all of the allegations are in relation to medical care and treatment provided to Ms.

27 ¹ The Amendment to the Complaint adding/substituting parties was filed concurrently with the Opposition on
28 April 13, 2020 and does not allege any claims for discrimination or request additional time to secure a medical
expert affidavit.

1 Brown at Saint Mary's Regional Medical Center, a licensed hospital and the respective physicians
2 who practice there. *Id.* at 5:8–18. Defendants Saint Mary's maintain a plaintiff cannot avoid
3 application of NRS 41A.071 through artful pleading and emphasize Plaintiffs' claims arise out of
4 breaches of duties involving medical judgment, diagnosis, or treatment. *Id.* at 5:19–6:2. Defendants
5 Saint Mary's point out that the Nevada Supreme Court has held that "allegations of negligent
6 maintenance of medical records are properly characterized as medical malpractice." *Id.* at 6:5–8;
7 *Jones v. Wilkin*, 111 Nev. 1335, 1338, 905 P.2d 166, 168 (1995). Defendants Saint Mary's argue
8 Plaintiffs seek to impose liability for treatment Ms. Brown received for a foot wound, an atrial
9 fibrillation, an improper amputation, low oxygen levels, and a pulmonary injury. Reply at 6:14–16.
10 Defendants Saint Mary's state these allegations clearly implicate professional negligence and the
11 Complaint repeatedly describes these claims as one for medical malpractice. *Id.* at 6:14–19.
12 Defendants Saint Mary's also contend Plaintiffs lack standing to bring this suit as self-represented
13 litigants on behalf of their mother's estate. *Id.* at 7:1–8:2.

14 Having reviewed the pleadings on file and having reviewed the facts and legal support set
15 forth therein, this Court finds good cause to grant the Motion. For NRS 41A.071 to apply to this
16 action, it must be an action for professional negligence. Plaintiffs allege "Defendants did commit
17 Medical Negligent actions to include Medicinal, Treatment, Judgment, protocol, Etc [sic] errors,
18 against the Plaintiffs which led to the Wrongful Suffering and Death of their mother" Compl. at
19 14:26–27. This language or substantially similar language is repeated three times in this section of
20 the Complaint. *Id.* at 14:22–15:13. Further, all of the allegations contained in the Complaint directly
21 involve medical judgment, diagnosis, or treatment that Ms. Brown allegedly received or should have
22 received, which the Nevada Supreme Court has held means the claim sounds in professional
23 negligence. *Szyborski*, 133 Nev. at 642.

24 This Court has reviewed the allegations contained in the Complaint. Contrary to Plaintiffs'
25 claim that there are factual allegations in the Complaint that are non-medical (to include failure to
26 follow protocol, lack of communication, age/other discrimination/jeopardy to the elderly, negligence
27 jeopardizing patients/others safety related to infectious persons, and failure to expedite medical
28 documentation that jeopardized this patient's case) each of these allegations is inextricably tied to a

1 claim for professional negligence and Plaintiffs cannot now claim otherwise for the sole purpose of
2 remedying a violation of NRS 41A.071.

3 To evaluate whether the medical professionals in this case followed established protocol
4 necessarily requires expert testimony to explain the standard of care. *Id.* The protocol Plaintiffs claim
5 was not followed related to the amount and type of medication administered to Ms. Brown which is
6 rooted in professional negligence, as the Complaint contends that the physicians prescribed the
7 medication. Compl. at 3:22–27.

8 As to the alleged “lack of communication,” the only usage of the word “communication” in
9 the Complaint deals with “the communication between providers and patients/patients’ families so as
10 to ensure the improvement of quality care, healthcare Improvement and less Medical Medicinal,
11 Judgment mistakes/error that lead to the deteriorating medical condition, suffering and preventable
12 death of patients as what happened in this case” Compl. at 16:26–17:2. The failure of
13 communication alleged is related directly to quality of care, the deteriorating medical condition,
14 suffering and preventable death of Ms. Brown and thus is rooted in professional negligence.
15 *Szymborski*, 133 Nev. at 642. In some instances, the failure to communicate is co-extensive with the
16 failure to follow procedure, and in other instances it overlaps with the failure to provide medical
17 documentation. Mot. at 2:20–22; 9:16–10:2. Regardless, these do not form an independent basis for
18 an ordinary negligence claim such that an expert affidavit would not be required in this case.

19 Further, the Complaint does not set forth a claim for age discrimination and there is no factual
20 explanation or legal support for the allegation of “jeopardy to the elderly.” Any negligence claim
21 derived from exposure to an infected patient as alleged by Plaintiffs is purported to be the direct result
22 of the medical decisions made for and treatment provided to Ms. Brown and as such falls squarely
23 within the scope of a professional negligence claim. *Szymborski*, 133 Nev. at 642. As for the failure
24 to expedite the medical documentation in this case, the Nevada Supreme Court has held “allegations
25 of negligent maintenance of medical records are properly characterized as medical malpractice.”
26 *Jones*, 111 Nev. at 1338. Failure to expedite the medical documents is pertinent to the diagnosis and
27 treatment of Ms. Brown and therefore does not state a claim for ordinary negligence. *Szymborski*,
28 133 Nev. at 642.

Moreover, and importantly, there are no separate claims for relief pled in the Complaint related to the purported non-medical claims. The Complaint sets forth a “Statement of Facts Main Medical Malpractice Information Summary,” a “Background History,” a “Primary Background Related to ISSUE AT HAND- Patient Beverly M. Brown,” “ISSUE AT HAND FOR MEDICAL NEGLIGENCE/MALPRACTICE- History and Details,” “MAIN MEDICAL NEGLIGENCE SUMMARY INFORMATION” and “MAIN MEDICAL MALPRACTICE INFORMATION (REITERATED).” With the exception of the “Background” sections, each of these headings references “Medical Malpractice” or “Medical Negligence” or both. There are no allegations in the Complaint related to ordinary negligence. By way of example, a reading of the section labeled “MAIN MEDICAL NEGLIGENCE SUMMARY INFORMATION” reveals allegations that pertain to Ms. Brown that relate to lack of care on behalf of treating physicians to include failure to look at Ms. Brown’s “extensive medical information provided by the family,” an “error in a pulmonary procedure by the Interventional Radiologist as they had been attempting to remove fluid from this patient’s lungs” and removal of “critical life saving medication” “needed to prevent arterial blockages” that “ultimately led to Beverly M. Brown’s blockages, stroke, heart stress/CHF UNCONTROLLABLE AFIB, returned infectious Pneumonia and Death at Renown hospital.” *Id.* at 9:5-10; 10:18-20. To the extent Plaintiffs are now contending that claims for ordinary negligence were pled, they have failed to set forth the necessary elements of those claims and/or factual allegations sufficient to support those claims denying Defendants “adequate notice of the nature of the claim and relief sought” in violation of *Hay*.

Accordingly, this Court finds that Plaintiffs’ Complaint (as originally filed and as amended to add or substitute parties) states a claim or claims for professional negligence and as such NRS 41A.071 applies. Plaintiffs admit that the Complaint does not contain a medical expert affidavit. Opp. at 3:3–6. As noted above, the Nevada Supreme Court has held that “a complaint filed without a supporting medical expert affidavit is void ab initio and must be dismissed. Because a void complaint does not legally exist, it cannot be amended . . . and an NRS 41A.071 defect cannot be cured through amendment” as well as pointing out that the word “shall” in NRS 41A.071 “is mandatory and does not denote judicial discretion.” *Washoe Med. Ctr.*, 122 Nev. at 1301–02, 1303.

1 The Nevada Supreme Court has acknowledged that NRS 41A.071 applies to all medical malpractice
2 actions even if the person is representing themselves. *Anderson v. Sierra Surgery Hosp.*, Case No.
3 58753, 2012 WL 2308670, *1 (2012).

4 As such, this Court finds that dismissal of Plaintiffs' Complaint is proper pursuant to NRS
5 41A.071. This Court does not reach Defendants Saint Mary's argument regarding Plaintiffs' standing
6 because it has found the Complaint to be void ab initio pursuant to NRS 41A.071.

7 Based upon the foregoing and good cause appearing,

8 IT IS HEREBY ORDERED that Defendants Saint Mary's *Motion to Dismiss Plaintiffs'*
9 *Complaint for Failure to Comply with NRS 41A.071* is GRANTED and this case is DISMISSED to
10 include all motions that are pending or have been submitted to this Court.

11 IT IS SO ORDERED.

12 DATED this 8th day of June, 2020.

13 

14 KATHLEEN DRAKULICH
15 DISTRICT JUDGE
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1 **CERTIFICATE OF SERVICE**

2 CASE NO. CV20-00422

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of
4 the STATE OF NEVADA, COUNTY OF WASHOE; that on the 8th day of June, 2020, I
5 electronically filed the **ORDER GRANTING MOTION TO DISMISS PLAINTIFFS'**
6 **COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.071** with the Clerk of the
7 Court by using the ECF system.

8 I further certify that I transmitted a true and correct copy of the foregoing document by the
9 method(s) noted below:

10 **Electronically filed with the Clerk of the Court by using the ECF system which will send a notice**
11 **of electronic filing to the following:**

12 EDWARD LEMONS, ESQ. for MARK MCALLISTER

13 RICHARD DE JONG, ESQ. for TAMI EVANS, PREM REDDY, M.D.,
14 ST. MARY'S REGIONAL MEDICAL CENTER, et al.

15 ALICE CAMPOS MERCADO, ESQ for MARK MCALLISTER

16 **Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage**
17 **and mailing by Washoe County using the United States Postal Service in Reno, Nevada:**

18 MARILEE BROWN
19 45 NIVES COURT
20 SPARKS, NV 89441

21 MARILOU BROWN
22 45 NIVES COURT
23 SPARKS, NV 89441

24 GREGORY J BROWN
25 45 NIVES COURT
26 SPARKS, NV 89441

27 
28 Department 1 Judicial Assistant

MICHAEL E. PRANGLE, ESQ.
Nevada Bar No. 8619
RICHARD D. DEJONG, ESQ
Nevada Bar No. 15207
HALL PRANGLE & SCHOONVELD, LLC
1140 North Town Center Drive, Ste. 350
Las Vegas, Nevada 89144
Phone: 702-889-6400
Facsimile: 702-384-6025
efile@hpslaw.com
Attorneys for Defendant
St. Mary's Regional Medical Center,
Tammy Evans (erroneously named as Tami Evans),
Prem Reddy, M.D., Tanzeel Islam, M.D. and Sri Challapalli, M.D.

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DEPT NO. I

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NOTICE OF ENTRY OF ORDER

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M.D., Tanzeel Islam, M.D., DOES I through
X inclusive; ROES Businesses I through X
inclusive,

Defendants.

PLEASE TAKE NOTICE that the Order Granting Defendants Saint Mary's Regional
Medical Center, Tammy Evans (erroneously named as Tami Evans) and Prem Reddy, M.D.'s
Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.071 filed March
26, 2020 was entered in the above entitled Court on the 8th day of June 2020.

A copy of the Order is attached hereto.

///

///

///

HALL PRANGLE & SCHOONVELD, LLC
1140 NORTH TOWN CENTER DRIVE, STE. 350
LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned do hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 8th day of June, 2020.

HALL PRANGLE & SCHOONVELD, LLC

/s/ Richard D. De Jong
MICHAEL E. PRANGLE, ESQ.
Nevada Bar No. 8619
RICHARD D. DEJONG, ESQ
Nevada Bar No. 15207
1140 North Town Center Drive, Suite 350
Las Vegas, NV 89144
*Attorneys for Defendant St. Mary's Regional
Medical Center, Tammy Evans (erroneously named
as Tami Evans), Prem Reddy, M.D., Tanzeel Islam,
M.D. and Sri Challapalli, M.D.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 8th day of June, 2020, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** via:

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

Marilee Brown	Edward J. Lemons, Esq.
Marilou Brown	Alice Campos Mercado, Esq.
45 Nives Court	Lemons, Grundy & Eisenberg
Sparks, NV 89441	6005 Plumas street, 3 rd Floor
<i>Plaintiff in Pro Per</i>	Reno, NV 89519
	<i>Attorneys for Defendant Mark McAllister, M.D.</i>

/s/ Arla Clark
An employee of HALL PRANGLE & SCHOONVELD, LLC

EXHIBIT A

3060

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13 The Nevada Supreme Court has held that pursuant to NRS 41A.071 “a complaint filed without
14 a supporting medical expert affidavit is void ab initio and must be dismissed. Because a void
15 complaint does not legally exist, it cannot be amended . . . and an NRS 41A.071 defect cannot be
16 cured through amendment.” *Washoe Med. Ctr. v. Second Judicial Dist. Court of State of Nev. ex rel.*
17 *Cty. of Washoe*, 122 Nev. 1298, 1301–02, 148 P.3d 790, 792 (2006). The court went on to state that
18 the “shall” in NRS 41A.071 “is mandatory and does not denote judicial discretion.” *Id.* at 1303
19 (citations omitted).

20 NRS 41A.015 defines professional negligence as: “[t]he failure of a provider of health care, in
21 rendering services, to use the reasonable care, skill or knowledge used under similar circumstances
22 by similarly trained and experienced providers of health care.” When a plaintiff’s claim is for injuries
23 resulting from negligent medical treatment, the claim sounds in medical malpractice. *Szymborski v.*
24 *Spring Mountain Treatment Center*, 133 Nev. 638, 642, 403 P.3d 1280, 1284 (2017) (citations
25 omitted). *Szymborski* stands for the proposition that “allegations of breach of duty involving medical
26 judgment, diagnosis, or treatment indicate that a claim is for medical malpractice.” *Id.* When a
27 plaintiff’s claim is for injuries resulting from negligent acts that did not affect the medical treatment
28 of a patient, the claim sounds in ordinary negligence. *Id.* (citations omitted). If the alleged breach of

1 a duty of care set forth in the complaint is one that was based upon medical art or science, training or
2 expertise, then it is a claim for medical malpractice. *Id.* (citations omitted). By extension, if the jury
3 can only evaluate the plaintiff's claims after presentation of the standards of care by a medical expert,
4 then it is a medical malpractice case. *Id.* (citing, *Humboldt Gen. Hosp. v. Sixth Judicial Dist. Court*,
5 132 Nev. 544, 550–51, 376 P3d 167, 172 (2016). If, on the other hand, the reasonableness of the
6 health care provider's actions can be evaluated by jurors on the basis of their common knowledge and
7 experience, then the claim is likely based in ordinary negligence. *Id.* 133 Nev. at 642 (citations
8 omitted). Given the subtle distinction, a single set of circumstances may sound in both ordinary
9 negligence and medical malpractice, and an inartful complaint will likely use terms that invoke both
10 causes of action. *Id.* (citing, *Mayo v. United States*, 785 F.Supp.2d 692, 695 (M.D. Tenn. 2011)). It
11 is the nature of the grievance rather than the form of the pleadings that determines the character of
12 the action. *Id.* (citing, *State Farm Mut. Auto. Ins. Co. v. Wharton*, 88 Nev. 183, 186, 495 P.2d 359,
13 361 (1972)).

14 **III. Analysis**

15 Defendants Saint Mary's argue all of Plaintiffs' factual claims arise out of medical care,
16 treatment, and alleged breaches of the medical providers' duties of care and therefore sound in
17 medical malpractice. Mot. at 4:3–5; 5:19–22. Defendants Saint Mary's maintain all of Plaintiffs'
18 allegations fall within the definition of professional negligence pursuant to NRS 41A.015. *Id.* at
19 5:26–6:4. Defendants Saint Mary's contend Plaintiffs failed to satisfy the affidavit requirement
20 pursuant to NRS 41A.071 and the Complaint must be dismissed. *Id.* at 6:5–7:10.

21 Plaintiffs request a hearing to clarify this matter. Opp. at 1:15. Plaintiffs contend their claims
22 in the Complaint rely upon other statutes. *Id.* at 2:13–14. Plaintiffs assert the Complaint can be tolled
23 pursuant to NRS 41A.097(2) and that should be considered as a mitigating factor and for this Court
24 to maintain all the issues until Plaintiffs can obtain a medical expert affidavit because such a dismissal
25 would be prejudicial to Plaintiffs as they may not be able to re-file any medical issues due to running
26 of the statute of limitations. *Id.* at 2:15–3:5; 5:3–6. Plaintiffs assert it is within this Court's discretion
27 whether to dismiss the action. *Id.* at 3:5–6. Plaintiffs insist the word "shall" in NRS 41A.071 is not
28 mandatory and argue cases should be decided upon the merits rather than dismissed on procedural

1 grounds. *Id.* at 3:11–4:7. Plaintiffs claim because pleadings of a pro per litigant are held to a less
2 stringent standard, the Complaint should not be dismissed. *Id.* at 4:8–9. Plaintiffs insist there are
3 factual allegations in the Complaint that are non-medical including: (1) failure to follow protocol; (2)
4 lack of communication; (3) age/other discrimination / jeopardy to the elderly; (4) negligence
5 jeopardizing patients/others safety related to infectious persons; and (5) failure to expedite medical
6 documentation that jeopardized this patient’s case. *Id.* at 4:9–14; 5:6–12. Plaintiffs state that in the
7 Complaint they requested the ability to amend the Complaint, and they should be allowed to do so in
8 this instance without having all of their non-medical claims dismissed as that would cause significant
9 hardship. *Id.* at 5:12–16.

10 Plaintiffs then claim they themselves are sufficiently familiar with this case to prepare a joint
11 affidavit that illustrates their education, experience, and caretaking of patients that will suffice until
12 Plaintiffs can obtain a proper medical expert affidavit if required. *Id.* at 6:11–24. Plaintiffs assert it
13 is difficult to obtain written or testimonial support from medical experts because they fear reprisal,
14 damage to their reputation, or denial of hospital rights in speaking out. *Id.* at 8:9–16. Plaintiffs allege
15 Defendants Saint Mary’s failed to perform an investigation into the facts surrounding Ms. Brown’s
16 death and instead engaged in a coverup. *Id.* at 9:16–20. Plaintiffs maintain a jury can evaluate
17 Plaintiffs claims despite any procedural shortcomings, especially those based on the nonmedical
18 functions. *Id.* at 11:14–19. Plaintiffs state that it is the substance rather than the form of the claim
19 that must be examined. *Id.* at 16:21–17:1. Plaintiffs request this Court allow them to amend the
20 Complaint to: (1) add age/other discrimination violations; (2) add Gregory J. Brown as a Plaintiff; (3)
21 clarify, correct, and amend the Complaint; and (4) time to secure a medical expert affidavit if
22 necessary.¹ *Id.* at 20:13–22.

23 In the Reply, Defendants Saint Mary’s maintain the application of NRS 41A.071 focuses on
24 whether a defendant is a provider of health care and whether the allegations in a complaint
25 contemplate a failure in rendering of services by that provider. Reply at 5:3–7. Defendants Saint
26 Mary’s argue that all of the allegations are in relation to medical care and treatment provided to Ms.

27 ¹ The Amendment to the Complaint adding/substituting parties was filed concurrently with the Opposition on
28 April 13, 2020 and does not allege any claims for discrimination or request additional time to secure a medical
expert affidavit.

1 Brown at Saint Mary's Regional Medical Center, a licensed hospital and the respective physicians
2 who practice there. *Id.* at 5:8–18. Defendants Saint Mary's maintain a plaintiff cannot avoid
3 application of NRS 41A.071 through artful pleading and emphasize Plaintiffs' claims arise out of
4 breaches of duties involving medical judgment, diagnosis, or treatment. *Id.* at 5:19–6:2. Defendants
5 Saint Mary's point out that the Nevada Supreme Court has held that "allegations of negligent
6 maintenance of medical records are properly characterized as medical malpractice." *Id.* at 6:5–8;
7 *Jones v. Wilkin*, 111 Nev. 1335, 1338, 905 P.2d 166, 168 (1995). Defendants Saint Mary's argue
8 Plaintiffs seek to impose liability for treatment Ms. Brown received for a foot wound, an atrial
9 fibrillation, an improper amputation, low oxygen levels, and a pulmonary injury. Reply at 6:14–16.
10 Defendants Saint Mary's state these allegations clearly implicate professional negligence and the
11 Complaint repeatedly describes these claims as one for medical malpractice. *Id.* at 6:14–19.
12 Defendants Saint Mary's also contend Plaintiffs lack standing to bring this suit as self-represented
13 litigants on behalf of their mother's estate. *Id.* at 7:1–8:2.

14 Having reviewed the pleadings on file and having reviewed the facts and legal support set
15 forth therein, this Court finds good cause to grant the Motion. For NRS 41A.071 to apply to this
16 action, it must be an action for professional negligence. Plaintiffs allege "Defendants did commit
17 Medical Negligent actions to include Medicinal, Treatment, Judgment, protocol, Etc [sic] errors,
18 against the Plaintiffs which led to the Wrongful Suffering and Death of their mother" Compl. at
19 14:26–27. This language or substantially similar language is repeated three times in this section of
20 the Complaint. *Id.* at 14:22–15:13. Further, all of the allegations contained in the Complaint directly
21 involve medical judgment, diagnosis, or treatment that Ms. Brown allegedly received or should have
22 received, which the Nevada Supreme Court has held means the claim sounds in professional
23 negligence. *Szyborski*, 133 Nev. at 642.

24 This Court has reviewed the allegations contained in the Complaint. Contrary to Plaintiffs'
25 claim that there are factual allegations in the Complaint that are non-medical (to include failure to
26 follow protocol, lack of communication, age/other discrimination/jeopardy to the elderly, negligence
27 jeopardizing patients/others safety related to infectious persons, and failure to expedite medical
28 documentation that jeopardized this patient's case) each of these allegations is inextricably tied to a

1 claim for professional negligence and Plaintiffs cannot now claim otherwise for the sole purpose of
2 remedying a violation of NRS 41A.071.

3 To evaluate whether the medical professionals in this case followed established protocol
4 necessarily requires expert testimony to explain the standard of care. *Id.* The protocol Plaintiffs claim
5 was not followed related to the amount and type of medication administered to Ms. Brown which is
6 rooted in professional negligence, as the Complaint contends that the physicians prescribed the
7 medication. Compl. at 3:22–27.

8 As to the alleged “lack of communication,” the only usage of the word “communication” in
9 the Complaint deals with “the communication between providers and patients/patients’ families so as
10 to ensure the improvement of quality care, healthcare Improvement and less Medical Medicinal,
11 Judgment mistakes/error that lead to the deteriorating medical condition, suffering and preventable
12 death of patients as what happened in this case” Compl. at 16:26–17:2. The failure of
13 communication alleged is related directly to quality of care, the deteriorating medical condition,
14 suffering and preventable death of Ms. Brown and thus is rooted in professional negligence.
15 *Szymborski*, 133 Nev. at 642. In some instances, the failure to communicate is co-extensive with the
16 failure to follow procedure, and in other instances it overlaps with the failure to provide medical
17 documentation. Mot. at 2:20–22; 9:16–10:2. Regardless, these do not form an independent basis for
18 an ordinary negligence claim such that an expert affidavit would not be required in this case.

19 Further, the Complaint does not set forth a claim for age discrimination and there is no factual
20 explanation or legal support for the allegation of “jeopardy to the elderly.” Any negligence claim
21 derived from exposure to an infected patient as alleged by Plaintiffs is purported to be the direct result
22 of the medical decisions made for and treatment provided to Ms. Brown and as such falls squarely
23 within the scope of a professional negligence claim. *Szymborski*, 133 Nev. at 642. As for the failure
24 to expedite the medical documentation in this case, the Nevada Supreme Court has held “allegations
25 of negligent maintenance of medical records are properly characterized as medical malpractice.”
26 *Jones*, 111 Nev. at 1338. Failure to expedite the medical documents is pertinent to the diagnosis and
27 treatment of Ms. Brown and therefore does not state a claim for ordinary negligence. *Szymborski*,
28 133 Nev. at 642.

Moreover, and importantly, there are no separate claims for relief pled in the Complaint related to the purported non-medical claims. The Complaint sets forth a “Statement of Facts Main Medical Malpractice Information Summary,” a “Background History,” a “Primary Background Related to ISSUE AT HAND- Patient Beverly M. Brown,” “ISSUE AT HAND FOR MEDICAL NEGLIGENCE/MALPRACTICE- History and Details,” “MAIN MEDICAL NEGLIGENCE SUMMARY INFORMATION” and “MAIN MEDICAL MALPRACTICE INFORMATION (REITERATED).” With the exception of the “Background” sections, each of these headings references “Medical Malpractice” or “Medical Negligence” or both. There are no allegations in the Complaint related to ordinary negligence. By way of example, a reading of the section labeled “MAIN MEDICAL NEGLIGENCE SUMMARY INFORMATION” reveals allegations that pertain to Ms. Brown that relate to lack of care on behalf of treating physicians to include failure to look at Ms. Brown’s “extensive medical information provided by the family,” an “error in a pulmonary procedure by the Interventional Radiologist as they had been attempting to remove fluid from this patient’s lungs” and removal of “critical life saving medication” “needed to prevent arterial blockages” that “ultimately led to Beverly M. Brown’s blockages, stroke, heart stress/CHF UNCONTROLLABLE AFIB, returned infectious Pneumonia and Death at Renown hospital.” *Id.* at 9:5-10; 10:18-20. To the extent Plaintiffs are now contending that claims for ordinary negligence were pled, they have failed to set forth the necessary elements of those claims and/or factual allegations sufficient to support those claims denying Defendants “adequate notice of the nature of the claim and relief sought” in violation of *Hay*.

Accordingly, this Court finds that Plaintiffs’ Complaint (as originally filed and as amended to add or substitute parties) states a claim or claims for professional negligence and as such NRS 41A.071 applies. Plaintiffs admit that the Complaint does not contain a medical expert affidavit. Opp. at 3:3–6. As noted above, the Nevada Supreme Court has held that “a complaint filed without a supporting medical expert affidavit is void ab initio and must be dismissed. Because a void complaint does not legally exist, it cannot be amended . . . and an NRS 41A.071 defect cannot be cured through amendment” as well as pointing out that the word “shall” in NRS 41A.071 “is mandatory and does not denote judicial discretion.” *Washoe Med. Ctr.*, 122 Nev. at 1301–02, 1303.

1 The Nevada Supreme Court has acknowledged that NRS 41A.071 applies to all medical malpractice
2 actions even if the person is representing themselves. *Anderson v. Sierra Surgery Hosp.*, Case No.
3 58753, 2012 WL 2308670, *1 (2012).

4 As such, this Court finds that dismissal of Plaintiffs' Complaint is proper pursuant to NRS
5 41A.071. This Court does not reach Defendants Saint Mary's argument regarding Plaintiffs' standing
6 because it has found the Complaint to be void ab initio pursuant to NRS 41A.071.

7 Based upon the foregoing and good cause appearing,

8 IT IS HEREBY ORDERED that Defendants Saint Mary's *Motion to Dismiss Plaintiffs'*
9 *Complaint for Failure to Comply with NRS 41A.071* is GRANTED and this case is DISMISSED to
10 include all motions that are pending or have been submitted to this Court.

11 IT IS SO ORDERED.

12 DATED this 8th day of June, 2020.

13 

14 KATHLEEN DRAKULICH
15 DISTRICT JUDGE
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1 **CERTIFICATE OF SERVICE**

2 CASE NO. CV20-00422

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of
4 the STATE OF NEVADA, COUNTY OF WASHOE; that on the 8th day of June, 2020, I
5 electronically filed the **ORDER GRANTING MOTION TO DISMISS PLAINTIFFS'**
6 **COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.071** with the Clerk of the
7 Court by using the ECF system.

8 I further certify that I transmitted a true and correct copy of the foregoing document by the
9 method(s) noted below:

10 **Electronically filed with the Clerk of the Court by using the ECF system which will send a notice**
11 **of electronic filing to the following:**

12 EDWARD LEMONS, ESQ. for MARK MCALLISTER

13 RICHARD DE JONG, ESQ. for TAMI EVANS, PREM REDDY, M.D.,
14 ST. MARY'S REGIONAL MEDICAL CENTER, et al.

15 ALICE CAMPOS MERCADO, ESQ for MARK MCALLISTER

16 **Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage**
17 **and mailing by Washoe County using the United States Postal Service in Reno, Nevada:**

18 MARILEE BROWN
19 45 NIVES COURT
20 SPARKS, NV 89441

21 MARILOU BROWN
22 45 NIVES COURT
23 SPARKS, NV 89441

24 GREGORY J BROWN
25 45 NIVES COURT
26 SPARKS, NV 89441

27 
28 Department 1 Judicial Assistant

Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

MARILEE BROWN, MARILOU BROWN,
GREGORY J. BROWN (for Beverly M. Brown's
family),

Case No. CV20-00422

Dept. No. 1

Plaintiffs,

vs.

ST. MARY'S REGIONAL MEDICAL
CENTER; TAMI EVANS; PREM REDDY, M.D.;
MARK MCALLISTER, M.D.; TANZEEL
ISLAM, M.D.; SRIDEVI CHALLAPALLI, M.D.
AND DOES I THROUGH X, INCLUSIVE, ROE
BUSINESSES I THROUGH X, INCLUSIVE,

Defendants

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada,
County of Washoe; that on the 1st day of July, 2020, I electronically filed the Notice of Appeal in the
above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings
on file with the Second Judicial District Court.

Dated this 1st day of July, 2020.

Jacqueline Bryant
Clerk of the Court
By /s/YViloria
YViloria
Deputy Clerk

Code 4132

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

MARILEE BROWN, MARILOU BROWN,
GREGORY J. BROWN (for Beverly M. Brown's
family),

Case No. CV20-00422

Dept. No. 1

Plaintiffs,

vs.

ST. MARY'S REGIONAL MEDICAL
CENTER; TAMI EVANS; PREM REDDY, M.D.;
MARK MCALLISTER, M.D.; TANZEEL
ISLAM, M.D.; SRIDEVI CHALLAPALLI, M.D.
AND DOES I THROUGH X, INCLUSIVE, ROE
BUSINESSES I THROUGH X, INCLUSIVE,

Defendants.

NOTICE OF APPEAL DEFICIENCY

TO: Clerk of the Court, Nevada Supreme Court,
and All Parties or their Respective Counsel Of Record:

On June 26TH, 2020, Plaintiffs, Marilee Brown, Marilou Brown and Gregory Brown filed a Notice of Appeal with the Court. Plaintiffs failed to include the Twenty-Four Dollar (\$24.00) District Court Filing Fee, the Five Hundred Dollar (\$500.00) District Court appeal bond, and the Two Hundred Fifty Dollar (\$250.00) Supreme Court filing fee.

Pursuant to NRAP 3(a)(3), on July 1st, 2020, the Notice of Appeal was filed with the Nevada Supreme Court. By copy of this notice Plaintiffs will be notified by mail of the deficiency.

Dated this 1st day of July, 2020.

Jacqueline Bryant
Clerk of the Court

By: /s/YViloria
YViloria
Deputy Clerk

CERTIFICATE OF SERVICE

CASE NO. CV20-00422

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County Of Washoe; that on the 1st day of July, 2020, I electronically filed the Notice of Appeal Deficiency with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

RICHARD DE JONG, ESQ. for TANZEEL ISLAM, M.D., ST. MARY'S REGIONAL MEDICAL CENTER, TAMI EVANS, PREM REDDY, M.D., SRIDEVI CHALLAPALLI

ALICE CAMPOS MERCADO, ESQ. for MARK MCALLISTER

EDWARD LEMONS, ESQ. for MARK MCALLISTER

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

Gregory Brown
Marilee Brown
Marilou Brown
45 Nives Court
Sparks, Nevada 89441

/s/YViloria
YViloria
Deputy Clerk

EXHIBIT 4

1 **2315**

2 ROBERT C. McBRIDE, ESQ.

3 Nevada Bar No. 7082

4 HEATHER S. HALL, ESQ.

5 Nevada Bar No. 10608

6 CARROLL, KELLY, TROTTER,

7 FRANZEN & McBRIDE

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9 Las Vegas, Nevada 89113

10 Telephone No. (702) 792-5855

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12 E-mail: rcmcbride@cktfmlaw.com

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14 Attorneys for Defendants,

15 *St. Mary's Regional Medical Center,*

16 *Tammy Evans (erroneously named as Tami Evans), and Prem Reddy, M.D.*

17 IN THE SECOND JUDICIAL DISTRICT OF THE STATE OF NEVADA

18 IN AND FOR THE COUNTY OF WASHOE

19 Marilee Brown, Marilou Brown (*for Beverly M.*
20 *Brown's family*),

21 Plaintiffs,

22 v.

23 St. Mary's Regional Medical Center, Tami
24 Evans, Prem Reddy, M.D., Mark McAllister,
25 M.D., Tanzeel Islam, M.D., DOES I through X
26 inclusive; ROES Businesses I through X
27 inclusive,

28 Defendants.

CASE NO.: CV20-00422

DEPT: I

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' COMPLAINT FOR
FAILURE TO COMPLY WITH NRS
41A.071**

29 COME NOW, Defendants, ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY
30 EVANS (erroneously named as Tami Evans), and PREM REDDY, M.D., by and through their
31 counsel of record, ROBERT C. McBRIDE, ESQ. and HEATHER S. HALL ESQ. of the law firm
32 of CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE, and hereby file their Motion to
33 Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071.

34 This Motion is made and based upon the attached Memorandum of Points and
35 Authorities, the papers and pleadings on file herein, such other documentary evidence as may be

1 presented, and any oral argument allowed at the time of the hearing of this matter, if any.

2 DATED this 25th day of March, 2020.

3 CARROLL, KELLY, TROTTER,
4 FRANZEN & McBRIDE

5 

6 ROBERT C. McBRIDE, ESQ.

7 Nevada Bar No.: 7082

8 HEATHER S. HALL, ESQ.

9 Nevada Bar No.: 10608

10 8329 W. Sunset Road, Suite 260

11 Las Vegas, Nevada 89113

12 Attorneys for Defendants,

13 *St. Mary's Regional Medical Center,*

14 *Tammy Evans (erroneously named as Tami*
15 *Evans), & Prem Reddy, M.D.*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION & STATEMENT OF FACTS**

4 On March 3, 2020, Plaintiffs filed their Complaint against St. Mary's Regional Medical
5 Center, Tami Evans, Prem Reddy, M.D., Mark Mcallister, M.D. and Tanzeel Islam, M.D. *See*
6 Plfs' Comp. The Complaint states one of cause of action, Medical Negligence/Malpractice. *Id.*
7 at page 8. Even a cursory review of Plaintiffs' Complaint illustrates that all of the claims arise
8 out of the medical care provided by Defendants. Plaintiffs' claims arise out of allegations of
9 medical malpractice/wrongful death related to care and treatment provided to decedent Beverly
10 Morris Brown in December 2018 and February 2019. *See* Plfs' Comp., page 4, para. 7 – 25.
11 Plaintiffs allege that Ms. Brown died on March 5, 2019 as a result of the allegedly negligent
12 medical care she received. *Id.* at para. 25 – 26.

13 The Complaint specifically cites to Nevada's medical malpractice statutes. *See* Plfs'
14 Comp., pages 2, 14, and 16. Further, the Complaint alleges that:

15 “the Defendants did commit Medical Negligent actions to include Medicinal,
16 Treatment, Judgment, protocol, Etc Errors, against the Plaintiffs which led to the
17 Wrongful Suffering and Death of their mother, Beverly Morris (M. Brown; to
18 include but not limited to the fact that Defendants did commit Medical Negligent
19 Errors that actual and proximate lead [sic] to the Detrimental Health, Suffering
20 and Wrongful death of their mother, Beverly Morris (M.) Brown; and to include
21 Breach of Duty, Medical Negligence/Malpractice, Causation of Financial loss in
22 their proceedings, and Emotional, Financial Distress, et al, to the Plaintiffs and
23 their family, Subject to the jurisdiction of this Court.”

24 *Id.*, page 2, lines 5 – 11.

25 Despite the fact that this case is clearly one involving allegations of medical malpractice,
26 Plaintiffs failed to attach an affidavit of a medical expert to their medical malpractice Complaint,
27 as is required by NRS 41A.071. Pursuant to NRS 41A.071, Plaintiffs were required to attach an
28 affidavit to their Complaint supporting their claims against these Defendants. Thus, dismissal of
all claims is mandatory. Plaintiffs may not cure their deficiency of no affidavit because the
Complaint is void *ab initio* and Defendants must be dismissed pursuant to NRS 41A.071.

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1 II.

2 LEGAL ARGUMENT

3 **A. ALL OF PLAINTIFFS' CLAIMS ARISE OUT OF THE MEDICAL CARE AND**
4 **TREATMENT AND, THEREFORE, ARE SUBJECT TO THE REQUIREMENTS**
5 **OF NRS 41A.071.**

6 When determining the nature of a claim, it is the "object of the action, rather than the
7 legal theory under which recovery is sought," which governs. *Stalk v. Mushkin*, 125 Nev. 21, 199
8 P.2d 838 (2009). In *Szymborski v. Spring Mt. Treatment Ctr.*, 403 P.3d 1280 (Nev. 2017), the
9 Nevada Supreme Court recently addressed the issue of whether a variety of claims against Spring
10 Mountain Treatment Center ("Spring Mountain") required an expert affidavit pursuant to NRS
11 41A.071. The same analysis is pertinent to the determination of whether NRS 41A applies to
12 Plaintiffs' claims in the instant case.

13 In *Szymborski*, the plaintiff was the father of a patient admitted to Spring Mountain for
14 care and treatment due to self-inflicted wounds. *Id.* at 1282-1283. After the patient was
15 discharged, he vandalized the plaintiff's home causing \$20,000 in property damages. *Id.* at 128.
16 In his complaint, plaintiff asserted four claims against Spring Mountain: negligence; professional
17 negligence; malpractice, gross negligence, negligence per se; and negligent hiring, supervision,
18 and training. *Id.* The district court granted Spring Mountain's motion to dismiss, finding the
19 claims were for medical malpractice and required an expert affidavit. *Id.*

20 Reversing the district court in part, the Nevada Supreme Court held that the gravamen of
21 each claim, rather than its form, must be examined to determine whether the claim sounds of
22 medical malpractice. *Id.* at 1285, citing *DeBoer v. Sr. Bridges of Sparks Fam. Hosp.*, 128 Nev.
23 406,409,282 P.3d 727, 730 (2012). The Court held a claim is not for medical malpractice if is
24 not related to medical diagnosis, judgment, or treatment. *Id.* at 1284. Conversely, "allegations of
25 breach of duty involving medical judgment, diagnosis, or treatment indicate that a claim is for
26 medical malpractice." *Id.*

27 Of particular importance to the instant case, *Szymborski* held:

28 When the duty owing to the plaintiff by the defendant arises from the physician-
patient relationship or is substantially related to medical treatment, the breach

1 thereof gives rise to an action sounding in medical malpractice as opposed to
2 simple negligence. *Id.* at 1284., citing *Estate of French v. Stratford House*, 333
3 S.W. 3d 546, 555 (Tenn. 2011) [internal quotations omitted].

4 Further, if a jury can only evaluate a plaintiff's claim by standards of care presented by a
5 medical expert, the claim is for medical malpractice. *Szymborski, supra*, at 1284, citing
6 *Humboldt Gen. Hosp. v. Sixth Judicial Dist. Court*, 132 Nev., Adv. Op. 53, 376 P.3d 167, 172
7 (2016).

8 Analyzing the relationship between each of plaintiff's claims and the provision of
9 medical care, *Szymborski* held plaintiffs negligent discharge claim did not require an expert
10 affidavit because the allegations were not related to the patient's medical care. *Id.* at 1286.
11 Rather, the allegations were "based on Spring Mountain employees performing nonmedical
12 functions such as failing to verify [the patient] had his own apartment, arranging for [the patient]
13 to be dropped off at his father's house with no way to get to his apartment, and declining to
14 notify [the father] of this plan despite knowledge of his volatile and contentious relationship with
15 his son." *Id.* In contrast, plaintiff's claim for professional negligence did require an expert
16 affidavit because the claim involved allegations of medical duties, and would require medical
17 expert testimony to assist the jury in determining the standard of care. *Id.* Plaintiff's claim of
18 professional negligence required an expert affidavit because the court could not "discern a set of
19 duties or facts in [the] claim based in ordinary negligence." *Id.*

20 In this case, Plaintiffs' claim for Medical Negligence/Malpractice sounds in medical
21 malpractice because it arises from alleged breaches of the medical providers' duties in providing
22 medical care. This claim does not involve nonmedical services and from reviewing the
23 Complaint, there are no set of duties or facts based in ordinary negligence. As discussed in
24 *Szymborski*, the need for expert testimony to establish a physician's duty indicates the claims
25 sound in medical malpractice. Plaintiffs effectively concede expert testimony is required by
26 making reference to various NRS 41A statutes. *See* Plfs' Comp., pages 2, 14, and 16.

27 All of the allegations in Plaintiffs' Complaint against these Defendants fall within the
28 definition of "professional negligence" in NRS 41A, which is defined as a "negligent act or
omission to act by a provider of health care in the rendering of professional services, which act

1 or omission is the proximate cause of a personal injury or wrongful death.” See NRS 41A.015.
2 Plaintiffs’ claim is based on allegations of medical malpractice and, therefore, subject to the
3 requirements of NRS 41A.071 and must be supported by an expert affidavit. Because Plaintiffs
4 failed to do so, dismissal is mandatory.

5 **B. PLAINTIFFS FAILED TO SATISFY THE REQUIREMENTS SET FORTH IN**
6 **NRS 41A.071, MANDATING DISMISSAL OF THEIR COMPLAINT.**

7 Plaintiffs’ claims are based on allegations of medical malpractice/wrongful death and,
8 therefore, subject to the requirements of NRS 41A.071. NRS 41A.071 provides:

9 “If an action for medical malpractice or dental malpractice is filed in the
10 district court, the district court **shall dismiss the action, without prejudice, if**
11 **the action is filed without an affidavit** that:

- 12 1. Supports the allegations contained in the action;
- 13 2. Is submitted by a medical expert who practices or has practiced in an area
14 that is substantially similar to the type of practice engaged in at the time of
the alleged professional negligence;
- 15 3. Identifies by name, or describes by conduct, each provider of health care
who is alleged to be negligent; and
- 16 4. Sets forth factually a specific act or acts of alleged negligence separately
as to each defendant in simple, concise and direct terms.”

17 [Emphasis added].

18 NRS 41A.071 establishes that claims of medical malpractice may not be maintained
19 unless those claims are supported by an affidavit from a medical expert. A Complaint **must** be
20 dismissed if an expert’s affidavit does not address the breaches of the standard of care as to each
and every defendant named in the case. See *Washoe Med. Ctr. v. Second Judicial District Court*,
122 Nev. 1298, 148 P.3d 790 (2006).

21 The whole purpose behind the affidavit requirement was to ensure that medical
22 malpractice actions were meritorious and supported by competent expert opinion. *Washoe*,
23 *supra.*; *Borger v. Eighth Judicial District Court*, 120 Nev. 1021, 1029 (2004). To satisfy these
24 requirements, the expert affidavit must state that, to a reasonable degree of medical probability,
25 the defendant fell below the standard of care, must substantively identify the manner in which
26 the defendant fell below the standard of care, and must further state that the departure from the
27 standard of care caused damage. *Orcutt v. Miller*, 95 Nev. 408, 411, 595 P.2d 1191, 1193 (1979),
28 (citing *Lockart v. Maclean*, 77 Nev. 210, 361 P.2d 670 (1961)). NRS 41A.071 and the cases

1 interpreting that statute have made it abundantly clear that dismissal of the action is mandatory if
2 a supporting affidavit of a medical expert is not submitted with the Complaint to support the
3 allegations of negligence by the medical provider. *See Borger v. Eighth Judicial Dist. Ct.*, 120
4 Nev. 1021, 102 P.2d 600 (2004); *See also Washoe Med. Ctr. v. Second Judicial District Court*,
5 122 Nev. 1298, 148 P.3d 790 (2006).

6 Additionally, the *Washoe* decision specifically held that medical malpractice and
7 professional negligence claims that are void *ab initio*, because a proper expert affidavit is not
8 attached, may not be cured by amendment of the complaint, regardless of whether other claims
9 in the complaint survive. Here, Plaintiffs failed to attach any affidavit to their Complaint
10 mandating dismissal pursuant to NRS 41A.071.

11 **III.**

12 **CONCLUSION**

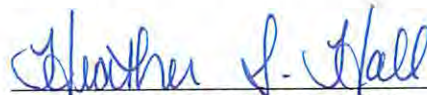
13 Based on all of the foregoing, Defendants St. Mary's Regional Medical Center, Tami
14 Evans, and Prem Reddy, M.D. respectfully request that this Court dismiss all claims against
15 them.

16 **AFFIRMATION PURSUANT TO NRS 239B.030**

17 The undersigned hereby affirms that the within document does not contain the Social
18 Security Number of any person.

19 DATED this 25th day of March, 2020.

20 CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE

21 

22 ROBERT C. McBRIDE, ESQ.

23 Nevada Bar No.: 7082

24 HEATHER S. HALL, ESQ.

25 Nevada Bar No.: 10608

26 8329 W. Sunset Road, Suite 260

27 Las Vegas, Nevada 89113

28 Attorneys for Defendants,

St. Mary's Regional Medical Center,

Tammy Evans (erroneously named as Tami Evans), & Prem Reddy, M.D.

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 16th day of March, 2020, I served a true and correct
3 copy of the foregoing **DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S**
4 **COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.071** addressed to the
5 following counsel of record at the following address(es):
6

- 7 ☐ **VIA ELECTRONIC SERVICE:** By mandatory electronic service (e-service), proof of
8 e-service attached to any copy filed with the Court; or
9 ☒ **VIA U.S. MAIL:** By placing a true copy thereof enclosed in a sealed envelope with
10 postage thereon fully prepaid, addressed as indicated on the service list below in the
11 United States mail at Las Vegas, Nevada
12 ☐ **VIA FACSIMILE:** By causing a true copy thereof to be telecopied to the number
13 indicated on the service list below.

14 Marilee Brown
15 Marilou Brown
16 45 Nives Court
17 Sparks, Nevada 89441
18 *Plaintiff in Pro Per*

19
20 /s/ Candace Cullina
21 An Employee of CARROLL, KELLY, TROTTER,
22 FRANZEN & McBRIDE
23
24
25
26
27
28

EXHIBIT 5

MICHAEL E. PRANGLE, ESQ.
Nevada Bar No. 8619
RICHARD D. DEJONG, ESQ
Nevada Bar No. 15207
HALL PRANGLE & SCHOONVELD, LLC
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JOHN C. KELLY, ESQ.
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Las Vegas, NV 89113
jckelly@cktfrmaw.com
Attorneys for Defendant
St. Mary's Regional Medical Center,
Tammy Evans (erroneously named as Tami Evans),
And Prem Reddy, M.D.

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

Marilee Brown, Marilou Brown (for Beverly
M. Brown's Family),

Plaintiffs,

vs.

St. Mary's Regional Medical Center, Tami
Evans, Prem Reddy, M.D., Mark McAllister,
M.D., Tanzeel Islam, M.D., DOES I through
X inclusive; ROES Businesses I through X
inclusive,

Defendants.

CASE NO. CV20-00422
DEPT NO. I

**DEFENDANTS ST. MARY'S
REGIONAL MEDICAL CENTER,
TAMMY EVANS, AND PREM REDDY
M.D.'S REPLY IN SUPPORT OF
MOTION TO DISMISS**

COMES NOW, Defendants, ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY
EVANS (erroneously named as Tami Evans) and PREM REDDY, M.D. (hereafter "St. Mary's
Defendants") by and through its counsel of record, CARROLL, KELLY, TROTTER, and

1 FRANZEN and HALL PRANGLE & SCHOONVELD, LLC¹, and hereby submits this Reply in
2 Support of their Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS
3 41A.071.

4 This Motion is made and based on the papers and pleadings on file herein, the points and
5 authorities attached hereto and such argument of counsel, which may be adduced at the time of
6 the hearing on said Motion.
7

8 DATED this 20th day of April 2020.

9 HALL PRANGLE & SCHOONVELD, LLC

10 By: /s/ Richard D. De Jong

11 MICHAEL E. PRANGLE, ESQ.

12 Nevada Bar No. 8619

13 RICHARD D. DEJONG, ESQ

14 Nevada Bar No. 15207

15 HALL PRANGLE & SCHOONVELD, LLC

16 1140 North Town Center Drive, Ste. 350

17 Las Vegas, Nevada 89144

18 Phone: 702-889-6400

19 Facsimile: 702-384-6025

20 efile@hpslaw.com

21 *Attorneys for Defendant*

22 *St. Mary's Regional Medical Center,*

23 *Tammy Evans (erroneously named as Tami Evans),*

24 *And Prem Reddy, M.D.*

25
26
27
28 ¹ St. Mary's Regional Medical Center, Tammy Evans and Prem Reddy, M.D. have submitted to
this Court a stipulation to substitute Hall Prangle and Schoonveld, LLC for previous counsel
Carroll, Kelly, Trotter, and Franzen attached hereto as **Exhibit 1**.

LEGAL ARGUMENT

Plaintiffs' Complaint must be dismissed because it is not supported by an affidavit of merit as is required by NRS § 41A.071 and Plaintiffs lack standing to file suit on behalf of the estate of their mother. Plaintiffs opposition misstates the law as the allegations in the Complaints clearly sound in professional negligence².

I. Plaintiffs failed to file an expert affidavit as required by NRS § 41A.071.

Plaintiffs are required to file an expert affidavit pursuant to NRS § 41A.071. This statute requires that the affidavit be signed by an expert who is engaged in a substantially similar practice as the provider(s) whose conduct is alleged to be negligent. NRS § 41A.071 states:

If an action for professional negligence is filed in the district court, the district court **shall dismiss** the action, without prejudice, if the action is filed **without an affidavit** that: supports the allegations contained in the action; is submitted by a medical expert who practices or has practiced in an area **that is substantially similar to the type of practice engaged in at the time of the alleged professional negligence; identifies by name, or describes by conduct, each provider of health care who is alleged to be negligent; and, sets forth factually a specific act or acts of alleged negligence separately as to each defendant** in simple, concise and direct terms. (emphasis added)

The Nevada Supreme Court held that "under NRS § 41A.071, a complaint filed without a supporting expert affidavit is *void ab initio and must be dismissed*." *Washoe Medical Center*, 122 Nev. 1298, 148 P.3d 790 (2006) (emphasis supplied). Further, the Court stated that "Because a complaint that does not comply with NRS § 41A.071 is *void ab initio*, it does not legally exist and thus it cannot be amended." *Id.* The Court went on to state:

"[S]hall" is mandatory and does not denote judicial discretion. The Legislature's choice of the words "shall dismiss: instead of "subject to dismissal" indicates that the legislature intended that the court have no discretion with respect to dismissal

² Plaintiffs Opposition references an Amended Complaint. For purposes of this Reply the Complaint and Amended Complaint are treated as one document as the Amended Complaint was not properly filed or served.

and that a complaint filed without an expert affidavit would be void and must be automatically dismissed.

Id. at 793-94

The Court in *Washoe* discussed the legislative intent that upheld their ruling that failure to attach an expert affidavit made the complaint void from the start:

NRS 41A.071's legislative history further supports the conclusion that **a complaint defective under NRS 41A.071 is void**... NRS 41A.071 was adopted as part of the 2002 medical malpractice tort reform that abolished the Medical-Legal Screening Panel. NRS 41A.071's purpose is to "lower costs, reduce frivolous lawsuits, and ensure that medical malpractice actions are filed in good faith based upon competent expert medical opinion." According to NRS 41A.071's legislative history, the requirement that a complaint be filed with a medical expert affidavit was designed to streamline and expedite medical malpractice cases and lower overall costs, and the Legislature was concerned with strengthening the requirements for expert witnesses.
Id. at 794.

The Nevada Supreme Court has made this issue abundantly clear that district courts "have no discretion with respect to dismissal" where a complaint fails to comply with NRS § 41A.071. *Id.* The Nevada Supreme Court reiterated this requirement when it found that even when a third party contribution claim is brought, if contingent upon a claim of medical malpractice, it too must be supported by an expert affidavit or must be dismissed. *See Pack v. LaTourette*, 277 P.3d 1246, (Nev. 2012).

Here, it is undisputed that the original Complaint and Amended Complaint were filed without an expert affidavit. See Complaint and Amended Complaint attached as **Exhibits 2 and 3**. Plaintiffs' Opposition contemplates that the Plaintiffs have the requisite experience to file their own affidavit, however they do not cite to any relevant medical experience to support this claim nor is any affidavit attached to either complaint. Accordingly, the viability of Plaintiff's case depends entirely upon whether the claims asserted contemplate "professional negligence." Professional negligence is defined as "the failure of a provider of health care, in rendering

services, to use the reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained and experienced providers of health care.” See NRS § 41A.015. Hence, the application of NRS § 41A to a specific case depends solely on two factors: (1) the status of a defendant as a provider of health care, and (2) whether the allegations contemplate a failure in the rendering of services by that provider. Here, both these requirements are met as follows:

1. Plaintiff’s allegations contemplate a failure by a provider of health care.

NRS § 41A applies only to a “provider of health care.” A provider of health care is defined in NRS § 41A.017 as “a physician licensed pursuant to chapter 630 or 633 of NRS, **physician** assistant, dentist, licensed nurse, . . . **a licensed hospital**, clinic, surgery center, physicians’ professional corporation or group practice that employs any such person and its employees.” (emphasis added). Here, the allegations are against the St. Mary’s Defendants in relation to the medical care and treatment provided to the Plaintiff at St. Mary’s Regional Medical Center. Therefore, the St. Mary’s Defendants are undeniably providers of health care to which NRS § 41A applies.

2. The allegations contemplate a failure by the St. Mary’s Defendants in “rendering services” to Plaintiff.

Plaintiffs’ allegations clearly contemplate professional negligence. This Court must look to “the nature of the grievance to determine the character of the action, not the form of the pleadings.” *Egan v. Chambers*, 299 P.3d 364, 366 n. 2 (2013). A plaintiff cannot evade the professional negligence limitations through “artful pleading.” *Brown v. Mt. Grant General Hospital*, 2013 WL 4523488, *8 (D. Nev. 2013) (citing *Fierle*, 219 P.2d at 913 n. 8).

The Nevada Supreme Court has held that “allegations of breach of duty involving medical judgment, diagnosis, or treatment indicate that a claim is for medical malpractice.”

1 *Szymborski v. Spring Mountain Treatment Center*, 133 Nev. Adv. Op. 80 (Oct. 26 2017).
2 Emphasis added. The Nevada Supreme Court has added that “if the jury can only evaluate the
3 plaintiff’s claims after presentation of the standards of care by a medical expert, then it is a
4 medical malpractice claim.” *Id.* (citing *Humboldt Gen. Hosp. v. Sixth Judicial Dist. Court*, 132
5 Nev. Adv. Op. 53, 376 P.3d 167, 172 (2016)). In fact, the Supreme Court has even broadly held
6 that “allegations of negligent maintenance of medical records are properly characterized as
7 medical malpractice.” *Id.* The U.S. District Court of Nevada has further added that “[t]he scope
8 of ‘medical malpractice’ extends beyond the immediate provision of care, and encompasses even
9 something as far removed from the immediate context of the doctor-patient relationship as the
10 negligent maintenance of medical records and a misrepresentation resulting therefrom.” *Johnson*
11 *v. Incline Village General Imp. Dist.*, 5 F. Supp. 2d 1113, 1115 (D. Nev. 1998).

14 In this case, Plaintiffs are seeking to impose liability upon the St. Mary’s Defendants for
15 treatment relating to a foot wound, atrial fibrillation, improper amputation, low oxygen levels,
16 and pulmonary injury. *See Exhibit 2* Pgs. 6-16. These allegations clearly implicate professional
17 negligence in the context of medical care. In fact, the complaints repeatedly describe the causes
18 of action as one for medical malpractice. *Id.* The allegations in the complaints relate directly to
19 care and treatment of Beverley Brown. *Id.* Therefore, Plaintiffs’ allegations are premised on
20 medical services and medical judgment that only providers delineated under NRS § 41A.017 can
21 make. The claims in the Complaints all fall within the definition of NRS § 41A.015 and must
22 therefore be dismissed pursuant to NRS § 41A.071 since there is no affidavit of merit supporting
23 the Complaints.
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II. Plaintiffs Lack Standing to File a Complaint or Opposition.

Suit in this case is brought by Marilee Brown and Marilou Brown³ on behalf of the estate and family of Plaintiffs' Decedent Beverley Brown. *See* Plaintiff's Complaint Pg. 1 Ln. 14 -17 attached hereto as **Exhibit 2**. Plaintiffs' claim to have legal power of attorney as representatives of decedent Beverley Brown. *Id.* However, the Nevada Supreme Court has held no rule or statute permits a person to represent any other person, a company, a trust, or any other entity in the district courts or in the Supreme Court. *Salman v. Newell*, 110 Nev. 1333, 1336 885 P.2d 607, 609 (1994). While Nevada State Supreme Court Rule 44 permits an individual to represent themselves in the district courts, in this case Plaintiffs are not permitted to represent their deceased mother's estate.

Only an active member of the State Bar of Nevada, pursuant to the rules of this court, is permitted to practice law in this state; a violation of this rule is a crime pursuant to NRS § 7.285. In addition, Supreme Court Rule 77 provides that, with certain inapplicable exceptions, no person may practice law as an officer of the courts in this state who is not an active member of the state bar. Although an individual is entitled to represent himself or herself in the district court, no rule or statute permits a non-attorney to represent any other person, a company, a trust, or any other entity in the district courts or in this court. *Salman*, 110 Nev. 1336.

Plaintiff cites to NRS § 41.085 to support the contention that Plaintiffs may represent the estate in a cause of action, however this statute simply delineates who may recover for damages in a wrongful death action, not who may permissibly file suit and represent an estate in legal proceedings. Plaintiffs' Decedent's children are not entitled to represent the estate in legal

³ Plaintiffs' Opposition seeks leave to also add Gregory Brown as a named Plaintiff.

proceedings. The Complaint, Proposed Amended Complaint, and Opposition to Motion to Dismiss are all legally invalid and this case should be dismissed in its entirety.

CONCLUSION

As Plaintiff has failed to adhere in any capacity to the medical expert affidavit requirements of NRS § 41A.071, the Complaint is *void ab initio* as to the St. Mary's Defendants and must be dismissed. Additionally, Plaintiffs are not permitted to file suit on behalf of their mother's estate. St. Mary's respectfully requests that this Court grant its Motion to Dismiss with prejudice.

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does affirm that the preceding document does not contain the Social Security Number of any person.

DATED this 20th day of April, 2020.

HALL PRANGLE & SCHOONVELD, LLC

/s/ Richard De Jong

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

RICHARD D. DEJONG, ESQ

Nevada Bar No. 15207

1140 North Town Center Drive, Suite 350

Las Vegas, NV 89144

*Attorneys for Defendant St. Mary's Regional
Medical Center, Tammy Evans (erroneously named
as Tami Evans), and Prem Reddy, M.D.*

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 X E-Flex Electronic Service;

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

Marilee Brown
Marilou Brown
45 Nives Court
Sparks, NV 89441
Plaintiff in Pro Per

/s/ Arla Clark
An employee of HALL PRANGLE & SCHOONVELD, LLC

EXHIBIT 1

SUBT

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

RICHARD D. DEJONG, ESQ

Nevada Bar No. 15207

HALL PRANGLE & SCHOONVELD, LLC

1140 North Town Center Drive, Ste. 350

Las Vegas, Nevada 89144

Phone: 702-889-6400

Facsimile: 702-384-6025

efile@hpslaw.com

Attorneys for Defendant

St. Mary's Regional Medical Center,

Tammy Evans (erroneously named as Tami Evans),

And Prem Reddy, M.D.

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

Marilee Brown, Marilou Brown (for Beverly
M. Brown's Family),

Plaintiffs,

vs.

St. Mary's Regional Medical Center, Tami
Evans, Prem Reddy, M.D., Mark McAllister,
M.D., Tanzeel Islam, M.D., DOES I through
X inclusive; ROES Businesses I through X
inclusive,

Defendants.

CASE NO. CV20-00422
DEPT NO. I

SUBSTITUTION OF COUNSEL

Defendant, ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY EVANS
(erroneously named as Tami Evans) and PREM REDDY, M.D., hereby substitutes the law firm
of HALL PRANGLE & SCHOONVELD, LLC, as its attorneys in the above-entitled action in
the place and stead of the law firm of CARROLL, KELLY, TROTTER, FRANZEN &
McBRIDE.

DATED this 17 day of April, 2020.

ST. MARY'S REGIONAL MEDICAL CENTER,
TAMMY EVANS (erroneously named as Tami
Evans) and PREM REDDY, M.D.,

HELEN PELTEKCI, ESQ.
AUTHORIZED REPRESENTATIVE


TAMMY EVANS

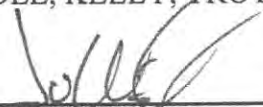
PREM REDDY, M.D.

CONSENT TO SUBSTITUTION

JOHN C. KELLY, ESQ. of the law firm of CARROLL, KELLY, TROTTER, FRANZEN
& McBRIDE does hereby agree to the substitution of the law firm of HALL PRANGLE &
SCHOONVELD, LLC as counsel for Defendant, ST. MARY'S REGIONAL MEDICAL
CENTER, TAMMY EVANS (erroneously named as Tami Evans) and PREM REDDY, M.D., in
the above-entitled action in my place and stead.

DATED this 14 day of April, 2020.

CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE


JOHN C. KELLY, ESQ.
Nevada Bar No. 9848
8329 W. Sunset Rd., Ste. 260
Las Vegas, NV 89113

ACCEPTANCE OF SUBSTITUTION

MICHAEL E. PRANGLE, ESQ. of the law firm of HALL PRANGLE &
SCHOONVELD, LLC, does hereby agree to be substituted for CARROLL, KELLY,
TROTTER, FRANZEN & McBRIDE, in the above-entitled action as attorneys for Defendant.

DATED this 14th day of April, 2020.

ST. MARY'S REGIONAL MEDICAL CENTER,
TAMMY EVANS (erroneously named as Tami
Evans) and PREM REDDY, M.D.,

Helen Peltekci
HELEN PELTEKCI, ESQ.
AUTHORIZED REPRESENTATIVE

TAMMY EVANS

Prem Reddy
PREM REDDY, M.D.

CONSENT TO SUBSTITUTION

JOHN C. KELLY, ESQ. of the law firm of CARROLL, KELLY, TROTTER, FRANZEN
& McBRIDE does hereby agree to the substitution of the law firm of HALL PRANGLE &
SCHOONVELD, LLC as counsel for Defendant, ST. MARY'S REGIONAL MEDICAL
CENTER, TAMMY EVANS (erroneously named as Tami Evans) and PREM REDDY, M.D., in
the above-entitled action in my place and stead.

DATED this 14 day of April, 2020.

CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE

John C. Kelly
JOHN C. KELLY, ESQ.
Nevada Bar No. 9848
8329 W. Sunset Rd., Ste. 260
Las Vegas, NV 89113

ACCEPTANCE OF SUBSTITUTION

MICHAEL E. PRANGLE, ESQ. of the law firm of HALL PRANGLE &
SCHOONVELD, LLC, does hereby agree to be substituted for CARROLL, KELLY,
TROTTER, FRANZEN & McBRIDE, in the above-entitled action as attorneys for Defendant.

HALL PRANGLE & SCHOONVELD, LLC
1140 NORTH TOWN CENTER DRIVE, STE. 350
LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

1 ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY EVANS (erroneously named as
2 Tami Evans) and PREM REDDY, M.D.

3 HALL PRANGLE & SCHOONVELD, LLC

4 

5
6 MICHAEL E. PRANGLE, ESQ.

7 Nevada Bar No. 8619

8 1140 North Town Center Drive, Suite 350

9 Las Vegas, NV 89144

10 **AFFIRMATION**

11 *Pursuant to NRS 239B.030*

12 The undersigned does affirm that the preceding document does not contain the Social
13 Security Number of any person.

14 DATED this 20 day of April, 2020.

15 HALL PRANGLE & SCHOONVELD, LLC

16 

17 MICHAEL E. PRANGLE, ESQ.

18 Nevada Bar No. 8619

19 RICHARD D. DEJONG, ESQ

20 Nevada Bar No. 15207

21 1140 North Town Center Drive, Suite 350

22 Las Vegas, NV 89144

23 *Attorneys for Defendant St. Mary's Regional*
24 *Medical Center, Tammy Evans (erroneously named*
25 *as Tami Evans), and Prem Reddy, M.D.*

26 **CERTIFICATE OF SERVICE**

1 I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD,
2 LLC; that on the 20 day of April, 2020, I served a true and correct copy of the foregoing
3 **SUBSTITUTION OF COUNSEL** via:

4 X E-Flex Electronic Service;

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

6 Marilee Brown
7 Marilou brown
8 45 Nives Court
9 Sparks, NV 89441
10 *Plaintiff in Pro Per*

JOHN C. KELLY, ESQ.
Carroll, Kelly, Trotter, Franzen & McBride
8329 W. Sunset Rd., Ste. 260
Las Vegas, NV 89113
jckelly@cktfmlaw.com

11 /s/ Arla Clark

12 An employee of HALL PRANGLE & SCHOONVELD, LLC
13
14
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EXHIBIT 2

1. ORIGINAL

2 CODE: 1425
3 NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)
4 BAR NUMBER: N/A (Pro Se litigants)
5 ADDRESS: 45 Nives Court
6 Sparks, NV 89441
7 TELEPHONE: (775) 425-4216

8 IN THE SECOND JUDICIAL DISTRICT COURT OF
9 THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

10 Marilee Brown, Marilou Brown (*for Beverly M. Brown's family*)
11 Plaintiffs, in Proper Person

12 Case No: CV
13 VS Dept No:

14 St. Mary's Regional Medical Center: Tami Evans (Director Medical Services / Risk Mgmt;
15 Prem Reddy, MD - (Prime HealthCare)
16 Mark McAllister, MD (St. Mary's Interventional Radiologist)
17 Tanzeel Islam, MD (St. Mary's Hospitalist)
18 Sridevi Challapalli, MD (St. Mary's Cardiologist),
19 DOES I through X inclusive; ROES Businesses I through X inclusive

20 Defendants,
21 CIVIL COMPLAINT (*Jury Demanded*)

22 **CIVIL COMPLAINT**

23 1. Come now Plaintiffs Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*), with Legal Power
24 of Attorney as representatives of ^{Heirs} Beverly Brown), hereafter referenced as Plaintiffs, hereby Complain and
25 allege of the Defendants, St. Mary's Regional Medical Center – Tami Evans, Director of Medical Services/
26 Risk Mgmt; Prem Reddy, MD (Prime HealthCare); Mark McAllister, MD (St. Mary's Interventional Radiology);
27 Tanzeel Islam, MD (St. Mary's Hospitalist); Sridevi Challapalli, MD (St. Mary's Cardiologist), DOES I - X
28 and ROES Businesses I - X Inclusive, hereafter referenced as Defendants, as set forth in the following:

29 **PRELIMINARY STATEMENT**

30 2a. Plaintiffs will serve the Defendants with this Complaint and Summons by a Non Party over 18 years of
31 age and within 120 days of Filing pursuant to the Nevada Rules of Civil Procedure NRCP 4(a)(c)(d)(i); and will
32 provide an Affidavit of Service to the Court upon Service of Same Complaint and Summons NRCP (4)(g)(2)

33 **2b. Pro Se Plaintiffs Note: The Courts State:**

34 "*Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than
35 formal pleading drafted by lawyers (Defendant)(caselaw)" And*

36 "*the Nevada Supreme Court held that the basic underlying policy governing the exercise of discretion
37 is to have cases decided upon the merits, rather than dismissed on procedural grounds (caselaw)"*

1.

JURISDICTION

2. 3. Plaintiffs are informed and believe, and therefore alleges, that this Court has subject jurisdiction over this
3. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of ^{Heirs}
^{NRS 41, 41A}
4. Beverly Brown); ^{NRS 41.085, 41.130} and any other applicable law or statute under this jurisdiction not yet known by
5. the Plaintiffs; in that the Defendants did commit Medical Negligent actions to include Medicinal,
6. Treatment, Judgment, protocol, Etc Errors, against the Plaintiffs which led to the Wrongful Suffering and Death
7. of their mother, patient Beverly Morris (M.) Brown; to include but not limited to the fact that Defendants did
8. commit Medical Negligent Actions, Errors that lead to the Detrimental Health, Suffering and Wrongful death
^{-Actual & proximate}
9. of their mother, patient Beverly Morris (M.) Brown; And to include Breach of Duty, Medical Negligence /
10. Malpractice, Causation of Financial loss in these proceedings, and Emotional, Financial Distress, et al, to
11. the Plaintiffs and their family, Subject to the jurisdiction of this Court.

12. 4. Plaintiffs are informed and believe, and therefore alleges, that this Court has subject jurisdiction over this
13. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of ^{Heirs}
^{NRS 41, 41A}
14. Brown); ^{NRS 41.085, 41.130} and any other applicable law or statute under this jurisdiction not yet known to Plaintiffs;
15. 5. Plaintiffs advise that this Complaint may be Amended at a later date as authorized by the Court to include
16. additional laws, clarifications, corrections, etc. to this Complaint.

17.

VENUE

18. 6. Venue is Proper in this Court as Defendants' Medical Negligence conduct asserted in this Complaint by
19. the Plaintiffs took place within the State of Nevada, County of Washoe, where the Defendants and the
20. Plaintiffs reside/work; and in which Defendants' Negligent Medical Malpractice Actions occurred.

21.

PARTIES

22. 7. Plaintiffs Marilee Brown and Marilou Brown (and for Beverly M. Brown's family) - (with Legal Power of
23. Attorney as representatives of ^{Heirs} Beverly Brown), (hereafter referred to as "Plaintiffs") currently reside in the
24. State of Nevada, County of Washoe; and St. Mary's Regional Medical Center – Tami Evans, Director of
25. Medical Services/Risk Mgmt; Prem Reddy, MD - (Prime HealthCare); Mark McAllister, MD (St. Mary's Interv.
26. Radiologist); Tanzeel Islam, MD (St. Mary's Hospitalist); Sridevi Challapalli, MD (St. Mary's Cardiologist),
27. (hereafter referred to as "Defendants") currently reside/work, in the State of Nevada, County of Washoe.

1. 8. All of the Acts or Failures of Duty, et al are performed and/or are attributable to the Defendants,
2. individually and/or combined; et seq;
3. 9. The names and capacities, whether individual, corporate, associate or otherwise of Defendants and
4. /or their alter egos sued herein as DOES I through X, and ROE Business Entities I through X, inclusive,
5. are presently unknown, and Plaintiffs will Amend this Complaint to insert the names (s) when ascertained.

STATEMENT OF FACTS

6. 10. **MAIN MEDICAL MALPRACTICE INFORMATION SUMMARY:**

7. a. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
8. Hospitalist's and Interventional Radiologist's removal of patient from lifesaving medications for procedure
9. that **threatened/negatively impacted patient's health** without prior consult with her primary Cardiology
10. Specialist who would have advised against same unless necessary (**All Led to Patient Beverly M. Brown's**
11. **deteriorating medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
12. b. On/About February 21, 2019: Interventional Radiologist's pulmonary procedure error resulting in the
13. Hospitalist's continued removal of patient's necessary life saving medication; buildup of plural fluid in
14. patient's lungs that could no longer be removed by procedure due to the Interventional Radiologist's error
15. even when purportedly healed around Feb 25, 2019 (**All Led to Patient Beverly M. Brown's deteriorating**
16. **medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
17. c. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
18. Hospitalist's and Interventional Radiologist's removal of patient from lifesaving medications for procedure
19. that threatened/negatively impacted patient's health without prior consult with her primary Cardiology
20. Specialist who would have advised against same unless necessary (**All Led to Patient Beverly M.**
21. **deteriorating medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
22. d. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
23. Hospitalist's refusal to consult with the patient's cardiology specialist per protocol - who would have
24. maintained her on the necessary amount and type of lifesaving medication (*yet other hospital admitting*
25. *staff cc'ed said important specialists regarding patient's initial and proceeding care*) (**All Led to Patient**
26. **Beverly M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019);**
27. **Family anguish;**
27. e. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
28. Hospitalist's refusal to consult with the hospital assigned cardiology, pulmonary specialists per protocol

1. (despite assigned specialists apparent readings of patient's tests during hospital stay) until On/About
2. 2/25/19 when family members emphasized specialists needed to be consulted for patient's proper care and
3. treatment (**All Led to Patient Beverly M. Brown's 11. deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
4. f. On/About February 25, 2019: Attending hospital cardiology specialist misreading and alluding only to
5. hospital notes with erroneous interpretation of hospital medication given to patient; failure to consult with
6. patient's primary cardiology specialist who would have affirmed patient needed to be on correct
7. medications and amounts – who was in the same St. Mary's office as she; and purportedly released the
8. patient per the Hospitalist with apparent ongoing life threatening conditions (**All Led to Patient Beverly**
9. **M. Brown' deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
10. g. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
11. Hospitalists failed to consult with patient's primary cardiology specialist who would have affirmed patient
12. needed to be on correct medications and amounts while and after hospital admission (**All Led to Patient**
13. **Beverly M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
14. h. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
15. Hospitalist failed to timely review and properly reviews patients life threatening health condition symptoms
16. for proper treatment until speaking with the family on/about Feb 25, 2019; Failed to consult with patient's
17. primary cardiology specialist who would have affirmed patient needed to be on correct medications and
18. amounts while and after hospital admission; purportedly only consulted with a pharmacist who gave the
19. incorrect dosage for one lifesaving medication (2.5 Eliquis/2X per day, when it should have been 5mg/2X
20. per day) to be administered at the hospital; Failed to have patient on life saving medication Plavix at all;
21. and purportedly released the patient with apparent ongoing life threatening conditions; False statement
22. asserting family refused skilled nursing facility for PT to patient's detriment – when Hospitalist agreed
23. Home Therapy program was best for patient due to weak condition and malnutrition from hospital stay;
24. Hospitalist and Palliative Care staff pushing for DNR when patient wanted to live and simply, repeatedly
25. stating to patient and her family that she was just "OLD"; ETC (All Led to Patient Beverly M. Brown's
26. deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;
27. i. On/About December 12 -14, 2018, thereafter to and including On/About February 20 - 27, 28/2019:
28. Hospitalists Failed to consult with patient's primary cardiology specialist who would have affirmed patient

1. needed to be on correct medications and amounts and purportedly released the patient asserting to
2. specialists' recommendations with apparent ongoing life threatening conditions (**All Led to Patient Beverly**
3. **M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish**
4. j. On/About February 26,27/2019 - February 28, 2019: Hospital staff's placement of patient Beverly M.
5. Brown in a room with an infection patient that contributed to patient's pulmonary, respiratory issues death
6. on 3/5/19 (**All Led to Patient Beverly M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish**
7. k. On/About: March 3, 2019 - March 5, 2019: St. Mary's Hospital Failed to timely fax vital documentation
8. requested by Renown for assisting in care and treatment of patient until 3/5/19; with said delinquency
9. impacting vital care/treatment and contributed to patient's death on 3/5/19 (**All Led to Patient Beverly M.**
10. **Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish**
11. ETC
12. m. All directly contributing to the Wrongful Suffering and Death of this patient who had severe Chronic
13. Medical conditions but the Negligence of St Mary's Regional Medical Center Hospital staff caused an
14. unnecessary Terminal Medical Condition of this patient (**Lead to Patient Beverly M. Brown's death on**
15. **March 5, 2019)**
16. n. From About April 2019 To The Date of this Filing, after securance and review of medical records from
17. St. Mary's Medical Center, the patient's family attempted to address the aforementioned issues with St.
18. Mary's Regional Medical Center without response, except upon contact with Prime Health Care said
19. Organization referred patient's family to St. Mary Regional Medical Center Risk Management Department.
20. Upon consult with same, Kathy Millard of Risk Management advised their department would investigate
21. the matter and respond in writing within 45 days.
22. o. Throughout February 2020, Upon consult with local counsel, it was advised to patient's family that any
23. medical malpractice case had to be filed in Court within a one year Statute of Limitations.
24. p. During this time, St. Mary's Regional Medical Center Risk Management and Legal Department refused
25. to return patient's family's calls for informal meeting in this matter, Alternative Dispute Resolution,
26. Mediation or Arbitration proceedings to resolve their concerns .Nor would same discuss matters when
27. Patient's family physically went to this Department to inquire of voluntary participation.
28. q. On/about February 21, 2020, Upon consult with Nevada District Court staff in Reno, NV, it was stated
29. by the Clerks that no such programs could be accessed through the Court unless a formal Civil Complaint

1. was filed –predicating this Action by the patient's family.
2. r. For the aforementioned reason, Plaintiffs (*and patient's family*) had no choice but to file this Civil Action in
3. order ~~1~~ to engage in Court and/or other sponsored programs to facilitate resolution of this matter and the
4. issues within since St. Mary's Regional Center Risk and Legal Department would not return Plaintiffs'
5. aforementioned requests to engage in said programs;
6. s. All to facilitate Hospital and Health Care Providers accountability and education for improving the quality
7. of care and reduction of medical mistakes by their accredited bodies; To improve the communication between
8. providers and patients/patients' families so as to ensure the improvement of quality care, healthcare
9. improvement and less Medical Medicinal, Judgment mistakes/error that lead to the suffering and
10. preventable death of patients; etc

11. 11.

BACKGROUND HISTORY

12. A/1. Background History Related to Issue At Hand – St. Mary's Hospital/Medical Center (*More Available*) Patient Beverly M. Brown

13. 1a. Beverly M. Brown had Chronic medical conditions of Cardiovascular disease, Afib, etc as disclosed herein and more details available for the Related ISSUE AT HAND
14. 1b. Beverly M. Brown continued her heart and vascular care in Reno, Nevada with St. Mary's interventional vascular cardiologist Dr. Devang Desai after treatment with Renown and UCDavis physicians for associated illnesses; and her Cardiologist in Reno, NV Retired.
15. 2a. St Mary's wound care unit Infection Disease Specialist recommended Beverly M. Brown take conservative approach of oral antibiotics in an attempt to clear up her foot infection instead of a more aggressive necessary cutting the infection out of ~~an amputated toe~~ wound caused by her condition. The medication simply made Beverly M. Brown sick and did not help with the wound considering her
16. compromised circulatory vascular condition.
17. 2b. During a follow up visit at St. Mary's wound care center, Beverly M. Brown's wound was so infected the attending care professionals referred her to St. Mary's ER. Beverly M Brown's daughters wanted to immediately drive Beverly to UCDavis Medical Center in Sacramento, CA but St. Mary's medical staff advised against that and advised immediate hospitalization (*for their financial gain*). Beverly and
18. her daughters followed all medical advice and recommendations.
19. 3a. Once hospitalized, the St. Mary's health care professionals put Beverly M. Brown on IV heparin medication and could not remove this medication despite the vascular surgeon agreeing Beverly was best treated at
20. UCDavis. Unfortunately, the IV heparin drip now required medical transport vs. private family transport to UCDavis Medical Center, which caused over a week delay in travel and longer for interventional treatment
21. Beverly M. Brown's condition required not only limb but LIFE saving treatment upon arrival at UCDavis.
22. 3b. During the very lengthy waiting period at St. Mary's Hospital for transport to UC Davis Medical Center in Sacramento, CA, Beverly M. Brown's condition deteriorated dramatically, to the degree attending
23. nurses and staff disclosed to Beverly's daughters that they feared she would die and not survive the trip.
24. 3c. St Mary's did NOT treat Beverly M. Brown for her cardiovascular condition except for IV Heparin pending transport to UCDavis hospital for treatment. Due to a limited number of patients allowed at UC Davis via

1. medical transport, Beverly M. Brown's transfer of care was further delayed. Beverly M. Brown's daughter Marilou Brown finally contacted UCDavis Dr. Laird and advised of the delay and Beverly's deteriorating condition. Dr. Laird expedited UC Davis transfer acceptance thereafter.
2. 3d. UC Davis medical staff advised Beverly M. Brown's daughters that they would NOT be able to do any vascular treatment to further save Beverly M. Brown's infected foot/leg and would now require amputation
3. - all because her vascular Dr. ~~Desai~~ stated she could walk ~~on her amputated leg~~ when she should not have while it was recovering from infection; AND MOSTLY BECAUSE OF
4. St. Mary's actions noted above by the Wound Care Center poor treatment decisions, * followed by St. Mary's decisions to Admit Beverly Brown to the Hospital for financial gain, poor medical treatment, thereafter delayed
5. transport to UCDavis, when this patient's daughters could have expedited transport to UCDavis on their own.
6. 3e. UCDavis Staff stated they had to do extensive treatment on Beverly M. Brown's Cardio condition (Afib, etc) - aggravated by the lack of care at St Mary's hospital in Reno, NV and lengthy delay there for transport
7. to UC Davis Medical Center in Sacramento, CA
8. Again, had St Mary's care staff simply let Beverly's daughters drive Beverly to UC Davis Medical Center ER - Beverly M. Brown would have been treated more exigently. (As Noted above: Brown subsequently learned
9. from Specialist that St Mary's ER protocol was to admit as many patients as possible, unfortunately to the demise of Beverly M. Brown in this case;
10. 4. Beverly M. Brown's leg amputation led to accelerated extensive bone loss (20%) from Osteoporosis due to Beverly M. Brown's inactivity and severe impact on her already compromised cardiovascular
11. condition (CHF) because she had very limited mobility from June 2016 - Dec 2018 / March 2019
12. **A/2. Primary Background Related to ISSUE AT HAND – Patient Beverly M. Brown**
13. 1a. In December 2018, Beverly M Brown was hospitalized at St. Mary's Hospital in Reno, Nevada for her Cardiovascular Condition, low oxygen level. Patient had her lungs aspired and was released.
14. 1b. However, upon review of medical documentation it was noted that the attending Hospitalist and Interventional Radiologist protocol was to conduct the aspiration without consult with Cardiovascular
15. and Pulmonary Specialists; which included removing the patient from life saving medications which caused more jeopardy to the patient than leaving this patient on same medications, Plavix and Eliquis;
16. Despite having the hospital assigned Cardiologist reading patient's test, residing in same St. Mary's Office as patient's primary Cardiologist.
17. 2a. From December 2018 - February 28, 2019, St. Mary's Cardiology reduced Beverly M. Brown's Eliquis from 5 to 2.5mg/2X per day due to incidental bleeding, intermittent blood in her phlegm due to an in hospital
18. radiological procedure to remove fluid from her lungs.
19. 2b. * Within the week Marilou Brown called St. Mary's Cardiology requesting to know if Beverly M. Brown should return to an Eliquis 5mg/2X per day dosage as recommended by her Cardiologist from Renown,
20. Dr. Ganchan since Beverly no longer spotted blood and if vascular arterial tests should be ordered since it had been a year or more since said tests on Beverly had last been done.
21. 2c. St. Mary's Issue: The cardio nurse who answered the telephone said Beverly M. Brown should stay at 2.5mg for her weight and size. Marilou Brown explained with Beverly's AFIB/CHF condition, it was
22. advised by her previous cardiologist that Beverly's condition required she be at a 5mg 2X per day. Marilou Brown again requested the nurse ask the St. Mary's Cardiologist (Dr. Desai) if she could
23. return to this 5mg, 2x/day Eliquis dosage since she was not spotting blood from the procedure anymore. Marilou again reiterated to the nurse her concern because of what Beverly M. Brown's
24. previous, now retired Cardiologist recommended for her condition; 5mg twice a day. Beverly M. Brown's family did not hear back to this Request despite other same issue messages left for
25. this cardio nurse on this matter. Beverly M. Brown had resumed taking Plavix.

1. B. ISSUE AT HAND FOR MEDICAL NEGLIGENCE / MALPRACTICE – History and Details

2. 1. On/about February 20, 2019, During a primary care visit and a planned pulmonary visit at St. Mary's (*which was set up by her aforementioned family members to get an electric wheelchair for her and oxygen*
3. *authorizations*), Beverly M. Brown was again admitted by the attending Primary care physician to St. Mary's hospital due to low oxygen levels and for her now severe Cardiovascular condition.
4. 2a. On/about February 20, 2019, a female attending ER practitioner at St. Mary's Hospital in Reno, Nevada began discussing Directives, Resuscitation, End of Life issues with patient Beverly M. Brown's daughters in
5. front of this patient The daughters requested this conversation stop in front of the patient as it was placing undue further stress on Beverly clearly leaving her with the impression of dying when she is wanting to live!
6. 2b. This hospitalization became an unnecessary lengthy stay from Feb 20 - Feb 28th, 2019 as a result of a radiological pulmonary procedural error; further complicated by vital, life saving medications being withdrawn
7. completely from Beverly M. Brown during almost her entire hospital stay (*contrary to what a nurse told this patient's family*) when they specifically went over meds with her in the hospital – including the fact this
8. patient needed to be on 5mg/2x per day Eliquis, and Plavix).
9. 2c. Beverly M. Brown's daughters specifically asked of the ER Physician, one of the nurses and the attending Hospitalist if Beverly was on 5 mg/2 X per day Eliquis, and Plavix, other meds for said entities responded
10. "YES" to each question they asked. Plaintiff Marilou Brown specifically stated Beverly M. Brown needed to be on 5 Eliquis/2 X per day and Plavix; and was led to believe she was on these medications and dosages.
11. 2d. However, upon reviewing more details of the discharge information the family learned these vital, life saving meds had not been given to Beverly M. Brown for her hospital stay (*Plavix; Eliquis almost the*
12. *entire stay and then back to only 2.5 mg/X2 per day per Hospitalist consult with a pharmacist vs consulting with Beverly M. Brown's Primary Cardiologist who works for St. Mary's and would have*
13. *placed her back on 5 mg unless any bleeding occurred*).
14. 2e. Again, Beverly M. Brown's Primary Cardiologist works for St. Mary's Medical Center yet was never consulted (*with any assigned cardiologists to the Hospital apparently only reviewing patient tests and*
15. *notes*); with the one Cardiology Specialist consulted at patient's family's urgency of the Hospitalist on / about Feb 25, 2019, having erroneous medication information in her purported consult dictation; and one
16. Pulmonary Specialist consulted at patient's family's insistence on/about Feb 25, 2019 because of a procedural error by the Interventional Radiologist doing a lung aspiration procedure on Beverly M.
17. Brown had resulted in pulmonary injury and no further aspiration procedure could be conducted.
18. 3. The Hospitalist met the family days later, on /about Feb 25, 2019?, for the first time since this patient was admitted and only then were they informed of the dire situation she was in.. The Hospitalist informed the
19. Plaintiffs of this pulmonary aspiration error and inquired if this patient had an AFIB/CHF condition, five days since this patient's admittance. In fact, the Hospitalist admitted he had not contacted pulmonary or
20. cardio specialists per hospital protocol; until family (Plaintiffs) demanded and complained for Specialist intervention, especially since the patient's own specialists work for St. Mary's Medical Center.
21. 4. Despite specialist late intervention at the demand of family - detrimental, life threatening cardio pulmonary damage was done to Beverly M. Brown; with more fluid build up during this St. Mary's hospital stay. In
22. addition, consequential pneumonia and pairing this patient in a room with a serious infectious patient exacerbated Beverly M. Brown's condition upon discharge after the Drs claimed she was healed and cleared
23. her for home for which the family asked for in home post hospital care. At no time did the Hospitalist advise of adverse results if this patient went to Home care and patient was not in a condition for Physical Therapy
24. falsely asserted by the Hospitalist in his Discharge Summary
25. 5. In Summary, the attending physician/Hospitalist Defendant did not read Beverly's hospital intake condition notes on the present and past visit and was not aware until midway through this patient's hospital
26. admittance that she had uncontrolled Atrial Fibrillation (Afib). The physician did not address specialists at the hospital until the family adamantly requested this due to Beverly M. Brown's deteriorating
27. condition; or this patient's cardiology specialists outside the hospital whom worked for St. Mary's at all.

1. 6. Despite the family requesting this not be done, the physicians and Palliative care personnel would keep reiterating IN FRONT OF THE PATIENT AND HER HUSBAND that she "WAS OLD"
2. And RECOMMENDED DO NOT RESUCITATE (DNR) clearly covering up for the hospital Error and Beverly M. Brwn's deteriorating condition (deteriorating because they REMOVED all her VITAL LIFE
3. SAVING medication necessary for her heart and vascular condition) and negligent diagnosis/treatment.
BEVERLY M. BROWN MADE IT CLEAR SHE WANTED TO LIVE.

4. C. **MAIN MEDICAL NEGLIGENCE SUMMARY INFORMATION:**

5. 1. As per above, In February 2019, while visiting with Beverly M Brown who was hospitalized at St. Mary's Hospital in Reno, Nevada for her Cardiovascular Condition, the attending Hospitalist, Dr. Tanzeel Islam(?),
6. came in to speak with Beverly Morris Brown's family (the Plaintiffs named above). Dr. Tanzeel Islam (?) asked/stated the following:
7. After 4-5 days in the hospital Dr. Tanzeel Islam (?) only then visited with the family and only then did he first inquire if Beverly M. Brown had Afib - which he just surmised after doing days of repetitive unnecessary
8. tests.....stating PROTOCOL.
9. He admitted he had not looked at the extensive medical information provided by the family and prior hospital records from her previous and current hospitalization/other medical attendances.
10. Only after 4-5 days did Dr Tanzeel Islam (?) visit and explain there had been an error in a pulmonary procedure by the Interventional Radiologist as they had been attempting to do to remove fluid from this patient's lungs
11. He stated he was working on Healing the pulmonary injury
12. He stated he had not consulted with any specialists (Pulmonary or Cardiology) because hospital protocol and further stated No Specialists were to be consulted unless absolutely necessary (family then demanded same)
13. Hospitalists don't contact Specialists unless there is a medicine change question, other significant reasons; And don't contact patient's primary Outside Hospital Treating Specialist
14. Upon Review of Discharge papers, the Attending Hospitalist simply consulted with a pharmacist for dose and return of patient on one medication (Eliquis) with no dosage given on Plavix, both extensively needed
15. for the health of this patient; and the Hospital assigned Cardiologists simple reviewing tests and/or noting information – some inaccurate – and what appears to be discharge of this patient with ongoing
16. life threatening conditions.
17. The Hospitalist, Dr Tanzeel Islam (?) recommended Beverly M. Brown not be resuscitated if she coded as she would have broken ribs and he emphasized SHE WAS OLD, clearly to cover up under his statement
18. of following PROTOCOL and the Pulmonary error caused by the interventional radiologist physician. He stated such in front of the patient and her husband.
19. 2. Plaintiffs expressed their concerns to the hospital Social Worker about the protocol and malpractice performance, statements made by the Hospitalist; as well as the palliative care employee – clearly resulting
20. in a negative emotional and physical impact on the patient and family because the message related was death, not healing of patients.
21. This Social Worker stated she would reflect all the family's concerns to the hospital board and later confirmed to the family members she did so via email/other correspondence. This Social Worker also informed
22. them that St. Mary's recognition as "being one of the 200 best hospitals" simply had to do with a Survey for which the hospitals pay to participate in and exclude all hospitals who don't participate - 19. making it a
23. very inaccurate statistic.
24. 3. Hospitalist, Dr. Tanzeel Islam (?) came in on a later date stated he consulted with a Pulmonary Specialist and was able to get proper advice on dealing with the pulmonary injury followed by infectious pneumonia etc.

1. There was no indication he spoke to any Cardiologist or at minimum did not seek the extensive consult needed for Beverly M. Brown's chronic cardiovascular condition.
2. 4a On/about February 26, 27-28, 2019, St. Mary's staff placed Beverly M. Brown, who was in a very weakened state, in a room with an infected patient; with another infectious patient who kept entering the hallway. The
3. staff then moved Beverly M. Brown across the hallway during the night after they affirmed the other patient
4. was infected and quarantined.
5. As a result of being with this infected patient; Beverly M. Brown's weakened condition from being taken off her cardio-vascular life saving medications; the lung aspiration Error, - Beverly M. Brown got weaker.
6. In ADDITION, her husband OF SIXTY (60) YEARS, Charles F. Brown, had been in that same room visiting Beverly M. Brown all day in the infected and later quarantined patient's room AND became very sick. He
7. was treated at Renown Urgent Care after Beverly M. Brown died on March 5, 2019.
8. Because of his Sickness, he was not able to physically be with his wife of SIXTY (60) years, Beverly M. Brown, when she died on March 5, 2019 at Renown Hospital due to the Negligent, Malpractice errors
9. caused by Defendants.
10. 4b. On/about February 27, 2019 Beverly M. Brown was moved to a different floor level and put in a room with an infectious patient, who was later quarantined (REITERATED FROM ABOVE, AGAIN BELOW)
11. That same day, an attending male nurse aid had informed Beverly M. Brown's daughters Marilee Brown and Marilou Brown as they walked down the hallway to stay away from a mentally ill patient in a wheelchair
12. that was at the entrance of his room and often in the hallway because he had infection that could be spread.
13. 4c. On February 27, 2019 The night before Beverly M. Brown's discharge, the family received a call from a St. Mary's hospital employee that Beverly M. Brown had been moved across the hallway from her prior room.
14. 4d. The following day, February 28, 2019 the aforementioned family members noticed a DO NOT ENTER sign - INFECTIOUS PATIENT/QUARANTINE at the entry way of where Beverly M. Brown had been
15. in the day before and only masked and gowned medical professionals were allowed into that room with this patient.
16. 5. Beverly M. Brown was discharged late in the day on February 28, 2019 with oxygen her aforementioned family members had been seeking for her. She was in such a very weak state that Marilee and Marilou
17. Brown asked the Nurse Aids to give her a sponge bath before leaving the hospital because she would be too weak to have a shower at home.
18. 6. Beverly M. Brown was discharged with full medical clearance TO GO HOME with Oxygen over the weekend yet she had significant, ongoing life threatening medical conditions; Yet within two days of discharge patient
19. had a cranial blockage causing a stroke because the Drs at St Mary's had reduced then removed the critical life saving medication she needed to prevent arterial blockages. The removal of these critical life saving
20. medications altogether during her Second hospital stay due the lung procedural error ultimately led to Beverly M. Brown's blockages, stroke, heart stress/CHF/UNCONTROLLABLE AFIB, returned infectious Pneumonia
21. and Death at Renown hospital.
22. 7a. Upon review of Beverly M. Brown's discharge papers, it appeared **Attending Hospitalist, Tanzeel Islam** (?) **simply consulted with a pharmacist for dosage and return of patient on one medication (Eliquis) with no**
23. **dosage given on Plavix – both extensively needed for the healthy of this patient; and the Hospital assigned Cardiologists simply reviewing tests and/or noting information – some inaccurate – and what appears to be**
24. **discharge of patient with ongoing life threatening conditions.**
25. 7b. Upon review of Beverly M. Brown's discharge papers, the aforementioned family members noticed that she had NOT been given any; delinquent given and/or been given reduced amount of necessary medication

10/17

1. upon consult only with a pharmacist; the critical life saving Cardiovascular medications (Eliquis and Plavix) vital to Beverly M. Brown's cardiovascular condition and her life.
2. Upon discharge Beverly M. Brown resumed taking full dosage LIFE Saving medicines: Plavix for clots and Eliquis (yet still at the improper dosage of 2.5mg/2X per day too late and still to little with the damage already
3. done directly contributing to the death of this patient, after Hospitalists improper consult with pharmacist vs. Patient's primary St. Mary's cardiology physician who would have specified 5mg/2X per day).
4. 7c. In addition, this patient's discharge papers showed she was discharged with life threatening conditions; and had been placed with an infected patient a day prior to final discharge – all directly contributing to the death of
5. this patient.
6. 8. On Sunday March 3, 2019, only three (3) days after being fully cleared for HOME care by St. Mary's hospital the aforementioned family members noticed Beverly M. Brown appeared to be having a stroke. Marilou Brown
7. called for Paramedics, who took Beverly M. Brown to the requested RENOWN hospital. Marilou Brown rode in the ambulance with her mother to Renown Hospital while Marilee Brown and Charles Brown (*patient's husband of 60 years*) followed in their private vehicle.
9. There was a blood clot that had formed in Beverly M. Brown's brain but while the lifesaving procedure was attempted it appeared to be resolving so Beverly M. Brown was placed in Intensive Care.
10. 9. On Monday March 4, 2019. Marilee and Marilou Brown went to Renown hospital and were there until 10pm. Their brother, Peter Brown, was present intermittently to visit with Beverly M. Brown, his mother. Peter
11. Brown works as a Courier for Renown Hospital.
12. Beverly Brown appeared to be having difficulty breathing, with raspy respiratory sounds. Amanda, the Renown ICU nurse stated Beverly M. Brown's chest X-ray did not look good. Marilou and Marilee Brown also noticed
13. blood clots in the urinary tube and Beverly M. Brown expressed she was having difficulty urinating.
14. Beverly M. Brown expressed she was having severe pain in her amputated leg for which the attending night physician gave her pain medication along with Gabapentin (nerve paid medication). Beverly M. Brown
15. fell asleep and Marilee and Marilou Brown went home 10 pm. Their father, Charles F. Brown was sick at home because of his presence in the infected patient's room all day in patient's room.
16. 10. On Tuesday March 5, 2019 in the very early morning, Charles F, Brown answered a call from the Renown physician who requested to know if they could intubate Beverly M. Brown as she was having difficulty
17. breathing. Charles F. Brown said to do everything they could for Beverly M. Brown. Marilou, who was also on the phone, asked the attending physician was causing her condition. The attending ICU Pulmonary physician
18. stated he had an idea what was causing Beverly M. Brown's pulmonary condition, (which he affirmed later to be infectious pneumonia after he finally received the documents he had been requesting for three (3) days from
19. St. Mary's hospital;. 3 days too late on the day of her death March 5, 2019). The physician recommended the family come to the hospital.
20. Again, Charles F. Brown was very ill (*he had been in the same room at St. Mary's with the infectious woman Beverly M. Brown had been a roommate with as noted above*) so he could not go to the hospital to see his
21. wife of sixty (60) years during this critical stages of illness (He later had to go to urgent care and was given antibiotic treatment), thus could not be there with her when she took her last breath.
22. 11. As they prepared to leave for the hospital, Marilou Brown received a call from Peter Brown, who stated they needed to get there fast because Beverly M. Brown had just "coded" and had been revived. When Marilee
23. Brown and Marilou Brown arrived at Renown hospital. Beverly M. Brown was intubated and awake. She tried to get comfortable in her bed.
24. 12. After St. Mary's finally faxed over their documents to Renown, the attending pulmonary physician spoke with Marilou Brown, Peter Brown about tests he wanted to do. Marilou Brown asked the attending physician
25. what his suspicions were that he mentioned to Charles Brown and Marilou Brown that morning that were

1. causing Beverly's deteriorating condition. The attending physician stated infectious pneumonia and planned to order a CT scan.
2. (Note: The attending ICU Pulmonary physician stated he had an idea what was causing Beverly M. Brown's pulmonary condition - affirmed later upon his receipt of St. Mary's hospital documents finally 3 days later,
3. three (3) days too late on the day of her death March 5, 2019).
4. At that time, Beverly M. Brown began coding again, with Marilee Brown by her side along with a Renown Nurse - who commenced CPR. Marilou Brown instructed the nurse and the attending Renown
5. Physician to stop CPR measures and to let her go. Plaintiffs would rather patient go quickly from a heart attack and thankful she had been intubated instead of dying from a more painful death such as drowning
7. in her own fluids. Beverly M. Brown's family said goodbye at her bedside and on the phone.
8. **Beverly M. Brown passed away on March 5, 2019 at approximately 12:22pm.**

8. D.

CONCLUSION

9. **MAIN MEDICAL MALPRACTICE INFORMATION (REITERATED):**

10. **1. Of Note:** Renown could not aspirate Beverly M. Brown's lungs to remove fluid causing respiratory distress
11. which ultimately resulted in her heart failure because her heart was too weak from having been removed from
12. her critical life saving cardio-vascular heart medications Eliquis and Plavix that St. Mary's completely removed
13. by their own discharge admittance – which resulted in her blood clots Sunday through Tuesday March
14. 2019, stress on her heart, heart failure and ultimate death.
15. **2.** The removal of critical life saving medication by St. Mary's physicians from Beverly M. Brown after the
16. Interventionist Radiologist's aspiration error should NOT have BEEN DONE despite any possible bleeding
17. because such removal led to her higher risk of stroke and ultimate death – which ultimately DID OCCUR
18. days after discharge because of the aforementioned action.
19. The pulmonary aspiration error led to further significant cardio and pulmonary health issues which limited
20. further critical medical intervention; in addition to Beverly M. Brown ultimately full clearance and discharge for
21. home in a much more deteriorated, weakened and damaged state of health – all as a result of the initial
22. pulmonary aspiration Error and complicated by additional medical negligence /errors; ultimately leading to
23. Beverly M. Brown's Sufferomg and Death, as well as her family's anguish; And
24. St Mary's personnel placed Beverly M. Brown in a room for discharge with an infected patient at upon –
25. which also caused her husband Charles Brown to be sickened, resulting in the fact he could not physically
26. be with his wife when she passed away at Renown hospital because of his illness (he admittedly stated he
27. had never been that sick before in his life).
28. **3a.** St Mary's & Renown's medical documentation supports she died because of infections pneumonia (*from*

1. *St. Mary's pulmonary Error procedure & from being placed in a room with the infected patient*), blood
2. clots ultimately leading to stroke, organ failure, furthered, Uncontrollable heart AFIB a and Congestive heart
3. failure (CHF) etc - all because St. Mary's removal of Beverly M. Brown's critical life Saving medication, Plavix
4. and Eliquis during her entire St. Mary's treatment and hospital stay because of the pulmonary injury caused
5. at St. Mary's hospital by the Interventional Radiologist; and;
6. **3b.** St. Mary's Hospitalist discharged patient with ongoing life threatening conditions.
7. **3c.** Beverly was discharged with full medical clearance TO GO HOME with Oxygen over the weekend yet
8. **she had significant, ongoing life threatening medical conditions;**
9. Yet within two days of discharge patient had a cranial blockage cusing a stroke because the Defendants
10. at St Mary's reduced, then removed the critical life saving medication she needed to prevent arterial
11. blockages.
12. The **removal of these critical life saving medications altogether during her Second hospital stay due the**
13. **pulmonary procedural Error ultimately led to Beverly M. Brown's blockages, stroke, heart stress/CHF**
14. **/ UNCONTROLLABLE AFIB, returned infectious Pneumonia and Death at Renown hospital.**
15. **4a.** Upon review of Beverly M. Brown's discharge papers, it appeared the **Attending Hospitalist simply**
16. **consulted with a pharmacist for dosage and return of patient on one medication (Eliquis) with no dosage**
17. **given on Plavix – both extensively needed for the healthy of this patient; and the Hospital assigned**
18. **Cardiologists simple reviewing tests and/or noting information – some inaccurate – and what appears to**
19. **be discharge of patient with ongoing life threatening conditions.**
20. **4b.** Upon review of Beverly M. Brown's discharge papers, the aforementioned family members noticed that
21. she had NOT been given any; delinquently given and/or been given reduced amount of necessary medicine
22. upon consult only with a pharmacist; the critical life saving Cardiovascular medications (Eliquis and Plavix)
23. vital to Beverly M. Brown's cardiovascular condition and her life.
24. **5.** Upon discharge Beverly M. Brown resumed taking full dosage LIFE Saving medicines: Plavix for clots
25. and Eliquis (yet still at the improper dosage of 2.5mg/2X per day recommended by a pharmacist; too late
26. and still to little with the damage already done Directly Contributing to the Sufferig, Death of this patient).
27. **6a.** In addition, The patient's discharge papers showed she was discharged with life threatening
28. conditions; and

1. **6b.** Had been placed with an infected patient a day/two prior to final discharge;
2. All Directly Contributing to the Suffering and Death of this patient, who had severe Chronic Medical
3. conditions but the Negligence of St Mary's Regional Medical Center Hospital staff caused an
4. unnecessary Terminal Medical Condition of this patient; All to the Anguish of her family.
5. 7. From April 2019 to date, after securance and review of medical records from St. Mary's Medical Center,
6. the patient's family attempted to address the aforementioned issues with St. Mary's Regional Medical
- 7.. Center without response, except upon contact with Prime Health Care said Organization referred patient's family to St. Mary Regional Medical Center Risk Management Department. Upon consult with same, Kathy
8. Millard of St. Mary's Risk Management Department advised their Department would investigate the matter and respond in writing within 45 days.
9. **8a.** Throughout February 2020, Upon consult with local counsel, it was advised to patient's family that any
10. medical malpractice case had to be filed in Court within a one year Statute of Limitations.
11. **8b.** During this time, St. Mary's Regional Medical Center Risk Management and Legal Department
12. refused to return patients family's calls for informal meeting in this matter, Alternative Dispute Resolution,
13. Mediation or Arbitration proceedings to resolve their concerns .Nor would same discuss matters when
14. Patient's family physically went to this Department to inquire of voluntary participation.
15. 9. Upon consult with Nevada District Court staff in Reno, NV, it was stated by the Clerks that no
16. such programs could be accessed through the Court unless a formal Civil Complaint was filed,
17. predicating this Action by the patient's family.
18. **10.** For the aforementioned reason, Plaintiff and her family had no choice but to file this Civil Action in order
19. to engage in Court/other sponsored programs to facilitate resolution of this matter and the issues within since
20. St. Mary's Regional Center Risk and Legal Department would not return Plaintiff's and her family's
21. aforementioned requests to engage in said programs. .

22. **AS AND FOR THE FIRST CAUSE OF ACTION**

23. 1. Plaintiffs are informed and believe, and therefore allege, that this Court has subject jurisdiction over this
24. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of Beverly
25. M. Brown); ^{NRS 41, 41A} NRS 41.085, 41.130 and any other applicable law or statute under this jurisdiction not yet known by Plaintiffs;
26. in that Defendants did commit Medical Negligent actions to include Medicinal, Treatment, Judgment, protocol,
27. Etc Errors, against the Plaintiffs which led to the Wrongful Suffering and Death of their mother, patient Beverly

1. Morris (M.) Brown; to include but not limited to the fact that Defendants did commit Medical Negligent
2. Actions, Errors that lead to the ^{Actual & Proximate} Detrimental Health, Suffering and Wrongful Death of their mother, patient ^{Preliminary}
3. Beverly Morris (M.) Brown; And to include Breach of Duty, Medical Negligence/Malpractice, Causation of
4. Human, Financial, Other loss in these proceedings; Significant Emotional, Financial Distress; Et Al, to the
5. Plaintiffs and their family, Subject to the jurisdiction of this Court.
6. 2. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs 1 through 10, 11(A-D)
7. ^{Causes of action / claims for relief (all)} of this Complaint as though fully set forth at length herein; to include but not limited to the facts that the
8. Defendants did commit Medical Negligent Actions, Errors that lead to the ^{Actual & Proximate Malpractice} Detrimental Health, Suffering
9. ^{Preliminary} and Death of Beverly M. Brown; Emotional, Financial, Other Anguish Distress to her family; Breach of
10. Duty, Medical Negligence/Malpractice Action, Causation of Financial loss and Emotional, Financial
11. Distress, Et Al, to the Plaintiffs and her family, Etc – All Subject to the jurisdiction of this Court.
12. 3. Plaintiffs advise that this Complaint may be Amended at a later date as authorized by the Court to
13. include additional laws, clarifications, corrections, etc. to this Complaint.

14. **CLAIMS FOR RELIEF**

15. 1. **WHEREFORE**, the Plaintiffs refer to and by such reference incorporate herein each, every and all
16. averments contained in paragraphs 1 – 10, 11(A – D) ^{Causes of action / claims for relief (all)} herein, above and below as fully set forth in this
17. Complaint. The Defendants are liable to the Plaintiffs for the afore and below mentioned damages under
18. Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of ^{Heirs} Beverly Brown);
19. ^{NRS 41, 41A} NRS 41.085, 41.130 and other any other applicable law under this jurisdiction not yet known to Plaintiffs, Et Seq
20. /other, as afforded by the aforementioned and yet unknown other Statutes; by Defendants causing such harm
21. to Plaintiffs ^{Heirs} (with Legal Power of Attorney as representatives of Beverly Brown); as noted above and below.
22. 2. **WHEREFORE**, as a result of the Medical Negligence and Malpractice Actions by Defendants as asserted
23. under the Jurisdiction and Causation Sections of this Complaint; And Affirmed in the Facts set forth herein;
24. The Plaintiffs respectfully request that this Honorable Court grant Judgment to the Plaintiffs against the
25. Defendant containing the following Prayer For Relief, all of which exceeds \$10,000.00 in damages; All of
26. Which will be proven at Trial; ^{and/or} Arbitration ^{deteriorating medical condition, preliminary}
27. With All the Aforementioned Directly Contributing to the Suffering and Wrongful Death of this patient
28. who had Chronic Medical conditions, but the medical Negligence of Defendants caused the Unnecessary

1. Suffering and Terminal Medical Condition of this patient Leading to Patient Beverly M. Brown's
2. preliminary Death on March 5, 2019; And emotional Anguish to her family.

3.

PRAYER FOR RELIEF

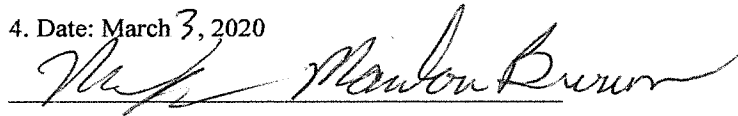
4. Wherefore Plaintiffs Pray for the Following Relief:

5. 1. An Award of actual, future, and any other financial damages, legal costs, medical, costs representing
6. attorney or self-acquired Fees, legal expenses, disbursement fees and equivalent effort income lost etc, all in
7. sums may be exceeding \$10,000.00 in amount; representing Defendants' violations of and other any other
8. applicable law under this jurisdiction not yet known to the Plaintiffs, et seq/other, as afforded by the
9. aforementioned/other Statutes; **Noting Defendant financially gains from this/other patients' illnesses;**
10. 2. An Award of compensatory and any other financial damages, etc., all in sums exceeding \$10,000.00 in
11. amount; representing Defendants' violations of Nevada State Law NRS 11.310 (with Legal Power of Attorney
12. as representatives of Beverly Brown); ^{@ Heirs NRS 41, 41A}; and other any other applicable laws under this jurisdiction
13. not yet known to the Plaintiffs, et seq/other, as afforded by the aforementioned/other Statutes;
14. 3. An Award of emotional and any other financial damages, etc all in sums exceeding \$10,000.00 in amount;
15. representing Defendants' violations Nevada State Law NRS 11.310 (with Legal Power of Attorney as
16. representatives of Beverly Brown); ^{@ Heirs NRS 41, 41A} and other any other applicable law under this jurisdiction not
17. yet known to the Plaintiffs, et seq/other, as afforded by the aforementioned/other Statutes;
18. 4. An Award of Damages representing Plaintiffs and her family's loss of their Mother by Wrongful Suffering ^{deteriorating medical condition}
19. and Death caused by Defendants' Negligent Medical Malpractice Actions, ^{Actual @ practice} Et seq/Other, as afforded by the
20. aforementioned/other Statutes,
21. With All the Aforementioned Directly Contributing to the ^{deteriorating medical condition.} Wrongful Suffering and Death of this patient
22. who had Chronic Medical conditions but the Negligence of Defendants caused the Unnecessary Suffering
23. and Terminal Medical Condition of this patient. Leading to Patient Beverly M. Brown's deteriorating
24. medical condition, suffering and preliminary Death on March 5, 2019; And Anguish to her family.
25. 5. An Award to facilitate Hospital and Health Care Providers accountability and education for improving
26. the quality of care and reduction of medical mistakes by their accredited bodies; To improve the
27. communication between providers and patients/patients' families so as to ensure the improvement of
28. quality care, healthcare Improvement and less Medical Medicinal, Judgment mistakes/error that lead to the

1. deteriorating medical condition, suffering and preventable death of patients as what happened in this case; etc
2. 6. Any other equitable and further relief as afforded by this Court as Deem and Proper.

3. Of Note: Plaintiffs have Filed an Application For Electronic Filing and Service Exemption in this Matter

4. Date: March 3, 2020



5. Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
c/o 45 Nives Court

6. Sparks, NV 89441

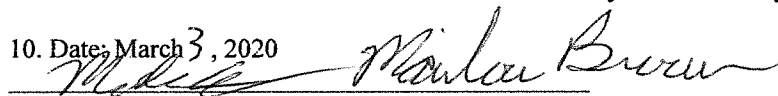
Telephone: (775) 425-4216

7. AFFIRMATION Pursuant to NRS 239B.030

8. The undersigned do hereby affirm that the preceding document, CIVIL COMPLAINT and Summons

9. filed in this matter does not contain the Social Security Number of any person.

10. Date: March 3, 2020



11. Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
c/o 45 Nives Court

12. Sparks, NV 89441

Telephone: (775) 425-4216

13. CERTIFICATE OF SERVICE

14. The undersigned do hereby affirm that the preceding document, CIVIL COMPLAINT and Summons will be served in person by a Non Party over 18 years of age within the timeframe of 120 days of Filing this

15. Complaint specified pursuant to NRCP 4(a)(c)(d)(i); and will provide an Affidavit of Service to the Court upon Service of Same Complaint and Summons pursuant to NRCP 4(g)(2)

16. Parties To be Served:

17. 1. St. Mary's Regional Medical Center – Tami Evans Director of Medical Services and Risk Mgmt,
2. Prem Reddy, MD - (Prime HealthCare @ 3480 E. Guasti Road, Ontario, CA 91761; 909-235-4400)

18. 3. Mark McAllister, MD (St Mary's Interventional Radiologist)

4. Tanzeel Islam, MD (St. Mary's Hospitalist)

19. 5. Sridevi Challapalli, MD (St. Mary's Cardiologist)

6. DOES I through X inclusive; 7. ROES Businesses I through X inclusive (yet to be determined)

20. At/About:

21. St. Mary's Regional Medical Center (Hospital/Medical Offices)

Risk Management and Legal Department; St Mary's Medical Offices

22. Via 235 West 6th Street, Reno, NV 89503 (Tele: 775-770-3228/3210; 775-770-3745) And FYI to:

23. Prem Reddy, MD - (Prime HealthCare @ 3480 E. Guasti Road, Ontario, CA 91761(909-235-4400)



24. Marilee Brown, Marilou Brown, Pro Se Plaintiffs
45 Nives Court

25. Sparks, NV 89441

26. 775-425-4216

Date: March 2020

3,

17/17

EXHIBIT 3

1. ORIGINAL

2. CODE: 3897
3. NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)
4. BAR NUMBER: N/A (Pro Se litigants)
5. ADDRESS: 45 Nives Court
6. Sparks, NV 89441
7. TELEPHONE: (775) 425-4216

8. IN THE SECOND JUDICIAL DISTRICT COURT OF
9. THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

10. Marilee Brown, Marilou Brown (*for Beverly M. Brown's family*)
11. Plaintiffs, in Proper Person

12. Case No: CV20-00422
13. VS Dept No: 1

14. St. Mary's Regional Medical Center: Tiffany Coury CEO/Prem Reddy, MD (*Prime HealthCare*)
15. Mark McAllister, MD (St. Mary's Interventional Radiologist)
16. Tanzeel Islam, MD (St. Mary's Hospitalist)
17. Sridevi Challapalli, MD (St. Mary's Cardiologist),
18. DOES I through X inclusive; ROES Businesses I through X inclusive

Defendants,

13. **AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS**

14. 1. During the Service Process, Plaintiffs were notified that Defendant Tammy (Tami) Evans no longer
15. works with St. Mary's Regional Medical Center and CEO Tiffany Coury replaced this Defendant.
16. Plaintiffs Request this change, Addition of Gregory J. Brown as a Plaintiff (*Informa Pauperis*) Be
17. Reflected in this Civil Action with the Courts (*See Plaintiff's Opposition to Defendant's Dism Motion*);
18. 2. Per the Affidavit of Service (*Attachment 1*), the following Defendants were served through an
19. authorized agent for same by a person who is not a party to this action, Mr. Gary R. Orr, at the
20. locations addressed in Mr. R. Orr's Affidavit as reflected below. The undersigned do hereby affirm that
21. Plaintiffs' Civil Complaint and Summons (Attachment 1), with a Settlement Notice that went ignored
22. by Defendants, were served on each Defendant via their authorized agents by Mr. Gary R. Orr on
23. March 17, 2020; cc excerpt to Prem Reddy, MD (Prime HealthCare) via regular mail to (Prime HealthCare
24. @ 3480 E. Guasti Road, Ontario, CA 91761; 909-235-4400)
25. a. Mary's Regional Medical Center CEO Tiffany Coury/cc excerpt to Prem Reddy, MD via regular mail; &
26. b. Tanzeel Islam, MD (St. Mary's Hospitalist) at Mary's Regional Medical Center through CEO Tiffany Coury's
assistant "Cheryl" (LNU) at the emergency entrance of St. Mary's hospital at 235 West 6th Street,
27. Reno, NV 89503(*Coronavirus Quarantine*)

11/5

1. c. Mark McAllister, MD (St. Mary's Interventional Radiologist) through his assistant "Marci" (LNU) via front desk Radiology "Jessica" (LNU) at St Mary's Regional Medical Center Group, 645 N. Arlington Ave, #250,
2. Reno, NV 89503 (*Coronavirus Quarantine*)
3. d. Sridevi Challapalli, MD (St. Mary's Cardiologist) through Cardiology via front desk "Pamola(sp?)" (LNU) at St Mary's Regional Medical Center Group, 645 N. Arlington Ave, #555, Reno, NV 89503 (*Coronavirus Quarantine*)

5. **2. Of Note:** Plaintiffs are Exempt from Electronic Filing and Service in this Matter thus send/receive filings

6. often delayed. Plaintiffs mailed these Filings due to the Court's Filing Office closure from the

7. Coronavirus Quarantine.



8. Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
- 45 Nives Court
9. Sparks, NV 89441
10. Telephone: (775) 425-4216
11. Date: April 7, 2020

12. AFFIRMATION Pursuant to NRS 239B.030

13. The undersigned do hereby affirm that the preceding document, AMENDMENT TO CIVIL COMPLAINT

14. / RETURN SERVICE OF SUMMONS filed in this matter does not contain the Social Security Number of

15. any person.

16. Date: April 9, 2020



17. Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
- c/o 45 Nives Court
18. Sparks, NV 89441
- Telephone: (775) 425-4216

19. CERTIFICATE OF SERVICE

20. The undersigned do hereby affirm that the Plaintiffs' AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS was served by Plaintiffs via regular mail/in person to Defendants' counsel of

21. record on April , 2020



24. Marilee Brown, Marilou Brown, Pro Se Plaintiffs
- 45 Nives Court
25. Sparks, NV 89441
26. 775-425-4216
- Date: April 7, 2020

Attachments

27. Exhibit 1. Return Service - Affidavit by Plaintiffs and server Mr. Gary R. Orr, with Summons, served on all Defendants on March 17, 2020 (2 pgs)

2/8

EXHIBIT 6

ORIGINAL

1 CODE: 2645
2 NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)
3 BAR NUMBER: N/A (Pro Se litigants)
4 ADDRESS: 45 Nives Court
5 Sparks, NV 89441
6 TELEPHONE: (775) 425-4216

7 IN THE SECOND JUDICIAL DISTRICT COURT OF
8 THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

9 Marilee Brown, Marilou Brown (*for Beverly M. Brown's family*)
10 Plaintiffs, in Proper Person

11 Case No: CV20-00422
12 Dept No: 1

13 VS

14 St. Mary's Regional Medical Center: Tiffany Coury CEO/Prem Reddy, MD (Prime HealthCare)
15 Mark McAllister, MD (St. Mary's Interventional Radiologist)
16 Tanzeel Islam, MD (St. Mary's Hospitalist)
17 Sridevi Challapalli, MD (St. Mary's Cardiologist),
18 DOES I through X inclusive; ROES Businesses I through X inclusive Defendants,
19

20 **PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS - TO INCLUDE**
21 **AMENDMENT/CLARIFICATION OF THEIR TO CIVIL COMPLAINT WITH ADDITIONAL LAWS,**
22 **CORRECTIONS, CLARIFICATION, ET AL AS SPECIFIED IN THEIR CIVIL COMPLAINT; AND**
23 **AMENDMENT REQUEST HERE TO INCLUDE ADDITIONAL PLAINTIFF (RETURN SERVICE OF**
24 **SUMMONS AND ADDITIONAL LAINTIFF DOCUMENTATION SUBMITTED SEPARATELY)**

25 **MEMORANDUM OF POINTS AND AUTHORITIES (Redundant Points for Important Relevancy)**

26 **INTRODUCTION**

- 27 1. From April 3-7, 2020, Plaintiffs received Defendants' Motions to Dismiss and Provide this Opposition, Et
28 Al in Response. **Plaintiffs' Request a Hearing if needed to clarify this matter for upholding same Complaint.**
29 2a. During the Service Process, Plaintiffs were notified that Defendant Tammy (Tami) Evans no longer worked with
30 St. Mary's Regional Medical Center and CEO Tiffany Coury replaced this Defendant. Defendants' counsels
31 erroneously Failed to address this fact in their Dismissal Motion. Plaintiffs Request this change Be Reflected in this
32 Civil Action with the Courts.
33 2b. Plaintiffs request their Civil Complaint be Amended to the include the aforementioned Defendant change and
34 add Gregory J Brown, their brother, as a Plaintiff (***Informa Pauperis and Exempt Filing Application Documents***
35 ***Filed separately upon receipt from same for filing***)
36 2c. Plaintiffs request their Civil Complaint be Amended to ~~the~~ include the aforementioned/below mentioned

1. changes, et al corresponding to their Title and Civil Action Complaint - to include additional/corrected laws,
2 clarifications, etc (*Complaint Pgs 2, 3, 14, 15, 16, etc*) addressed in further detail under Legal Argument /
3 Statement of Facts.

4. 3. Plaintiffs served all Defendants through an authorized agent for same by a person who is not a party to
5 this action, Mr. Gary R. Orr, on March 17, 2020, with Plaintiffs' Civil Complaint & Summons, along with a
6 Settlement Notice (*Representing Plaintiffs' willingness to Settle this matter outside Court as well as*
7 within the Court Jurisdiction) (See Exhibit 1), which Defendants ignored.

8. 4. Of Note: Plaintiffs are Exempt from Electronic Filing and Service in this Matter; thus Plaintiffs do not
9 submit /receive electronic and must rely on in person/mailings (*thus delays*). Plaintiffs mailed these
10 respective Filings to the Court as the Court's Filing Office is closed due to the *Coronavirus Quarantine*,
11 with mailing or in person service to Defendants as noted in their Certificate of Service.

12. STATEMENT OF FACTS and LEGAL ARGUMENT / OPPOSITION REFUTES

13. General and Direct Refutes of Defendants' Motions to Dismiss

14. 1a/1A. Defendants use one technicality, procedural argument with misconstrued assertions in an attempt to
15 dismiss Plaintiffs' meritous claims. Defendants are *splitting hairs* by falsely asserting ALL of Plaintiffs' claims,
16 medical or not, must be dismissed since the requisite for medical malpractice requires a medical expert Affidavit
17 under NRS 41A.071 – A statute that is NOT the Only one used in Plaintiffs' Complaint and Amended herein
18 as afforded by their Complaint Requests.

19. 1a/1B. It is also noted under NRS 41A.097 (2) an action can be *tolled* because Defendant St Mary's
20 Regional Medical Center did clearly attempt to conceal, omit, etc almost all of the detailed factual allegations
21 stated to same Defendant in January 2020 after a year of same Defendant refusing to communicate with
22 Plaintiffs on said issues until this date (*per the details noted in their Complaint*), after which Defendant
on 3/5/2020 sent Plaintiffs their 3/3/2020 Response concealing, omitting, etc the majority of Plaintiffs'
factual allegations (*Exhibits 2, 3 – Letters from St Mary Regional Medical Center Kathy Millard; and*
Nurses Curtis Roth/Lisa Pistone, respectively) - Address of: Defendants' Administrative NON Medical
Protocol / Lack of communication (*Plaintiffs' Complaint Claims*) of No Contact from 12/18 - 3/5/19 by
individual Defendants with the Patient's Primary Cardiovascular Specialist Dr Devang Desai WHO
WORKS WITH Defendant (*Complaint Pg 3, 4, 8, 9, 10, 11 and throughout*), and would NOT have

1. allowed for continued reduced dosage of Beverly M. Brown's medication or any procedure that
2. would have impacted ~~her~~ jeopardized her health as he ~~as~~ guarded against in the past.

3. - Plaintiffs request this *tolling* be a mitigating factor as Plaintiffs' timely filed their Complaint in that
4. Plaintiffs' simply request maintaining All the issues (including medical) of this Civil Action with time
5. for Plaintiffs to obtain a medical expert Affidavit solely to meeting the NRS 41A.071 annotation – which
6. the Court in its discretion can decide not to require pursuant to his/her review of the Plaintiffs'

7. Refuting facts presented herein, below.

8. 1a/C. Defendants Counsel for Defendant St Mary's Regional Medical Center in BAD FAITH and Malice
9. falsely stated the Court must dismiss all of Plaintiffs claims because under NRS 41A.071 stated shall dismiss
10. Plaintiffs' claims (only medical claims per NV Supreme Court). REFUTE: The fact is the Court has judicial
11. discretion on its interpretation of how he/she interprets shall – affirming the Court in its own discretion is
12. NOT required to dismiss Plaintiffs action even [&] only this law was used, which it was not:

13. RE "Shall":

14. - the only word of obligation is *must* - NOT shall, will or may. All others, including *shall* are legally debatable;
15. *Must* is a term to impose requirements while *shall* is ambiguous; *shall* often is interpreted as conveying offers,
16. suggestions, requests, direction; interpreted as should – non obligatory (Deborah Hopkins, Federal law/
17. Other references/others as per below).

18. - the term *shall* is so confusing that the Federal Codes/Rules of Civil Procedure don't use shall;

19. - the term *shall* is often interpreted to mean should or may (which Nevada Revised Statute NRS 41A.071
20. used to use – may)

21. - The U.S. Supreme Court interprets shall as may;

22. - The term *shall* Actions against government are construed as may

23. - Attorneys MISUSE shall (as Defendant did) to only means obligation, which has no meaning; shall breeds
24. litigation and
25. no one uses it (Joe Kimble, Thomas Cooley law school)

26. - It is a Gross inaccuracy to state shall is mandatory; it often means *may* (Bryan Garner, legal writing)

27. - Judicial Discretion of shall – may be construed as imperative but also construed as permissive or
28. directory such as the term may to carry out legislative intentions (which Nevada Revised Statute

1. NRS 41A.071 used to use – may) (The law dictionary)

2. 1a/D. It is also Noted that the Courts State:

3. "NRCF Rule 41(b)...a dismissal under this subdivision and any dismissal not provided for in this rule
4. operates as an adjudication upon the merits (of the Complaint/case)"; "the Nevada Supreme Court held
5. that the basic underlying policy governing the exercise of discretion is to have cases decided upon the
6. merits, rather than dismissed on procedural grounds (caselaw)"

7. "the Court must construe the complaint in the light most favorable to Plaintiff and accept as true the
8. factual allegations of the complaint(caselaw)" – INCLUDING PLAINTIFFS' Joint AFFIDAVIT WITHIN
9. THIS OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT
10. FOR OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE

11. "Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than
12. formal pleading drafted by lawyers(Defendant)(caselaw)" And

13. 1a/2. On the Contrary, Plaintiffs' Factual Allegations noted throughout their Complaint State, Infer and Imply
14. medical and Non medical Issues of Breach of Duty, Simple, Ordinary and Gross Negligence, ETC governed
15. by Statutes, laws, etc Other than that requiring medical expert Affidavit (noted as Et AL) by Defendant St.
16. Mary's Regional Medical Center (and staff), specifically related to Non medical issues - with simple nexus
17. to the term "medical" because that is the Defendants' professional business and action.

18. 1a/3. Plaintiffs simply annotated one of their NRS Statutes in their Complaint was "41A" regarding
19. Professional Negligence simple because Defendant St. Mary Regional Medical Center is a professional
20. businesses establishment. Plaintiffs annotated other relevant Statutes as well in addressing their Claims
21. For Relief, with Request to Amend same to clarify, add others as addressed further below. Plaintiffs Refer
22. to the Arguments Above/Below in Specific Refute of this medical Affidavit issue

1a/4. Again, Plaintiffs' in Good Faith Clarify their verbiage in their Complaint in that most of the issues in their
Totale relate to Non medical functions by Defendant despite nexus to this medical business Defendant and /
or issues; Etc this in their Opposition Brief, and in Good Faith Request of the Court Time to obtain a medical
expert Affidavit in furtherance of the medical issues of their Complaint - that Can be given at the Court's
Discretion.

1b/1. Because of Defendant's sole reason of medical expert Affidavit for medical claims, Defendant is wrongfully
demanding the Court dismiss all of Plaintiffs' Complaint claims – including the non medical claims reiterated/
clarified throughout Plaintiffs' Complaint as clarified in this Opposition; and Contrary to what Defendants

1. admit the Nevada Supreme Court stated in the reversal of the District Court's decision in said reference case"

2. 1b/2. However, Plaintiffs seek additional time from the Court to obtain any medical expert Affidavit should such
3. be required in support of any technical, procedural requisite; Such is clearly authorized as Defendants state

4. Plaintiffs' Complaint could be dismissed WITHOUT PREJUDICE – which means same Complaint could be filed

5. another time detailing other Relevant Statutes for Claims of Relief. Given the fact that the Statute of Limitations

6. would have expired for any Medical issue Filing, such a dismissal would be prejudicial to Plaintiffs' Complaint as

7. they may not be able to Re-File any medical issues of their case due to the time limitation expiration unless tolled.

8. 1b/3. What Plaintiffs have supported in this Instant case are applicable Law and Statute addressing the Breach of

9. Duty, Simple, Ordinary, Gross Negligence, ETC related to Defendants' (especially St Mary's Regional Medical

10. Center (and staff) acts of Non-medical issues: (1) Protocol, (2) Lack of communication, (3) Age/Other

11. Discrimination/jeopardy to elderly, (4) Negligence jeopardizing patients/others safety related to infectious

12. persons, (5) failure to expedite medical documentation that jeopardized this patient's , case, Etc, along with

13. medical issues; Some laws which are already addressed in Plaintiffs' and Others to be Amended, Clarified,

14. Corrected, Added, Etc as so stated in Plaintiffs' Complaint ("to include additional/corrected laws, corrections,

15. clarifications, etc (Complaint Pgs 2, 3, 14, 15, 16, etc").

16. 1c/1. Plaintiffs clearly Stated in their Complaint that they Request to be able to Amend their Complaint with

17. other applicable laws, statutes, etc to include additional/corrected laws, corrections, clarifications, etc

18. (Complaint Pgs 2, 3, 14, 15, 16, etc) WITHOUT HAVING ALL THEIR NON MEDICAL MERITOUS

19. CLAIMS DISMISSED AS SUCH WOULD CAUSE SIGNIFICANT FINANCIAL AND OTHER HARDSHIP

20. =

21. thus their request of the Court time to obtain any medical expert Affidavit in support of the medical issues

22. addressed (see tolling note).

1d. Plaintiffs Complaint issues are Valid in that they relate to Non-medical issues nexused to the medical aspect

of this situation.

1e. In addition, as further noted below, Plaintiffs are versed enough with this specific case's medical and

evidentiary knowledge, experience, education and medical expert consults that they indeed could explain the

meritous, Non-medical issues of their Complaint even with nexus to the medical aspect of their claims for any

Jury to understand - while requesting of the Court an time to locate and obtain a medical expert Affidavit

1. addressing the medical aspects of their legitimate, non-frivolous, meritous Complaint.

2. 1f. It is also Noted that the Courts State:

3. "the Court must construe the complaint in the light most favorable to Plaintiff and accept as true the fæctual
4. allegations of the complaint(caselaw)" – INCLUDING PLAINTIFFS' Joint AFFIDAVIT WITHIN THIS
5. OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT FOR
6. OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE

7. "Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than
8. formal pleading drafted by lawyers(Defendant)(caselaw)" And

9. "NRCF Rule 41(b)...a dismissal under this subdivision and any dismissal not provided for in this rule
10. operates as an adjudication upon the merits (of the Complaint/case)"; "the Nevada Supreme Court held
that the basic underlying policy governing the exercise of discretion is to have cases decided upon the
merits, rather than dismissed on procedural grounds (caselaw)"

11. 1g. Again, what Plaintiffs do provide IN THE MEANTIME – WHILE REQUESTING OF THE COURT TIME
12. TO SECURE A MEDICAL EXPERT AFFIDAVIT IF NECESSITATED - are their own Joint "Affidavits" below
13. illustrating their own education, experience, detailed caretaking of the patients in this matter for years -
14. personal observation and involvement in caring for the chronically ill, contact with experts, , etc related to
15. the Factual Allegations of their Complaint, Medical and Non-medical, To Include:

16. Twenty (20) years of caretaking to Beverly M. Brown incorporating Plaintiff Marilou Brown's lay person expertise
17. in dealing with detailed medical appointments, expert contacts, medicines, treatment and surgical nexused care,
18. review and acquisition of medical documentation Et Al for both Beverly M. Brown and Charles F. Brown
19. regarding any and all of their chronic illnesses since 2000 – making her a lay care taker expert in the medical field;
While Plaintiff Marilou Brown has had over four and ½ (4 ½) years of Federal law enforcement experience and
20. Plaintiff Marilee Brown has had over twenty one (21) years of Federal law enforcement experience and thirty (30)
years of varied law experience related to evidentiary assimilation / acquisition and analysis of same writing legal
21. briefs for varied Court processes – Federal, State, Administrative in varied fields of law for the presentation to
22. counsel and judges alike, including this medically nexused case; All nexused to their Direct witnessing of the
23. events that transpired as addressed in their Civil Action Complaint; experience in detailed care of their parents for
24. the last twenty (20) years); and assimilating, researching, analyzing the documentation, medical or not, nexused to
the Failed Communication / Protocol requisite by Defendant that led to the demise of patient Beverly M. Brown

1. because of the Non-medical (Protocol, Lack of communication, Age/Other Discrimination, Gross / Ordinary /
2. Simple Negligent Non medical decisions, Etc by Defendants – including placing same patient Beverly M.
3. Brown in the same room with a known infected, later quarantined patient; and another infected patient
4. exposed to all patients and visitors in the hallways on the same floor) and medical nexused issues caused
5. by Defendants as detailed in Plaintiffs' Civil Action Complaint.

6. 1h. The Courts should look at each case as a case by case basis. As detailed above, the Plaintiffs herein have the
7. following lay person experience, education, expert legal and medical contact information, as well as being direct
8. caretakers for Beverly M. Brown that makes them well versed in bringing for their factual allegations in this
9. *meritous* case. They also obtained medical documentation and reviewed same in detail, for which they
10. ascertained the issues giving rise to the factual allegations of their Complaint – with the direct issue being
11. Defendant Protocol and Lack of Communication by medical personnel with Beverly M. Brown's Primary
12. Cardiovascular Specialist, Dr. Devang Desai, WHO WORKS FOR Defendant St. Mary's Regional Medical
13. Center. Said Gross, Simple, Ordinary NON MEDICAL Negligence in the Protocol and Lack of
14. communication by Defendants with this patient's Primary Cardiovascular Specialist WHO WORKS FOR
15. Defendant, even with Plaintiffs' urgency of said contact, resulted in the health deterioration of Beverly M.
16. Brown's condition from December 2018 through her death on March 5, 2019.

17. 1i. The factual allegations of Plaintiffs Complaint does not merit any medical expert Affidavit to support the
18. clear reach of Duty, Simple, Ordinary and Gross Non-Medical negligence that led to the demise within two
19. and one half (2 and ½) months of being in the hands of medical experts, when te Plaintiffs through their own
20. education, experience and medical contacts were directly involved in the medical case and thorough
21. maintenance/contacts with medical personnel for the last twenty (20) years that resulted in Beverly M.
22. Brown successfully enduring her progressive chronic cardiovascular disease.

23. 1j. Of note, legal malpractice and veterinary malpractice disparately do not require expert Affidavits to
24. support said cases. Again, it is clear the lobbyist for medical field has resulted in Disparate favoritism for
25. denying righteous medical malpractice issues on the guise of eliminating frivolous tort claims – which this
26. case clearly is not as specified by the Plaintiffs' Factual Allegations therein.

27. 1k. Plaintiffs have clearly supported in their Factual Allegations of their Complaint via Directly Stated,
28. Inferred, Implied, Etc of the medical and Non-medical Breach of Duty, Ordinary, Simple and Gross

1. Negligence by Defendants derived from their Non-medical (1) Protocol, (2) Lack of Communication, (3)
2. Age/Other Discrimination against chronically ill elderly patients; and (4) Breach of Duty, Gross, Simple,
3. Ordinary Negligence in subjecting not only Beverly M. Brown and Charles F. Brown to a quarantined
4. infected patient, but all others on the same floor with another infected person sitting in the hallway of a
5. crowded floor. And (5) Failed to Timely FAX vital medical documentation to Renown from March 3 - 5, 2019
6. (Complaint Pgs 5,11,12 and throughout) – ALL jeopardizing the Safety and Well Being of Patients and -
7. inconsistent with how the nation, Presidential directives and the world are contending with saving human
8. lives, especially the chronically ill and elderly with regards to the current corona virus Pandemic; clearly
9. addressed throughout Plaintiffs' Civil Action Complaint – All addressed throughout Plaintiffs' Complaint
10. with Pgs specified in this Brief.

11. 2a/1. As noted in their Civil Action Complaint: Plaintiffs in Good Faith attempted to Address Defendants for a
12. year regarding their factual allegations, yet all attempts went unheeded by Defendants. Upon consult with
13. attorneys, the Court and physicians, it was recommended that Plaintiffs pursue this legal Course of action
14. although it was clear medical experts affirmed it is difficult to obtain any written or testimonial support from
15. medical experts despite their acknowledgement of medical malpractice issues being apparent because said
16. professional feared reprisal, damage to their reputation with their peers and denial of hospital rights in
17. speaking out.; Such feeling is similar to attorneys not wanting to represent clients in legal malpractice
18. cases against other attorneys, leaving Plaintiffs to have to File/Defend themselves as *involuntary Pro Se*
19. litigants.

20. 2a/2. It is noted that Medical Malpractice claims under NRS 41A only allotted one (1) year statute of limitations
21. and limited compensation; yet said actions in other states, actions brought against attorneys and veterinarians
22. are given a 2 - 4 years Statute of limitations, etc; for the purpose of getting Nevada Physicians & under the guise
of asserting reducing frivolous tort claims, Without any Regard to the quality of Human life over animal lives –
inconsistent with how the nation, Presidential directives and the world are contending with saving human
lives, especially the chronically ill and elderly with regards to the current corona virus Pandemic.

2b. It is noted also that the Nevada Legislature Courts Amended NRS.41A in an attempt to attract physicians to
the State of Nevada. However, it is also noted these same entities Affirmed protecting victims of malpractice
cases. Yet the NRS 41A revisions unjustifiably impact these victims: 1 year limit to File in such cases;

1. specifying from the onset any expert medical Affidavit when most physicians are reluctant to provide such
2. testimony against others as note; and yet NRCP Rule 16 provides for same medical expert testimony or
3. documents to be disclosed and thereafter presented for trial.

4. 3. It is Affirmed that Plaintiffs' Civil Complaint focuses on medical but primary the NON-Medical Issues
5. (including that noted as Et AL) regardless of medical nexus that are Stated, Implied and Inferred
6. throughout Plaintiffs' Complaint:

7. (1) Non Medical Judgment Decisions, Administrative Protocol (Complaint Pg 3, 4, 7, 8, 9, 10, 11, 14 and
8. throughout), that Defendants' staff must follow per Defendant St. Mary Regional Medical Center Defendants
9. (CEO Tiffany Coury & Risk Mgmt Staff; Prem Reddy, Etc);

10. To wit: Ex 1 - As per Plaintiffs' Complaint, Defendant Non-Medical Administrative Decision / Protocol
11. Physicians to admit as many patients as possible (Complaint Pg 7) which caused jeopardy to Beverly
12. M. Brown's life / well being and lack of proper cardiovascular treatment when she should have been
13. transported directly to UCDavis and resulted in her leg amputation from infection (Complaint Pg 6-
14. 7); Ex 2 - to include Defendant Administrative NON Medical Protocol / Lack of communication of
15. No Contact from 12/18 - 3/5/19 by individual Defendants with the Patient's Primary Cardiovascular
16. Specialist Dr Devang Desai WHO WORKS WITH Defendant (Complaint Pg 3, 4, 8, 9, 10, 11 and
17. throughout), and would not have allowed for continued reduced dosage of Beverly M. Brown's
18. medication or any procedure that would have impacted her jeopardized her health as he as guarded
19. against in the past.

20. (2) Lack of Communication, Non Medical Judgment Decisions/Administrative Protocol per Defendants;

21. (a) Note: On 3/3/2020, St Mary's Nurse Risk Mgmt Response was sent on 3/5/2020 - after deadline
22. for Plaintiffs' Filing of any Complaint had passed and before Service upon Defendants (Exhibits 2, 3
23. Letters from St Mary Regional Medical Center Kathy Millard; and Nurses Curtis Roth/Lisa Pistone ,
24. respectively). *There was No investigation, just summary cover-up that excluded any mention of
25. patient placed among infectious diseased patients; or other issues addressed in Plaintiffs' Complaint;

26. (b) to include No Contact by individual Defendants from 12/18 - 3/5/19 with the Patient's Primary
27. Care Cardiovascular Specialist WHO WORK FOR Defendant St Mary's Regional Medical Center
28. (Complaint Pg 3, 4, 5, 6, 8, 10, 11, 14 and throughout), and would not have allowed for continued

1. reduced dosage of Beverly M. Brown's medication or any procedure that would have impacted her
2. jeopardized her health as he as guarded against in the past.

3. (3) Age/Other Discrimination, Jeopardy, Negligence to elderly patients -Non Medical Judgment Decisions
4. such as that exhibited by Defendant Hospitalist, Palliative Care personnel, Et Al (Complaint Pgs 4,8, 9,
5. and throughout); and

6. (4) Non Medical Judgment Decisions, such as placement of Patients including Beverly M. Brown with or
7. nexus /exposed to other infected, later quarantined patients (Complaint pgs 5,10,11,12, 13, 14 and
8. throughout) (which Defendants attempted to cover up (See Plaintiffs' Complaint; Attachments
9. 2/ 3 in this Brief); And

10. (5) Failed to Timely FAX vital medical documentation to Renown from March 3-5, 2019 (Complaint
11. Pgs 5,11,12 and throughout)

12. - ALL jeopardizing the Safety and Well Being of Patients and inconsistent with how the nation, Presidential
13. directives and the world are contending with saving human lives, especially the chronically ill and elderly
14. with regards to the current corona virus Pandemic; clearly addressed throughout Plaintiffs' Complaint.

15. 4a/1. As addressed above, Defendants use one technicality, procedural argument with misconstrued assertions
16. in an attempt to dismiss Plaintiffs' Non-medical meritous claims clarified herein. Defendants are "splitting
17. hairs" by asserting all of Plaintiffs claims are about medical malpractice requiring a medical expert Affidavit when
18. the majority of the issues ARE NOT (inaccurate language used by Plaintiffs, clarified herein) - See Non
19. Medical issues (1 - 5) clarified throughout this Opposition that are Stated, Inferred and Implied throughout
20. Plaintiffs' Complaint as examples; and not so much related to Professional Negligence under NRS 41A, but
21. are related to Gross, Simple and Ordinary Negligence noted under other Statutes in Plaintiffs' Complaint;
22. with additional laws, etc clarified, added, etc herein as Plaintiffs requested in their Complaint (with further
leave for additions, clarifications on a later date if needbe).

4a/2. Again, It is noted that the Courts State:

"the Court must construe the complaint in the light most favorable to the Plaintiff and accept as true the
factual allegations of the complaint(caselaw)" - INCLUDING PLAINTIFFS' Joint AFFIDAVIT WITHIN
THIS OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT
FOR OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE

1. *"Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than formal pleading drafted by lawyers(Defendant)(caselaw)" And*

2. *"the Nevada Supreme Court held that the basic underlying policy governing the exercise of discretion is to have cases decided upon the merits, rather than dismissed on procedural grounds (caselaw)"*

3. *"NRCF Rule 41(b)...a dismissal under this subdivision and any dismissal not provided for in this rule operates as an adjudication upon the merits (of the Complaint/case)"; "the Nevada Supreme Court held that the basic underlying policy governing the exercise of discretion is to have cases decided upon the merits, rather than dismissed on procedural grounds (caselaw)"*

4. 4a/3. Plaintiffs' factual allegations of their Complaint Clearly State "the Negligence of St. Mary's Regional Medical Center...pg 5", "Negligence of Defendants...pg 16", and "Negligence of St. Mary's.... - Exhibit 1 Settlement Notice to Defendants, Etc" - All Infer, Imply, State Simple, Ordinary and Gross Negligence (vs.

5. Medical Malpractice) by St. Mary Regional Medical Center (and staff), with simple nexus to the term "medical" because that is the Defendants' business and action (As asserted throughout this Opposition).

6. Again, *simply because Defendant St. Mary's Medical Group is a professional business, Plaintiffs annotated as one of their laws, 41A - and for no other reason.*

7. 4a/4. Defendants affirm in their dismissal Motion that the Nevada Supreme Court implications, inference and direct statements of Breach of Duty, Simple, Ordinary and Gross Negligent claims by Plaintiffs in their Civil Action Complaints without the necessity of medical expert affidavits Survive any dismissal motion by Defendants, as Plaintiffs do in their Civil Action:

8. *"Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each claim, rather than its form, must be examined...the Court held the following: "a claim is not for medical malpractice if it is not related to medical diagnosis, judgment, treatment" -*

9. It is duly noted that a Court or Jury can properly evaluate Plaintiffs' claims *despite any inaccurate titling depiction of same*, and derive said claims as involving Ordinary, Simple and Gross Negligence by Defendantsallegations that are based on non medical functions in which same acts were discerned as a set of duties and facts based on Gross, Simple, Ordinary Negligence; Breach of Duty, etc" - Such as illustrated in Plaintiffs' factual allegations throughout their Complaint (and Clarifying Arguments within this Opposition).

10. 4a/5. Again, "It is also affirmed that Plaintiffs' Civil Action Complaint mainly focuses on the NON-Medical issues, such as (1 - 5 / Other) examples noted in this Opposition Brief:

11. (1) Protocol that Defendants' staff must follow per Defendant St. Mary Regional Medical Center Defendants

1. (CEO Tiffany Coury & Risk Mgmt Staff; Prem Reddy, Etc); (2) Lack of Communication per Defendants;
2. (3) Age/Other Discrimination/Neglect, abuse, etc against the elderly, such as that exhibited by Defendant
3. Hospitalist, Palliative Care personnel, Et Al and (4) Non Medical Judgment Decisions, such as placement of
4. Patients including Beverly M. Brown with or nexused/exposed to other infected patients (which Defendants
5. attempted to cover up (See Plaintiffs' Complaint and Attachments 2/ 3); And (5) Failed to Timely FAX vital
6. medical documentation to Renown from March 3-5, 2019 (Complaint Pgs 5,11,12 and throughout)
7. - ALL Jeopardizing the Safety and Well being of Patients and - inconsistent with how the nation,
8. Presidential directives and the world are contending with saving human lives, especially the chronically
9. ill and elderly with regards to the current corona virus Pandemic; clearly addressed throughout
10. Plaintiffs' Civil Action Complaint".

11. 4a/6. Note: On 3/3/2020, St Mary's Nurse Risk Mgmt Response was sent on 3/5/2020 - *after deadline*
12. *for Plaintiffs' Filing of any Complaint had passed and before Service upon Defendants.* *There was No
13. investigation, just summary cover-up that excluded any mention of patient placed among infectious
14. diseased patients; or other issues addressed in Plaintiffs' Complaint – to include No Contact from
15. 12/18 – 3/5/19 with the Patient's Primary Care Cardiovascular Specialist who also works with
16. Defendant and would not have allowed for continued reduced dosage of Beverly M. Brown's
17. medication or any procedure that would have impacted her jeopardized her health as he as guarded
18. against in the past.

19. 4a/7. Again, Plaintiffs' Factual Allegations addressed throughout their Complaint and in this Opposition
20. Affirm Plaintiffs focuses primarily on the NON-Medical issues - nexused to Medical issues;

21. (1) Non Medical Administrative Protocol: Physicians followed Defendants' St. Mary's Regional Medical Center
22. Administrative Protocol of not consulting with Plaintiffs' mother Primary Care Cardiovascular Specialist for
her chronic illness (who also worked for this Defendant) before any treatment was rendered and in consult for
same – which would have resulted in her survival regarding procedures, medications, etc.

(2) Lack of Communication: As per Plaintiffs' Complaint - Defendant St Mary's Regional Medical Center
refused to respond to Plaintiffs' year long request to address this matter as noted in their Civil Complaint; No
response to Plaintiffs' formal settlement request in which Plaintiffs' address the (Gross, Simple, Ordinary
Non medical Negligence by Defendants (Exh 1); Lack of Communication by Defendant as noted in a March

1. 2020 television news address by nurses at St Mary's asserting lack of communication within their
2. establishment related to combating the Coronavirus issue, etc.

3. Note: On 3/3/2020, St Mary's Nurse Risk Mgmt Response was sent on 3/5/2020 - *after deadline*
4. *for Plaintiffs' Filing of any Complaint had passed and before Service upon Defendants (Exhibits 2, 3 –*
5. *Letters from St Mary Regional Medical Center Kathy Millard; and Nurses Curtis Roth/Lisa Pistone ,*
6. *respectively). *There was No investigation, just summary cover-up that excluded any mention of*
7. *patient placed among infectious diseased patients; or other issues addressed in Plaintiffs'*
8. *Complaint, to include No Contact from 12/18 – 3/5/19 with the Patient's Primary Care*
9. *Cardiovascular Specialist who works with Defendant and would not have allowed for continued*
10. *reduced dosage of Beverly M. Brown's medication or any procedure that would have impacted her*
11. *jeopardized her health as he as guarded against in the past.*

12. (3) Age/Other Discrimination: As per Plaintiffs' Complaint addresses - Defendant asserting "she's OLD"
13. and pushing DNR (Amendment to include supporting laws - addressed in this Opposition); .

14. (4) Decisions jeopardizing the safety and well being of Patients such as placement with other infected patients
15. that Defendants attempted to cover up (*See Complaint, Attachments 2/3-omission of this issue*) from Plaintiffs'
16. submitted Complaints to them - *inconsistent with how the nation, Presidential directives and the world are*
17. *contending with saving human lives, especially the chronically ill and elderly with regards to the current*
18. *corona virus Pandemic; and March 17, 2020 – while Plaintiffs waited to serve Defendant - it was noted and*
19. *addressed that poor judgment by Defendants was used to screen persons coming to the hospital by mandating*
20. *congregation of many persons in a small room that contributed to corona virus jeopardy to same, including*
21. Plaintiffs and their process server; And

22. (5) Failed to Timely FAX vital medical documentation to Renown from March 3-5, 2019 (*Complaint*
23. *Pgs 5,11,12 and throughout*) – ALL jeopardizing the Safety and Well Being of Patients and -
inconsistent with how the nation, Presidential directives and the world are contending with saving
human lives, especially the chronically ill and elderly with regards to the current corona virus
Pandemic; clearly addressed throughout Plaintiffs' Civil Action Complaint

- ETC

1. 4b/1. As Per above, below, Defendant is **completely erroneous** in asserting Plaintiffs' Complaint must be
2. dismissed for the simple omission of a medical expert Affidavit – **when as clarified herein, Plaintiffs'**
3. **Complaint clearly States, Implies and Infers other then Unknown laws and statutes; corrections and**
4. **clarifications; etc can be amended to their Complaint in support of their Civil Action;** including as
5. they clearly stated **Non Medical, Administrative** factual allegations/claims addressed herein and
6. therein along with medical inference claims.

7. 4b/2. Plaintiffs requested in their Civil Complaint that same could be Amended to include the
8. aforementioned/below mentioned changes, et al corresponding - **to include NON Medical issue**
9. **clarifications, etc (as redundantly addressed in this Opposition); Additional/corrected laws,**
10. **clarifications, etc (Complaint Pgs 2,3,14,15,16,etc):**

11. **Statute, Law Clarification/Amendments in Support of Case Laws, ETC**

12. **(with Leave to Submit Other Statutes/laws Still Yet Unknown to Plaintiffs In**

13. **Support of Plaintiffs' Factual allegations):**

14. A. **NRS 11.310:** Plaintiffs (*and for Beverly M. Brown's family*), with Legal Power of Attorney as
15. representatives of Beverly Brown), And

16. B. **NRS 41.085:** (2) Plaintiffs as Heirs or Personal Representatives (*for Beverly M. Brown's*) may maintain
17. action – when the death of any person is caused by the wrongful act or neglect (*See 1-5 non medical acts*
18. *described in this Opposition*) of another, the heirs of the decedent and personal representatives of the
19. decedent may each maintain an action for damages against any person who caused/contributed to the injury,
20. death by wrongful act or neglect; if any other person is responsible for the wrongful act or neglect, or if
21. wrongdoer is employed by another person who is responsible for wrongdoer's conduct, the action may be
22. maintained against that other person (*Defendant St Mary's Regional Medical Center – including*
Administrative Protocols set forth by this Defendant directing other Defendants' conduct) (*See 1-5*
Non medical acts described in this Opposition); Court or Jury may award pecuniary damages for
person's grief, sorrow, loss of probable support, companionship, society, consortium; pain and suffering
of the decedent; Penalties including but not limited to Exemplary. Punitive (*NRS 41 Actions and*
Proceedings in Particular Cases Concerning Persons / ACTIONS FOR DEATH BY WRONGFUL]
ACT OR NEGLIGENCE), Etc;

1. Leading to / In Support of Valid Law/Claims meeting Requisites for Case Continuation (Such
2. damages include the medical and Non medical References Asserted in Plaintiffs' Complaint and
3. (Redundantly) Clarified in this Opposition:

4. NRS 41 Actions and Proceedings in Particular Cases Concerning Persons -

5. ACTIONS FOR PERSONAL INJURIES OR DEATH BY WRONGFUL ACT, NEGLIGENCE OR DEFAULT:

6. C. NRS 41.130: Liability for Personal Injury – Except under NRS 41.745, whenever a person suffers personal
7. injury by a wrongful act, neglect, default of another, the person causing the injury is liable to the person injured
8. for damages; And where the person causing the injury is employed by another person or corporation responsible
9. for the conduct of the person causing the injury, that other person or corporation is liable to the person injured for
10. damages (TO Wit: Defendant St Mary's Regional Medical Center, Individual Defendants employed with same,
11. and Yet Unnamed/unknown/Unidentified Defendants contributing to the injury, death such as: Following
12. Defendant Non medical Protocol instructions and Failing to communicate messages by Plaintiffs to Beverly
13. M. Brown's Primary Care Cardiovascular Specialist WORKING FOR Defendant when same communication
14. was VITAL; Yet unidentified Defendant placing Beverly M. Brown in proximity with infected persons, etc)
15. (See 1-5 non medical acts described in this Opposition);

16. D. NRS 41.1395: Action for Damages for Injury or loss suffered by an OLDER (over 60 yrs), vulnerable
17. persons from abuse, neglect (failure of a person or organization, To Wit: Defendants - that has assumed
18. legal responsibility or contractual obligation for caring for an older person or who has voluntarily
19. assumed responsibility for that person's care, to include services within the scope of the person's or o
20. rganization's responsibility or obligation, which are necessary to maintain the physical or mental
21. health of the older person - only to the extent that the person has expressly acknowledged the
person's responsibility to provide such care) exploitation: double damages, attorney fees/costs:

(-) if an older, vulnerable person suffers a personal injury or death that is caused by abuse or neglect, etc the
person who caused the injury, death or loss is liable to the older, vulnerable person for 2 X the actual
damages incurred by the older or vulnerable person,

(-) a person who is liable for damages when acted with recklessness, etc, the court shall order that person
to pay fees, costs, etc of persons who initiated lawsuit;

E. Plaintiffs' Request to Amend their Complaint to include Age/Other Discrimination, as per addresses in

1. said Complaint asserting stated Patient Beverly M Brown was "OLD", pushing DNR when she was NOT a
2. hospice case (similar to another elderly witness for this case who asserted Defendant pushed hospice care
3. when to date she is recovered from ailments and well) - AMENDMENT REQUESTED TO ADD AS A
4. CAUSE OF ACTION / FOR RELIEF: DISCRIMINATION BASED ON DISABILITY (amputee), AGE
5. (OVER 40)/Other, ETC - ALL PURSUANT TO THE CIVIL RIGHTS ACT OF 1964, 42 USC 2000e, et
6. seq; REHABILITATION ACT OF 1973, 29 USC 794; AGE DISCRIMINATION ACT OF 1967, 29 USC
7. 633a(b); Other as Yet To Be Determined, Et, Seq

8. F. NRS 41A - Again, simply noted because Defendant St. Mary's Medical Group is a professional
9. business, Plaintiffs annotated as one of their laws, 41A – and for no other reason as clarified in this
10. Opposition. Plaintiff Requests of the Court that the TOLLING aspect of this Statute applies for Relief
11. for Plaintiffs To Obtain a medical Affidavit if required by the Court (shall means Judicial discretion
12. and Does NOT mean must contrary to Defendants' false assertions see No 1 addresses above) due to
13. Defendants' Concealment (1-3/2020 – Exh 2, 3)

14. G. Plaintiffs Reserve the Request to submit further arguments, evidence, laws, etc clarifying their dispute
15. of professional/medical negligence that were simple annotated verbiage and laws; yet their Complaint,
16. Clarified in this Opposition, addresses factual allegations that in this clarification are noted in Laws NOT
17. specifically related to Professional, Medical Negligence, but Laws related to Gross, Ordinary, Simple
18. Negligence / Laws on Gross, Ordinary, simple Negligence which the Court acknowledges/upheld as NOT
19. being medical even with medical nexus such as: laws related to jeopardy negligence to safety and health,
20. EX: placement of persons with/around known infected people; Law related to Negligent care of elderly
21. - saying 'SHE's OLD' & pushing DNR - see Age Discrimination law/NRS Statute herein on elder
22. abuse, neglect; Etc

H. Defendants affirm in their dismissal Motion that the Nevada Supreme Court implications, inference and
direct statements of Breach of Duty, Simple, Ordinary and Gross Negligent claims by Plaintiffs in their
Civil Action Complaints without the necessity of medical expert affidavits Survive any dismissal motion
by Defendants, as Plaintiffs do in their Civil Action:

"Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each claim,
rather than its form, must be examined...the Court held the following: "a claim is not for medical

malpractice if it is not related to medical diagnosis, judgment , treatment” –

It is duly noted that a Court or Jury can properly evaluate Plaintiffs’ claims *despite any inaccurate titling depiction of same*, and derive said claims as involving Ordinary, Simple, Gross Negligence by Defendantsallegations that are based on non medical functions in which same acts were discerned as a set of duties and facts based on Gross, Simple, Ordinary Negligence; Breach of Duty, etc” – Such as illustrated in Plaintiffs factual allegations throughout their Complaint (and Clarifying Arguments within this Opposition).

Again, “It is also affirmed that Plaintiffs’ Civil Action Complaint mainly focuses on the NON-Medical issues, such as (1 – 5/other) examples noted in this Opposition Brief.

4c/1 Plaintiffs’ actual Complaint primarily deals with Non-Medical, Admin issues such as: (1) Protocol their staff must follow per Defendant St. Mary Regional Medical Center Defendants (CEO Tiffany Coury & Risk Mgmt Staff; Prem Reddy, Etc) – which is not to consult with any patients’ primary care specialists; (2) Lack of Communication per same Defendants; Note: On 3/3/2020, St Mary’s Nurse Risk Mgmt Response sent on 3/5/2020 - *after deadline for Plaintiffs’ Filing of any Complaint had passed and before Service upon Defendants (Exhibits 2, 3 – Letters from St Mary’s Regional Medical Center Kathy Millard; and Nurses Curtis Roth/Lisa Pistone , respectively).*, *There was No investigation, just summary cover-up that excluded any mention of patient placed among infectious diseased patients (See Non medical issue 4); or other issues addressed in Plaintiffs’ Complaint – to include No Contact from 12/18 – 3/5/19 with the Patient’s Primary Care Cardiovascular Specialist who works with Defendant and would not have allowed for continued reduced dosage of Beverly M. Brown’s medication or any procedure that would have impacted her jeopardized her health as he as guarded against in the past; (3) Age/Other Discrimination and Non medical Poor Decisions – ALL jeopardizing the safety and well being of Patients such as (4) placement with other infected patients that Defendants attempted to cover up (See Complaint, Attachments 2/3- omitting these details: Exhibits 2, 3 – Letters from St Mary’s Regional Medical Center Kathy Millard; and Nurses Curtis Roth/Lisa Pistone , respectively).) from Plaintiffs’ submitted Complaints to them – *inconsistent with how the nation, Presidential directives and the world are contending with saving human lives, especially the chronically ill and elderly with regards to the current corona virus Pandemic*; And (5) Failed to Timely FAX vital medical documentation to Renown from March 3-5, 2019 (Complaint Pgs 5,11,12 and

1, throughout) – ALL jeopardizing the Safety and Well Being of Patients and - inconsistent with how the
2, nation, Presidential directives and the world are contending with saving human lives, especially the
3, chronically ill and elderly with regards to the current corona virus Pandemic; clearly addressed
4, throughout Plaintiffs' Civil Action Complaint, as addressed in their Civil Action; as well as medically
5, nexus issues; And

6, 4c/2. Support Plaintiffs' Non Medical Breach of Duty, Simple, Ordinary, Gross Negligent claims, Et al
7, noted in their Civil Action; in addition to the medical claims which Plaintiffs can explain to stand against
8, any *absence of any medical expert Affidavit. However, Plaintiffs' again Seek Leave of the Court To Produce
9, and thus Conform with any such Technicality without the undue financial/other hardship prejudicial to
10, their meritous Complaint in any dismissal for this one aspect; when Plaintiffs have addressed in their
11, Complaint Request to later Amend, clarify, correct, add laws, statutes, etc if needbe related to any
12, further known laws, statutes and as of yet unknown Defendants; Etc (See No 4b/2 Above).

13, * Again, It is noted that the Courts State:

14, *"the Court must construe the complaint in the light most favorable to the Plaintiff and accept as true the*
15, *factual allegations of the complaint(caselaw)" – INCLUDING PLAINTIFFS' Joint AFFIDAVIT WITHIN*
16, *THIS OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT*
17, *FOR OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE*

18, *"Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than*
19, *formal pleading drafted by lawyers(Defendant)(caselaw)" And*

20, *"the Nevada Supreme Court held that the basic underlying policy governing the exercise of discretion*
21, *is to have cases decided upon the merits, rather than dismissed on procedural grounds (caselaw)"*

"NRCP Rule 41(b)...a dismissal under this subdivision and any dismissal not provided for in this rule
operates as an adjudication upon the merits (of the Complaint/case)"; "the Nevada Supreme Court
held that the basic underlying policy governing the exercise of discretion is to have cases decided
upon the merits, rather than dismissed on procedural grounds (caselaw)"

4c/3. However, the Court's have the discretion to allow for Plaintiffs to provide for any medical expert
Affidavit in support of asserted medical malpractice claims, contrary to Defendant's assertion otherwise.

* See No 1 above and definitions of "shall"

4c/4. Plaintiffs in the meantime Refer to the aforementioned Arguments address in No. 1c-1f Above

1. regarding their own Affidavits related to their detailed personal education, experience, caretaking, expert
2. contacts, etc; nexused to the issues stated in the factual allegations of their Complaint addressing

3. Defendants Breach of Duty, Gross and Simple Negligence from December 2018 through March 5, 2019:

4. (1) Non Medical Administrative Protocol: Physicians followed Defendants' St. Mary's Regional Medical
5. Center Administrative Protocol of not consulting with Plaintiffs' mother primary care specialist for her
6. chronic illness (who also worked for this Defendant) before any treatment was rendered and in consult for
7. same – which would have resulted in her survival regarding procedures, medications, etc.

8. (2) Lack of Communication: As per Plaintiffs' Complaint:

9. - On 3/3/2020, St Mary's Nurse Risk Mgmt Written Response was sent on 3/5/2020 - *after deadline for*
10. *Plaintiffs' Filing of any Complaint had passed and before Service upon Defendants.* *There was No
11. investigation, just summary cover-up that excluded any mention of patient placed among infectious
12. diseased patients; or other issues addressed in Plaintiffs' Complaint – to include No Contact from
13. 12/18 – 3/5/19 with the Patient's Primary Care Cardiovascular Specialist who works with Defendant
14. and would not have allowed for continued reduced dosage of Beverly M. Brown's medication or any
15. procedure that would have impacted her jeopardized her health as he as guarded against in the past.

16. - Defendant St Mary's Regional Medical Center refused to respond to Plaintiffs' year long Requests to
17. address this matter, as noted in their Civil Action Complaint;

18. - No response to Plaintiffs' formal settlement request which address Defendant's Gross, Simple
19. Ordinary Negligence and Lack of Communication;

20. - Noted in a March 2020 television news address, nurses at St Mary's asserting lack of communication
21. within their establishment regarding combating the Corona virus issues;

22. - Etc;

(3) Age/Other Discrimination: As per Plaintiffs' Complaint addresses - Defendant asserting "she's OLD"
and pushing DNR (Amendment to include supporting laws - addressed in this Opposition);

(4) Decisions jeopardizing the safety and well being of Patients such as placement with other infected patients
that Defendants attempted to cover up (*See Complaint, Attachments 2/3-omission of this issue*) from Plaintiffs'
submitted Complaints to them - *inconsistent with how the nation, Presidential directives and the world are*
contending with saving human lives, especially the chronically ill and elderly with regards to the current

1. *corona virus Pandemic; And*

2. - March 17, 2020 - while Plaintiffs' waited to serve Defendant it was noted and addressed that poor judgment
3. was used by Defendants to screen persons coming to the hospital by mandating congregation of many persons
4. in a small room that contributed to corona virus jeopardy to same, including Plaintiffs and their process
server; And

5. (5) Failed to Timely FAX vital medical documentation to Renown from March 3-5, 2019 (*Complaint Pgs*
6. *5,11,12 and throughout*) - ALL jeopardizing the Safety and Well Being of Patients and - inconsistent with
7. how the nation, Presidential directives and the world are contending with saving human lives, especially the
8. chronically ill and elderly with regards to the current corona virus Pandemic; clearly addressed throughout
Plaintiffs' Civil Action Complaint.

9. - With All Above leading to the health deterioration and death caused/contributed by Defendants, who
10. ironically were supposed to be the medical experts caring for this patient and others.

11. 5. Defendants' Motion To Dismiss Fail to Deny any of Plaintiffs' factual allegations, thus affirming these
12. factual allegations have Merit and must stand. In Fact, Defendant is erroneous as per the aforementioned
13. facts, in asserting the Court must dismiss Plaintiffs' entire Complaint containing Valid Claims without
14. the necessity of said medical expert Affidavit pursuant to the Clear Refutes, Clarifications, etc herein.

15. 6. Plaintiffs Request to Amend their Complaint to include the following:

16. - Addition of: Age/Other Discrimination law violations by Defendant against Plaintiffs (RE: Beverly M.
17. Brown) as specified by Defendants' verbiage of Age/other and DNR noted in Plaintiffs' factual
18. allegations of their Complaint;
19. - Addition of Gregory J. Brown as Plaintiff (*documentation for same supplied separately, as noted*)
20. - Court's Review of this Opposition as Clarification, Correction, Amendment, ETC in support of Plaintiffs'
21. factual allegations addressed in their Complaint - with request to further clarify/correct/amend laws,
22. parties, other as necessary;
- Time to secure medical expert Affidavit if necessitated by the Court to allow medical components of
their Complaint to proceed; with consideration of Plaintiffs' addresses in No 1 - 4/Other Above as well
as their own Affidavits attached herein,
- ETC

1. 7. CONCLUSION:

2. 7a. When the Court Reviews Plaintiffs' Civil Action Complaint, along with the Meritous Refuting
3. Arguments of this Opposition - containing Corrections, Additions, Clarifications, Amendments, Time to
4. Seek medical expert Affidavit Request (Court has clear discretion on Expert Affidavit submission – see
5. Rule 16 provisions for same; and Plaintiffs' qualify for tolling statute of Filing to uphold Plaintiffs
6. Complaint issues See No 1 Refutes above). valid Refuting Arguments ETC – All in its Totale, it is
7. clearly supported that Plaintiffs have meritous, Non-medical claims (*simply nexused to Defendant*
8. *medical establishment – such as protocol, lack of communication, Age/Other Discrimination/elderly*
9. *neglect/abuses, Decisions jeopardizing patient/others' health and safety such as placed with infected*
10. *patients, Failure to timely fax vital medical documents, Etc*), along with clear medical nexus claims (with
11. Time Request for Plaintiffs' to Seek medical expert Affidavit if needed (Court has clear discretion on
12. Expert Affidavit submission – see Rule 16 provisions for same; and Plaintiffs' qualify for tolling
13. statute of Filing to uphold Plaintiffs Complaint issues See No 1 Refutes above), that Validate their
14. Civil Action to Continue (All of which are likewise subject to Medical Board Review, Media attention,
15. U.S. Department of Health and Human Resource Reviews, ETC in addition to this Legal Nexus), On
16. Behalf Of and For the Voice of other chronically ill, elderly patients who need Proper Care from
17. Medical Establishments.

18. 7b. Note: On 3/3/2020, St Mary's Nurse Risk Mgmt Written Response was sent on 3/5/2020 - *after*
19. *Deadline for Plaintiffs' Filing of any Complaint had passed and before Service upon Defendants*
20. *(Exhibits 2, 3 – Letters from St Mary Regional Medical Center Kathy Millard; and Nurses Curtis*
21. *Roth/Lisa Pistone , respectively).* *There was No investigation, just summary cover-up that excluded
22. any mention of Beverly M. Brown and Charles F. Brown / others placed among infectious diseased,
quarantine (not enforced) patients; or other issues addressed in Plaintiffs' Complaint, To Include per
Non Medical, Administrative Protocol of Defendants No Contact from 12/18 – 3/5/19 with Beverly
M. Brown's Primary Care Cardiovascular Specialist Devang Desai, WHO WORKS FOR Defendant
and would not have allowed for continued reduced dosage of Beverly M. Brown's medication or any
procedure that would have impacted her jeopardized her health as he as guarded against in the past
(Court has clear discretion on Expert Affidavit submission – see Rule 16 provisions for same; and
Plaintiffs' qualify for tolling statute of Filing to uphold Plaintiffs Complaint issues See No 1 Refutes

1. *above).*

2. 7c. Plaintiffs provide the following Attachment in Support of this Opposition, with the majority of
3. Other Evidentiary Documentation supporting Plaintiffs' factual allegations in their Civil Action
4. to be submitted as evidence with any Hearing Brief: Exhibit 1. Plaintiffs' Settlement Notice ignored
5. by Defendants that was served upon same with their Summons and Civil Complaint excerpt copy on
6. March 17, 2020 (2 pgs)

7. 7d. Again, Plaintiffs' in Good Faith Clarify their verbiage, in their Complaint in that most of the issues in their
8. Totale relate to Non medical functions by Defendant despite nexus to this medical business Defendant and /or
9. issues; Etc; Provide in this Brief other issue clarifications, defenses, law additions/clarifications, statute *tolling*,
10. Etc which also support their Good Faith Request of the Court Time to obtain a medical expert Affidavit if needed
11. in furtherance of the medical issues of their Complaint -that can be given at Court's discretion (See NO 1 above)

12. 7e. Defendants affirm in their dismissal Motion that the Nevada Supreme Court implications, inference and
13. direct statements of Breach of Duty, Simple, Ordinary and Gross Negligent claims by Plaintiffs in their
14. Civil Action Complaints WITHOUT the necessity of medical expert affidavits Survive any dismissal
15. motion by Defendants, as Plaintiffs do in their Civil Action:

16. *"Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each*
17. *claim, rather than its form, must be examined...the Court held the following: "a claim is not for*
18. *medical malpractice if it is not related to medical diagnosis, judgment , treatment" –*

19. It is duly noted that a Court or Jury can properly evaluate Plaintiffs' claims *despite any inaccurate titling*
20. *depiction of same*, and derive said claims as involving Ordinary, Simple and Gross Negligence by Defendants
21.allegations that are based on non medical functions in which same acts were discerned as a set of duties
22. and facts based on Gross, Simple, Ordinary Negligence; Breach of Duty, etc"–Such as illustrated in Plaintiffs
23. factual allegations throughout their Complaint (and Clarifying Arguments within this Opposition). Again,
"It is also affirmed that Plaintiffs' Civil Action Complaint mainly focuses on the NON-Medical issues, such
as (1 – 5/other) examples noted in this Opposition Brief. However, Again in Good Faith Request of the
Court Time to obtain a medical expert Affidavit in furtherance of the medical issues of their Complaint -
that can be given at the Court's discretion.

7f. Again, It is noted however for the Courts to Consider in this matter that the Courts State:

"the Court must construe the complaint in the light most favorable to the Plaintiff and accept as true the factual allegations of the complaint(caselaw)" – INCLUDING PLAINTIFFS' Joint AFFIDAVIT WITHIN THIS OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT FOR OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE

"Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than formal pleading drafted by lawyers(Defendant)(caselaw)" And

"the Nevada Supreme Court held that the basic underlying policy governing the exercise of discretion is to have cases decided upon the merits, rather than dismissed on procedural grounds (caselaw)"

"NRCF Rule 41(b)...a dismissal under this subdivision and any dismissal not provided for in this rule operates as an adjudication upon the merits (of the Complaint/case)"; "the Nevada Supreme Court held that the basic underlying policy governing the exercise of discretion is to have cases decided upon the merits, rather than dismissed on procedural grounds (caselaw)"



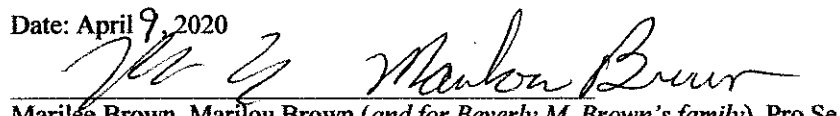
Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
Gregory J. Brown
45 Nives Court
Sparks, NV 89441
Telephone: (775) 425-4216
Date: April 9, 2020

AFFIRMATION Pursuant to NRS 239B.030

Undersigned do hereby affirm that the preceding document PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS - TO INCLUDE AMENDMENT/CLARIFICATION OF THEIR TO CIVIL COMPLAINT WITH ADDITIONAL LAWS, CORRECTIONS, CLARIFICATION, ET AL AS SPECIFIED IN THEIR CIVIL COMPLAINT; AND AMENDMENT REQUEST HERE TO INCLUDE ADDITIONAL PLAINTIFF (RETURN SERVICE OF SUMMONS AND ADDITIONAL PLAINTIFF DOCUMENTS SUBMITTED SEPARATELY), filed in this matter does not contain the Social

Security Number of any person.

Date: April 9, 2020




Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
Gregory J. Brown
Nives Court
Sparks, NV 89441
Telephone: (775) 425-4216

CERTIFICATE OF SERVICE

Undersigned do hereby affirm that PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO

1. **DISMISS - TO INCLUDE AMENDMENT/CLARIFICATION OF THEIR TO CIVIL COMPLAINT WITH**
2. **ADDITIONAL LAWS, CORRECTIONS, CLARIFICATION, ET AL AS SPECIFIED IN THEIR CIVIL**
3. **COMPLAINT; AND AMENDMENT REQUEST HERE TO INCLUDE ADDITIONAL PLAINTIFF**
4. **(RETURN SERVICE OF SUMMONS AND ADDITIONAL PLAINTIFF DOCUMENTS SUBMITTED**
5. **SEPARATELY)** was served via regular mail and in person by Plaintiffs to Defendants' Counsels on
6. April 9, 2020

7. 
8. Marilee Brown, Marilou Brown, Pro Se Plaintiffs
9. Gregory J. Brown
10. Nives Court
11. Sparks, NV 89441
12. 775-425-4216
13. Date: April 9, 2020

Attachments

14. Exhibit 1. **Plaintiffs' Settlement Notice ignored by Defendants** that was served upon same with their
15. Summons and Civil Complaint excerpt copy on March 17, 2020 (2 pgs)

16. Exhibit 2. Letter from St Mary's Regional Medical Center Kathy Millard (1 Pg)

17. Exhibit 3. Letter/env from St Mary's Regional Medical Center Nurses Curtis Roth/Lisa Pistone (2 pgs)

18. Other Evidentiary Documentation supporting Plaintiffs' factual allegations in their Civil Action will be
19. submitted as evidence with any Hearing Brief