

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,

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.

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Sep 03 2020 10:23 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Sup. Ct. Case No. 81434

Case No. CV20-00422

Dept. 1

RECORD ON APPEAL

VOLUME 2 OF 4

DOCUMENTS

APPELLANTS

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Marilou Brown
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M.D.

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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*)

CIVIL COMPLAINT

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

PRELIMINARY STATEMENT

28. 2a. Plaintiffs will serve the Defendants with this Complaint and Summons by a Non Party over 18 years of
29. age and within 120 days of Filing pursuant to the Nevada Rules of Civil Procedure NRCP 4(a)(c)(d)(i); and will
30. provide an Affidavit of Service to the Court upon Service of Same Complaint and Summons NRCP (4)(g)(2)

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

31. "Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than
32. formal pleading drafted by lawyers (Defendant)(caselaw)" And
33. "the Nevada Supreme Court held that the basic underlying policy governing the exercise of discretion
34. 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. ~~Heck~~ stated she could walk ~~on her amputated toe~~ 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 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; delinquently given and/or been given reduced amount of necessary medication

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.
8. 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,}
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

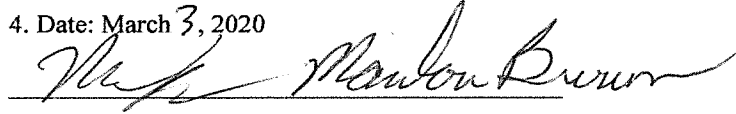
4. Wherefore Plaintiffs Pray for the Following Relief:

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



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

6. Sparks, NV 89441

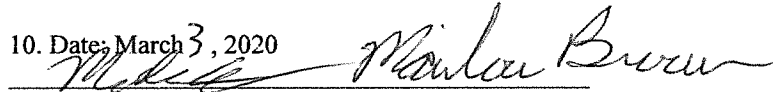
Telephone: (775) 425-4216

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

1 Code:
 2 Name: Marilee Brown
 3 Address: 43 Nives Ct
Sparks, NV 89441
 4 Telephone: 775-425-4246
 Email: _____
 5 Self-Represented Litigant or Bar Number
Rev SC

6
 7 IN THE FAMILY DIVISION OF THE
 8 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
 9 IN AND FOR THE COUNTY OF WASHOE

10
 11 Marilee Brown

12 Plaintiff / Petitioner / Joint Petitioner,

Case No. _____

13 vs.

Dept. No. _____

14
 15 Defendant / Respondent / Joint Petitioner.

16
 17
 18 APPLICATION FOR ELECTRONIC FILING AND SERVICE EXEMPTION

19
 20 I request to be exempt from the mandatory electronic filing and service requirement on the
 21 above case for the following reason(s):

22 ☒ I do not readily have access to a computer with internet access.

23 ☐ Mandatory electronic filing would cause undue hardship or significant prejudice to me
 24 because: _____

25
 26 ☐ I am a licensed attorney with limited resources and unable to meet the requirements for
 27 electronic filing. I am requesting a temporary relief from mandatory electronic filing.

28 I will be prepared to comply by: _____

☐ Other (please specify): _____

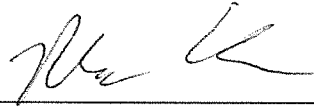
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.*

This document does not contain the personal information of any person as defined by NRS 603A.040.

Date:

3/3/2020

Signature:



Print Your Name:

Marilee Brown

* The penalty for willfully making a false statement under penalty of perjury is a minimum of 1 year, and a maximum of 4 years in prison, in addition to a fine of not more than \$5,000.00. N.R.S. 119.145.

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,

v.

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 BUSINESS I through X,
inclusive,

CASE NO.: CV20-00422

DEPT. NO.: 4

**ORDER GRANTING APPLICATION FOR ELECTRONIC FILING AND SERVICE
EXEMPTION**

Before the Court is an *Application for Electronic Filing and Service Exemption*. The applicant, MARILLE BROWN, has requested exemption from the mandatory electronic filing and service requirement¹ of the Second Judicial District Court, and has provided information in support of this Application under penalty of perjury.

Good cause having been shown, the Application is GRANTED. MARILEE BROWN is hereby exempt from the electronic filing and service requirement of the Second Judicial District Court and is allowed to file and serve all documents in paper form in Case No. CV20-00422. All documents must be either typewritten or legible to be considered.

DATED this 3 day of March, 2020.

Connie J. Steinheimer
DISTRICT JUDGE

¹ Pursuant to Second Judicial District Court Administrative Orders 2015-08 and 2016-05.

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 4 day of March, 2020, I filed the **ORDER GRANTING APPLICATION FOR ELECTRONIC FILING AND SERVICE EXEMPTION** with the Clerk of the Court.

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

 Personal delivery to the following: [NONE]

 Electronically filed with the Clerk of the Court, using the eFlex system which constitutes effective service for all eFiled documents pursuant to the eFile User Agreement. [NONE]

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

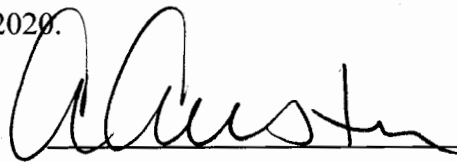
Marilee Brown
45 Nives Court
Sparks, NV 89441

 Placed a true copy in a sealed envelope for service via:

 Reno/Carson Messenger Service – [NONE]

 Federal Express or other overnight delivery service [NONE]

DATED this 4 day of March, 2020.



Return Of NEF

Recipients

******* IMPORTANT NOTICE - READ THIS INFORMATION *******

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

03-04-2020:11:16:13

Clerk Accepted:

03-04-2020:11:17:13

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Ord Granting

Filed By:

Judicial Asst. AAustin

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

TAMI EVANS

MARILLOU BROWN

TANZEEL ISLAM, M.D.

MARK MCALLISTER

MARILEE BROWN

SRIDEVI CHALLAPALLI

ST. MARY'S REGIONAL MEDICAL CENTER

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

8 8329 W. Sunset Road, Suite 260

9 Las Vegas, Nevada 89113

10 Telephone No. (702) 792-5855

11 Facsimile No. (702) 796-5855

12 E-mail: rcmcbride@cktfmlaw.com

13 E-mail: hshall@cktfmlaw.com

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**

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

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

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

DATED this 25th day of March, 2020.

CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE



ROBERT C. McBRIDE, ESQ.

Nevada Bar No.: 7082

HEATHER S. HALL, ESQ.

Nevada Bar No.: 10608

8329 W. Sunset Road, Suite 260

Las Vegas, Nevada 89113

Attorneys for Defendants,

St. Mary's Regional Medical Center,

Tammy Evans (erroneously named as Tami 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
and Wrongful death of their mother, Beverly Morris (M.) Brown; and to include
Breach of Duty, Medical Negligence/Malpractice, Causation of Financial loss in
their proceedings, and Emotional, Financial Distress, et al, to the Plaintiffs and
their family, Subject to the jurisdiction of this Court.”

20 *Id.*, page 2, lines 5 – 11.

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

27 ///

28 ///

II.

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

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

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

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

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

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

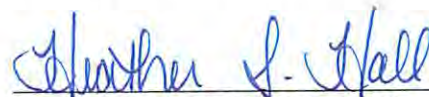
13 Based on all of the foregoing, Defendants St. Mary's Regional Medical Center, Tami
14 Evans, and Prem Reddy, M.D. respectfully request that this Court dismiss all claims against
15 them.

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.

CERTIFICATE OF SERVICE

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

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

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

/s/ Candace Cullina
An Employee of CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE

1817

ROBERT C. McBRIDE, ESQ.

Nevada Bar No. 7082

HEATHER S. HALL, ESQ.

Nevada Bar No. 10608

CARROLL, KELLY, TROTTER,

FRANZEN & McBRIDE

8329 W. Sunset Road, Suite 260

Las Vegas, Nevada 89113

Telephone No. (702) 792-5855

Facsimile No. (702) 796-5855

E-mail: remcbride@cktfmlaw.comE-mail: hshall@cktfmlaw.com

Attorneys for Defendants,

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

IN THE SECOND JUDICIAL DISTRICT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

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

Plaintiffs,

v.

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: I****DEFENDANTS' INITIAL APPEARANCE
FEE DISCLOSURE**

Pursuant to N.R.S. Chapter 19, as amended by Senate Bill 106, filing fees are submitted for the party appearing in the above-entitled action as indicated below:

ST. MARY'S REGIONAL MEDICAL CENTER	\$213.00
TAMMY EVANS (erroneously named as Tami Evans)	\$30.00
PREM REDDY, M.D.	\$30.00
TOTAL REMITTED:	\$273.00

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 25th day of March, 2020.

CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE

/s/Heather S. Hall

ROBERT C. McBRIDE, ESQ.
Nevada Bar No.: 7082
HEATHER S. HALL, ESQ.
Nevada Bar No.: 10608
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113
Attorneys for Defendants,
St. Mary's Regional Medical Center,
Tammy Evans (erroneously named as Tami
Evans), & Prem Reddy, M.D.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of March, 2020, I served a true and correct copy of the foregoing **DEFENDANTS' INITIAL APPEARANCE FEE DISCLOSURE** addressed to the following counsel of record at the following address(es):

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

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

/s/ Candace Cullina
An Employee of CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE

Return Of NEF

Recipients

ROBERT MCBRIDE, - Notification received on 2020-03-26 16:20:35.2.
ESQ.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
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A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

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03-26-2020:16:20:02

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Mtn to Dismiss
Initial Appear. Fee Disclosure

Filed By:

Robert C. McBride

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The following people were served electronically:

ROBERT C. MCBRIDE, ESQ. for PREM REDDY,
M.D., TAMI EVANS, ST. MARY'S REGIONAL
MEDICAL CENTER

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

TANZEEL ISLAM, M.D.
MARK MCALLISTER
SRIDEVI CHALLAPALLI

HEATHER S. HALL, ESQ. for PREM REDDY,
M.D., TAMI EVANS, ST. MARY'S REGIONAL
MEDICAL CENTER

MARILOU BROWN

MARILEE BROWN

2315

Edward J. Lemons, Esq.

Nevada Bar No. 699

eij@lge.net

LEMONS, GRUNDY & EISENBERG

6005 Plumas Street

3rd Floor

Reno, Nevada 89519

(775) 786-6868

*Attorneys for Defendant**Mark McAllister, M.D.*

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

-o0o-

MARILEE BROWN, MARILLOU 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,

Defendant.

Case No.: CV20-00422

Dept. No. 1

DEFENDANT MARK McALLISTER, M.D.'s
MOTION TO DISMISS

Defendant, MARK McALLISTER, M.D., by and through his counsel of record,
EDWARD J. LEMONS, ESQ. and LEMONS, GRUNDY & EISENBERG, hereby moves for
an order dismissing Plaintiffs' Complaint because the Complaint is not
accompanied by a medical expert's affidavit and thus fails to comply with
NRS 41A.071.

~ * ~

~ * ~

1 This motion is made pursuant to NRCP 12(b)(5) and NRS 41A.071, and is
2 based upon the attached points and authorities, the Complaint, the papers and
3 pleadings on file in this action, and upon such other matters as the court may
4 consider.

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I. STATEMENT OF FACTS AND SUMMARY OF ARGUMENT**

7 Plaintiffs filed this medical malpractice action on March 3, 2020. The action
8 is based on allegations of medical malpractice/wrongful death related to care and
9 treatment provided to decedent Beverly Morris Brown in December 2018 and
10 February 2019.

11 Although Plaintiffs' Complaint purports to allege a claim for medical
12 malpractice, it is unaccompanied by a medical expert's affidavit, as mandated by
13 NRS 41A.071. and must be dismissed without prejudice and without leave to
14 amend.

15 **I. LEGAL ANALYSIS**

16 **A. DISMISSAL IS MANDATORY BECAUSE THE COMPLAINT DOES NOT** 17 **COMPLY WITH NRS 41A.071**

18 Under Nevada law, a motion to dismiss is the proper procedural vehicle by
19 which to challenge a complaint that fails to satisfy the statutory filing prerequisites
20 in a medical/dental malpractice action. *Washoe Medical Center v. District Court*,
21 122 Nev. 1298, 148 P.3d 790 (2006) (court affirmed dismissal of medical
22 malpractice action without leave to amend where complaint was not filed with a
23 medical expert's affidavit as required by NRS 41A.071). Because Plaintiffs have
24 failed to comply with this mandatory, pre-filing statute, their Complaint must be
25 dismissed without prejudice and without leave to amend.

26 Actions for professional negligence are governed by NRS 41A.071. The
27 statute provides as follows:

28 ~ * ~

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:

1. Supports the allegations contained in the action;
2. 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;
3. Identifies by name, or describes by conduct, each provider of health care who is alleged to be negligent; and
4. Sets forth factually a specific act or acts of alleged negligence separately as to each defendant in simple, concise and direct terms.

NRS 41A.071 (as amended and adopted May 21, 2015).

NRS 41A.071 applies to claims for professional negligence, which 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.”

NRS 41A.015.

The statutory affidavit requirement is absolutely mandatory. *Washoe Medical Center*, 122 Nev. at 1303-04, 148 P.3d at 793. The purpose of this statute is to lower costs, reduce frivolous lawsuits, and to ensure that professional malpractice actions are filed in good faith based upon competent expert opinions. *Washoe Medical Center*, 122 Nev. at 1304, 148 P.3d at 794; *Borger v. District Court*, 120 Nev. 1021, 1023, 102 P.3d 600, 602 (2004); *Zohar v. Zbiegien*, 130 Nev. --, 334 P.3d 402, 405 (2014). A complaint filed without an expert affidavit is void and cannot be amended to cure the dereliction. *Washoe Medical Center*, 122 Nev. at 1304, 148 P.3d at 794.

Here, Plaintiffs have asserted claims of medical malpractice / wrongful death against Dr. McAllister in connection with treatment provided to decedent

1 Beverly Brown. The complaint contains lists of various allegations comprising
2 the medical negligence claim. To the extent that these various listings might be
3 seen as an attempt to state other causes of action, it must be noted that the
4 overall object of the action, and of the Complaint, is medical malpractice and
5 thus requires an expert affidavit. *Szymborski v. Spring Mt. Treatment Ctr.*, 403
6 P.3d 1280 (Nev. 2017).

7 Although the Complaint challenges the rendition of medical care, it is
8 unaccompanied by an expert affidavit which addresses the merits of the
9 purported malpractice claim against Dr. McAllister. Therefore, Plaintiffs'
10 Complaint is void *ab initio* and must be dismissed without prejudice and without
11 leave to amend.

12 III. CONCLUSION

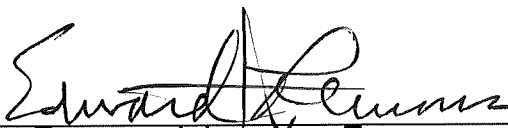
13 NRS 41A.071 requires a medical expert's affidavit "supporting the
14 allegations contained in the action." Here, Plaintiffs' Complaint lacks an expert
15 affidavit. Because the Complaint fails to comply with NRS 41A.071, the law
16 requires that it be dismissed as to Dr. McAllister, without leave to amend.

17 AFFIRMATION

18 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the
19 preceding document DOES NOT contain the Social Security Number of any
20 person.

21 DATED this 3rd day of April, 2020.

22 LEMONS, GRUNDY & EISENBERG
23 Attorneys for Defendant
24 Mark McAllister, M.D.

25
26 BY: 
27 EDWARD J. LEMONS, ESQ.
28 Nevada Bar No. 699

CERTIFICATE OF SERVICE

I am a citizen of the United States. My business address is 6005 Plumas Street, Suite 300, Reno, NV 89519, and I am employed by LEMONS, GRUNDY & EISENBERG in the City of Reno and County of Washoe where this service occurs. I am over the age of 18 years and not a party to the within action. I am readily familiar with my employer's normal business practice for collection and processing of U.S. Mail and that practice is that mail is deposited with the U.S. Postal Service the same day and the day of collection in the ordinary course of business.

On April 03, 2020, I caused to be served to the addressee(s) listed below, a true copy of the foregoing document(s) and described as ***Defendant Mark McAllister's Motion to Dismiss.***

☒ **BY MAIL:** in an envelope with postage thereon fully prepaid to be placed in the U.S. Mail at Reno, Nevada;

Marilee Brown
Marilou Brown
45 Nives Court
Sparks, Nevada 89441

☐ **BY PERSONAL SERVICE:** in an envelope to be hand delivered this date;

☐ **BY OVERNIGHT DELIVERY:** in an envelope to be delivered to an overnight delivery carrier with delivery fees provided for;

☐ **BY FACSIMILE:** by transmitting by facsimile to the respective fax telephone phone number(s).

☒ **BY USING THE COURT'S EFS** which electronically served the following:

Robert C. McBride, Esq.
Heather S. Hall, Esq.
Carroll, Kelly, Trotter, Franzen
& McBride
8329 W. Sunset Road
Suite 260
Las Vegas, Nevada 89113

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



Return Of NEF

Recipients

EDWARD LEMONS, ESQ. - Notification received on 2020-04-03 15:00:43.286.
ROBERT MCBRIDE, ESQ. - Notification received on 2020-04-03 15:00:43.66.

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A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

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Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Mtn to Dismiss

Filed By:

Edward J. Lemons

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The following people were served electronically:

EDWARD J. LEMONS, ESQ. for MARK
MCALLISTER

ROBERT C. MCBRIDE, ESQ. for PREM REDDY,
M.D., ST. MARY'S REGIONAL MEDICAL
CENTER, TAMI EVANS

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

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SRIDEVI CHALLAPALLI

HEATHER S. HALL, ESQ. for PREM REDDY,
M.D., ST. MARY'S REGIONAL MEDICAL
CENTER, TAMI EVANS

MARILOU BROWN

MARILEE BROWN

ORIGINAL

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

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, in Proper Person

Case No: CV20-00422
Dept No: 1

VS

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

**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 LAINTIFF DOCUMENTATION SUBMITTED SEPARATELY)**

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

INTRODUCTION

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

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

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

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

STATEMENT OF FACTS and LEGAL ARGUMENT / OPPOSITION REFUTES

General and Direct Refutes of Defendants' Motions to Dismiss

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

1a/1B. It is also noted under NRS 41A.097 (2) an action can be *tolled* because Defendant St Mary's Regional Medical Center did clearly attempt to conceal, omit, etc almost all of the detailed factual allegations stated to same Defendant in January 2020 after a year of same Defendant refusing to communicate with 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'

Refuting facts presented herein, below.

7. 1a/C. Defendants Counsel for Defendant St Mary's Regional Medical Center in BAD FAITH and Malice
 8. falsely stated the Court must dismiss all of Plaintiffs claims because under NRS 41A.071 stated shall dismiss
 9. Plaintiffs' claims (only medical claims per NV Supreme Court). REFUTE: The fact is the Court has judicial
 10. discretion on its interpretation of how he/she interprets shall – affirming the Court in its own discretion is
 11. NOT required to dismiss Plaintiffs action even [&] only this law was used, which it was not:

11. RE "Shall":

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

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

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

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

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

19. - Attorneys MISUSE shall (as Defendant did) to only means obligation, which has **no meaning**; *shall* breeds
 20. litigation and

no one uses it (Joe Kimble, Thomas Cooley law school)

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

22. - Judicial Discretion of shall – may be construed as imperative but also construed as permissive or
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;
20. While Plaintiff Marilou Brown has had over four and ½ (4 ½) years of Federal law enforcement experience and
21. Plaintiff Marilee Brown has had over twenty one (21) years of Federal law enforcement experience and thirty (30)
22. years of varied law experience related to evidentiary assimilation / acquisition and analysis of same writing legal
23. briefs for varied Court processes – Federal, State, Administrative in varied fields of law for the presentation to
24. counsel and judges alike, including this medically nexused case; All nexused to their Direct witnessing of the
events that transpired as addressed in their Civil Action Complaint; experience in detailed care of their parents for
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
 by Defendants as detailed in Plaintiffs' Civil Action Complaint.

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

15. 1i. The factual allegations of Plaintiffs Complaint does not merit any medical expert Affidavit to support the
 16. clear reach of Duty, Simple, Ordinary and Gross Non-Medical negligence that led to the demise within two
 17. and one half (2 and ½) months of being in the hands of medical experts, when te Plaintiffs through their own
 18. education, experience and medical contacts were directly involved in the medical case and thorough
 maintenance/contacts with medical personnel for the last twenty (20) years that resulted in Beverly M.
 Brown successfully enduring her progressive chronic cardiovascular disease.

19. 1j. Of note, legal malpractice and veterinary malpractice disparately do not require expert Affidavits to
 20. support said cases. Again, it is clear the lobbyist for medical field has resulted in Disparate favoritism for
 21. denying righteous medical malpractice issues on the guise of eliminating frivolous tort claims – which this
 22. case clearly is not as specified by the Plaintiffs' Factual Allegations therein.

23. 1k. Plaintiffs have clearly supported in their Factual Allegations of their Complaint via Directly Stated,
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.

23. 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

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

Note: On 3/3/2020, St Mary's Nurse Risk Mgmt Response was 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 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; 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: 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 corona virus Pandemic; and March 17, 2020 – while Plaintiffs waited to serve Defendant - it was noted and addressed that poor judgment by Defendants was used to screen persons coming to the hospital by mandating congregation of many persons in a small room that contributed to corona virus jeopardy to same, including Plaintiffs and their process server; And*

(5) Failed to Timely FAX vital medical documentation to Renown from March 3-5, 2019 (Complaint 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)"*

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

26, 4c/3. However, the Court's have the discretion to allow for Plaintiffs to provide for any medical expert
 27, Affidavit in support of asserted medical malpractice claims, contrary to Defendant's assertion otherwise.

28, * See No 1 above and definitions of "shall"

29, 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
 5. server; And

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

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

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

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

- 18. - Addition of: Age/Other Discrimination law violations by Defendant against Plaintiffs (RE: Beverly M.
 19. Brown) as specified by Defendants' verbiage of Age/other and DNR noted in Plaintiffs' factual
 20. allegations of their Complaint;
- 21. - Addition of Gregory J. Brown as Plaintiff (*documentation for same supplied separately, as noted*)
- 22. - Court's Review of this Opposition as Clarification, Correction, Amendment, ETC in support of Plaintiffs'
 factual allegations addressed in their Complaint – with request to further clarify/correct/amend laws,
 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

CONCLUSION:

7a. When the Court Reviews Plaintiffs' Civil Action Complaint, along with the Meritous Refuting Arguments of this Opposition - containing Corrections, Additions, Clarifications, Amendments, Time to Seek medical expert Affidavit Request (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 above). valid Refuting Arguments ETC – All in its Totale, it is clearly supported that Plaintiffs have meritous, Non-medical claims (*simply nexused to Defendant medical establishment – such as protocol, lack of communication, Age/Other Discrimination/elderly neglect/abuses, Decisions jeopardizing patient/others' health and safety such as placed with infected patients, Failure to timely fax vital medical documents, Etc*), along with clear medical nexus claims (with Time Request for Plaintiffs' to Seek medical expert Affidavit if needed (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 above), that Validate their Civil Action to Continue (All of which are likewise subject to Medical Board Review, Media attention, U.S. Department of Health and Human Resource Reviews, ETC in addition to this Legal Nexus), On Behalf Of and For the Voice of other chronically ill, elderly patients who need Proper Care from Medical Establishments.

7b. Note: On 3/3/2020, St Mary's Nurse Risk Mgmt Written Response was 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 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 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.

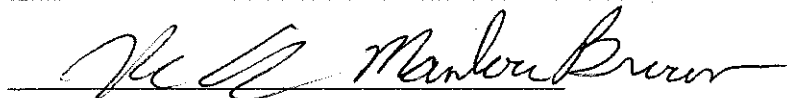
7f. Again, It is noted however for the Courts to Consider in this matter that the Courts State:

"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)"



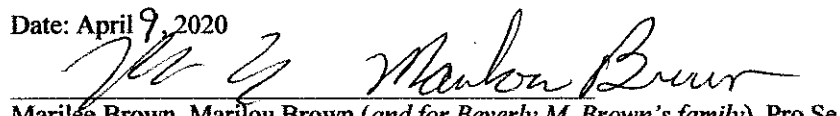
Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
Gregory J. Brown
45 Nives Court
Sparks, NV 89441
Telephone: (775) 425-4216
Date: April 9, 2020

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

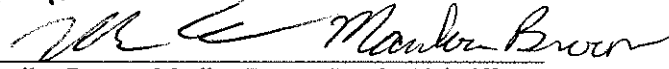


Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
Gregory J. Brown
Nives Court
Sparks, NV 89441
Telephone: (775) 425-4216

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**
(RETURN SERVICE OF SUMMONS AND ADDITIONAL PLAINTIFF DOCUMENTS SUBMITTED
SEPARATELY) was served via regular mail and in person by Plaintiffs to Defendants' Counsels on
 April 9, 2020

4. 
 5. Marilee Brown, Marilou Brown, Pro Se Plaintiffs
 Gregory J. Brown
 Nives Court
 Sparks, NV 89441
 775-425-4216
 Date: April 9, 2020

Attachments

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

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

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

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

Attachment

FILED
Electronically
CV20-00422
2020-04-13 11:57:25 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 7831867 : yvilorla

Attachment 1

25/32

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

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

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

7.
 8. VS Case No: CV20-00422
 Dept No: *3-16-2020*
 9. 1 - St. Mary's Regional Medical Center: *CEO Tiffany Coury* (Director Medical Services / Risk Mgmt;
 Prem Reddy, MD - (Prime HealthCare)
 10. 2 - Tanzeel Islam, MD (St. Mary's Hospitalist)
 3 - Mark McAllister, MD (St. Mary's Interventional Radiologist)
 11. 4 - Sridevi Challapalli, MD (St. Mary's Cardiologist),
 5 - DOES I through X inclusive; ROES Businesses I through X inclusive

Defendants,


12. **NOTICE TO THE AFOREMENTIONED DEFENDANTS, RE CIVIL COMPLAINT ADJUDICATION**

13. 1. Plaintiffs in this matter are willing to meet and adjudicate their grievances individually or collectively
 14. with the aforementioned Defendants during or after the twenty-one (21) day period for Defendants' answer.
 15. 2. Plaintiffs seek minimal financial compensation pursuant to the Prayer of Relief noted in their Complaint (*excerpt*
 16. *below*), with primary focus on resolving individual, hospital or collective medical negligent actions, protocols, etc
 17. that impact chronically ill patients such as Plaintiffs' mother, Beverly M. Morris; as well as other patients in
 18. the Defendants' care (*See excerpt below*).
 19. 3. If Resolution is successful between Plaintiffs and Defendants, individually or collectively during or
 20. after the twenty-one (21) day period for Defendants' answer, the Court will be informed and this case will be
 21. dismissed as successfully adjudicated.
 22. 4. Plaintiffs are exempt from Electronical Filing and can be reached at the telephone number and address noted above
 23. and below, with detailed voicemail allowed.
 24. 5. **This document was filed with the Court along with Return Service of Summons/Complaint**
 25. **served on Defendants.**

24. **Excerpt - PRAYER FOR RELIEF**

25. Wherefore Plaintiffs Pray for the Following Relief:

26. 1. An Award of actual, future, and any other financial damages, legal costs, medical costs, costs representing
 27. attorney or self-acquired Fees, legal expenses, disbursement fees and equivalent effort income lost etc, all in
 28. sums may be exceeding \$10,000.00 in amount;

1. 2. An Award of compensatory and any other financial damages, etc., all in sums exceeding \$10,000.00 in
2. amount;
3. 3. An Award of emotional and any other financial damages, etc all in sums exceeding \$10,000.00 in amount;
3. 4. An Award of Damages representing Plaintiffs and their family's loss of their Mother by **Wrongful Suffering**
4. 5. and **Death caused by Defendants' Negligent Medical Malpractice Actions**, Et seq/Other, as afforded by the
5. 6. aforementioned/other Statutes,
6. 7. **With All the Aforementioned Directly Contributing to the Wrongful Suffering and Death of this patient**
7. 8. **who had Chronic Medical conditions but the Negligence of Defendants caused the Unnecessary Suffering**
8. 9. **and Terminal Medical Condition of this patient, Leading to Patient Beverly M. Brown's deteriorating**
9. 10. **medical condition, suffering and preliminary Death on March 5, 2019; And Anguish to her family.**
10. 11. 6. An Award to facilitate Hospital and Health Care Providers accountability and education for improving
11. 12. the quality of care and reduction of medical mistakes by their accredited bodies; To improve the
12. 13. communication between providers and patients/patients' families, patients physicians/specialists etc, so as to
13. 14. ensure the improvement of quality care, healthcare Improvement and less unnecessary preventable Medical Medicinal,
14. 15. Judgment mistakes/ error that lead to the deteriorating medical condition, suffering and preventable death of patients
15. 16. as what happened in this case; etc
16. 17. 7. Any other equitable and further relief as Deemed and Proper and agreed to by the Parties..
17. 18. Plaintiffs are agreeable to Mediation and Arbitration with Defendants.
18. 19. Date: March 17, 2020

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




V2. 73

Attachment 2

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2020-04-13 11:57:25 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 7831867 : yvitoria

Attachment 2

28/V2.73

January 23, 2020

Charles Brown
45 Nives Court
Sparks, Nevada 89441

RE: Beverly Brown

Dear Mr. Brown:

We have received concerns expressed by Marilee regarding your wife's hospital visits in December 2018 and February 2019. Both Saint Mary's Administration and Saint Mary's Medical Staff take all patient and family reports, complaints or concerns very seriously. We conduct thorough investigations and take proper action when indicated. Patient safety and providing the highest quality of care is our priority. We appreciate you taking time to provide information and share your concerns with Saint Mary's.

The leadership of the involved department(s) will complete an investigation and get back to you within the next 45 days regarding the issues you expressed.

If you have any questions concerning this matter, please feel free to contact me at (775) 770-3228.

Sincerely,



Kathy Millard
Coordinator
Risk Management Department

V2. 75

Attachment 3

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2020-04-13 11:57:25 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 7831867 : yvitoria

Attachment 3

30/2375

March 3, 2020

Charles Brown
45 Nives Court
Sparks, Nevada 89441

RE: Beverly Brown

Dear Mr. Brown:

I am writing in response to concerns Marilee expressed regarding your wife's hospitalizations at Saint Mary's Regional Medical Center between December 12, 2018 to December 14, 2018 and February 20, 2019 to February 28, 2019. Please accept my sincerest condolence for your loss. Saint Mary's strives to meet or exceed our customer's expectations, and we appreciate knowing when those expectations have not been met.

On March 3, 2020 a full inquiry into your concerns was completed. Upon my investigative research, which included a review of your wife's medical records, staff interviews and other processes, I have concluded the information provided has assisted in identifying opportunities for patient care improvement in Neuro Telemetry, as well as in other areas of the hospital.

I reviewed the concern that your wife's medications were changed during her two hospitalizations. During the December hospitalization, your wife's Eliquis was held to allow for a thoracentesis to drain the fluid accumulating around her lungs. During this time, she was placed on Lovenox, which is a shorter acting blood thinner. This allowed for invasive procedures, while still providing protection from clots. After reviewing the medical record. It appears that your wife's cardiologist decreased her Eliquis dose after her December admission, but before her February admission. The hospitalist continued this new dosage both during the admission and upon discharge. I am working with the nursing staff to ensure that patients are educated about any changes to their medications during hospitalization.

I also reviewed the concern that your wife's lung was punctured during a radiology procedure. Your wife underwent a thoracentesis during both of her admissions. In February, she developed a small vacuum pneumothorax on her right side after her thoracentesis. This is one of the possible risks associated with this procedure. The pneumothorax resolved without any further intervention. I am working with the staff to ensure patients and families are kept informed of their plan of care and that all questions are fully answered.

I reviewed the concern regarding the palliative care team. Palliative care works in conjunction with active medical treatment for many disease processes to provide symptom relief. This differs from Hospice care, which provides pain relief during the final six months of life in patients with a

Saint Mary's Regional Medical Center | 235 W. Sixth Street, Reno, NV 89503 | www.saintmarysreno.com

Member of Prime Healthcare

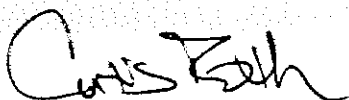
V2.77

terminal disease. I apologize that this distinction was not better clarified, and I am working with the palliative staff to ensure that patients and families are informed of the reason for palliative care.

Our goals are to ensure that all patient concerns are identified and corrected prior to discharge; and that any negative patient experiences do not occur in the future.

Please feel free to contact me if you have additional concerns, or if you do not feel that your concerns have been addressed to your satisfaction, you may contact Administration via Lisa Pistone at 775-770-6399. Your input is very much valued and appreciated.

Sincerely,



Curtis Roth, MSN, RN
Director of Nursing-Neuro Telemetry



Lisa Pistone RN
Director of Cardiovascular Services and
Interim Director of Risk Management

SEMENT
Mary's Regional
al Center

235 West Sixth Street
Reno, NV 89503

Hasler
1350000
US 775 770 6399 \$000.46

CHARLES BROWN
45 NIVES CT
SPARKS, NV 89441

2/2
Attachment 3

32/V2.77
32

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

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2020-04-13 11:57:25 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 7831867 : yvilorla

ORIGINAL

CODE: 3860

NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)

BAR NUMBER: N/A (Pro Se litigants)

ADDRESS: 45 Nives Court
Sparks, NV 89441

TELEPHONE: (775) 425-4216

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, in Proper Person

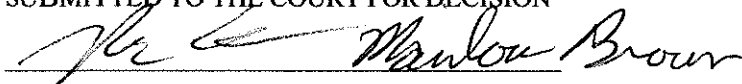
Case No: CV20-00422
Dept No: 1

VS

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

REQUEST FOR SUBMISSION

PLAINTIFFS' REQUEST THAT THEIR 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 ADDITONAL PLAINTIFF DOCUMENTATION SUBMITTED SEPARATELY) BE
SUBMITTED TO THE COURT FOR DECISION



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

The undersigned do hereby affirm that the preceding document, PLAINTIFFS' REQUEST FOR SUBMISSION

1 OF THEIR OPPOSITION TO DEFENDANTS' MOTION TO DISMISS - TO INCLUDE

2 AMENDMENT/CLARIFICATION OF THEIR TO CIVIL COMPLAINT WITH ADDITIONAL LAWS,

3 CORRECTIONS, CLARIFICATION, ET AL AS SPECIFIED IN THEIR CIVIL COMPLAINT; AND

4 AMENDMENT REQUEST HERE TO INCLUDE ADDITIONAL PLAINTIFF (RETURN SERVICE OF

5 SUMMONS AND ADDITIONAL PLAINTIFF DOCUMENTATION SUBMITTED SEPARATELY), filed in this

6 matter does not contain the Social Security Number of any person.

7 10. Date: April 9, 2020

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

9 . Gregory J. Brown

45 Nives Court

10 Sparks, NV 89441

Telephone: (775) 425-4216

11 CERTIFICATE OF SERVICE

12 The undersigned do hereby affirm that PLAINTIFFS' REQUEST FOR SUBMISSION OF THEIR
 13 OPPOSITION TO DEFENDANTS' MOTION TO DISMISS - TO INCLUDE
 14 AMENDMENT/CLARIFICATION OF THEIR TO CIVIL COMPLAINT WITH ADDITIONAL LAWS,
 15 CORRECTIONS, CLARIFICATION, ET AL AS SPECIFIED IN THEIR CIVIL COMPLAINT; AND
 16 AMENDMENT REQUEST HERE TO INCLUDE ADDITIONAL PLAINTIFF (RETURN SERVICE OF
 17 SUMMONS AND ADDITIONAL PLAINTIFF DOCUMENTATION SUBMITTED SEPARATELY) was served
 18 via regular mail and in person by Plaintiffs to Defendants' Counsels on April , 2020

19 Marilee Brown, Marilou Brown, Pro Se Plaintiffs

Gregory J. Brown

45 Nives Court

20 Sparks, NV 89441

21 775-425-4216

Date: April 9, 2020

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
27. assistant "Cheryl" (LNU) at the emergency entrance of St. Mary's hospital at 235 West 6th Street,
28. 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.

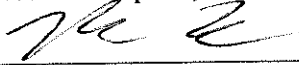
16. Date: April 9, 2020

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)

Attachment 1

FILED
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CV20-00422
2020-04-13 11:57:25 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 7831867 : yvilorla

Attachment 1

Pg 3/8

1
2
3
4
5
6

7. State of Nevada)

8.) SS

9. County of Washoe)

10. I being first duly sworn, is not a party to this action, is over 18 years of age and say:

11. Within the time frame designated for service, Affiant ^{Gary K. Orr} on behalf of Plaintiffs Marilee

Brown, Marilou Brown – and for Beverly M. Brown's family, personally served upon Defendants at their

last known address, Parties and Address noted below in Reno, Nevada, a copy of the within Summons and Complaint/Petition addressed as follows:

Settlement Notice

Parties Served:

- Ti County County (Tamm)*
1. St. Mary's Regional Medical Center - *Tami Evans*, Director of Medical Services/Risk Mgmt. (Prime HealthCare – 3480 E. Guasti Road, Ontario, CA 91761; 909-235-4400)
 2. Mark McAllister, MD (St Mary's Interventional Radiologist)
 3. Tanzeel Islam, MD (St. Mary's Hospitalist)
 4. Sridevi CHALLAPALLI, MD (St. Mary's Cardiologist)
- 5. DOES / DOES 1-X inclusive - pending*

At:

St. Mary's Regional Medical Center
Risk Management and Legal Department
235 West 6th Street

Reno, NV 89503 (Tele: 775-770-3228/3210; 775-770-3745) And

cc (Prime HealthCare @ 3480 E. Guasti Road, Ontario, CA 91761(909-235-4400)

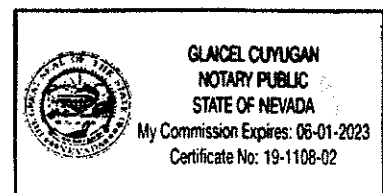
For *Marilee Brown*
Marilee Brown, Marilou Brown, Pro Se Plaintiffs
45 Nives Court
Sparks, NV 89441
775-425-4216
Date: February , 2020

16. Signature of Person who will deliver/serve the document:

(for Plaintiffs Marilee Brown, Marilou Brown – and for Beverly M. Brown's family)

17. Subscribed and Sworn to me on this *17th* day of *March*, 2020

18. Notary Public



Code: 4085

IN THE FAMILY DIVISION OF THE
OF 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)
Plaintiff / Petitioner / Joint Petitioner,

Case No. CV 20-00422

VS. Ogman's Regional Medical Center - Terry Evans, MD
Mark McAllister, MD - Tanzeel Islam, MD
U Sridevi Challepalli, MD @ DOES 1-X
inclusive and ROES Business 1-X, inclusive
Defendant / Respondent / Joint Petitioner.

Dept. No. 4

SUMMONS

TO THE DEFENDANT: YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND IN WRITING WITHIN 21 DAYS. READ THE INFORMATION BELOW VERY CAREFULLY.

A civil complaint or petition has been filed by the plaintiff(s) against you for the relief as set forth in that document (see complaint or petition). When service is by publication, add a brief statement of the object of the action.

The object of this action is: medical malpractice, Negligence

1. If you intend to defend this lawsuit, you must do the following within 21 days after service of this summons, exclusive of the day of service:
 - a. File with the Clerk of the Court, whose address is shown below, a **formal written answer** to the complaint or petition, along with the appropriate filing fees, in accordance with the rules of the Court, and;
 - b. Serve a copy of your answer upon the attorney or plaintiff(s) whose name and address is shown below.
2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint or petition.

Dated this 3rd day of March, 20 20

Issued on behalf of Plaintiff(s):

(for Beverly M Brown's family)

Name: Marilee Brown, Marilou Brown

Address: 45 Nives Ct

SPARKS, NV 89441

Phone Number: 775-425-4216

Email: -NA-

* Exempt From Electronic Filing

JACQUELINE BRYANT

JACQUELINE BRYANT

CLERK OF THE COURT

By: [Signature]

Deputy Clerk

Second Judicial District Court

Second Judicial District Court

75 Court Street

Reno, Nevada 89501

Reno, Nevada 89501

1. ORIGINAL

2 CODE: 3860
NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)
3. BAR NUMBER: N/A (Pro Se litigants)
ADDRESS: 45 Nives Court, Sparks, NV 89441
4. TELEPHONE: (775) 425-4216
5.

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


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

8. Case No: CV20-00422
9. VS Dept No: 1

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

13. **REQUEST FOR SUBMISSION**

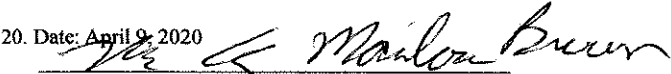
14. The undersigned request that their **AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS SUMMONS** BE SUBMITTED TO THE COURT FOR DECISION


15. Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*), Pro Se
Gregory J. Brown
16. 45 Nives Court, Sparks, NV 89441
17. Telephone: (775) 425-4216
Date: April 9, 2020

AFFIRMATION Pursuant to NRS 239B.030

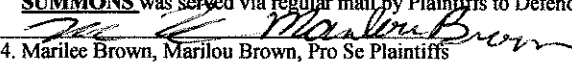
18. The undersigned do hereby affirm that the preceding document, **AMENDMENT TO CIVIL COMPLAINT / RETURN**

19. **SERVICE OF SUMMONS** filed in this matter does not contain the 20. Social Security Number of any person.

20. Date: April 9, 2020

21. Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*), Pro Se
Gregory J. Brown
22. 45 Nives Court, Sparks, NV 89441
Telephone: (775) 425-4216

1. **CERTIFICATE OF SERVICE**

2. The undersigned do hereby affirm that Plaintiffs' **AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS** was served via regular mail by Plaintiffs to Defendants' Counsels on April 9, 2020


4. Marilee Brown, Marilou Brown, Pro Se Plaintiffs
Gregory J. Brown
5 Nives Court, Sparks, NV 89441
6. 775-425-4216
Date: April 9, 2020

111

Return Of NEF

Recipients

EDWARD LEMONS, - Notification received on 2020-04-13 12:39:59.65.
ESQ.

ROBERT MCBRIDE, - Notification received on 2020-04-13 12:39:59.666.
ESQ.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

04-13-2020:11:57:25

Clerk Accepted:

04-13-2020:12:38:41

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Opposition to Mtn

- **Continuation
- **Continuation
- **Continuation

Request for Submission

Amended Complaint

- **Continuation

Request for Submission

Filed By:

Deputy Clerk KJones

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

EDWARD J. LEMONS, ESQ. for MARK
MCALLISTER

ROBERT C. MCBRIDE, ESQ. for ST. MARY'S
REGIONAL MEDICAL CENTER, TAMI EVANS,
PREM REDDY, M.D.

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

TANZEEL ISLAM, M.D.

TIFFANY COURY, CEO

SRIDEVI CHALLAPALLI

MARILOU BROWN

HEATHER S. HALL, ESQ. for ST. MARY'S
REGIONAL MEDICAL CENTER, TAMI EVANS,
PREM REDDY, M.D.

MARILEE BROWN

1 **2610**

2 Edward J. Lemons, Esq., Bar No. 699
3 Alice Campos Mercado, Esq., Bar No. 4555
4 **Lemons, Grundy & Eisenberg**
5 6005 Plumas Street, Third Floor
6 Reno, Nevada 89519
7 (775) 786-6868; (775) 786-9716
8 ejl@lge.net; acm@lge.net

9 *Attorneys for Defendant*
10 *Mark McAllister, M.D.*

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE
-o0o-

11 **MARILEE BROWN, MARILOU BROWN**
12 (FOR BEVERLY M. BROWN'S FAMILY),

13 Plaintiffs,

14 vs.

15 **ST. MARY'S REGIONAL MEDICAL CENTER;**
16 **TAMI EVANS; PREM REDDY, M.D.;**
17 **MARK McALLISTER, M.D.; TANZEEL ISLAM, M.D.;**
18 DOES I THROUGH X, INCLUSIVE;
19 ROES BUSINESSES I THROUGH X INCLUSIVE,

20 Defendant.

Case No.: CV20-00422

Dept. No. 1

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NOTICE OF ASSOCIATION OF COUNSEL ON BEHALF OF
DEFENDANT MARK McALLISTER, M.D.

PLEASE TAKE NOTICE that Alice Campos Mercado of Lemons, Grundy & Eisenberg has associated with Edward J. Lemons of Lemons, Grundy & Eisenberg as counsel for Defendant, MARK McALLISTER, M.D., in the above-entitled matter, and are counsel of record for said defendant.

///

///

///

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document DOES NOT contain the Social Security Number of any person.

DATED this 16th day of April, 2020.

LEMONS, GRUNDY & EISENBERG
Attorneys for Defendant
Mark McAllister, M.D.

By: 

EDWARD J. LEMONS, ESQ.
ALICE CAMPOS MERCADO, ESQ.

CERTIFICATE OF SERVICE

I am a citizen of the United States. My business address is 6005 Plumas Street, Suite 300, Reno, NV 89519, and I am employed by LEMONS, GRUNDY & EISENBERG in the City of Reno and County of Washoe where this service occurs. I am over the age of 18 years and not a party to the within action. I am readily familiar with my employer's normal business practice for collection and processing of U.S. Mail and that practice is that mail is deposited with the U.S. Postal Service the same day and the day of collection in the ordinary course of business.

On April 16, 2020, I caused to be served to the addressee(s) listed below, a true copy of the foregoing document(s) and described as **Notice of Association of Counsel on behalf of Defendant Mark McAllister, M.D.**

☒ **BY MAIL:** in an envelope with postage thereon fully prepaid to be placed in the U.S. Mail at Reno, Nevada;

Marilee Brown
Marilou Brown
45 Nives Court
Sparks, Nevada 89441

☐ **BY PERSONAL SERVICE:** in an envelope to be hand delivered this date;

☐ **BY OVERNIGHT DELIVERY:** in an envelope to be delivered to an overnight delivery carrier with delivery fees provided for;

☐ **BY FACSIMILE:** by transmitting by facsimile to the respective fax telephone phone number(s).

☒ **BY USING THE COURT'S EFS** which electronically served the following:

Robert C. McBride, Esq.
Heather S. Hall, Esq.
Carroll, Kelly, Trotter, Franzen
& McBride
8329 W. Sunset Road
Suite 260
Las Vegas, Nevada 89113

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



1 **3795**

2 Edward J. Lemons, Esq., Bar No. 699
3 Alice Campos Mercado, Esq., Bar No. 4555
4 **LEMONS, GRUNDY & EISENBERG**
5 6005 Plumas Street, Third Floor
6 Reno, Nevada 89519
7 (775) 786-6868; (775) 786-9716
8 ejl@lge.net; acm@lge.net

9 *Attorneys for Defendant*
10 *Mark McAllister, M.D.*

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

-o0o-

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,

Defendant.

Case No.: CV20-00422

Dept. No. 1

REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANT
MARK McALLISTER, M.D.'S MOTION TO DISMISS

Defendant, MARK McALLISTER, M.D., by and through his counsel, LEMONS, GRUNDY & EISENBERG, submits the following points and authorities in reply to *Plaintiffs' Opposition to Defendants' Motion to Dismiss, etc.*, filed April 13, 2020. Plaintiff's opposition appears to be responding to Dr. McAllister's Motion to Dismiss and to the Motion to Dismiss filed on behalf of defendants St. Mary's Regional Medical Center, Tammy Evans and Prem Reddy, M.D., on March 26, 2020. This reply will respond to those arguments that appear to be directed, or are pertinent, to Dr. McAllister.

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS AND SUMMARY OF ARGUMENT

Dr. McAllister moved to dismiss this medical malpractice action due to plaintiffs' non-compliance with NRS 41A.071. In his motion, Dr. McAllister showed that an expert affidavit did not accompany the complaint, which is premised upon allegations of medical malpractice/wrongful death related to care and treatment provided to decedent Beverly Morris Brown in December 2018 and February 2019.

In response, plaintiffs, who are not represented by counsel, submitted a 24-page opposition (exclusive of exhibits), in which they purport to join a request for "Amendment/Clarification to Their Civil Complaint." Plaintiffs have also filed an "Amendment to Civil Complaint" (which was prematurely submitted for decision) purportedly to add another plaintiff and to replace a defendant (Evans).¹

Plaintiffs' opposition does not refute that a medical expert affidavit is not included with the complaint. Indeed, they acknowledge that they cannot secure a medical expert and ask the court to extend the time for them to secure a medical expert. *Opp'n*, p. 5. Plaintiffs also seek to circumvent NRS 41A.071 altogether by requesting to amend the complaint to add non-medical claims – none of which are directed to Dr. McAllister. See, e.g., *Opp'n*, pp. 9:5-17; 10:3. In fact, plaintiffs' lengthy opposition does not even mention Dr. McAllister. Significantly, neither of plaintiffs' requests is contemplated or permitted by Nevada law, which does not permit amendment of a complaint for professional negligence that has been filed without an expert affidavit, as will be discussed below.

In the entirety of their opposition, plaintiffs do not demonstrate that they have complied with NRS 41A.071 or that they are excused from doing so as to Dr. McAllister. Instead, they argue the merits of their claim and ask the Court for relief that is not permitted under Nevada law. Despite the prolix nature of their opposition, it is devoid of any facts or law that allow this action to proceed as against Dr. McAllister.

¹ Defendant objects to the joining of plaintiffs' request to amend the complaint with the opposition to motion to dismiss on grounds that it violates WDCR 10(3). The requested amendment is also prohibited by case law, as will be discussed in this reply.

1 II. LEGAL ANALYSIS

2 A. DISMISSAL IS MANDATORY BECAUSE THE COMPLAINT DOES NOT COMPLY WITH
3 NRS 41A.071

4 Plaintiffs first attempt to circumvent NRS 41A.071 by arguing that the word "shall"
5 in NRS 41A.071 is not mandatory but permissive. *Opp'n*, p. 3. Plaintiffs are mistaken.
6 Acceptance of plaintiffs' interpretation would not only thwart the purpose of the statute,
7 it would render NRS 41A.071 completely meaningless. Courts will "avoid construing
8 statutes so that any provision or clause is rendered meaningless." *Peck v. Zipf*, 133 Nev.
9 890, 895, 407 P.3d 775, 779 (2017), citing *In re Estate of Thomas*, 116 Nev. 492, 495,
10 998 P.2d 560, 562 (2000).

11 Moreover, plaintiffs' argument is contrary to established Nevada law.
12 NRS 41A.071 plainly states that the district court *shall* dismiss the action, without
13 prejudice, if the action is filed without an affidavit. That the language is mandatory is
14 reflected in *Washoe Medical Center v. District Court*, 122 Nev. 1298, 148 P.3d 790
15 (2006) and its progeny, which hold that a complaint filed without an expert affidavit is
16 void, meaning it is without force or effect, and cannot be amended to cure the dereliction.
17 *Id.*, 122 Nev. at 1304, 148 P.3d at 794.

18 Next, plaintiffs seek to avoid the mandates of the statute by contending that their
19 proper person pleadings must be held to a less stringent standard. *Opp'n*, p. 11:1-2.
20 While that principle is generally true, the mere fact that a medical malpractice plaintiff is
21 unrepresented does not excuse her compliance with NRS 41A.071. Absent a legally
22 recognized exception, none of which apply here, NRS 41A.071 applies with equal force
23 to *pro se* indigent litigants. See *Peck*, 133 Nev. at 896-97, 407 P.3d at 781-82 (court
24 affirmed dismissal of *pro se* plaintiff's malpractice complaint for failure to comply with
25 NRS 41A.071).

26 Plaintiffs next attempt to circumvent the requirements of NRS 41A.071 by
27 seemingly asserting that they have non-medical claims that should not be dismissed.
28 *Opp'n*, p. 5. This assertion is not correct, especially as to Dr. McAllister. A review of

1 plaintiffs' lengthy complaint reflects that their claims against Dr. McAllister – an
2 interventional radiologist – are based solely on the medical treatment he rendered to
3 plaintiffs' decedent. Their allegation is that the "Interventionalist Radiologist's aspiration
4 error should NOT have BEEN DONE ..." See *Complaint (filed 3/3/20)*, p. 2, line 25-26;
5 p. 9, ¶10 and p. 12, ¶16. It is also evident from the complaint that plaintiffs' claims,
6 including the wrongful death claim, are attributed to "negligent, malpractice errors
7 caused by defendants." *Complaint*, p. 10, ¶8.

8 These allegations are at the heart of a medical malpractice/professional
9 negligence claim because whether Dr. McAllister committed an "aspiration error" or any
10 other "malpractice errors" requires expert testimony regarding whether there was an
11 error and whether it constituted a breach of the standard of care. Stated differently,
12 plaintiffs' allegation against Dr. McAllister is that he was negligent (*i.e.*, fell below the
13 standard of care) in his treatment as an interventional radiologist. In order to establish
14 that Dr. McAllister's treatment as an interventional radiologist breached the standard of
15 care plaintiffs need an expert opinion to that effect. See NRS 41A.100(1); *see also Orcutt*
16 *v. Miller*, 95 Nev. 408, 411-412, 595 P.2d 1191, 1193 (1979) (the standard of care of a
17 physician, and the breach thereof, are essential elements of a professional negligence
18 claim).

19 In short, plaintiffs must prove that Dr. McAllister's treatment fell below the
20 standard of care and caused plaintiff's injuries. See *Prabhu v. Levine*, 112 Nev. 1538,
21 1543, 930 P.2d 103, 107 (1996); *see also* NRS 41A.100(1). In the absence of specific
22 exceptions not applicable here, expert medical testimony is a threshold requirement to
23 assert a claim alleging breach of the standard of care and causation in a medical
24 malpractice action. NRS 41A.071; NRS 41A.100(1). Plaintiffs' allegations against Dr.
25 McAllister demonstrate that plaintiffs were required to have expert support for their
26 allegation against Dr. McAllister. They admittedly lack that expert opinion, which is
27 mandated by NRS 41A.071 in order to file the action. Thus, dismissal of this action as
28 to Dr. McAllister is mandated by law, without prejudice and without leave to amend.

**B. PLAINTIFFS CANNOT CURE THE DEFICIENCY IN THE COMPLAINT BY AMENDING
THE COMPLAINT TO ADD AN EXPERT AFFIDAVIT AND/OR NON-MEDICAL CLAIMS**

In an apparent attempt to circumvent NRS 41A.071, plaintiffs purport to request permission to amend the complaint to assert non-medical claims (simple negligence, discrimination, lack of communication, elder abuse, among others). *Opp'n*, pp. 14, 20. Plaintiffs also ask the court for additional time to obtain a medical expert affidavit. *Opp'n*, pp. 4:18-20 and 20:19.

Plaintiffs' requests must be denied because Nevada law does not allow amendment of a professional negligence action that has been filed without an affidavit. As noted above and in Dr. McAllister's motion to dismiss, a complaint for professional medical negligence filed without an expert affidavit is *void ab initio*, meaning it is without "force and effect." As stated by the Nevada Supreme Court, such a complaint "does not legally exist and thus it cannot be amended." *Washoe Medical Center*, 122 Nev. at 1304, 148 P.3d at 794.

There is no provision in NRS 41A.071 or in the case law interpreting it that allows a court to extend the time for a plaintiff to secure an expert. Moreover, plaintiffs cannot circumvent the law by placing different labels on their malpractice claims. Nevada law does not countenance such tactics. *See, e.g., Humboldt Gen. Hosp. v. Sixth Jud. Dist. Court*, 132 Nev. Adv. Op. 53, 376 P.3d 167 (2016) (plaintiff could not avoid NRS 41A.071 by labeling her claim for lack of informed consent as a "battery" claim).

Even if the complaint could be amended to assert non-medical claims, dismissal is still required as to Dr. McAllister because none of plaintiffs' proposed non-medical claims (age discrimination, elder abuse, lack of communication, non-medical judgment) are directed at Dr. McAllister. *See Opp'n pp. 11-16*. Importantly, regardless of the labels they now seek to employ, plaintiffs' complaint alleges professional medical negligence against Dr. McAllister, for which expert support is required by NRS 41A.071. *See Szymborski v. Spring Mt. Treatment Ctr.*, 403 P.3d 1280 (Nev. 2017). Because such support is clearly lacking, the complaint is void and not subject to amendment.

In summary, although the Court is required to accept a plaintiff's factual allegations as true, it must still determine whether the allegations in a complaint are legally sufficient to satisfy the elements and, in this case, the requirements, of the claims asserted. See *Pack v. LaTourette*, 128 Nev. 264, 267-68, 277 P.3d 1246, 1248 (2012), citing *Schoen v. SAC Holding Corp.*, 122 Nev. 621, 634-35, 137 P.3d 1171, 1180 (2006) (upholding dismissal of a contribution claim for failing to attach an expert affidavit). Here, the Court may properly find that plaintiffs' claims are legally insufficient because the threshold requirement for their medical negligence complaint – a medical expert affidavit that supports the allegations in the complaint -- has not been satisfied, thus mandating the dismissal of this action as to Dr. McAllister.

III. CONCLUSION

Irrefutably, plaintiffs did not comply with NRS 41A.071. Plaintiffs may not circumvent NRS 41A.071 by asking for more time to secure an expert or to amend the complaint to assert that their claim is not for medical negligence. In addition to the numerous references to medical malpractice and "malpractice errors" in plaintiffs' complaint, plaintiffs are clearly challenging Dr. McAllister's medical judgment and medical care, regardless of how they now seek to label their claims. Therefore, a medical expert's affidavit "supporting the allegations contained in the action" was mandated by law. Because the Complaint fails to comply with NRS 41A.071, the law requires that it be dismissed as to Dr. McAllister, without leave to amend.

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document DOES NOT contain the Social Security Number of any person.

DATED this 16th day of April, 2020.

LEMONS, GRUNDY & EISENBERG
Attorneys for Defendant
Mark McAllister, M.D.

By: 

EDWARD J. LEMONS, ESQ.
ALICE CAMPOS MERCADO, ESQ.

CERTIFICATE OF SERVICE

I am a citizen of the United States. My business address is 6005 Plumas Street, Suite 300, Reno, NV 89519, and I am employed by LEMONS, GRUNDY & EISENBERG in the City of Reno and County of Washoe where this service occurs. I am over the age of 18 years and not a party to the within action. I am readily familiar with my employer's normal business practice for collection and processing of U.S. Mail and that practice is that mail is deposited with the U.S. Postal Service the same day and the day of collection in the ordinary course of business.

On April 16, 2020, I caused to be served to the addressee(s) listed below, a true copy of the foregoing document(s) and described as ***Reply to Plaintiffs' Opposition to Defendant Mark McAllister's Motion to Dismiss.***

☒ **BY MAIL:** in an envelope with postage thereon fully prepaid to be placed in the U.S. Mail at Reno, Nevada;

Marilee Brown
Marilou Brown
45 Nives Court
Sparks, Nevada 89441

☐ **BY PERSONAL SERVICE:** in an envelope to be hand delivered this date;

☐ **BY OVERNIGHT DELIVERY:** in an envelope to be delivered to an overnight delivery carrier with delivery fees provided for;

☐ **BY FACSIMILE:** by transmitting by facsimile to the respective fax telephone phone number(s).

☒ **BY USING THE COURT'S EFS** which electronically served the following:

Robert C. McBride, Esq.
Heather S. Hall, Esq.
Carroll, Kelly, Trotter, Franzen
& McBride
8329 W. Sunset Road
Suite 260
Las Vegas, Nevada 89113

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

3860

Edward J. Lemons, Esq., Bar No. 699
Alice Campos Mercado, Esq., Bar No. 4555
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519
(775) 786-6868; (775) 786-9716
ejl@lge.net; acm@lge.net

Attorneys for Defendant
Mark McAllister, M.D.

IN THE SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE
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MARILEE BROWN, MARILLOU 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,

Defendant.

Case No.: CV20-00422

Dept. No. 1

REQUEST FOR SUBMISSION

It is requested that Defendant, MARK McALLISTER, M.D.'s Motion to Dismiss, which was filed in the above-entitled matter on April 3, 2020, be submitted to the Court for decision.

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document DOES NOT contain the Social Security Number of any person.

DATED this 16th day of April, 2020

LEMONS, GRUNDY & EISENBERG
Attorneys for Defendant
Mark McAllister, M.D.

By: 
EDWARD J. LEMONS, ESQ.
ALICE CAMPOS MERCADO, ESQ.

CERTIFICATE OF SERVICE

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On April 16, 2020, I caused to be served to the addressee(s) listed below, a true copy of the foregoing document(s) and described as **Request for Submission**

☒ **BY MAIL:** in an envelope with postage thereon fully prepaid to be placed in the U.S. Mail at Reno, Nevada;

Marilee Brown
Marilou Brown
45 Nives Court
Sparks, Nevada 89441

☐ **BY PERSONAL SERVICE:** in an envelope to be hand delivered this date;

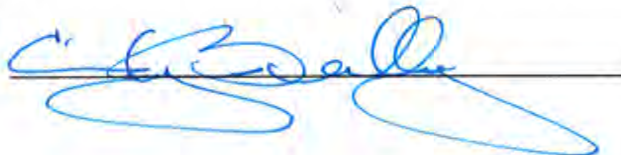
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☒ **BY USING THE COURT'S EFS** which electronically served the following:

Robert C. McBride, Esq.
Heather S. Hall, Esq.
Carroll, Kelly, Trotter, Franzen
& McBride
8329 W. Sunset Road
Suite 260
Las Vegas, Nevada 89113

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



Return Of NEF**Recipients**

EDWARD LEMONS, - Notification received on 2020-04-16 13:30:29.55.
ESQ.

ROBERT MCBRIDE, - Notification received on 2020-04-16 13:30:29.581.
ESQ.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

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A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

04-16-2020:13:26:32

Clerk Accepted:

04-16-2020:13:29:33

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Association of Counsel

Filed By:

Edward J. Lemons

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The following people were served electronically:

EDWARD J. LEMONS, ESQ. for MARK
MCALLISTER

ROBERT C. MCBRIDE, ESQ. for TAMI EVANS,
PREM REDDY, M.D., ST. MARY'S REGIONAL
MEDICAL CENTER

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SRIDEVI CHALLAPALLI

HEATHER S. HALL, ESQ. for TAMI EVANS,
PREM REDDY, M.D., ST. MARY'S REGIONAL
MEDICAL CENTER

TANZEEL ISLAM, M.D.

TIFFANY COURRY, CEO

MARILOU BROWN

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A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

04-16-2020:13:29:10

Clerk Accepted:

04-16-2020:13:30:06

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Request for Submission

Filed By:

Edward J. Lemons

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MEDICAL CENTER

TANZEEL ISLAM, M.D.

TIFFANY COURRY, CEO

MARILOU BROWN

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ESQ.
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ESQ.

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A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

04-16-2020:13:28:17

Clerk Accepted:

04-16-2020:13:38:10

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Reply to/in Opposition

Filed By:

Edward J. Lemons

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PREM REDDY, M.D., ST. MARY'S REGIONAL
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PREM REDDY, M.D., ST. MARY'S REGIONAL
MEDICAL CENTER

TANZEEL ISLAM, M.D.

TIFFANY COURRY, CEO

MARILOU BROWN

3366

**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,

Case No.: CV20-00422

vs.

Dept. No.: 1

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 VACATING SUBMISSIONS

On April 13, 2020, Plaintiff submitted the following to the Court for consideration:

1. *Amendment to Civil Complaint/Return Service of Summons* ("Amendment to Civil Complaint") filed April 13, 2020; and
2. *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") filed April 13, 2020.

Submission of the Amendment to Civil Complaint is improper.

Further, WDCR 12 and D.C.R. 13 govern the response time frames and submission of fully briefed motions. Plaintiffs submitted their Opposition without allowing time for the motion to dismiss to be fully briefed and, thus, submission of the Opposition is improper and invalid. Accordingly, this Court finds good cause to vacate the submission of the Amendment to Civil Complaint and Opposition.

Based upon the foregoing and good cause appearing,

IT IS HEREBY ORDERED that submission of Plaintiffs' *Amendment to Civil Complaint/Return Service of Summons* is VACATED.

IT IS HEREBY FURTHER ORDERED that submission of Plaintiffs' *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)* is VACATED.

IT IS SO ORDERED.

DATED this 17th day of April, 2020.


KATHLEEN DRAKULICH
DISTRICT JUDGE

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 17th day of April, 2020, I electronically filed the **ORDER VACATING SUBMISSIONS** 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:

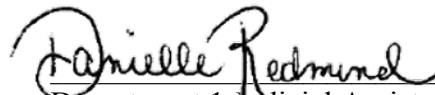
EDWARD LEMONS, ESQ. for MARK MCALLISTER

ROBERT MCBRIDE, ESQ. for TAMI EVANS, PREM REDDY, M.D.,
ST. MARY'S REGIONAL MEDICAL CENTER

ALICE CAMPOS MERCADO, ESQ for MARK MCALLISTER

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

MARILEE BROWN
45 NIVES COURT
SPARKS, NV 89441



Danielle Redmond
Department 1 Judicial Assistant

Return Of NEF**Recipients**

EDWARD LEMONS, ESQ. - Notification received on 2020-04-17 11:57:11.004.

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A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

04-17-2020:11:56:01

Clerk Accepted:

04-17-2020:11:56:41

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Ord Vacating

Filed By:

Judicial Asst. DRedmond

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MCALLISTER

ROBERT C. MCBRIDE, ESQ. for TAMI EVANS,
PREM REDDY, M.D., ST. MARY'S REGIONAL
MEDICAL CENTER

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MARILOU BROWN

TIFFANY COURY, CEO

TANZEEL ISLAM, M.D.

SRIDEVI CHALLAPALLI

HEATHER S. HALL, ESQ. for TAMI EVANS,
PREM REDDY, M.D., ST. MARY'S REGIONAL
MEDICAL CENTER

MARILEE BROWN

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),

CASE NO. CV20-00422
DEPT NO. I

Plaintiffs,

vs.

SUBSTITUTION OF COUNSEL

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.

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.

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

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

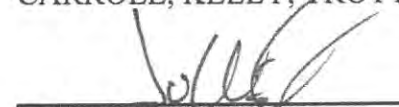
PREM REDDY, M.D.

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.

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

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

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.

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**

27
28
HALL PRANGLE & SCHOONVELD, LLC
1140 NORTH TOWN CENTER DRIVE, STE. 350
LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

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

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
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A filing has been submitted to the court RE: CV20-00422

Judge:

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Clerk Accepted:

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Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Substitution of Counsel

Filed By:

Richard de Jong

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MCALLISTER

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PREM REDDY, M.D., ST. MARY'S REGIONAL
MEDICAL CENTER

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TIFFANY COURY, CEO

TANZEEL ISLAM, M.D.

SRIDEVI CHALLAPALLI

HEATHER S. HALL, ESQ. for TAMI EVANS,
PREM REDDY, M.D., ST. MARY'S REGIONAL
MEDICAL CENTER

MARILEE BROWN

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MICHAEL E. PRANGLE, ESQ.
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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

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

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

DATED this 20th day of April 2020.

HALL PRANGLE & SCHOONVELD, LLC

By: /s/ Richard D. De Jong

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

RICHARD D. DEJONG, ESQ

Nevada Bar No. 15207

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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.

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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 20th day of April, 2020, I served a true and correct copy of the foregoing **DEFENDANTS ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY EVANS, AND PREM REDDY M.D.'S REPLY IN SUPPORT OF MOTION TO DISMISS** via:

 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

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

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),

CASE NO. CV20-00422
 DEPT NO. 1

Plaintiffs,

vs.

SUBSTITUTION OF COUNSEL

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.

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

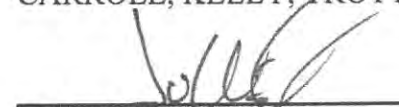
PREM REDDY, M.D.

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.

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

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

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.

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**

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

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

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
 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

10 /s/ Arla Clark

11 An employee of HALL PRANGLE & SCHOONVELD, LLC
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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*)

CIVIL COMPLAINT

22. 1. Come now Plaintiffs Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*), with Legal Power

23. of Attorney as representatives of ^{Heirs} Beverly Brown), hereafter referenced as Plaintiffs, hereby Complain and

24. allege of the Defendants, St. Mary's Regional Medical Center – Tami Evans, Director of Medical Services/

25. Risk Mgmt; Prem Reddy, MD (Prime HealthCare); Mark McAllister, MD (St. Mary's Interventional Radiology);

26. Tanzeel Islam, MD (St. Mary's Hospitalist); Sridevi Challapalli, MD (St. Mary's Cardiologist), DOES I - X

27. and ROES Businesses I - X Inclusive, hereafter referenced as Defendants, as set forth in the following:

PRELIMINARY STATEMENT

28. 2a. Plaintiffs will serve the Defendants with this Complaint and Summons by a Non Party over 18 years of

29. age and within 120 days of Filing pursuant to the Nevada Rules of Civil Procedure NRCP 4(a)(c)(d)(i); and will

30. provide an Affidavit of Service to the Court upon Service of Same Complaint and Summons NRCP (4)(g)(2)

31. 2b. Pro Se Plaintiffs Note: The Courts State:

32. "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

33. "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)"

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.
18. 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
19. her daughters followed all medical advice and recommendations.
- 20.
21. 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
22. 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
23. Beverly M. Brown's condition required not only limb but LIFE saving treatment upon arrival at UCDavis.
24. 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
25. nurses and staff disclosed to Beverly's daughters that they feared she would die and not survive the trip.
26. 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. ~~Heck~~ stated she could walk ~~on her amputated toe~~ 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 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

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.
8. 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 pain 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. of this Complaint as though fully set forth at length herein; to include but not limited to the facts that the ^{Causes of action / claims for relief (all)}
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

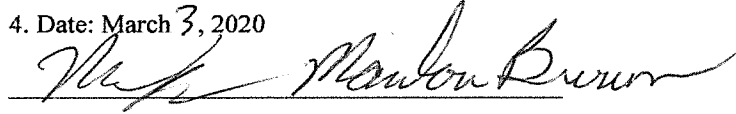
4. Wherefore Plaintiffs Pray for the Following Relief:

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 **Wrongful Suffering and Death of this patient** ^{deteriorating medical condition.}
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

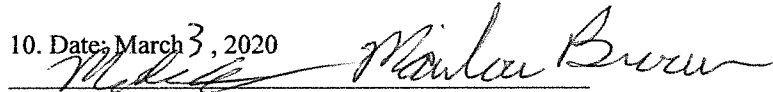
Telephone: (775) 425-4216

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
27. assistant "Cheryl" (LNU) at the emergency entrance of St. Mary's hospital at 235 West 6th Street,
28. 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

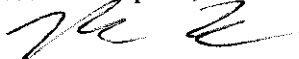


17. Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
- c/o 45 Nives Court
18. Sparks, NV 89441
- Telephone: (775) 425-4216

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)

3860

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),

CASE NO. CV20-00422
DEPT NO. I

Plaintiffs,

vs.

REQUEST FOR SUBMISSION

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.

REQUEST FOR SUBMISSION

IT IS HEREBY REQUESTED that Defendant St. Mary's Regional Medical Center,
Tammy Evans (erroneously named as Tami Evans) and Prem Reddy, M.D.'s Motion to Dismiss
filed March 26, 2020; Plaintiffs' Opposition to Defendants' Motion to Dismiss filed April 13,
2020; and Defendants' Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss filed

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

April 20, 2020, be submitted to this Honorable Court for decision.

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.*

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.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 20th day of April, 2020, I served a true and correct copy of the foregoing

REQUEST FOR SUBMISSION via:

 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

Return Of NEF

Recipients

EDWARD LEMONS, ESQ. - Notification received on 2020-04-20 15:57:44.411.
RICHARD DE JONG, ESQ. - Notification received on 2020-04-20 15:57:44.333.
ALICE CAMPOS MERCADO, ESQ. - Notification received on 2020-04-20 15:57:44.379.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

04-20-2020:15:56:21

Clerk Accepted:

04-20-2020:15:57:14

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Request for Submission

Filed By:

Richard de Jong

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

EDWARD J. LEMONS, ESQ. for MARK
MCALLISTER

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

ALICE G. CAMPOS MERCADO, ESQ. for MARK
MCALLISTER

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

MARILEE BROWN

MARILOU BROWN

TIFFANY COURY, CEO

SRIDEVI CHALLAPALLI

MICHAEL E. PRANGLE, ESQ. for ST. MARY'S
REGIONAL MEDICAL CENTER, TAMI EVANS,
PREM REDDY, M.D.

TANZEEL ISLAM, M.D.

HEATHER S. HALL, ESQ. for ST. MARY'S
REGIONAL MEDICAL CENTER, TAMI EVANS,
PREM REDDY, M.D.

Return Of NEF

Recipients

EDWARD LEMONS, ESQ. - Notification received on 2020-04-20 15:57:45.331.
RICHARD DE JONG, ESQ. - Notification received on 2020-04-20 15:57:45.253.
ALICE CAMPOS MERCADO, ESQ. - Notification received on 2020-04-20 15:57:45.3.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

04-20-2020:15:54:55

Clerk Accepted:

04-20-2020:15:57:07

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Reply

- **Continuation

Filed By:

Richard de Jong

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

EDWARD J. LEMONS, ESQ. for MARK
MCALLISTER

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REGIONAL MEDICAL CENTER, TAMI EVANS,
PREM REDDY, M.D.

ALICE G. CAMPOS MERCADO, ESQ. for MARK
MCALLISTER

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

MARILEE BROWN

MARILOU BROWN

TIFFANY COURRY, CEO

SRIDEVI CHALLAPALLI

MICHAEL E. PRANGLE, ESQ. for ST. MARY'S
REGIONAL MEDICAL CENTER, TAMI EVANS,
PREM REDDY, M.D.

TANZEEL ISLAM, M.D.

HEATHER S. HALL, ESQ. for ST. MARY'S
REGIONAL MEDICAL CENTER, TAMI EVANS,
PREM REDDY, M.D.

1 **2475**

2 Edward J. Lemons, Esq., Bar No. 699
3 Alice Campos Mercado, Esq., Bar No. 4555
4 **LEMONS, GRUNDY & EISENBERG**
5 6005 Plumas Street, Third Floor
6 Reno, Nevada 89519
7 (775) 786-6868; (775) 786-9716
8 ejl@lge.net; acm@lge.net

9 *Attorneys for Defendant*
10 *Mark McAllister, M.D.*

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

-o0o-

11 **MARILEE BROWN, MARILOU BROWN**
12 (FOR BEVERLY M. BROWN'S FAMILY),

13 Plaintiffs,

14 vs.

15 **ST. MARY'S REGIONAL MEDICAL CENTER;**
16 **TAMI EVANS; PREM REDDY, M.D.;**
17 **MARK McALLISTER, M.D.; TANZEEL ISLAM, M.D.;**
18 DOES I THROUGH X, INCLUSIVE;
19 ROES BUSINESSES I THROUGH X INCLUSIVE,

20 Defendant.

Case No.: CV20-00422

Dept. No. 1

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DEFENDANT MARK McALLISTER, M.D.'s MOTION TO STRIKE PLAINTIFFS'
"REQUEST FOR HEARING WITH REITERATED REFUTES OF DEFENDANTS' ANSWERS," ETC.

22 Defendant, MARK McALLISTER, M.D., by and through his counsel, LEMONS,
23 GRUNDY & EISENBERG, hereby moves this Court for an Order striking the document filed
24 by plaintiffs entitled: "Request for Hearing with Reiterated Refutes of Defendants'
25 (Tiffany Coury replaced Tammy Evans, Prem Reddy, MD, Mark McAllister, MD)
26 Answers in liu [sic] of a hearing – if Same Supports Upholding Plaintiffs' Complaint," and
27 accompanying "Request for Submission," served April 26, 2020. The ground for this
28 motion is that plaintiffs' document, while purporting to be a request for a hearing, is

effectively an unauthorized surreply to Defendant's reply in support of his motion to dismiss, in violation of the Second Judicial District Court Rules.

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS AND SUMMARY OF ARGUMENT

Dr. McAllister moved to dismiss this medical malpractice action due to plaintiffs' non-compliance with NRS 41A.071. Plaintiffs filed their opposition on or about April 13, 2020. Dr. McAllister's reply was filed on April 16, 2020, as was a request for submission of his motion. Dr. McAllister's reply and request for submission concluded the briefing on his motion. Yet, plaintiffs have filed a document addressing the arguments in Dr. McAllister's reply under the guise of a "Request for Hearing."

II. LEGAL ANALYSIS

NRCP 12(f) provides that a party may move to strike any "redundant, immaterial, impertinent, or scandalous matter." Unauthorized or "fugitive" documents submitted to the court have been stricken as "impertinent." See *Campbell v. Baskin*, 68 Nev. 469, 235 P.2d 729 (1951) (court struck document not properly before it as a fugitive document); see also *Sunde v. Haley*, 3:12-cv-00416, 2013 WL 5973815, *6 (D. Nev. 2013) ("Because the proposed Amended Complaint is unauthorized, it is inoperative, and therefore, impertinent. Accordingly, the Court grants Defendants' motion to strike.").

The rules of this judicial district provide for the filing of a motion, opposition and reply, followed by a request for submission. See WDCR 10(3) and WDCR 12(1) through (4). The rules do not provide for the filing of surreplies.

Plaintiffs' purported Request for Hearing violates the foregoing rules of practice and procedure. Specifically, plaintiffs' request regurgitates many, if not all, of the arguments they made in opposition to Dr. McAllister's motion to dismiss, and attempt to respond to the arguments in his reply points and authorities. Indeed, the very title of plaintiffs' document states that their request includes "reiterated refutes" of defendants' arguments. As such, plaintiff's document is an improper surreply and is thus a fugitive document.

1 This Court has "inherent authority to administrate its own procedures and to
2 manage its own affairs . . ." *Halverson v. Hardcastle*, 123 Nev. 245, 261, 163 P.3d 428,
3 440 (2007). Because plaintiffs' document violates the rules of procedure and the rules
4 of practice in this judicial district, it is a fugitive document that may properly be stricken
5 as impertinent and redundant.

6 **III. CONCLUSION**

7 For the reasons stated above, defendant Mark McAllister, M.D. respectfully asks
8 the Court to strike plaintiffs' "Request for Hearing with Reiterated Refutes of Defendants'
9 (Tiffany Coury replaced Tammy Evans, Prem Reddy, MD, Mark McAllister, MD)
10 Answers in liu [sic] of a hearing – if Same Supports Upholding Plaintiffs' Complaint," and
11 the accompanying "Request for Submission."

12 **AFFIRMATION**

13 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the
14 preceding document DOES NOT contain the Social Security Number of any person.

15 DATED this 28th day of April, 2020.

16 **LEMONS, GRUNDY & EISENBERG**
17 *Attorneys for Defendant*
18 *Mark McAllister, M.D.*

19 By: 
20 EDWARD J. LEMONS, ESQ.
21 ALICE CAMPOS MERCADO, ESQ.
22
23
24
25
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CERTIFICATE OF SERVICE

I am a citizen of the United States. My business address is 6005 Plumas Street, Suite 300, Reno, NV 89519, and I am employed by LEMONS, GRUNDY & EISENBERG in the City of Reno and County of Washoe where this service occurs. I am over the age of 18 years and not a party to the within action. I am readily familiar with my employer's normal business practice for collection and processing of U.S. Mail and that practice is that mail is deposited with the U.S. Postal Service the same day and the day of collection in the ordinary course of business.

On April 28, 2020, I caused to be served to the addressee(s) listed below, a true copy of the foregoing document(s) and described as ***Defendant Mark McAllister's Motion to Strike Plaintiffs' "Request for Hearing With Reiterated Refutes of Defendants' Answers," etc.***

☒ **BY MAIL:** in an envelope with postage thereon fully prepaid to be placed in the U.S. Mail at Reno, Nevada;

Marilee Brown
Marilou Brown
45 Nives Court
Sparks, Nevada 89441

☐ **BY PERSONAL SERVICE:** in an envelope to be hand delivered this date;

☐ **BY OVERNIGHT DELIVERY:** in an envelope to be delivered to an overnight delivery carrier with delivery fees provided for;

☐ **BY FACSIMILE:** by transmitting by facsimile to the respective fax telephone phone number(s).

☒ **BY USING THE COURT'S EFS** which electronically served the following:

Michael E. Prangle, Esq,
Richard D. DeJong, Esq.
Hall, Prangle & Schoonveld, Ilc
1140 North Town Center Drive
Suite 350
Las Vegas, Nevada 89144

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



Return Of NEF

Recipients

EDWARD LEMONS, ESQ. - Notification received on 2020-04-28 10:33:09.688.
RICHARD DE JONG, ESQ. - Notification received on 2020-04-28 10:33:09.61.
ALICE CAMPOS MERCADO, ESQ. - Notification received on 2020-04-28 10:33:09.657.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

04-28-2020:10:29:18

Clerk Accepted:

04-28-2020:10:32:34

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Mtn to Strike

Filed By:

Edward J. Lemons

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

ALICE G. CAMPOS MERCADO, ESQ. for MARK
MCALLISTER

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

EDWARD J. LEMONS, ESQ. for MARK
MCALLISTER

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

HEATHER S. HALL, ESQ. for ST. MARY'S
REGIONAL MEDICAL CENTER, TAMI EVANS,
PREM REDDY, M.D.

TANZEEL ISLAM, M.D.

TIFFANY COURRY, CEO

MICHAEL E. PRANGLE, ESQ. for ST. MARY'S
REGIONAL MEDICAL CENTER, TAMI EVANS,
PREM REDDY, M.D.

SRIDEVI CHALLAPALLI

MARILOU BROWN

MARILEE BROWN

ORIGINAL

CODE: 1225

NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)

BAR NUMBER: N/A (Pro Se litigants)

ADDRESS: 45 Nives Court

Sparks, NV 89441

TELEPHONE: (775) 425-4216

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, in Proper Person

Case No: CV20-00422

Dept No: 1

VS

St. Mary's Regional Medical Center: Tiffany Coury CEO/Prem Reddy, MD (Prime HealthCare)
Mark McAllister, MD (St. Mary's Interventional Radiologist)

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

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

DOES I through X inclusive; ROES Businesses I through X inclusive

Defendants,

**PLAINTIFFS' APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER
AGAINST DEFENDANTS Tanzeel Islam, MD and Sridevi Challapalli, MD FOR NON ANSWER
RESPONSE**

1. PLAINTIFFS provide this APPLICATION FOR **DEFAULT JUDGMENT PURSUANT TO RULE 54/55/Other** against Defendants Tanzeel Islam, MD and Sridevi Challapalli, MD for **NO Answer/Response**.

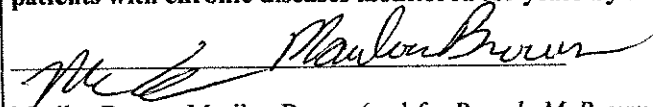
Only Defendants Tiffany Coury (replaced Tammy Evans) and Prem Reddy, MD, through their counsel; And Mark McAllister, MD, through his counsel, Responded to Plaintiffs' Summons/Complaint served upon them

2. In said Application For Default Judgment, Plaintiffs Simply Request of these two (2) Defendants:

A. **Financial/other Compensation as deemed reasonable and appropriate by the Court;**

And

B. Consider Plaintiffs' claims noted in their Complaint and make effort to appropriately evaluate their actions and **communicate with patients' family, physicians** to facilitate best care for their patients; vs simply following automatic hospital "protocol" that can have detrimental consequences, especially for patients with chronic diseases monitored for years by said physicians who best know them.



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

1 Date: April 24, 2020

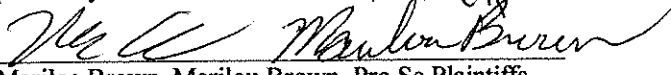

2 AFFIRMATION Pursuant to NRS 239B.030

3 The undersigned do hereby affirm that the preceding document in this matter, PLAINTIFFS'
4 APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST
5 DEFENDANTS Tanzeel Islam, MD and Sridevi Challapalli, MD FOR NON ANSWER /
6 RESPONSE does not contain the Social Security Number of any person.

7 
8 Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
9 Gregory J. Brown 
10 Nives Court
11 Sparks, NV 89441
12 Telephone: (775) 425-4216
13 Date: April 24, 2020

14 CERTIFICATE OF SERVICE

15 The undersigned do hereby affirm that Plaintiffs' PLAINTIFFS' APPLICATION FOR DEFAULT
16 JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST DEFENDANTS Tanzeel Islam, MD
17 and Sridevi Challapalli, MD FOR NON ANSWER/RESPONSE was served via regular mail and in
18 person by Plaintiffs to Defendants on April 24, 2020

19 
20 Marilee Brown, Marilou Brown, Pro Se Plaintiffs
21 Gregory J. Brown 
22 Nives Court
23 Sparks, NV 89441
24 775-425-4216
25 Date: April 24, 2020

ORIGINAL

CODE: 3860
NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)
BAR NUMBER: N/A (Pro Se litigants)
ADDRESS: 45 Nives Court
Sparks, NV 89441
TELEPHONE: (775) 425-4216

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, in Proper Person

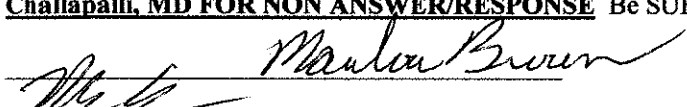
Case No: CV20-00422
Dept No: 1

VS

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

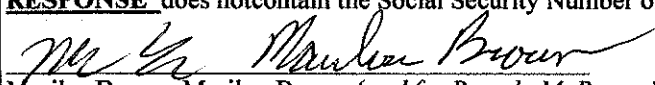
REQUEST FOR SUBMISSION

PLAINTIFFS' REQUEST THAT THEIR: **PLAINTIFFS' APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST DEFENDANTS Tanzeel Islam, MD and Sridevi Challapalli, MD FOR NON ANSWER/RESPONSE** Be SUBMITTED TO THE COURT FOR DECISION


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 4, 2020

AFFIRMATION Pursuant to NRS 239B.030


The undersigned do hereby affirm that the preceding document in this matter, Plaintiffs' Request For Submission of **PLAINTIFFS' APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST DEFENDANTS Tanzeel Islam, MD and Sridevi Challapalli, MD FOR NON ANSWER / RESPONSE** does not contain the Social Security Number of any person.


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

1 Date: April 24 2020

2 CERTIFICATE OF SERVICE

3 The undersigned do hereby affirm that Plaintiffs' Request For Submission of PLAINTIFFS'
4 APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54/55/OTHER AGAINST
5 DEFENDANTS Tanzeel Islam, MD and Sridevi Challapalli, MD FOR NON ANSWER/RESPONSE was
6 served via regular mail and in person by Plaintiffs to Defendants on April 24, 2020

7 
8 Marilee Brown, Marilou Brown, Pro Se Plaintiffs

9 Gregory J. Brown SSA

10 45 Nives Court

11 Sparks, NV 89441

12 775-425-4216

13 Date: April 24 2020

ORIGINAL

CODE: 3845
NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)
BAR NUMBER: N/A (Pro Se litigants)
ADDRESS: 45 Nives Court
Sparks, NV 89441
TELEPHONE: (775) 425-4216

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, in Proper Person

Case No: CV20-00422
Dept No: 1

VS

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

PLAINTIFFS' REQUEST FOR A HEARING WITH REITERATED REFUTES OF DEFENDANTS'
(Tiffany Coury replaced Tammy Evans, Prem Reddy, MD; Mark McAllister, MD) ANSWERS IN
LIU OF A HEARING -IF SAME SUPPORTS UPHOLDING PLAINTIFFS' COMPLAINT

INTRODUCTION

1. On April 20, 2020, Plaintiffs received Defendant McAllister's Reply to their Opposition but did not receive
any from Defendants Tiffany Coury / Prem Reddy's Counsels. As asserted in their Opposition, Plaintiffs'
Request a Hearing, if needed, to clarify this matter for upholding their Complaint; OR Request that the
Court otherwise consider the meritous Refutes/Clarifications/Amendments contained in their Opposition
nexused to their Complaint as well as REITERATED Refutes herein to UPHOLD their Civil Action.
2. Of Note: Plaintiffs are Exempt from Electronic Filing and Service in this Matter; thus Plaintiffs do not
submit /receive electronic and must rely on in person/mailings (*thus delays*); Defendants have access to ALL
Filings with attachments via Electronic means while Plaintiffs do not. Plaintiffs mailed these respective Filings
to the Court as the Court's Filing Office is closed due to the *Coronavirus Quarantine*, with mailing or in person
service to Defendants as noted in their Certificate of Service.

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

STATEMENT OF FACTS and LEGAL ARGUMENT / OPPOSITION REFUTES

Plaintiffs provided DETAILED Refutes in their Opposition NEXUSED to their Complaint Refuting Defendants' dismissal motions; Reiterated/Clarifies Herein for Court Consideration or Hearing to Uphold their Complaint.

A. Reiterated Refutes made herein to UPHOLD their Civil Action:

1a. Plaintiffs provided for a Variety of Laws and clarified their use of NRS 41A.071 – which was NOT the sole or priority law addressed.

1b. Plaintiffs also requested in their Civil Complaint that same can be Amended to include to additional, corrected, clarified laws; Other clarifications; Etc (Complaint Pgs 2, 3, 14, 15, 16, Etc); And

Nevada Court Statutes do provide authority for Party Amendments to Pleadings, readily done in proceedings.

1c. Plaintiffs Clarified in their Opposition in support of their Civil Complaint and in Refute of Defendants' dismissal motions that their Complaint indeed has NON Medical provisions (not added as Defendants falsely claim) in addition to the medical aspects of their Complaint, such as: Defendant Protocol and Lack of Communication by ALL Defendants with Beverly M. Brown's Primary Cardiovascular Specialist, Dr. Devang Desai, WHO WORKS FOR Defendant St. Mary's Regional Medical Center.

1d. Said Gross, Simple, Ordinary NON MEDICAL Negligence in the Protocol and Lack of communication (NOT associated with NRS 41A.071) by Defendants with this patient's Primary Cardiovascular Specialist WHO WORKS FOR Defendant St Mary's Regional Medical Center, even with Plaintiffs' urgency of said contact, resulted in the health deterioration of Beverly M. Brown's condition from December 2018 through her death on March 5, 2019 –All asserted, inferred, etc in Plaintiffs' Complaint, Clarified in their Opposition.

1e. Plaintiffs' Factual Allegations noted throughout their Complaint, clarified in their Opposition, State, Infer and Imply medical and Non medical Issues of Breach of Duty, Simple, Ordinary and Gross Negligence, ETC governed by Statutes, laws, etc OTHER THAN that requiring medical expert Affidavit (noted as Et AL) by ALL Defendants, Etc. - specifically related to NON medical issues - with simple nexus to the term "medical" because that is the Defendants' professional business and action.

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

1f. Again, Plaintiffs' in Good Faith Clarify their verbiage in their Complaint (It is noted that the Court state - "Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than formal pleading drafted by lawyers(Defendant)(caselaw)" 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; though clearly Discovery Rule 16 asserts Plaintiffs can provide medical expert documentation, etc in furtherance of said claims - (Court has clear discretion on Expert Affidavit submission -- see Rule 16 provisions for same)

2a. Because of Defendant's sole reason of a 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 their Opposition. Yet Defendants admit the Nevada Supreme Court reversed the District Court's decision in another medical referenced case.**

2b. Defendants affirm in their dismissal Motion that the Nevada Supreme Court Affirm: that 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"

2c. 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 Defendants....allegations 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 and amended, clarified laws, etc addressed throughout their Complaint and Clarified in their Opposition.

3. Contrary to Defendants *erroneous* assertions, the Courts DO have the discretion to allow time for Plaintiffs to provide for any medical expert Affidavit in support of any asserted medical malpractice claims

(See definitions of "shall" below and in their Opposition):

- a. As asserted in their Opposition, the Court clearly has judicial discretion on how he / she wishes to independently use the word "**shall**", a clearly supported permissive term as fully supported in Plaintiffs' Opposition.
- b. Caselaw is **irrelevant on how another judge may have decided to use same**. Each case creates its own caselaw based on the Court or Jury decision.
- c. As reiterated again, the Court may of his/her own **judicial discretion uphold all meritorious** medical and non medical claims of Plaintiffs Complaint, clarified in their Opposition, and allow either more time to obtain an Expert Affidavit on the medical claims if need be; or provide medical documentation, testimony, etc as derived from Rule 16 Discovery proceedings which are a Court avenue for same medical expert provisions (*Court has clear discretion on Expert Affidavit submission – see Rule 16 provisions for same*. Discovery Rule 16 asserts Plaintiffs can provide medical expert documentation, etc in furtherance of said claims – (Court has clear discretion on Expert Affidavit submission – see Rule 16 provisions for same)
- d. Case dismissal is **NOT** mandatory, per the legal definitions of *shall* noted in Plaintiffs Opposition and reiterated herein; in addition to the clearly noted non medical claims nexused to ALL defendants in this case: Defendants Counsels in **BAD FAITH** and **Malice** falsely stated the Court *must* dismiss all of Plaintiffs claims because under NRS 41A.071 stated shall dismiss Plaintiffs' claims (*only medical claims per NV Supreme Court*). **REFUTE:** The fact is the Court has judicial discretion on its interpretation of how he/she interprets shall – affirming the Court in its own discretion is **NOT** required to dismiss Plaintiffs action even only this law was used, which it was not:

RE "Shall":

- the only word of obligation is *must* - **NOT** *shall*, *will* or *may*. All others, including *shall* are legally debatable; *Must* is a term to impose requirements while *shall* is ambiguous; *shall* often is interpreted as conveying offers, suggestions, requests, direction; interpreted as *should* – non obligatory (*Deborah Hopkins, Federal law/ Other references/others as per below*).
- the term *shall* is so confusing that the Federal Codes/Rules of Civil Procedure don't use *shall*, which is often interpreted to mean *should* or *may* (*which Nevada Revised Statute NRS 41A.071 used to use – may*)

u/a

- The U.S. Supreme Court interprets *shall* as *may*;
- Actions against government are construed as *may*
- Attorneys misuse *shall* which has no meaning; *shall* breeds litigation and no one uses it (*Joe Kimble, Thomas Cooley law school*)
- It is a Gross inaccuracy to state *shall* is mandatory; it often means *may* (*Bryan Garner, legal writing*)
- Judicial Discretion of *shall* – may be construed as imperative but also construed as permissive or directory such as the term *may* to carry out legislative intentions (which Nevada Revised Statute INRS 41A.071 used to use – *may*)(The law dictionary)

However, Plaintiffs do seek additional time from the Court to obtain any medical expert Affidavit should such be required in support of any technical, procedural requisite; Such is clearly authorized as Defendants state that Plaintiffs' Complaint could be dismissed WITHOUT PREJUDICE – which means same Complaint could be filed at another time detailing other Relevant Statutes for Claims of Relief. Given the fact that the Statute of Limitations would have expired for any Medical issue Filing, an erroneous dismissal of all claims would be prejudicial to Plaintiffs' Complaint as they would not be able to Re-File any medical issues of their case due to the time limitation expiration for said claims.

e. What Plaintiffs have supported in this Instant case are applicable Laws and Statutes addressing the Breach of Duty, Simple, Ordinary, Gross Negligence, ETC related to Defendants' acts of Non-medical issues:

- (1) Protocol,
 - (2) Lack of communication,
 - (3) Age/Other Discrimination/jeopardy to elderly,
 - (4) Negligence jeopardizing patients / others safety related to infectious persons,
 - (5) failure to expedite medical documentation that jeopardized this patient's case, Etc,
- along with medical issues; Some laws which are already addressed in Plaintiffs' and Others to be Amended, Clarified, Corrected, Added, Etc as so stated in Plaintiffs' Complaint

(*"to include additional/corrected laws, corrections, clarifications, etc (Complaint Pgs 2, 3, 14, 15, 16, etc")*).

4a. Plaintiffs clearly Stated in their Complaint that they Request to be able to Amend their Complaint with

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

(Complaint Pgs 2, 3, 14, 15, 16, etc) WITH **WITHOUT HAVING ALL THEIR NON MEDICAL MERITOUS CLAIMS DISMISSED AS SUCH WOULD CAUSE SIGNIFICANT FINANCIAL AND OTHER HARDSHIP**

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

4b. Plaintiffs Complaint issues are Valid in that they relate to Non-medical issues nexused to the medical aspect of this situation.

4c. As addressed in their Opposition, 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 and obtain/provide any medical documentation/testimony of persons pursuant to Discovery Rule 16 supporting their claims (Discovery Rule 16 asserts Plaintiffs can provide medical expert documentation, etc in furtherance of said claims – Court has clear discretion on Expert Affidavit submission – see Rule 16 provisions for same) - while requesting of the Court an time to locate and obtain a medical expert Affidavit addressing the medical aspects of their legitimate, non-frivolous, meritous Complaint.

5. Plaintiffs clarify here, in their Complaint and in their Opposition, that ALL Defendants contributed, acted in Simple, Ordinary, Gross negligence; NOT simply such noted under 41A.071, with regard to the Non-Medical claims – such as ALL Defendants' Administrative NON Medical Protocol / Lack of communication of 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 allowed for continued reduced dosage of Beverly M. Brown's medication or any procedure that would have impacted, jeopardized her health as he has guarded against in the past (Note: verbiage. corrected from Opposition)

6. ALL Defendants' Gross, Simple, Ordinary NON MEDICAL ADMINISTRATIVE Negligence OF Protocol and Lack of communication by ALL Defendants regarding NON communication with this patient's Primary Cardiovascular Specialist, WHO WORKS FOR Defendant St Mary's Regional Medical Center, EVEN AT Plaintiffs' urgency of said contact, Resulted in the Health Deterioration of Beverly M. Brown's condition from December 2018 through her Death on March 5, 2019.

7. It is also Noted that the Courts State:

- "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)"

- "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 THEIR 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)"

8. Again, as reiterated above under No 1, 2, 3 specifically,

a. Defendants affirm in their dismissal Motion that the Nevada Supreme Court Affirm: that 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" –

b. 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 Defendants

- Claims 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 (which Courts deem true and accurate) and Amended, Clarified laws, etc (authorized by Nevada Statutes) addressed throughout their Complaint and Clarified in their Opposition.

c. As per See definitions of "shall" above in No 3 and in their Opposition, the Court clearly has judicial discretion on how he/she wishes to independently use the word "shall", a clearly supported permissive term as fully supported in Plaintiffs' Opposition, herein.

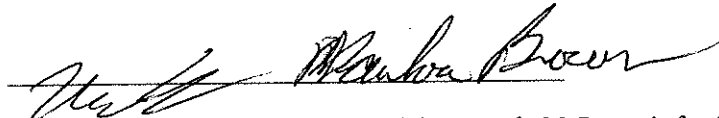
d. Contrary to Defendants *erroneous* assertions, the Courts have the discretion to allow time for Plaintiffs to provide for any medical expert Affidavit if need be in support of any asserted medical malpractice


claims; proceed though Discovery Rule 16 - asserts Plaintiffs can provide medical expert documentation, etc in furtherance of said claims - Court has clear discretion on Expert Affidavit submission – see Rule 16 provisions for same); Proceed As IS, Etc

B.

CONCLUSION:

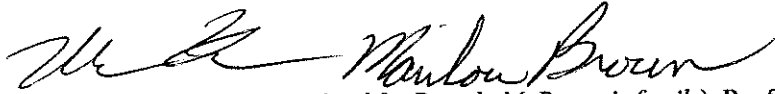
When the Court Reviews Plaintiffs' Civil Action Complaint, along with the Meritous Refuting Arguments of their Opposition and herein - containing Corrections, Additions, Clarifications, Amendments, Time Request to Seek medical expert Affidavit if needed (Court has clear discretion on Expert Affidavit submission – see Rule 16 provisions for same), valid Refuting Arguments ETC All in its Totale, it is clearly supported that Plaintiffs have meritous, Non-medical claims (simply nexused to ALL Defendants' medical establishment / acts – such as Protocol, lack of communication, Age/Other Discrimination/elderly neglect/abuses, Decisions jeopardizing patients' / others' health and safety such As placement with infected patients, Failure to timely fax vital medical documents, Etc), along with clear medical nexus claims (with Time Request for Plaintiffs' to Seek medical expert Affidavit if needed; Court has clear discretion on Expert Affidavit submission – see Rule 16 provisions for same; that Validate their Civil Action to Continue (All of which are likewise subject to Medical Board Review, Media attention, U.S. Department of Health and Human Resource Reviews, ETC in addition to this Legal Nexus), On Behalf Of and For the Voice of other chronically ill, elderly patients who need Proper Care from Medical Establishments.



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 24, 2020

AFFIRMATION Pursuant to NRS 239B.030

The undersigned do hereby affirm that the preceding document, PLAINTIFFS' REQUEST FOR A HEARING WITH REITERATED REFUTES OF DEFENDANTS' (Tiffany Coury replaced Tammy Evans, Prem Reddy, MD; Mark McAllister, MD) ANSWERS IN LIEU OF A HEARING - IF SAME SUPPORTS UPHOLDING PLAINTIFFS' COMPLAINT filed in this matter does not contain the Social Security Number of any person.



Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
Gregory J. Brown ~~for~~
45 Nives Court
Sparks, NV 89441
Telephone: (775) 425-4216
Date: April 24, 2020

CERTIFICATE OF SERVICE

The undersigned do hereby affirm that Plaintiffs' PLAINTIFFS' REQUEST FOR A HEARING WITH REITERATED REFUTES OF DEFENDANTS' (Tiffany Coury replaced Tammy Evans, Prem Reddy, MD; Mark McAllister, MD) ANSWERS IN LIEU OF A HEARING - IF SAME SUPPORTS UPHOLDING PLAINTIFFS' COMPLAINT was served via regular mail and in person by Plaintiffs to Defendants' Counsels on April 24, 2020



Marilee Brown, Marilou Brown, Pro Se Plaintiffs
Gregory J. Brown ~~for~~
Nives Court
Sparks, NV 89441
775-425-4216
Date: April 24, 2020

ORIGINAL

CODE: 3860
NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)
BAR NUMBER: N/A (Pro Se litigants)
ADDRESS: 45 Nives Court
Sparks, NV 89441
TELEPHONE: (775) 425-4216

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, in Proper Person

Case No: CV20-00422
Dept No: 1

VS

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

REQUEST FOR SUBMISSION

**PLAINTIFFS' REQUEST THAT THEIR PLAINTIFFS' REQUEST FOR A HEARING WITH
REITERATED REFUTES OF DEFENDANTS' (Tiffany Coury replaced Tammy Evans, Prem Reddy, MD;
Mark McAllister, MD) ANSWERS IN LIU OF A HEARING - IF SAME SUPPORTS UPHOLDING
PLAINTIFFS' COMPLAINT BE SUBMITTED TO THE COURT FOR DECISION**

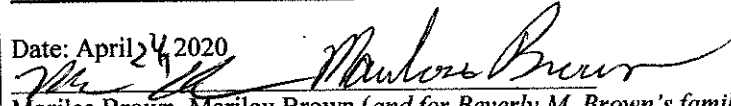


Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*), Pro Se
Gregory J. Brown
45 Nives Court
Sparks, NV 89441
Telephone: (775) 425-4216
Date: April 24, 2020

AFFIRMATION Pursuant to NRS 239B.030

The undersigned do hereby affirm that the preceding document, **PLAINTIFFS' REQUEST FOR A HEARING
WITH REITERATED REFUTES OF DEFENDANTS' (Tiffany Coury replaced Tammy Evans, Prem Reddy,
MD; Mark McAllister, MD) ANSWERS IN LIU OF A HEARING - IF SAME SUPPORTS UPHOLDING
PLAINTIFFS' COMPLAINT** filed in this matter does not contain the Social Security Number of any person.


Date: April 24, 2020


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

1 Gregory J. Brown
2 45 Nives Court
3 Sparks, NV 89441
4 Telephone: (775) 425-4216

5 CERTIFICATE OF SERVICE

6 The undersigned do hereby affirm that Plaintiffs' PLAINTIFFS' REQUEST FOR A HEARING WITH
7 REITERATED REFUTES OF DEFENDANTS' (Tiffany Coury replaced Tammy Evans, Prem Reddy, MD;
8 Mark McAllister, MD) ANSWERS IN LIEU OF A HEARING - IF SAME SUPPORTS UPHOLDING
9 PLAINTIFFS' COMPLAINT was served via regular mail and in person by Plaintiffs to Defendants'
10 Counsels on April 24, 2020

11 
12 Marilee Brown, Marilou Brown, Pro Se Plaintiffs
13 Gregory J. Brown
14 Nives Court
15 Sparks, NV 89441
16 775-425-4216
17 Date: April 24, 2020

1. ORIGINAL

2. CODE: 3870

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. Dept No: 1

14. VS

15. St. Mary's Regional Medical Center: Tiffany Coury CEO/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. **PLAINTIFFS' REQUEST TO ADD GREGORY J. BROWN AS PARTY (*Motion to proceed***
22. **INFORMA PAUPERIS filed separately)**

23. PLAINTIFFS request to add their brother, Gregory J. Brown, as a party in this matter, with his Motion to proceed Informa Pauperis filed separately.

24. Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*), Pro Se
25. Gregory J. Brown *for*

26. 45 Nives Court

27. Sparks, NV 89441

28. Telephone: (775) 425-4216

29. Date: April 24, 2020

30. **AFFIRMATION Pursuant to NRS 239B.030**

31. The undersigned do hereby affirm that the preceding document in this matter, **PLAINTIFFS' REQUEST**
32. **TO ADD GREGORY J. BROWN AS PARTY (*Motion to proceed* INFORMA PAUPERIS filed**
33. **separately)** does not contain the Social Security Number of any person.

34. Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*), Pro Se
35. Gregory J. Brown *for*

36. 45 Nives Court

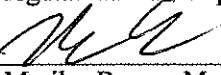
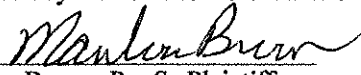

37. Sparks, NV 89441

38. Telephone: (775) 425-4216

39. Date: April 24, 2020

CERTIFICATE OF SERVICE

1.
2. The undersigned do hereby affirm that Plaintiffs' **PLAINTIFFS' REQUEST TO ADD GREGORY J. BROWN AS PARTY (Motion to proceed INFORMA PAUPERIS filed separately)** was served via
3. regular mail and in person by Plaintiffs to Defendants on April 24, 2020

4.   24
Marilee Brown, Marjolu Brown, Pro Se Plaintiffs
Gregory J. Brown 

5. Nives Court
6. Sparks, NV 89441
7. 775-425-4216
8. Date: April 24, 2020

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8. IN THE SECOND JUDICIAL DISTRICT COURT OF
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10. Marilee Brown, Marilou Brown (*for Beverly M. Brown's family*)
11. Plaintiffs, in Proper Person

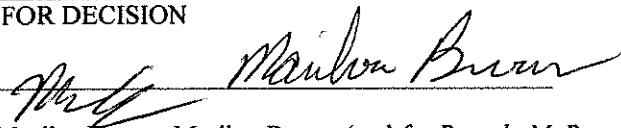

Case No: CV20-00422
Dept No: 1

9. VS

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

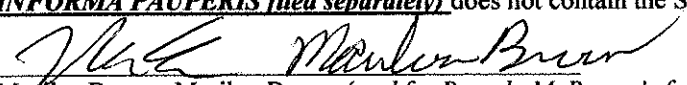

13. REQUEST FOR SUBMISSION

14. PLAINTIFFS' REQUEST THAT THEIR: **PLAINTIFFS' REQUEST TO ADD GREGORY J. BROWN AS**
15. **PARTY (Motion to proceed INFORMA PAUPERIS filed separately)** Be SUBMITTED TO THE COURT
FOR DECISION

16. 
17. Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*), Pro Se
Gregory J. Brown 
18. 45 Nives Court
19. Sparks, NV 89441
20. Telephone: (775) 425-4216
21. Date: April 24, 2020


22. AFFIRMATION Pursuant to NRS 239B.030

23. The undersigned do hereby affirm that the preceding document in this matter, Plaintiffs' Request For
Submission of **PLAINTIFFS' REQUEST TO ADD GREGORY J. BROWN AS PARTY (Motion to proceed**
24. **INFORMA PAUPERIS filed separately)** does not contain the Social Security Number of any person.

25. 
26. Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*), Pro Se
Gregory J. Brown 
27. 45 Nives Court
28. Sparks, NV 89441
29. Telephone: (775) 425-4216
30. Date: April 24, 2020

CERTIFICATE OF SERVICE

1 The undersigned do hereby affirm that Plaintiffs' Request For Submission of **PLAINTIFFS' REQUEST**
2 **TO ADD GREGORY J. BROWN AS PARTY (Motion to proceed INFORMA PAUPERIS filed**
3 **separately)** was served via regular mail and in person by Plaintiffs to Defendants on April 24, 2020

4 
Marilee Brown, Marilou Brown, Pro Se Plaintiffs

5 Gregory J. Brown *PSA*

45 Nives Court

Sparks, NV 89441

775-425-4216

Date: April 24, 2020

ORIGINAL

CODE: 3860
NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)
BAR NUMBER: N/A (Pro Se litigants)
ADDRESS: 45 Nives Court
Sparks, NV 89441
TELEPHONE: (775) 425-4216

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, in Proper Person

Case No: CV20-00422
Dept No: 1

VS

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

REQUEST FOR SUBMISSION

PLAINTIFFS' REQUEST THAT **PLAINTIFF GREGORY J. BROWN's Motion to Proceed INFORMA PAUPERIS, WITH AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION TO PROCEED INFORMA PAUPERIS** Be SUBMITTED TO THE COURT FOR DECISION

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 24, 2020

AFFIRMATION Pursuant to NRS 239B.030

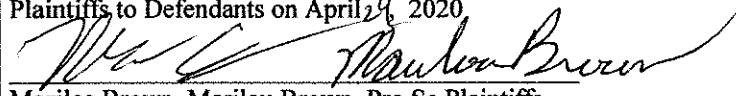
The undersigned do hereby affirm that the preceding document in this matter, Plaintiffs' Request For Submission of **PLAINTIFF GREGORY J. BROWN's Motion to Proceed INFORMA PAUPERIS, WITH AFFIDAVIT OF POVERTY IN SUPPORT OF MOTION TO PROCEED INFORMA PAUPERIS** does not contain the Social Security Number of any person.


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

1 Date: April 2nd, 2020

2 CERTIFICATE OF SERVICE

3 The undersigned do hereby affirm that Plaintiffs' Request For Submission of PLAINTIFF GREGORY J.
4 BROWN's Motion to Proceed INFORMA PAUPERIS, WITH AFFIDAVIT OF POVERTY IN SUPPORT
5 OF MOTION TO PROCEED INFORMA PAUPERIS was served via regular mail and in person by
6 Plaintiffs to Defendants on April 2nd, 2020

7 
8 Marilee Brown, Marilou Brown, Pro Se Plaintiffs

9 Gregory J. Brown 

10 45 Nives Court

11 Sparks, NV 89441

12 775-425-4216

13 Date: April 2nd, 2020

Return Of NEF

Recipients

EDWARD LEMONS, ESQ. - Notification received on 2020-04-28 14:10:19.563.
RICHARD DE JONG, ESQ. - Notification received on 2020-04-28 14:10:19.469.
ALICE CAMPOS MERCADO, ESQ. - Notification received on 2020-04-28 14:10:19.532.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CV20-00422

Judge:

HONORABLE KATHLEEN DRAKULICH

Official File Stamp:

04-28-2020:14:05:07

Clerk Accepted:

04-28-2020:14:09:48

Court:

Second Judicial District Court - State of Nevada
Civil

Case Title:

MARILEE BROWN ETAL VS. SAINT MARY'S
REGIONAL ETAL

Document(s) Submitted:

Application Default Judgment
Request for Submission
Request
Request for Submission
Request
Request for Submission
Mtn Proceed Forma Pauperis
Affidavit of Poverty
Request for Submission
Deputy Clerk YViloria

Filed By:

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

ALICE G. CAMPOS MERCADO, ESQ. for MARK
MCALLISTER

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

EDWARD J. LEMONS, ESQ. for MARK
MCALLISTER

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

HEATHER S. HALL, ESQ. for ST. MARY'S
REGIONAL MEDICAL CENTER, TAMI EVANS,
PREM REDDY, M.D.

TANZEEL ISLAM, M.D.

TIFFANY COURRY, CEO

MICHAEL E. PRANGLE, ESQ. for ST. MARY'S
REGIONAL MEDICAL CENTER, TAMI EVANS,
PREM REDDY, M.D.

SRIDEVI CHALLAPALLI

MARILOU BROWN

MARILEE BROWN

3366

**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,

Case No.: CV20-00422

vs.

Dept. No.: 1

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 VACATING SUBMISSION

Currently before the Court is Plaintiffs' Marilee Brown, Marilou Brown (for Beverly M. Brown's family) ("Plaintiffs") *Request to Add Gregory Brown as Party (Motion to Proceed Informa Pauperis filed Separately)* ("Request") filed April 28, 2020 and submitted to the Court the same day. Plaintiffs have submitted their Request without providing opposing counsel the opportunity to file a response. Therefore, this Court finds good cause to vacate the submission.

Based upon the foregoing and good cause appearing,

IT IS HEREBY ORDERED that submission of Plaintiffs' *Request to Add Gregory Brown as Party (Motion to Proceed Informa Pauperis filed Separately)* is VACATED.

IT IS SO ORDERED.

DATED this 5th day of May, 2020.



KATHLEEN DRAKULICH
DISTRICT JUDGE

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 5th day of May, 2020, I electronically filed the **ORDER VACATING SUBMISSION** 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:


EDWARD LEMONS, ESQ. for MARK MCALLISTER

ROBERT MCBRIDE, ESQ. for TAMI EVANS, PREM REDDY, M.D.,
ST. MARY'S REGIONAL MEDICAL CENTER

ALICE CAMPOS MERCADO, ESQ for MARK MCALLISTER

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

MARILEE BROWN
MARILOU BROWN
45 NIVES COURT
SPARKS, NV 89441


Department 1 Judicial Assistant