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Elizabeth A. Brown
Clerk of Supreme Court

NOAS
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DISTRICT COURT
CLARK COUNTY, NEVADA

DARELL L. MOORE and CHARLENE A.
MOORE, individually and as husband and
wife;

Plaintiffs,

v.

JASON LASRY, M.D., individually;
FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD.; TERRY BARTMUS,
RN, APRN; and DOES I through X, inclusive;
and ROE CORPORATIONS I through V,
inclusive;

Defendants.

CASE NO.: A-17-766426-C

DEPT. NO.: Dept. 25

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Plaintiffs, DARELL L. MOORE and CHARLENE A. MOORE, by and through their attorneys of record, MATTHEW W. HOFFMANN, ESQ., of the law firm of ATKINSON WATKINS & HOFFMANN, LLP, and E. BREEN ARNTZ, ESQ., hereby appeal to the Supreme Court of Nevada from the Findings of Fact, Conclusions of Law,

1 and Order denying Plaintiffs' Motion for New Trial entered herein on July 15, 2020, with the
2 Notice of Entry of Order filed and served on July 16, 2020.

3 DATED this 14th day of August, 2020.

4 ATKINSON WATKINS & HOFFMANN, LLP

5
6 /s/ E. Breen Arntz, Esq.
7 MATTHEW W. HOFFMANN, ESQ.
8 Nevada Bar No. 9061
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18 *Attorneys for Plaintiffs*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of ATKINSON WATKINS & HOFFMANN, LLP
3 and that on the 14th day of August, 2020, I caused to be served via Odyssey, the Court's mandatory
4 efilng/eservice system, a true and correct copy of the document described herein.

5 **Document Served: NOTICE OF APPEAL**

6
7 **Person(s) Served:**

8 Robert C. McBride, Esq.
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10 Chelsea Hueth, Esq.
11 Nevada Bar No. 10904
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18 And Terry Bartmus, A.P.R.N.*

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23
24 /s/ Erika Jimenez
25 An Employee of ATKINSON WATKINS & HOFFMANN, LLP
26
27
28

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-17-766426-C****Darell Moore, Plaintiff(s)****vs.****Jason Lasry, M.D., Defendant(s)**§
§
§
§
§

Location: **Department 25**
 Judicial Officer: **Delaney, Kathleen E.**
 Filed on: **12/18/2017**
 Case Number History:
 Cross-Reference Case Number: **A766426**

CASE INFORMATION**Statistical Closures**

03/10/2020 Verdict Reached

Case Type: **Malpractice - Medical/Dental**

Case Flags: **Appealed to Supreme Court**
Jury Demand Filed
Automatically Exempt from Arbitration
Filing Fee Balance Due
Med Mal Case



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

Case Number A-17-766426-C
 Court Department 25
 Date Assigned 08/09/2018
 Judicial Officer Delaney, Kathleen E.

PARTY INFORMATION


Plaintiff	Moore, Charlene A	<i>Lead Attorneys</i> Hoffmann, Matthew W. <i>Retained</i> 702-562-6000(W)
	Moore, Darell L	Hoffmann, Matthew W. <i>Retained</i> 702-562-6000(W)
Defendant	Bartmus, Terry, RN	Weaver, Keith A. <i>Retained</i> 7028933383(W)
	Dignity Health Removed: 06/20/2018 Dismissed	Bemis, John F. <i>Retained</i> 702-652-6000(W)
	Fremont Emergency Services (Mandavia) Ltd Removed: 12/18/2019 Dismissed	Weaver, Keith A. <i>Retained</i> 7028933383(W)
	Lasry, Jason, M.D.	McBride, Robert C. <i>Retained</i> 702-792-5855(W)

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

12/18/2017	 Complaint Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Complaint Medical Malpractice</i>	
12/18/2017	 Initial Appearance Fee Disclosure Filed By: Plaintiff Moore, Charlene A <i>Initial Appearance Fee Disclosure</i>	

CASE SUMMARY

CASE NO. A-17-766426-C

12/20/2017	 Amended Complaint Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>First Amended Complaint Medical Malpractice</i>
01/05/2018	 Summons Filed by: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Summons</i>
01/05/2018	 Proof of Service Filed by: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Proof of Service</i>
01/17/2018	 Answer <i>Dignity Health dba St. Rose Dominican Hospital - San Martin Campus' Answer to Plaintiffs' Complaint</i>
01/17/2018	 Initial Appearance Fee Disclosure Filed By: Defendant Dignity Health <i>Dignity Health dba St. Rose Dominican Hospital - San Martin Campus' Initial Appearance Fee Disclosure</i>
01/17/2018	 Demand for Jury Trial Filed By: Defendant Dignity Health <i>Dignity Health dba St. Rose Dominican Hospital - San Martin Campus' Demand for Jury Trial</i>
01/17/2018	 Summons Filed by: Plaintiff Moore, Darell L <i>Summons-Dignity Health</i>
01/17/2018	 Proof of Service Filed by: Plaintiff Moore, Darell L <i>Proof of Service-Dignity Health</i>
01/31/2018	 Proof of Service Filed by: Plaintiff Moore, Darell L <i>Proof of Service</i>
01/31/2018	 Summons Filed by: Plaintiff Moore, Darell L <i>Summons</i>
01/31/2018	 Summons Filed by: Plaintiff Moore, Darell L <i>Summons</i>
01/31/2018	 Proof of Service Filed by: Plaintiff Moore, Darell L <i>Proof of Service</i>
02/09/2018	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
02/09/2018	

CASE SUMMARY

CASE NO. A-17-766426-C

	 Answer to Complaint <i>Defendants Fremont Emergency Services (Mandavia), LTD. and Terry Bartmus, A.P.R.N.'s Answer to Plaintiffs' First Amended Complaint</i>
02/09/2018	 Demand for Jury Trial <i>Demand for Jury Trial</i>
02/12/2018	 Answer to Amended Complaint Filed By: Defendant Lasry, Jason, M.D. <i>Defendant, Jason Lasry, M.D. S Answer To Plaintiffs First Amended Complaint</i>
02/12/2018	 Demand for Jury Trial Filed By: Defendant Lasry, Jason, M.D. <i>Defendant, Jason Lasry, M.D. S Demand For Jury Trial</i>
02/12/2018	 Initial Appearance Fee Disclosure Filed By: Defendant Lasry, Jason, M.D. <i>Defendant, Jason Lasry, M.D s Initial Fee Appearance Disclosure</i>
04/02/2018	 Joint Case Conference Report Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Joint Case Conference Report</i>
05/04/2018	 Scheduling Order <i>Scheduling Order</i>
06/20/2018	Order of Dismissal With Prejudice (Judicial Officer: Sturman, Gloria) Debtors: Darell L Moore (Plaintiff), Charlene A Moore (Plaintiff) Creditors: Dignity Health (Defendant) Judgment: 06/20/2018, Docketed: 06/20/2018
06/20/2018	 Stipulation and Order Filed by: Defendant Dignity Health <i>Stipulation and Order to Dismiss Defendant Dignity Health dba St. Rose Dominican Hospital - San Martin Campus With Prejudice</i>
06/28/2018	 Notice of Entry Filed By: Defendant Dignity Health <i>Notice of Entry of Order</i>
07/11/2018	 Order Setting Medical/Dental Malpractice Status Check <i>Order Setting Medical/ Dental Malpractice Status Check and Trial Setting Conference</i>
08/08/2018	 Status Check: Medical/Dental Malpractice (1:00 PM) (Judicial Officer: Wiese, Jerry A.)
03/01/2019	 Objection <i>Objections To Plaintiffs' Subpoena Duces Tecum Upon The Person Most Knowledgeable Of Dignity Health DBA St. Rose Dominican Hospital-San Martin Campus</i>
03/15/2019	 Objection <i>Renewed Objections to Plaintiffs' Subpoena Duces Tecum Upon the Person Most Knowledgeable of Dignity Health d/b/a St. Rose Dominican Hospital-San Martin Campus</i>
03/22/2019	 Proof of Service

CASE SUMMARY

CASE NO. A-17-766426-C

Filed by: Plaintiff Moore, Darell L

Proof of Service - Dignity Health d/b/a St. Rose Dominican Hospital - San Martin Campus

04/02/2019



Objection

Objections To Plaintiffs' Subpoena Duces Tecum Upon The Person Most Knowledgeable Of Dignity Health DBA St. Rose Dominican Hospital-San Martin Campus

05/07/2019



Order Setting Civil Jury Trial

Order Setting Civil Jury Trial

05/15/2019



Stipulation and Order to Extend Discovery Deadlines

Filed By: Plaintiff Moore, Darell L

Stipulation and Order to Extend the Discovery Deadlines Pursuant to E.D.C.R. 2.35

05/15/2019



Notice of Entry of Stipulation and Order

Filed By: Plaintiff Moore, Darell L

Notice of Entry of Stipulation and Order

05/21/2019



Motion for Leave to File

Party: Plaintiff Moore, Darell L

Plaintiffs Motion for Leave to Amend Complaint

05/22/2019



Clerk's Notice of Hearing

Notice of Hearing

06/04/2019



Opposition to Motion

Opposition to Plaintiffs' Motion for Leave to Amend Complaint

06/04/2019



Joinder

Defendants Fremont Emergency Services (Mandavia) And Terry Bartmus, A.P.R.N.'s Joinder To Defendant, Jason Lasry, M.D.'s Opposition To Plaintiffs' Motion For Leave To Amend Complaint

06/13/2019



Motion to Compel

Filed By: Plaintiff Moore, Darell L

Plaintiffs' Motion to Compel Discovery Responses

06/13/2019



Clerk's Notice of Hearing

Notice of Hearing

06/13/2019



Motion to Compel

Defendant Terry Bartmus, A.P.R.N.'s Motion To Compel Discovery

06/13/2019



Clerk's Notice of Hearing

Notice of Hearing

06/14/2019



Exhibits

Exhibits to Defendant Terry Bartmus, A.P.R.N.'s Motion to Compel Discovery

06/24/2019




Opposition

Defendant Fremont Emergency Services (Mandavia, LTD.'s) Opposition to Plaintiffs' Motion to Compel Discovery

CASE SUMMARY

CASE NO. A-17-766426-C

06/25/2019	 Motion for Leave (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Plaintiff's Motion for Leave to Amend Complaint</i>
06/25/2019	 Notice of Association of Counsel Filed By: Plaintiff Moore, Darell L <i>Notice of Association of Counsel</i>
06/25/2019	 Notice of Non Opposition <i>Defendant Terry Bartmus, A.P.R.N.'s Notice of Non-Opposition to Defendant's Motion to Compel Discovery</i>
06/27/2019	 Opposition Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Opposition to Defendant Terry Bartmus APRN's Motion to Compel Discovery Responses and Countermotion for Protective Order</i>
07/08/2019	 Opposition to Motion <i>Defendant Terry Bartmus, A.P.R.N.'s Opposition To Plaintiff's Countermotion For Protective Order</i>
07/12/2019	 Reply in Support <i>Defendant Terry Bartmus, A.P.R.N.'s Reply In Support Of Her Motion To Compel Discovery</i>
07/17/2019	Motion to Compel (9:00 AM) (Judicial Officer: Truman, Erin) <i>Plaintiffs' Motion to Compel Discovery Responses</i>
07/17/2019	Motion to Compel (9:00 AM) (Judicial Officer: Truman, Erin) <i>Defendant Terry Bartmus APRN's Motion to Compel Discovery</i>
07/17/2019	Opposition and Countermotion (9:00 AM) (Judicial Officer: Truman, Erin) <i>Plaintiffs' Opposition to Deft Terry Bartmus APRN's Motion to Compel Discovery Responses and Countermotion for Protective Order</i>
07/17/2019	 All Pending Motions (9:00 AM) (Judicial Officer: Truman, Erin)
07/25/2019	 Order <i>Order Denying Plaintiff's Motion for Leave to Amend Complaint</i>
07/26/2019	 Motion to Reconsider Filed By: Plaintiff Moore, Darell L <i>Plaintiffs' Motion to Reconsider and Renewed Motion for Leave to Amend Complaint</i>
07/29/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/30/2019	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing - All Pending Motions - heard on July 17, 2019</i>
07/31/2019	 Notice of Entry of Order <i>Notice of Entry of Order Denying Plaintiffs Motion for Leave to Amend Complaint</i>
08/06/2019	 Stipulation and Order to Extend Discovery Deadlines Filed By: Defendant Lasry, Jason, M.D. <i>Stipulation and Order to Extend Discovery Deadlines (Second Request)</i>

CASE SUMMARY

CASE NO. A-17-766426-C

08/16/2019	 Notice of Entry of Stipulation and Order <i>Notice of Entry of Stipulation and Order to Extend Discovery Deadlines (Second Request)</i>
08/22/2019	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin) <i>Vacated</i> <i>Status Check: Compliance / DCRR 7-17-19</i>
08/26/2019	 Notice of Association of Counsel Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Notice of Association of Counsel Within Firm</i>
08/29/2019	 Notice of Non Opposition Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Notice of Non-Opposition to Plaintiffs' Motion to Reconsider and Renewed Motion to Amend</i>
09/03/2019	 Motion to Reconsider (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 09/03/2019, 10/01/2019 <i>Plaintiffs' Motion to Reconsider and Renewed Motion for Leave to Amend Complaint</i>
09/20/2019	 Discovery Commissioners Report and Recommendations <i>Discovery Commissioner s Report and Recommendations -Originals</i>
09/20/2019	 Discovery Commissioners Report and Recommendations <i>Discovery Commissioner s Report and Recommendations -Originals</i>
10/07/2019	 Stipulation and Order Filed by: Defendant Fremont Emergency Services (Mandavia) Ltd <i>Stipulation and Order Regarding Expert Disclosures</i>
10/07/2019	 Notice of Entry of Stipulation and Order <i>Notice of Entry of Stipulation and Order Regarding Expert Disclosures</i>
10/14/2019	 Order <i>Order</i>
10/14/2019	 Notice of Entry <i>Notice of Entry of Discovery Commissioner's Report and Recommendations</i>
10/14/2019	 Notice of Entry <i>Notice of Entry of Order</i>
10/15/2019	 Notice of Change of Address Filed By: Defendant Dignity Health <i>Notice of Change of Address</i>
10/16/2019	 Order Granting Motion Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Order</i>
10/16/2019	 Order Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Order re Discovery Commissioner's Report and Recommendation</i>

CASE SUMMARY

CASE NO. A-17-766426-C

10/21/2019	 Notice of Entry of Order Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Notice of Entry of Order -Granting Plaintiffs' Motion to Amend Complaint</i>
10/21/2019	 Notice of Entry of Order Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Notice of Entry of Order -DCR&R</i>
10/21/2019	 Notice of Entry Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Notice of Entry of Discovery Commissioner's Report and Recommendations</i>
10/29/2019	 Second Amended Complaint Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Second Amended Complaint Medical Malpractice</i>
11/01/2019	 Motion Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Ex Parte Motion for Order Shortening Time Upon Motion to Compel Discovery Responses</i>
11/05/2019	 Objection <i>Objections to Plaintiffs' Notices of Taking the Depositions of the 30(b)(6) Witness(es) of Fremont Emergency Services (Mandavia), Ltd.</i>
11/06/2019	 Joinder Filed By: Defendant Lasry, Jason, M.D. <i>Defendant, Jason Lasry, M.D. S Joinder To Fremont Emergency Services (Mandavia) And Terry Bartmus, Aprn s Objections To Plaintiffs Notices Of Taking The Depositions Of The 30 (B)(6) Witnesses Of Fremont Emergency Services (Mandavia), Ltd.</i>
11/08/2019	 Motion for Partial Summary Judgment Filed By: Defendant Lasry, Jason, M.D. <i>Defendant, Jason Lasry, M.D. S Motion For Partial Summary Judgment As To Plaintiffs Second Cause Of Action For Negligent Hiring, Training, And Supervision</i>
11/08/2019	 Joinder <i>Defendants Fremont Emergency Services (Mandavia) And Terry Bartmus, A.P.R.N.'s Joinder To Defendant Jason Lasry, M.D.'s Motion For Partial Summary Judgment As To Plaintiffs' Second Cause Of Action For Negligent Hiring, Training, And Supervision</i>
11/08/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/11/2019	 Notice of Firm Name Change Filed By: Defendant Lasry, Jason, M.D. <i>Notice of Firm Name Change</i>
11/12/2019	 Opposition <i>Defendant Fremont Emergency Services (Mandavia), Ltd's Opposition to Plaintiffs' Motion to Compel Discovery</i>
11/12/2019	 Answer to Amended Complaint Filed By: Defendant Lasry, Jason, M.D.

CASE SUMMARY

CASE NO. A-17-766426-C

Defendant, Jason Lasry, M.D.'S Answer to Plaintiffs Second Amended Complaint

11/12/2019



Answer to Complaint

Defendants Fremont Emergency Services (Mandavia), Ltd. And Terry Bartmus, A.P.R.N.'s Answer To Plaintiffs' Second Amended Complaint

11/13/2019



Motion to Compel (9:30 AM) (Judicial Officer: Truman, Erin)

Plaintiffs' Ex Parte Motion for OST Upon Motion to Compel Discovery Responses

11/14/2019



Motion

Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A

Plaintiffs' Ex Parte Motion for Order Shortening Time Upon Motion to Compel Discovery Responses

11/14/2019



Notice of Motion

Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A

Notice of Motion and Hearing on Order Shortening Time

11/19/2019



Opposition to Motion to Compel

Defendant Fremont Emergency Services (Mandavia), Ltd.'s Opposition to Plaintiffs' Motion to Compel Discovery on Order Shortening Time

11/19/2019



Motion for Protective Order

Defendants Fremont Emergency Services (Mandavia), Ltd. And Terry Bartmus, A.P.R.N. S Motion For A Protective Order Regarding Plaintiffs Darell L. Moore And Charlene A. Moore s Amended Notices Of Taking Depositions Of The 30(b)(6) Witness(es) Of Fremont Emergency Services (Mandavia), Ltd. On An Order Shortening Time

11/20/2019



Motion to Compel (9:30 AM) (Judicial Officer: Truman, Erin)

11/20/2019, 11/22/2019

Plaintiffs' Ex Parte Motion for OST Upon Motion to Compel Discovery Responses

11/21/2019



Joinder To Motion

Defendant, Jason Lasry, M.D. S Joinder To Fremont Emergency Services (Mandavia), Ltd. S Motion For Protective Order Regarding 30(B)(6) Depositions

11/22/2019

Motion for Protective Order (10:30 AM) (Judicial Officer: Truman, Erin)

Defendants Fremont Emergency Services (Mandavia) Ltd and Terry Bartmus APRN's Motion for a Protective Order Regarding Plaintiffs Darell L Moore and Charlene A Moore's Amended Notices of Taking Depositions of the 30(b)(6) Witness(es) of Fremont Emergency Services (Mandavia) Ltd on an OST

11/22/2019

Joinder (10:30 AM) (Judicial Officer: Truman, Erin)

Defendant, Jason Lasry, M.D.'s Joinder to Fremont Emergency Services (Madavia), Ltd.'s Motion for Protective Order Regarding 30(B)(6) Depositions

11/22/2019



All Pending Motions (10:30 AM) (Judicial Officer: Truman, Erin)

11/22/2019



Recorders Transcript of Hearing

Recorders Transcript of Hearing - Plaintiffs' Ex Parte Motion for OST Upon Motion to Compel Discovery Responses - heard on Nov. 13, 2019

11/22/2019



Opposition to Motion

Filed By: Plaintiff Moore, Darell L; Defendant Lasry, Jason, M.D.

Plaintiffs' Opposition to Defendant, Jason Lasry, M.D.'s Motion for Partial Summary Judgment as to Plaintiffs' Second Cause of Action for Negligent Hiring, Training, and

CASE SUMMARY








CASE NO. A-17-766426-C

Supervision and Joinders Thereto

12/03/2019	 Reply in Support Filed By: Defendant Lasry, Jason, M.D. <i>Defendant, Jason Lasry, M.D. S Reply In Support Of Motion For Partial Summary Judgment As To Plaintiffs Second Cause Of Action For Negligent Hiring, Training And Supervision</i>
12/04/2019	 Notice Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Notice of E.D.C.R. 2.67 Conference</i>
12/04/2019	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing - All Pending Motions - heard on Nov. 22, 2019</i>
12/10/2019	 Motion for Partial Summary Judgment (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendant, Jason Lasry, M.D. S Motion For Partial Summary Judgment As To Plaintiffs Second Cause Of Action For Negligent Hiring, Training, And Supervision</i>
12/10/2019	Joinder (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Defendants Fremont Emergency Services (Mandavia) And Terry Bartmus, A.P.R.N.'s Joinder To Defendant Jason Lasry, M.D.'s Motion For Partial Summary Judgment As To Plaintiffs' Second Cause Of Action For Negligent Hiring, Training, And Supervision</i>
12/10/2019	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
12/12/2019	 Motion for Partial Summary Judgment Filed By: Defendant Lasry, Jason, M.D. <i>Defendant, Jason Lasry, M.D.'s Motion For Partial Summary Judgment As To Plaintiffs' Past Medical Expenses</i>
12/12/2019	 Joinder Filed By: Defendant Fremont Emergency Services (Mandavia) Ltd; Defendant Bartmus, Terry, RN <i>Defendants Fremont Emergency Services (Mandavia), Ltd. And Terry Bartmus, A.P.R.N.'s Joinder To Defendant Jason Lasry, M.D.'s Motion For Partial Summary Judgment As To Plaintiffs' Past Medical Expenses</i>
12/12/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/13/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/13/2019	 Motion in Limine <i>Defendant, Jason Lasry, M.D. S Motion In Limine To Exclude Evidence Of Standard Of Care Opinions Not Causally Related To Plaintiff s Injuries</i>
12/13/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/13/2019	 Motion in Limine <i>Defendant, Jason Lasry, M.D. S Motion In Limine To Exclude Evidence Not In Compliance With Nrs 41a.100</i>

CASE SUMMARY

CASE NO. A-17-766426-C

12/13/2019	 Motion in Limine <i>Defendant, Jason Lasry, M.D. S Motion In Limine To Exclude Evidence Or Reference To Dr. Lasry Being Responsible For Terry Bartmus, Aprn</i>
12/13/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/13/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/13/2019	 Motion in Limine Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Motion in Limine to Exclude Any Reference to Plaintiff's History of Smoking</i>
12/13/2019	 Motion in Limine <i>Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion In Limine No. 1 To Preclude Evidence Of The Cap On Non-Economic Damages Under NRS 41A.035</i>
12/13/2019	 Motion in Limine <i>Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion In Limine No. 2 Regarding No Display Or Use Of Medical Text On Cross-Examination Without A Proper Evidentiary Foundation</i>
12/13/2019	 Motion in Limine <i>Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion In Limine No. 3 Regarding No Use Of Medical Text On Direct Examination</i>
12/13/2019	 Motion in Limine <i>Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion In Limine No. 4 To Exclude Testimony Of Witnesses And Documents Or Other Tangible Things Not Disclosed Or Produced In Discovery</i>
12/13/2019	 Motion in Limine <i>Defendant Terry Bartmus, R.N. A.P.R.N.'s Motion in Limine Number 5 Regarding Testimony by Plaintiffs' Expert Witnesses Concerning Non-Standard of Care Criticisms of Defendant</i>
12/13/2019	 Motion in Limine <i>Defendant Terry Bartmus, R.N. A.P.R.N.'s Motion in Limine Number 6 Regarding No Reference to Personal Opinion or Preference of Plaintiffs' Experts</i>
12/13/2019	 Motion in Limine <i>Defendant Terry Bartmus, R.N. A.P.R.N.'s Motion in Limine Number 7 Regarding No Expert Testimony Based on Hearsay Opinions of Other Experts</i>
12/16/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/16/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/16/2019	 Joint Pre-Trial Memorandum Filed By: Plaintiff Moore, Darell L <i>Joint Pre-Trial Memorandum</i>
12/17/2019	 Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)

CASE SUMMARY

CASE NO. A-17-766426-C

12/18/2019	 Stipulation and Order <i>Stipulation and Order to Dismiss Defendant Fremont Emergency Services (Mandavia), LTD Only with Prejudice</i>
12/18/2019	 Joinder to Motion in Limine Filed By: Defendant Fremont Emergency Services (Mandavia) Ltd <i>Defendants Fremont Emergency Services (Mandavia), Ltd. And Terry Bartmus, A.P.R.N. S Joinder To Defendant Jason Lasry, M.D. S Motion In Limine To Exclude Evidence Of Standard Of Care Opinions Not Causally Related To Plaintiff s Injuries</i>
12/18/2019	 Joinder Filed By: Defendant Fremont Emergency Services (Mandavia) Ltd; Defendant Bartmus, Terry, RN <i>Defendants Fremont Emergency Services (Mandavia), Ltd. And Terry Bartmus, A.P.R.N. s Joinder To Defendant Jason Lasry, M.D. s Motion In Limine To Exclude Evidence Not In Compliance With NRS 41A.100</i>
12/18/2019	 Notice of Entry of Stipulation & Order for Dismissal <i>Notice Of Entry Of Stipulation And Order To Dismiss Defendant Fremont Emergency Services (Mandavia), Ltd Only</i>
12/18/2019	Order of Dismissal With Prejudice (Judicial Officer: Delaney, Kathleen E.) Debtors: Darell L Moore (Plaintiff), Charlene A Moore (Plaintiff) Creditors: Fremont Emergency Services (Mandavia) Ltd (Defendant) Judgment: 12/18/2019, Docketed: 12/19/2019
12/19/2019	 Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin) 12/19/2019, 02/06/2020 <i>Status Check: Compliance / 11-13-19 DCRR</i>
12/19/2019	 Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin) 12/19/2019, 02/06/2020 <i>Status Check: Compliance / 11-22-19 DCRR</i>
12/19/2019	 All Pending Motions (3:00 AM) (Judicial Officer: Truman, Erin) <i>Status Check: Compliance / 11-13-19 and 11-22-19 DCRRs</i>
12/19/2019	 Joinder To Motion <i>Defendant, Jason Lasry, M.D. S Joinder To Terry Bartmus, R.N. A.P.R.N. S Motion In Limine No. 1 To Preclude Evidence Of The Cap On Non-Economic Damages Under Nrs 41a.035</i>
12/19/2019	 Joinder To Motion <i>Defendant, Jason Lasry, M.D. S Joinder To Terry Bartmus, R.N. A.P.R.N. S Motion In Limine No. 2 Regarding No Display Or Use Of Medial Text On Cross-Examination Without A Proper Evidentiary Foundation</i>
12/19/2019	 Joinder To Motion <i>Defendant, Jason Lasry, M.D. S Joinder To Terry Bartmus, R.N. A.P.R.N. S Motion In Limine No. 5 Regarding Preclusion Of Expert Testimony By Plaintiff s Expert Witnesses Concerning Non-Standard Of Care Criticisms Of Defendant</i>
12/19/2019	 Joinder To Motion <i>Defendant, Jason Lasry, M.D. S Joinder To Terry Bartmus, R.N. A.P.R.N. S Motion In Limine No. 6 Regarding No Reference To Personal Opinion Or Preference Of Plaintiffs Experts</i>

CASE SUMMARY

CASE NO. A-17-766426-C

12/23/2019	 Opposition to Motion in Limine <i>Defendant Terry Bartmus, R.N., A.P.R.N.'s Opposition to Plaintiffs' Motion in Limine to Exclude Any Reference to Plaintiff's History of Smoking</i>
12/24/2019	 Joinder <i>Defendant, Jason Lasry, M.D. S Joinder To Terry Bartmus, R.N. A.P.R.N. S Opposition To Plaintiffs Motion In Limine To Exclude Any Reference To Plaintiff's History Of Smoking</i>
12/26/2019	 Opposition to Motion Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Opposition to Defendant, Jason Lasry, M.D.'s Motion for Partial Summary Judgment as to Plaintiffs' Past Medical Expenses and Joinders Thereto</i>
12/27/2019	 Pre-Trial Disclosure <i>Defendant Jason Lasry, M.D.'s Pre-Trial Disclosures</i>
12/27/2019	 Opposition to Motion in Limine <i>Defendant, Jason Lasry, M.D. S Opposition To Plaintiffs Motion In Limine To Exclude Any Reference To Plaintiff's History Of Smoking</i>
12/27/2019	 Pre-Trial Disclosure <i>Defendant Terry Bartmus, R.N. A.P.R.N.'s Pre-Trial Disclsoure Pursuant to NRCP 16.1(a)(3)</i>
12/27/2019	 Joinder <i>Defendant Terry Bartmus, R.N. A.P.R.N.'s Jonder to Defendant Jason Lasry, M.D.'s Opposition to Plaintiffs' Motion in Limine to Exclude Any Reference to Plaintiff's History of Smoking</i>
12/27/2019	 Pre-Trial Disclosure Party: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Pre-Trial Disclosures Pursuant to N.R.C.P. 16.1(a)(3)</i>
12/27/2019	 Opposition to Motion in Limine Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Opposition to Defendant Jason Lasry MD's Motion in Limine to Exclude Evidede of Standard of Care Opinions Not Causally Related to Plaintiff's Injuries and Joinder Thereto</i>
12/27/2019	 Opposition to Motion in Limine Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Opposition To Defendant, Jason Lasry's M.D.'s Motion In Limine To Exclude Evidence Or Reference To Dr. Lasry Being Responsible For Terry Bartmus, APRN</i>
12/27/2019	 Opposition to Motion in Limine Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiff's Opposition to Defendant Terry Bartmus RN APRN's Motion in Limine No 2 Regarding No Display or Use of Medical Text on Crossexamination Without a Proper Evidentiary Foundation and Joinder Thereto</i>
12/27/2019	 Opposition to Motion in Limine Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Opposition to Defendant Terry Bartmus RN APRN's Motion in Limine No 3 Regarding No Use of Medical Text on Direct Examination</i>
12/27/2019	 Opposition to Motion in Limine Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A

CASE SUMMARY

CASE NO. A-17-766426-C

Plaintiffs' Opposition to Defendant Terry Bartmus RN APRN's Motion in Limine No 4 to Exclude Testimony of Witnesses and Documents or Other Tangible Things Not Disclosed or Produced in Discovery

12/27/2019



Opposition to Motion in Limine

Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A

Plaintiffs' Opposition to Defendant Terry Bartmus RN APRN's Motion in Limine No 5 Regarding Preclusion of Expert Witnesses Concerning Non-Standard of Care Criticisms of Defendant and Joinders Thereto

12/27/2019



Opposition to Motion in Limine

Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A

Plaintiffs' Opposition to Defendant Terry Bartmus RN APRN's Motion in Limine No 6 Regarding No Reference to Personal Opinion or Preference of Plaintiff's Experts and Joinders Thereto

01/02/2020



Supplement

Filed by: Defendant Lasry, Jason, M.D.

Defendant Jason Lasry, M.D. S 1st Supplement To His Pretrial Disclosures

01/02/2020



Notice of Non Opposition

Filed By: Defendant Lasry, Jason, M.D.

Defendant, Jason Lasry, M.D.'s Notice Of Non-Opposition to Motion in Limine to Exclude Evidence Not in Compliance with NRS 41a.100

01/03/2020



Notice

Notice of Scheduling Settlement Conference

01/06/2020



Joinder to Motion in Limine

Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A

Plaintiffs Joinder To Defendant Terry Bartmus, R.N. A.P.R.N. s Motion In Limine No. 4 To Exclude Testimony Of Witnesses And Documents Or Other Tangible Things Not Disclosed Or Produced In Discovery

01/06/2020



Notice of Non Opposition

Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A

Plaintiffs Non-opposition to Defendant Bartmus RN APRN's Motion in Limine No 1 to Preclude Evidence of the Cap on Non-Economic Damages Under NRS 41A.035

01/06/2020



Reply in Support

Defendant, Jason Lasry, M.D.'s Reply In Support Of Motion For Partial Summary Judgment As To Plaintiffs Past Medical Expenses

01/06/2020



Reply in Support

Filed By: Defendant Lasry, Jason, M.D.

Defendant, Jason Lasry, M.D.'s Reply In Support Of Motion In Limine To Exclude Evidence Or Reference To Dr. Lasry Being Responsible For Terry Bartmus, Aprn

01/07/2020



Reply in Support

Filed By: Defendant Lasry, Jason, M.D.

Defendant, Jason Lasry, M.D. S Reply In Support Of Motion In Limine To Exclude Evidence Of Standard Of Care Opinions Not Causally Related To Plaintiff's Injuries

01/07/2020



Reply

Defendant Terry Bartmus, R.N., A.P.R.N.'s Reply to Plaintiffs' Oppositio to Defendant Jason Lasry, M.D.'s Motion in Limine to Exclude Evidence of Standard of Care Opinions No

CASE SUMMARY

CASE NO. A-17-766426-C

Causally Related to Plaintiff's Injuries

01/07/2020



Notice of Non Opposition

Defendant Terry Bartmus, A.P.R.N.'s Notice of No Opposition to Motion in Limine No. 7 Regarding No Expert Testimony Based on Hearsay Opinions of Other Experts

01/07/2020



Reply

Defendant Terry Bartmus, R.N., A.P.R.N.'s Reply to Plaintiffs' Opposition to Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion in Limine No. 4 to Exclude Testimony of Witnesses and Documents or Other Tangible Things No Produced in Discovery

01/07/2020



Reply to Opposition

Filed by: Defendant Bartmus, Terry, RN
Defendant Terry Bartmus, R.N., A.P.R.N.'s Reply to Plaintiffs' Opposition to Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion in Limine No. 5 Regarding Preclusion of Expert Witnesses Concerning Non-Standard of Care Criticisms of Defendant

01/07/2020



Reply

Defendant Terry Bartmus, R.N., A.P.R.N.'s Reply to Plaintiffs' Opposition to Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion in Limine No. 6 Regarding No Reference to Personal Opinion or Preference of Plaintiffs' Experts

01/09/2020



Joinder

Filed By: Defendant Lasry, Jason, M.D.
Defendant, Jason Lasry, M.D.'s Joinder To Terry Bartmus, R.N. A.P.R.N.'s Reply To Plaintiffs' Opposition To Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion In Limine No. 5 Regarding Preclusion Of Expert Witnesses Concerning Non-Standard Of Care Criticisms Of Defendant

01/09/2020



Joinder

Filed By: Defendant Lasry, Jason, M.D.
Defendant, Jason Lasry, M.D.'s Joinder To Terry Bartmus, R.N. A.P.R.N.'s Reply To Plaintiffs' Opposition To Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion In Limine No. 6 Regarding No Reference To Personal Opinion Or Preference Of Plaintiffs' Experts

01/09/2020



Pre-Trial Disclosure

Defendant Jason Lasry, M.D.'s 2nd Supplement To His Pretrial Disclosures

01/10/2020



Pre-Trial Disclosure

Defendant Terry Bartmus, A.P.R.N.'s First Supplemental Pre-Trial Disclosure Pursuant To NRCp 16.1(a)(3)

01/10/2020



Objection

Defendant, Jason Lasry, M.D. S Objections To Plaintiffs Pre-Trial Disclosures Pursuant To N.R.C.P. 16.1(A)(3)

01/10/2020



Objection

Defendant Terry Bartmus, A.P.R.N.'s Objections To Plaintiffs' Pre-Trial Disclosures Pursuant To NRCp 16.1(a)(3)

01/10/2020



Objection

Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A
Plaintiffs' Objections to Defendants' Pre-Trial Disclosures

01/13/2020



Settlement Conference (10:00 AM) (Judicial Officer: Cherry, Michael A.)

01/14/2020

Motion for Partial Summary Judgment (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)




CASE SUMMARY

CASE NO. A-17-766426-C

	<p>01/14/2020, 01/22/2020 <i>Defendant, Jason Lasry, M.D.'s Motion For Partial Summary Judgment As To Plaintiffs' Past Medical Expenses</i></p>
01/14/2020	<p>Joinder (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendants Fremont Emergency Services (Mandavia), Ltd. And Terry Bartmus, A.P.R.N.'s Joinder To Defendant Jason Lasry, M.D.'s Motion For Partial Summary Judgment As To Plaintiffs' Past Medical Expenses</i></p>
01/14/2020	<p>Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant, Jason Lasry, M.D. S Motion In Limine To Exclude Evidence Of Standard Of Care Opinions Not Causally Related To Plaintiff s Injuries</i></p>
01/14/2020	<p>Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant, Jason Lasry, M.D. S Motion In Limine To Exclude Evidence Or Reference to Dr. Lasry being responsible for Terry Bartmus, APRN</i></p>
01/14/2020	<p>Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant, Jason Lasry, M.D. S Motion In Limine To Exclude Evidence Not In Compliance With Nrs 41a.100</i></p>
01/14/2020	<p>Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Plaintiffs' Motion in Limine to Exclude Any Reference to Plaintiff's History of Smoking</i></p>
01/14/2020	<p>Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion In Limine No. 1 To Preclude Evidence Of The Cap On Non-Economic Damages Under NRS 41A.035</i></p>
01/14/2020	<p>Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion In Limine No. 2 Regarding No Display Or Use Of Medical Text On Cross-Examination Without A Proper Evidentiary Foundation</i></p>
01/14/2020	<p>Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion In Limine No. 3 Regarding No Use Of Medical Text On Direct Examination</i></p>
01/14/2020	<p>Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant Terry Bartmus, R.N., A.P.R.N.'s Motion In Limine No. 4 To Exclude Testimony Of Witnesses And Documents Or Other Tangible Things Not Disclosed Or Produced In Discovery</i></p>
01/14/2020	<p>Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant Terry Bartmus, R.N. A.P.R.N.'s Motion in Limine Number 5 Regarding Testimony by Plaintiffs' Expert Witnesses Concerning Non-Standard of Care Criticisms of Defendant</i></p>
01/14/2020	<p>Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant Terry Bartmus, R.N. A.P.R.N.'s Motion in Limine Number 6 Regarding No Reference to Personal Opinion or Preference of Plaintiffs' Experts</i></p>
01/14/2020	<p>Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant Terry Bartmus, R.N. A.P.R.N.'s Motion in Limine Number 7 Regarding No Expert Testimony Based on Hearsay Opinions of Other Experts</i></p>














CASE SUMMARY

CASE NO. A-17-766426-C

01/14/2020	<p>Joinder to Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendants Fremont Emergency Services (Mandavia), Ltd. And Terry Bartmus, A.P.R.N.'s Joinder To Defendant Jason Lasry, M.D.'s Motion In Limine To Exclude Evidence Of Standard Of Care Opinions Not Causally Related To Plaintiff's Injuries</i></p>
01/14/2020	<p>Joinder (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendants Fremont Emergency Services (Mandavia), Ltd. And Terry Bartmus, A.P.R.N.'s Joinder To Defendant Jason Lasry, M.D.'s Motion In Limine To Exclude Evidence Not In Compliance With NRS 41A.100</i></p>
01/14/2020	<p>Joinder to Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant, Jason Lasry, M.D. S Joinder To Terry Bartmus, R.N. A.P.R.N. S Motion In Limine No. 1 To Preclude Evidence Of The Cap On Non-Economic Damages Under Nrs 41a.035</i></p>
01/14/2020	<p>Joinder to Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant, Jason Lasry, M.D. 'S Joinder To Terry Bartmus, R.N. A.P.R.N.'S Motion In Limine No. 2 Regarding No Display Or Use Of Medial Text On Cross-Examination Without A Proper Evidentiary Foundation</i></p>
01/14/2020	<p>Joinder to Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant, Jason Lasry, M.D.'S Joinder To Terry Bartmus, R.N. A.P.R.N.'S Motion In Limine No. 5 Regarding Preclusion Of Expert Testimony By Plaintiff's Expert Witnesses Concerning Non-Standard Of Care Criticisms Of Defendant</i></p>
01/14/2020	<p>Joinder to Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant, Jason Lasry, M.D.'S Joinder To Terry Bartmus, R.N. A.P.R.N.'S Motion In Limine No. 6 Regarding No Reference To Personal Opinion Or Preference Of Plaintiffs Experts</i></p>
01/14/2020	<p>Joinder to Motion in Limine (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Plaintiffs Joinder To Defendant Terry Bartmus, R.N. A.P.R.N. s Motion In Limine No. 4 To Exclude Testimony Of Witnesses And Documents Or Other Tangible Things Not Disclosed Or Produced In Discovery</i></p>
01/14/2020	<p>Joinder (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Defendant Jason Lasry, M.D. 'S Joinder To Terry Bartmus, R.N. A.P.R.N.'S Opposition to Plaintiffs' Motion in Limine to Exclude Any Reference to Plaintiff's History of Smoking</i></p>
01/14/2020	<p>Joinder (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) 01/14/2020, 01/22/2020 <i>Terry Bartmus, A.P.R.N.'s Joinder To Defendant Jason Lasry, M.D.'s Opposition to Plaintiffs' Motion in Limine to Exclude Any Reference to Plaintiff's History of Smoking</i></p>
01/14/2020	<p> All Pending Motions (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)</p>
01/15/2020	<p> Pre-Trial Disclosure <i>Defendant Jason Lasry, M.D.'s 3rd Supplement To His Pretrial Disclosures</i></p>
01/17/2020	<p> Motion in Limine Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Motion in Limine to Exclude Collateral Source Evidence on an Order Shortening Time</i></p>



CASE SUMMARY

CASE NO. A-17-766426-C

01/20/2020	 Opposition to Motion in Limine Filed By: Defendant Lasry, Jason, M.D. <i>Defendant, Jason Lasry, M.D.'S Opposition To Plaintiffs' Motion In Limine To Exclude Collateral Source Evidence On An Order Shortening Time</i>
01/21/2020	 Joinder <i>Defendant Terry Bartmus, A.P.R.N.'s Joinder to Defendant Jason Lasry, M.D.'s Opposition to Plaintiffs' Motion in Limine to Exclude Collateral Source Evidence on an Order Shortening Time</i>
01/22/2020	Motion in Limine (1:30 PM) (Judicial Officer: Delaney, Kathleen E.) Events: 01/17/2020 Motion in Limine <i>Plaintiff's Motion in Limine to Exclude Collateral Source Evidence on Order Shortening Time</i>
01/22/2020	 All Pending Motions (1:30 PM) (Judicial Officer: Delaney, Kathleen E.)
01/24/2020	 Proposed Voir Dire Questions <i>Defendant, Jason Lasry, M.D.'s Proposed Voir Dire</i>
01/24/2020	 Notice of Association of Counsel Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Notice of Association of Counsel</i>
01/24/2020	 Proposed Voir Dire Questions Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Proposed Voir Dire Questions</i>
01/24/2020	 Jury Instructions Party: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Proposed Jury Instructions</i>
01/27/2020	 Jury Trial (1:30 PM) (Judicial Officer: Delaney, Kathleen E.) 01/27/2020-01/31/2020, 02/03/2020-02/07/2020, 02/10/2020-02/13/2020 JURY TRIAL SET DURING MED MAL SWEEPS
01/27/2020	 Brief Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Bench Brief No. 1 Regarding the Issue of Jury Selection</i>
01/29/2020	 Brief <i>Defendant, Jason Lasry, M.D. S Objection To Plaintiffs Proposed Jury Instruction Re: Loss Of Chance</i>
01/29/2020	 Joinder Filed By: Defendant Bartmus, Terry, RN <i>Defendant Terry Bartmus, A.P.R.N.'s Joinder to Defendant Jason Lasry, M.D.'s Objection to Plaintiffs' Proposed Jury Instruction Re: Loss of Chance</i>
01/29/2020	 Errata <i>Defendant, Jason Lasry, M.D.'s Errata to Objection to Plaintiffs' Proposed Jury Instruction Re: Loss of Chance</i>
01/29/2020	 Jury List <i>Jury List</i>

CASE SUMMARY

CASE NO. A-17-766426-C

02/05/2020	 Request for Judicial Notice Filed By: Defendant Bartmus, Terry, RN <i>(2/10/2020 Withdrawn) Defendant Terry Bartmus, A.P.R.N.'s Request for Judicial Notice</i>
02/09/2020	 Special Verdict Form Party: Defendant Lasry, Jason, M.D. <i>Defendant, Jason Lasry, M.D.'s Proposed Special Verdict</i>
02/09/2020	 Joinder Filed By: Defendant Bartmus, Terry, RN <i>Defendant Terry Bartmus, A.P.R.N.'s Joinder to Defendant Jason Lasry, M.D.'s Proposed Special Verdict Form</i>
02/09/2020	 Brief Filed By: Defendant Bartmus, Terry, RN <i>Defendant Terry Bartmus, A.P.R.N.'s Brief in Support of Objection to Plaintiffs' Proposed Jury Instruction Regarding Loss of Chance</i>
02/09/2020	 Brief Filed By: Defendant Bartmus, Terry, RN <i>Defendant Terry Bartmus, A.P.R.N.'s Brief in Support of Defendants' Proposed Special Verdict Form</i>
02/10/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
02/10/2020	 Notice of Withdrawal Filed by: Defendant Fremont Emergency Services (Mandavia) Ltd; Defendant Bartmus, Terry, RN <i>Defendant Terry Bartmus, A.P.R.N.'s Notice of Withdrawal of Request for Judicial Notice</i>
02/10/2020	 Motion Filed By: Defendant Bartmus, Terry, RN <i>Defendant Terry Bartmus, A.P.R.N.'s Emergency Motion to Preclude Testimony from Robert Wiencek, M.D.</i>
02/10/2020	 Joinder To Motion Filed By: Defendant Lasry, Jason, M.D. <i>Defendant, Jason Lasry, M.D.'S Joinder To Terry Bartmus, APRN's Emergency Motion To Preclude Testimony From Robert Wiencek, M.D.</i>
02/10/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
02/12/2020	 Jury List <i>Jury List</i>
02/13/2020	 Special Jury Verdict <i>Special Verdict</i>
02/13/2020	 Jury Instructions <i>Jury Instructions</i>

CASE SUMMARY

CASE NO. A-17-766426-C

02/13/2020	Verdict (Judicial Officer: Delaney, Kathleen E.) Debtors: Darell L Moore (Plaintiff), Charlene A Moore (Plaintiff) Creditors: Jason Lasry, MD. (Defendant), Terry Bartmus, RN. (Defendant) Judgment: 02/13/2020, Docketed: 02/20/2020
03/10/2020	CANCELED Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i> <i>Defendant Terry Bartmus, A.P.R.N.'s Request for Judicial Notice</i>
03/10/2020	CANCELED Motion (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i> <i>Defendant Terry Bartmus, A.P.R.N.'s Emergency Motion to Preclude Testimony from Robert Wiencek, M.</i>
03/10/2020	CANCELED Joinder (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i> <i>Defendant, Jason Lasry, M.D.'S Joinder To Terry Bartmus, APRN's Emergency Motion To Preclude Testimony From Robert Wiencek, M.D.</i>
03/10/2020	 Judgment on Jury Verdict <i>Judgment on Jury Verdict</i>
03/10/2020	 Notice of Entry of Judgment Filed By: Defendant Lasry, Jason, M.D.; Defendant Bartmus, Terry, RN <i>Notice of Entry of Judgment on Jury Verdict</i>
03/10/2020	Judgment Upon the Verdict (Judicial Officer: Delaney, Kathleen E.) Debtors: Darell L Moore (Plaintiff), Charlene A Moore (Plaintiff) Creditors: Jason Lasry, MD. (Defendant), Terry Bartmus, RN. (Defendant) Judgment: 03/10/2020, Docketed: 03/11/2020
03/12/2020	 Memorandum of Costs and Disbursements <i>Defendant Terry Bartmus, A.P.R.N.'s Memorandum of Attorneys' Fees and Costs</i>
03/12/2020	 Motion for Attorney Fees and Costs Filed By: Defendant Bartmus, Terry, RN <i>Defendant Terry Bartmus, A.P.R.N.'s Motion for Attorneys' Fees and Costs</i>
03/13/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
03/13/2020	 Memorandum of Costs and Disbursements Filed By: Defendant Lasry, Jason, M.D. <i>Defendant Jason Lasry, Md's Verified Memorandum Of Costs</i>
03/25/2020	 Substitution of Attorney Filed by: Defendant Lasry, Jason, M.D. <i>Substitution of Attorney</i>
03/26/2020	 Opposition to Motion Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Opposition to Defendants' Motions for Attorneys' Fees and Costs</i>
03/31/2020	 Reply to Opposition Filed by: Defendant Bartmus, Terry, RN <i>Defendant Terry Bartmus, A.P.R.N. s Reply to Plaintiffs Opposition to Motion for Attorneys</i>

CASE SUMMARY

CASE NO. A-17-766426-C

Fees and Costs





03/31/2020	 Motion for Attorney Fees and Costs Filed By: Defendant Lasry, Jason, M.D. <i>Defendant, Jason Lasry M.D. S Motion For Attorneys Fees And Costs</i>
04/01/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
04/01/2020	 Motion for Attorney Fees and Costs <i>Defendant, Jason Lasry M.D. S Motion For Attorneys Fees And Costs</i>
04/01/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/06/2020	 Joinder <i>Defendant Terry Bartmus, APRN's Joinder to Defendant Jason Lasry, M.D.'s Motion for Attorneys' Fees and Costs</i>
04/07/2020	 Motion for New Trial Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' NRCP 59 Motion for New Trial</i>
04/08/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/13/2020	 Minute Order (3:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Minute Order Re-Setting Motion Hearing</i>
04/20/2020	 Opposition to Motion Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Opposition to Defendant Jason Lasry, M.D.'s Motion for Attorney's Fees and Costs</i>
04/21/2020	 Declaration Filed By: Defendant Bartmus, Terry, RN <i>Declaration of Keith A. Weaver in Support of Defendant Terry Bartmus, A.P.R.N.'s Opposition to Plaintiffs Darell L. Moore and Charlene A. Moore's Motion for New Trial</i>
04/21/2020	 Opposition <i>Defendant Terry Bartmus, A.P.R.N.'s Opposition to Plaintiffs Darell L. Moore and Charlene A. Moore's Motion for New Trial</i>
04/21/2020	 Joinder <i>Defendant, Jason Lasry, M.D. S Joinder To Defendant Terry Bartmus, A.P.R.N. S Opposition To Plaintiffs Darell L. Moore And Charlene A. Moore s Motion For New Trial</i>
04/28/2020	 Reply in Support <i>Defendant, Jason Lasry, M.D. s Reply In Support Of Motion For Attorneys Fees</i>
04/29/2020	 Notice Filed By: Plaintiff Moore, Darell L <i>Notice of Request to Reset Hearings</i>

CASE SUMMARY

CASE NO. A-17-766426-C

04/30/2020	 Objection <i>Defendant Terry Bartmus, A.P.R.N.'s Limited Objection to Plaintiffs' Notice of Request to Reset Hearing</i>
05/04/2020	 Minute Order (3:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Minute Order Re-Setting Motion Hearings</i>
05/04/2020	 Reply to Opposition Filed by: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Plaintiffs' Reply to Defendants' Opposition to Plaintiffs Darell L. Moore and Charlene A. Moore's Motion for New Trial</i>
05/05/2020	CANCELED Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - Set in Error</i> <i>Defendant, Jason Lasry M.D. S Motion For Attorneys Fees And Costs</i>
06/04/2020	 Supplemental Filed by: Defendant Bartmus, Terry, RN <i>Defendant Terry Bartmus, APRN's Supplemental Opposition to Plaintiffs' Motion for New Trial</i>
06/11/2020	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 06/11/2020, 06/16/2020, 07/09/2020 <i>Defendant Terry Bartmus, A.P.R.N.'s Motion for Attorneys' Fees and Costs</i>
06/11/2020	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 06/11/2020, 06/16/2020, 07/09/2020 <i>Defendant, Jason Lasry M.D. S Motion For Attorneys Fees And Costs</i>
06/11/2020	Joinder (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 06/11/2020, 06/16/2020 <i>Defendant Terry Bartmus, APRN's Joinder to Defendant Jason Lasry, M.D.'s Motion for Attorneys' Fees and Costs</i>
06/11/2020	Motion for New Trial (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 06/11/2020, 06/16/2020 <i>Plaintiffs' NRCP 59 Motion for New Trial</i>
06/11/2020	Joinder (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) 06/11/2020, 06/16/2020 <i>Defendant, Jason Lasry, M.D. S Joinder To Defendant Terry Bartmus, A.P.R.N. S Opposition To Plaintiffs Darell L. Moore And Charlene A. Moore s Motion For New Trial</i>
06/11/2020	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
06/16/2020	Decision (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Decision - Ptlf's. NRCP 59 Motion for New Trial</i>
06/16/2020	 All Pending Motions (10:30 AM) (Judicial Officer: Delaney, Kathleen E.)
07/09/2020	 All Pending Motions (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
07/15/2020	 Order Filed By: Defendant Bartmus, Terry, RN <i>Order on Plaintiffs' Motion for New Trial</i>

CASE SUMMARY**CASE NO. A-17-766426-C**

07/16/2020	 Notice of Entry Filed By: Defendant Bartmus, Terry, RN <i>Notice of Entry of Order on Plaintiffs' Motion for New Trial</i>
07/29/2020	 Order Filed By: Defendant Bartmus, Terry, RN <i>Order on Defendant Terry Bartmus, APRN's Motion for Attorney's Fees and Costs</i>
07/29/2020	Order (Judicial Officer: Delaney, Kathleen E.) Debtors: Darell L Moore (Plaintiff), Charlene A Moore (Plaintiff) Creditors: Terry Bartmus, RN. (Defendant) Judgment: 07/29/2020, Docketed: 07/30/2020 Total Judgment: 114,080.97
08/05/2020	 Notice of Entry of Order Filed By: Defendant Fremont Emergency Services (Mandavia) Ltd; Defendant Bartmus, Terry, RN <i>Notice of Entry of Order on Defendant Terry Bartmus, APRN's Motion for Attorneys' Fees and Costs</i>
08/14/2020	 Notice of Appeal Filed By: Plaintiff Moore, Darell L; Plaintiff Moore, Charlene A <i>Notice of Appeal</i>

DATE**FINANCIAL INFORMATION**

Defendant Dignity Health	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 8/17/2020	0.00
Defendant Fremont Emergency Services (Mandavia) Ltd	
Total Charges	453.00
Total Payments and Credits	253.00
Balance Due as of 8/17/2020	200.00
Defendant Lasry, Jason, M.D.	
Total Charges	623.00
Total Payments and Credits	623.00
Balance Due as of 8/17/2020	0.00
Plaintiff Moore, Darell L	
Total Charges	324.00
Total Payments and Credits	324.00
Balance Due as of 8/17/2020	0.00

DISTRICT COURT CIVIL COVER SHEET

A-17-766426-C

County, Nevada

Case No. _____

Department 26

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): DARELL L. MOORE and CHARLENE A. MOORE, individually and as husband and wife;	Defendant(s) (name/address/phone): DIGNITY HEALTH d/b/a ST. ROSE DOMINICAN HOSPITAL – SAN MARTIN CAMPUS; JASON LASRY, M.D., individually; FREMONT EMERGENCY SERVICES (MANDAVIA), LTD.; TERRY BARTMUS, RN, APRN; and DOES I through X, inclusive; and ROE CORPORATIONS I through V, inclusive;
Attorney (name/address/phone): Matthew W. Hoffmann, Esq. Atkinson Watkins & Hoffmann, LLP 10789 W. Twain Ave. Suite 100. Las Vegas, NV 89135 Office: 702-562-6000	Attorney (name/address/phone):

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

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

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

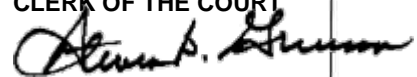
12/18/2017

Date

/s/ Matthew W. Hoffmann, Esq.

Signature of initiating party or representative

See other side for family-related case filings.



1 KEITH A. WEAVER
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2 E-Mail: Keith.Weaver@lewisbrisbois.com
ALISSA BESTICK
3 Nevada Bar No. 14979C
E-Mail: Alissa.Bestick@lewisbrisbois.com
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
702.893.3383
6 FAX: 702.893.3789
Attorneys for Defendant Terry Bartmus,
7 *A.P.R.N.*

8
9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

11 DARELL L. MOORE and CHARLENE A.
12 MOORE, individually and as husband and
13 wife;

14 Plaintiffs,

15 vs.

16 JASON LASRY, M.D., individually;
FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD.; TERRY BARTMUS,
17 RN, APRN; and DOES I through X,
inclusive; and ROE CORPORATIONS I
18 through V, inclusive;

19 Defendants.

CASE NO. A-17-766426-C
Dept. No.: XXV

**ORDER ON PLAINTIFFS' MOTION FOR
NEW TRIAL**

20
21 Plaintiffs' Motion for New Trial came on for hearing before this Court on June 11,
22 2020. This Court issued its decision on June 16, 2020. Keith Weaver, Esq. appeared for
23 Defendant Terry Bartmus, A.P.R.N.; Chelsea Hueth, Esq. and Robert McBride, Esq.
24 appeared for Defendant Jason Lasry, M.D.; Breen Arntz, Esq. and Phil Hymanson, Esq.
25 appeared for Plaintiffs.

26 The Court, having reviewed the pleadings and paper filed by the parties and
27 hearing oral arguments relating thereto, and good cause appearing, finds as follows:

28
07/01/2020

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Court did not err
2 in precluding Dr. Wiencek from testifying at trial. The Court finds that Dr. Wiencek's
3 testimony was unnecessary. The Court further finds that Plaintiffs did not provide
4 sufficient notice that Plaintiffs sought to call Dr. Wiencek to testify at trial. The Court
5 further finds that Plaintiffs were not substantially prejudiced by the Court's decision to
6 preclude Dr. Wiencek from testifying.

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Court finds that
8 it may have erred in allowing the impeachment of Dr. Marmureanu using the article titled
9 "CA Hits Nerve By Singling Out Cardiac Surgeon with Higher Patient Death Rates," and
10 corresponding State of California report upon which the article is based. However, the
11 Court finds that any potential error in allowing the impeachment of Dr. Marmureanu did
12 not substantially prejudice Plaintiffs in their right to a fair trial.

13
14 Plaintiffs' Motion for New Trial is hereby DENIED.

15
16 DATED this the 10th day of July, 2020.

17
18 
DISTRICT COURT JUDGE
JG

19 Respectfully Submitted by:

20 LEWIS BRISBOIS BISGAARD & SMITH LLP

21 /s/ Alissa N. Bestick

22 KEITH A. WEAVER

Nevada Bar No. 10271

23 ALISSA N. BESTICK

Nevada Bar No. 14979C

24 6385 S. Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

25 *Attorneys for Defendant Terry Bartmus,*
A.P.R.N.

26 ///

27 ///

1 APPROVED AS TO CONTENT:

2 Dated: July 1, 2020

Dated: July 1, 2020

3 ATKINSON WATKINS & HOFFMAN,
4 LLP

MCBRIDE HALL

/s/ Chelsea R. Hueth

5 SUBMITTING COMPETING ORDER

6 MATTHEW W. HOFFMAN
Nevada Bar No.: 9601
7 10789 W. Twain Avenue, Ste. 100
Las Vegas, NV 89135

ROBERT MCBRIDE,
Nevada Bar No.: 7082
CHELSEA R. HUETH,
Nevada Bar No.: 10904
8329 W. Sunset Road, Ste. 260
Las Vegas, NV 89113
*Attorneys for Defendant, Jason Lasry,
M.D.*

8 And

9 BREEN ARNTZ
10 Nevada Bar No.: 3853
5545 Mountain Vista, Suite E
11 Las Vegas, NV 89120
12 *Attorneys for Plaintiffs*

13

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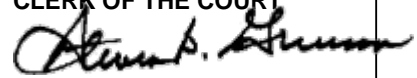
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702.893.3383
6 FAX: 702.893.3789
Attorneys for Defendant Terry Bartmus,
7 *A.P.R.N.*

8
9 DISTRICT COURT
CLARK COUNTY, NEVADA

11 DARELL L. MOORE and CHARLENE A.
12 MOORE, individually and as husband and
13 wife;

14 Plaintiffs,

15 vs.

16 DIGNITY HEALTH d/b/a ST. ROSE
DOMINICAN HOSPITAL-SAN MARTIN
17 CAMPUS; JASON LASRY, M.D.,
individually; FREMONT EMERGENCY
18 SERVICES (MANDAVIA), LTD.; TERRY
BARTMUS, RN, APRN; and DOES I
19 through X, inclusive; and ROE
CORPORATIONS I through V, inclusive;

20 Defendants.

CASE NO. A-17-766426-C
Dept. No.: XXV

NOTICE OF ENTRY OF ORDER ON
PLAINTIFFS' MOTION FOR NEW TRIAL

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1 PLEASE TAKE NOTICE that the Order was entered into this matter on July 16,
2 2020, a true and correct copy of which is attached hereto.

3 DATED this 16th day of July, 2020

4
5 LEWIS BRISBOIS BISGAARD & SMITH LLP

6
7 By /s/ Alissa Bestick
8 KEITH A. WEAVER
9 Nevada Bar No. 10271
10 ALISSA N. BESTICK
11 Nevada Bar No. 14979C
12 6385 S. Rainbow Boulevard, Suite 600
13 Las Vegas, Nevada 89118
14 Tel. 702.893.3383
15 *Attorneys for Defendants Fremont Emergency*
16 *Services (Mandavia) and Terry Bartmus,*
17 *A.P.R.N.*
18
19
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CERTIFICATE OF SERVICE

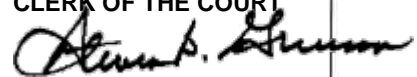
I hereby certify that on this 16th day of July, 2020, a true and correct copy of
NOTICE OF ENTRY OF ORDER ON PLAINTIFFS' MOTION FOR NEW TRIAL was
served electronically with the Clerk of the Court using the Wiznet Electronic Service
system and serving all parties with an email-address on record, who have agreed to
receive Electronic Service in this action.

Matthew W. Hoffman, Esq.
ATKINSON WATKINS & HOFFMAN, LLP
10789 W. Twain Avenue, Ste. 100
Las Vegas, NV 89135
Tel: 702-562-6000
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Attorneys for Plaintiffs

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Chelsea R. Hueth, Esq.
CARROLL, KELLY, TROTTER,
FRANZEN, MCBRIDE & PEABODY
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Attorneys for Defendant, Jason Lasry, M.D.

Breen Arntz, Esq.
5545 Mountain Vista, Suite E
Las Vegas, NV 89120
Tel: 702-384-8000
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Email: breen@breen.com
Attorneys for Plaintiffs

By /s/ Emma L. Gonzales
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP



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7 *A.P.R.N.*

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9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

11 DARELL L. MOORE and CHARLENE A.
12 MOORE, individually and as husband and
13 wife;

14 Plaintiffs,

15 vs.

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(MANDAVIA), LTD.; TERRY BARTMUS,
18 RN, APRN; and DOES I through X,
inclusive; and ROE CORPORATIONS I
through V, inclusive;

19 Defendants.

CASE NO. A-17-766426-C
Dept. No.: XXV

**ORDER ON PLAINTIFFS' MOTION FOR
NEW TRIAL**

20
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22 2020. This Court issued its decision on June 16, 2020. Keith Weaver, Esq. appeared for
23 Defendant Terry Bartmus, A.P.R.N.; Chelsea Hueth, Esq. and Robert McBride, Esq.
24 appeared for Defendant Jason Lasry, M.D.; Breen Arntz, Esq. and Phil Hymanson, Esq.
25 appeared for Plaintiffs.

26 The Court, having reviewed the pleadings and paper filed by the parties and
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07/01/2020

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5 further finds that Plaintiffs were not substantially prejudiced by the Court's decision to
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9 "CA Hits Nerve By Singling Out Cardiac Surgeon with Higher Patient Death Rates," and
10 corresponding State of California report upon which the article is based. However, the
11 Court finds that any potential error in allowing the impeachment of Dr. Marmureanu did
12 not substantially prejudice Plaintiffs in their right to a fair trial.

13
14 Plaintiffs' Motion for New Trial is hereby DENIED.

15
16 DATED this the 10th day of July, 2020.

17
18 
DISTRICT COURT JUDGE
JG

19 Respectfully Submitted by:

20 LEWIS BRISBOIS BISGAARD & SMITH LLP

21 /s/ Alissa N. Bestick

22 KEITH A. WEAVER

Nevada Bar No. 10271

23 ALISSA N. BESTICK

Nevada Bar No. 14979C

24 6385 S. Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

25 Attorneys for Defendant Terry Bartmus,

A.P.R.N.

26 ///

27 ///

1 APPROVED AS TO CONTENT:

2 Dated: July 1, 2020

Dated: July 1, 2020

3 ATKINSON WATKINS & HOFFMAN,
4 LLP

MCBRIDE HALL

/s/ Chelsea R. Hueth

5 SUBMITTING COMPETING ORDER

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M.D.*

8 And

9 BREEN ARNTZ
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12 *Attorneys for Plaintiffs*

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 08, 2018

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

**August 08, 2018 1:00 PM Status Check:
Medical/Dental
Malpractice**

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

COURT CLERK: Vanessa Medina
Sharyne Suehiro
Michaela Tapia
Dauriana Simpson

RECORDER:

REPORTER:

PARTIES

PRESENT: McBride, Robert C. Attorney
Silverman, Sarah Suk Yance Attorney

JOURNAL ENTRIES

- Appearances Continued: Sabrina Wibicki, Esq., also present.

The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Counsel anticipated 7-10 days for trial. Due to unavailability of Dept., CHIEF JUDGE ORDERED, case REASSIGNED to Dept. 25 and trial date SET.

01/27/20 JURY TRIAL DEPT. 25

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

June 25, 2019

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

June 25, 2019 9:00 AM Motion for Leave

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bestick, Alissa	Attorney
	McBride, Robert C.	Attorney

JOURNAL ENTRIES

- Mr. Breen noted a Notice of Association has just been filed. Adding, there may be a conflict with John Bemis; he previously represented a firm that has been dismissed. With opposing counsel making no argument regarding Mr. Breen appearing, counsel argued regarding breach of fiduciary duty, if the doctor lied about what he was supposed to do, and records Pltf. had when they filed their compliant. Additional argument regarding the fraud claims.

COURT STATED FINDINGS, and ORDERED, Motion to Amend Compliant DENIED. Court does NOT SEE any legal support for a breach of fiduciary duty claim against a physician. COURT does NOT SEE that the Pltf. has a claim on the fraud claim. Motion is not denied on a procedural basis. Fraud claim DENIED WITHOUT PREJUDICE to the extent that further discovery might reveal something that might more directly tie the actions taken with regard to the Pltf. to this circumstance. Mr. McBride is to prepare the Order, provide a copy to opposing counsel for review as to form and content, and return it back to the Court within 10 days.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

July 17, 2019

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

July 17, 2019 9:00 AM All Pending Motions

HEARD BY: Truman, Erin

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Hoffmann, Matthew W.	Attorney
	Hueth, Chelsea R	Attorney
	Ross, Racheal Anne	Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to Compel Discovery Responses

Plaintiffs' Opposition to Deft Terry Bartmus APRN's Motion to Compel Discovery Responses and Countermotion for Protective Order

Defendant Terry Bartmus APRN's Motion to Compel Discovery

Mr. Hoffmann requested a sworn answer on the number of patients billed for 12-25-19. Mr. Hoffmann is only requesting the data. Argument by Ms. Bestick; counsel stated there is a dispute how busy the facility was on 12-25-16. COMMISSIONER RECOMMENDED, Plaintiffs' Motion to Compel Discovery Responses is GRANTED; Deft will respond to Interrogatories 1 and 2, and verify; Request for Production provide redacted billing statements for each patient, and REDACT identifying information and billing amounts. Mr. Hoffmann to prepare the Report and

Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

Commissioner addressed the requirements of EDCR 2.40. Arguments by counsel. Colloquy regarding the expert changed his opinion on the standard of care for St. Rose Hospital. Mr. Hoffmann stated Dr. Jacobs has not been deposed yet. COMMISSIONER RECOMMENDED, Defendant Terry Bartmus APRN's Motion to Compel Discovery is GRANTED IN PART; Request 28 as to why Dr. Jacobs changed his mind, it is appropriate for Deft to respond consistent with the Opposition; Deft is COMPELLED to respond what Plaintiff was advised that Dr. Jacobs changed his mind (provide the explanation); for Admissions, there must be an admission or a denial as discussed; Interrogatory 26 Plaintiff is advised or Plaintiff's understanding, or questions should be put to Dr. Jacobs through deposition. COMMISSIONER RECOMMENDED, Plaintiffs' Countermotion for Protective Order is DENIED. Ms. Bestick to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

September 03, 2019

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

September 03, 2019 9:00 AM Motion to Reconsider

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Plumadore, Dustin J. Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.

CONTINUED TO: 10/01/19 9:00 A.M.

CLERK'S NOTE: A copy of this minute order was electronically served on all registered parties. /sb
09/03/19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 01, 2019

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

October 01, 2019 9:00 AM Motion to Reconsider

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Sharon Howard

PARTIES

PRESENT: Bestick, Alissa Attorney
 Ross, Racheal Anne Attorney

JOURNAL ENTRIES

- Elena Murphy, Esq. present on behalf of Deft. Lasry.

COURT NOTED, the Motion is not opposed. Ms. Ross stated the Motion is to prevent "empty chair" argument. COURT NOTED reservations, STATED FINDINGS, and ORDERED, Motion GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental**COURT MINUTES****November 13, 2019**

A-17-766426-C Darell Moore, Plaintiff(s)
 vs.
 Jason Lasry, M.D., Defendant(s)

November 13, 2019	9:30 AM	Motion to Compel	Plaintiffs' Ex Parte Motion for OST Upon Motion to Compel Discovery Responses
--------------------------	----------------	-------------------------	--

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

PRESENT:	Arntz, E. Breen	Attorney
	Ballin, Jeffrey H.	Attorney
	Bestick, Alissa	Attorney
	Montet, Jordan W.	Attorney
	Ross, Racheal Anne	Attorney

JOURNAL ENTRIES

- Commissioner addressed proper redactions in the employment file. Arguments by counsel. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART and DENIED IN PART; Request for Production 1 submit to Commissioner for in camera review; RFP 2 Plaintiff WITHDREW; RFP 3 provide with Nurse Bartmus's file; Deft will supplement responses that Deft is not in possession of responsive documents concerning Jason Lasry on the date of the incident as Directed on the record; RFP 7 FES is required to respond and produce policies and procedures they had in place on the date of the subject incident for employees and independent contractors as Directed on the record; RFP 8 same recommendation as RFP 7; Commissioner provided clarification; RFP 12 provide as Directed on the record; if there are no policies and procedures for FES or the Parent Company, it must be clarified.

COMMISSIONER RECOMMENDED, the employment file was addressed, and disciplinary action must be submitted in camera; any policies and procedures must be provided as discussed. Ms. Ross to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. If a dispute arises on language in the Report and Recommendations, do not submit competing DCRRs. Commissioner advised counsel to contact the Discovery office to set up a conference call with the Commissioner.

CLERK'S NOTE: Minute Order amended 12-3-19. jl

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental**COURT MINUTES****November 20, 2019**

A-17-766426-C Darell Moore, Plaintiff(s)
 vs.
 Jason Lasry, M.D., Defendant(s)

November 20, 2019	9:30 AM	Motion to Compel	Plaintiffs' Ex-Parte Motion for OST Upon Motion to Compel Discovery Responses
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HEARD BY: Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Arntz, E. Breen	Attorney
	Bestick, Alissa	Attorney
	Hueth, Chelsea R	Attorney

JOURNAL ENTRIES

- Ms. Bestick stated a Motion for a Protective Order on 30(b)(6) depositions is set on 11-22-19. Counsel were before the Commissioner on 11-13-19, and Mr. Arntz stated the responses should have been updated. Instead of contacting Commissioner, counsel were appearing in court today. Ms. Bestick stated Defts are objecting to the Commissioner's Recommendation, so whatever time was decided would be stayed until the Objection was heard. COMMISSIONER RECOMMENDED, responses due from Defts on 11-21-19; Plaintiffs' Ex-Parte Motion is CONTINUED to 11-22-19.

Arguments by counsel. COMMISSIONER RECOMMENDED, include the affiliated company because Plaintiff was asked to sign something, or Plaintiff was given the documents; no Finding on the business relationship. Further, any supplementation from the prior Report and Recommendation must be provided by 11-21-19.

11-22-19 10:30 a.m. Plaintiffs' Ex-Parte Motion for OST Upon Motion to Compel Discovery Responses

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

November 22, 2019

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

November 22, 2019 10:30 AM All Pending Motions

HEARD BY: Truman, Erin **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT: Arntz, E. Breen Attorney
 Bestick, Alissa Attorney
 Hueth, Chelsea R Attorney

JOURNAL ENTRIES

- (1) Plaintiffs' Ex Parte Motion for OST Upon Motion to Compel Discovery Responses

(2) Defendants Fremont Emergency Services (Mandavia) Ltd and Terry Bartmus APRN's Motion for a Protective Order Regarding Plaintiffs Darell L Moore and Charlene A Moore's Amended Notices of Taking Depositions of the 30(b)(6) Witness(es) of Fremont Emergency Services (Mandavia) Ltd on an OST

(3) Defendant, Jason Lasry, M.D.'s Joinder to Fremont Emergency Services (Madavia), Ltd.'s Motion for Protective Order Regarding 30(B)(6) Depositions

Mr. Arntz agreed to certain things, the verification is still missing, and Deft was objecting to Commissioner's recommendations. Commissioner stated the Motion to Compel for discovery responses was GRANTED IN PART at the last Hearing, and supplemental responses are due. Ms.

Bestick sent a letter to all parties requesting to Stay further responses pending the Objection. Commissioner Granted the relief requested, and a Stay will be in place until after the Court rules on the forthcoming Objection. Mr. Arntz stated the original DCRR is already with the Judge. Trial date is January 2020. No Status Check set.

(2) Defendants Fremont Emergency Services (Mandavia) Ltd and Terry Bartmus APRN's Motion for a Protective Order Regarding Plaintiffs Darell L Moore and Charlene A Moore's Amended Notices of Taking Depositions of the 30(b)(6) Witness(es) of Fremont Emergency Services (Mandavia) Ltd on an OST (3) Defendant, Jason Lasry, M.D.'s Joinder to Fremont Emergency Services (Madavia), Ltd.'s Motion for Protective Order Regarding 30(B)(6) Depositions

Ms. Bestick stated the deposition Notices were for hiring, training, and supervision of Nurse Bartmus and Dr. Lasry, and counsel addressed the 2.34 conference (transcript attached). Arguments by counsel. COMMISSIONER RECOMMENDED, (2) Motion for a Protective Order is DENIED; (3) Joinder is DENIED; discovery is still open, and Mr. Arntz can take a 30(b)(6) deposition for discovery purposes.

Mr. Arntz to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. If a dispute arises on language in the Report and Recommendations, do not submit competing DCRRs. Commissioner advised counsel to contact the Discovery office to set up a conference call with the Commissioner.

(1) Plaintiffs' Ex Parte Motion for OST Upon Motion to Compel Discovery Responses

Defense counsel stated this Motion to Compel is different from the Motion heard on 11-20-19. COMMISSIONER RECOMMENDED, (1) Motion to Compel Discovery Responses is GRANTED IN PART and DENIED IN PART; Interrogatory 1 if a policy exists, supplement it; if the policy does not exist, so state; Interrogatory 2 same recommendation as 1; Interrogatory 3 same recommendation as 2; Interrogatory 4 is PROTECTED as written; Interrogatory 5 must be answered; supplement Interrogatory 6; Interrogatory 7 no further response.

COMMISSIONER RECOMMENDED, (second set of Interrogatories) provide the verification page; RFP 15 must be provided; RFP 16 provide as COMPELLED; RFP 17 is COMPELLED; RFP 18 produce as Directed on the record; RFP 19 is tailored to policies and procedures that apply to the incident at hand, and provide an index so the categories can be discussed; RFP 20 supplement whether documents ever existed on 12-25-2016; RFP 21 if any existed at any time, produce it; RFP 22 supplement and provide a response whether it ever existed; produce RFP 23. Ms. Bestick requested a

Stay on the discovery, but not the deposition or verification; produce the verification by 11-25-19. COMMISSIONER RECOMMENDED, a Stay will be in place until after the Court rules on the forthcoming Objection.

Mr. Arntz to prepare the Report and Recommendations as stated above. If a dispute arises on language in the Report and Recommendations, do not submit competing DCRRs. Commissioner advised counsel to contact the Discovery office to set up a conference call with the Commissioner.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

December 10, 2019

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

**December 10, 2019 9:00 AM Motion for Partial
Summary Judgment**

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Natalie Ortega

RECORDER: Patti Slattery

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No parties present. Court noted it received the Stipulation and Order. COURT ORDERED, matter deemed MOOT via the Stipulation and Order. COURT FURTHER ORDERED, matter OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

December 10, 2019

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

December 10, 2019 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Natalie Ortega

RECORDER: Patti Slattery

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANT, JASON LASRY, M.D. S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO PLAINTIFFS SECOND CAUSE OF ACTION FOR NEGLIGENT HIRING, TRAINING, AND SUPERVISION DEFENDANTS FREMONT EMERGENCY SERVICES (MANDAVIA) AND TERRY BARTMUS, A.P.R.N.'S JOINDER TO DEFENDANT JASON LASRY, M.D.'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO PLAINTIFFS' SECOND CAUSE OF ACTION FOR NEGLIGENT HIRING, TRAINING, AND SUPERVISION

No parties present. Court noted it received the Stipulation and Order. COURT ORDERED, matter deemed MOOT via the Stipulation and Order. COURT FURTHER ORDERED, matter OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

December 17, 2019

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

December 17, 2019 10:30 AM Pretrial/Calendar Call

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15B

COURT CLERK:

Carolyn Jackson

RECORDER:

REPORTER:

Bill Nelson

PARTIES

PRESENT:

Arntz, E. Breen

Attorney

Hueth, Chelsea R

Attorney

Weaver, Keith A.

Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Breen advised ready to proceed and the parties needed 2 to 2 1/2 weeks for trial. Further, Mr. Breen advised that Plaintiff's case in chief would take the first week and part of a second week. Colloquy regarding Motions in Limine. Upon Court's further inquiry, Mr. Breen requested the Court order a settlement conference using private mediation and requested a jury questionnaire. COURT ORDERED, all Motions in Limine set for 1/21/20 VACATED and RESET for 1/14/20. FURTHER ORDERED, Oral Motion for Jury Questionnaire DENIED as the parties are within thirty (30) days of trial. Court strongly encouraged the parties to utilize private mediation.

01/14/20 10:30 AM PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE ANY REFERENCE TO PLAINTIFF'S HISTORY OF SMOKING

01/14/20 10:30 AM DEFENDANT TERRY BARTMUS R.N., A.P.R.N.'s MOTION IN LIMINE NO. 1 TO PRECLUDE EVIDENCE OF THE CAP ON NON-ECONOMIC DAMAGE UNDER NRS 41A.035

01/14/20 10:30 AM DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'s MOTION IN LIMINE NO. 2 REGARDING NO DISPLAY OR USE OF MEDICAL TEXT ON CROSS-EXAMINATION WITHOUT A PROPER EVIDENTIARY FOUNDATION

01/14/20 10:30 AM DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'s MOTION IN LIMINE NO. 3 REGARDING NO USE OF MEDICAL TEXT ON DIRECT EXAMINATION

01/14/20 10:30 AM DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'s MOTION IN LIMINE NO. 4 TO EXCLUDE TESTIMONY OF WITNESSES AND DOCUMENTS OR OTHER TANGIBLE THINGS NOT DISCLOSED OR PRODUCED IN DISCOVERY.

01/14/20 10:30 AM DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'s MOTION IN LIMINE NO. 5 REGARDING TESTIMONY BY PLAINTIFFS' EXPERT WITNESSES CONCERNING NON-STANDARD OF CARE CRITICISMS OF DEFENDANT

01/14/20 10:30 AM DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'s MOTION IN LIMINE NO. 6 REGARDING NO REFERENCE TO PERSONAL OPINIONS OR PREFERENCE OF PLAINTIFFS' EXPERTS

01/14/20 10:30 AM DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'s MOTION IN LIMINE NO. 7 REGARDING NO EXPERT TESTIMONY BASED ON HEARSAY OPINIONS OF OTHER EXPERTS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

December 19, 2019

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

December 19, 2019 3:00 AM Status Check: Compliance

HEARD BY: Truman, Erin **COURTROOM:** No Location

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Matter Continued to an in chambers calendar.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental**COURT MINUTES****December 19, 2019**

A-17-766426-C Darell Moore, Plaintiff(s)
 vs.
 Jason Lasry, M.D., Defendant(s)

**December 19, 2019 3:00 AM All Pending Motions Status Check:
 Compliance / 11-13-19
 and 11-22-19 DCRRs**

HEARD BY: Truman, Erin**COURTROOM:** No Location**COURT CLERK:** Jennifer Lott**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Status Check: Compliance / 11-13-19 and 11-22-19 DCRRs

The 11-13-19 Report and Recommendation remains outstanding. Ms. Ross was given the responsibility to submit the Report and Recommendation from the 11-13-19 hearing. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check.

The 11-22-19 Report and Recommendation remains outstanding. Mr. Arntz was given the responsibility to submit the Report and Recommendation from the 11-22-19 hearing. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 13, 2020

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

January 13, 2020 10:00 AM Settlement Conference

HEARD BY: Cherry, Michael A. **COURTROOM:** No Location

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court and counsel met to discuss settlement negotiations. Case not settled.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 14, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

January 14, 2020 10:30 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bestick, Alissa	Attorney
	Chase, Jill M	Attorney
	McBride, Robert C.	Attorney

JOURNAL ENTRIES

- DEFENDANT, JASON LASRY, M.D.'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO PLAINTIFFS' PAST MEDICAL EXPENSES...DEFENDANT'S FREMONT EMERGENCY SERVICES (MANDAVIA), LTD. AND TERRY BARTMUS, A.P.R.N.'S JOINDER TO DEFENDANT JASON LASRY, M.D.'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO PLAINTIFFS' PAST MEDICAL EXPENSES...DEFENDANT JASON LASRY, M.D.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF STANDARD OF CARE OPINIONS NOT CAUSALLY RELATED TO PLAINTIFF'S INJURIES...DEFENDANT JASON LASRY, M.D.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OR REFERENCE TO DR. LASRY BEING RESPONSIBLE FOR TERRY BARTMUS, APRN...DEFENDANT, JASON LASRY, M.D.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE NOT IN COMPLIANCE WITH NRS 41A.100...PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE ANY REFERENCE TO PLAINTIFF'S HISTORY OF SMOKING...DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'S MOTION IN LIMINE NO. 1 TO PRECLUDE EVIDENCE OF THE CAP ON NON-ECONOMIC DAMAGES UNDER NRS 41A.035...DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'S MOTION IN LIMINE NO. 2 REGARDING NO DISPLAY OR USE OF MEDICAL TEXT ON CROSS-EXAMINATION WITHOUT A PROPER EVIDENTIARY FOUNDATION

DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'S MOTION IN LIMINE NO. 3 REGARDING NO USE OF MEDICAL TEXT ON DIRECT EXAMINATION...DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'S MOTION IN LIMINE NO. 4 TO EXCLUDE TESTIMONY OF WITNESSES AND DOCUMENTS OR OTHER TANGIBLE THINGS NOT DISCLOSED OR PRODUCED IN DISCOVERY...DEFENDANT TERRY BARTMUS, R.N. A.P.R.N.'S MOTION IN LIMINE NUMBER 5 REGARDING TESTIMONY BY PLAINTIFFS' EXPERT WITNESSES CONCERNING NON-STANDARD OF CARE CRITICISMS OF DEFENDANT...DEFENDANT TERRY BARTMUS, R.N. A.P.R.N.'S MOTION IN LIMINE NUMBER 6 REGARDING NO REFERENCE TO PERSONAL OPINION OR PREFERENCE OF PLAINTIFFS' EXPERTS...DEFENDANT TERRY BARTMUS, R.N. A.P.R.N.'S MOTION IN LIMINE NUMBER 7 REGARDING NO EXPERT TESTIMONY BASED ON HEARSAY OPINIONS OF OTHER EXPERTS...DEFENDANTS FREMONT EMERGENCY SERVICES (MANDAVIA), LTD. AND TERRY BARTMUS, A.P.R.N.'S JOINDER TO DEFENDANT JASON LASRY, M.D.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF STANDARD OF CARE OPINIONS NOT CAUSALLY RELATED TO PLAINTIFF'S INJURIES...DEFENDANT'S FREMONT EMERGENCY SERVICES (MANDAVIA), LTD. AND TERRY BARTMUS, A.P.R.N.'S JOINDER TO DEFENDANT JASON LASRY, M.D.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE NOT IN COMPLIANCE WITH NRS 41A.100...DEFENDANT JASON LASRY, M.D.'S JOINDER TO TERRY BARTMUS, R.N. A.P.R.N.'S MOTION IN LIMINE NO. 1 TO PRECLUDE EVIDENCE OF THE CAP ON NON-ECONOMIC DAMAGES UNDER NRS 41A.035...DEFENDANT JASON LASRY, M.D. S JOINDER TO TERRY BARTMUS, R.N. A.P.R.N. S MOTION IN LIMINE NO. 2 REGARDING NO DISPLAY OR USE OF MEDIAL TEXT ON CROSS-EXAMINATION WITHOUT A PROPER EVIDENTIARY FOUNDATION....DEFENDANT JASON LASRY, M.D.'S JOINDER TO TERRY BARTMUS, R.N. A.P.R.N.'S MOTION IN LIMINE NO. 5 REGARDING PRECLUSION OF EXPERT TESTIMONY BY PLAINTIFF'S EXPERT WITNESSES CONCERNING NON-STANDARD OF CARE CRITICISMS OF DEFENDANT...DEFENDANT JASON LASRY, M.D.'S JOINDER TO TERRY BARTMUS, R.N. A.P.R.N.'S MOTION IN LIMINE NO. 6 REGARDING NO REFERENCE TO PERSONAL OPINION OR PREFERENCE OF PLAINTIFFS EXPERTS...DEFENDANT JASON LASRY, M.D. 'S JOINDER TO TERRY BARTMUS, R.N. A.P.R.N.'S OPPOSITION TO PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE ANY REFERENCE TO PLAINTIFF'S HISTORY OF SMOKING...TERRY BARTMUS, A.P.R.N.'S JOINDER TO DEFENDANT JASON LASRY, M.D.'S OPPOSITION TO PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE ANY REFERENCE TO PLAINTIFF'S HISTORY OF SMOKING...PLAINTIFF S JOINDER TO DEFENDANT TERRY BARTMUS, R.N. A.P.R.N. S MOTION IN LIMINE NO. 4 TO EXCLUDE TESTIMONY OF WITNESSES AND DOCUMENTS OR OTHER TANGIBLE THINGS NOT DISCLOSED OR PRODUCED IN DISCOVERY

Extensive dialogue regarding resetting the matters to another date, days expected for trial, scheduling experts and witnesses, and Courts availability during the trial period. With all counsel in agreement, COURT ORDERED, all matters CONTINUED: counsel estimated up to 11 days for trial. Continuing today's matters does not effect counsel's trial preparation.

CONTINUED TO: 01/22/20 1:30 P.M. (ALL MATTERS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 22, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

January 22, 2020 1:30 PM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER: Robert Cangemi

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bestick, Alissa	Attorney
	Chase, Jill M	Attorney
	McBride, Robert C.	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE COLLATERAL SOURCE EVIDENCE ON ORDER SHORTENING TIME:

Arguments by counsel. COURT ORDERED, motion GRANTED; both the medicare coverage and the write down of the coverage was not to be introduced into evidence. Court directed Mr. Artnz to prepare the Order.

PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE ANY REFERENCE TO PLAINTIFF'S HISTORY OF SMOKING...DEFENDANT JASON LASRY, M.D. 'S JOINDER TO TERRY BARTMUS, R.N. A.P.R.N.'S OPPOSITION TO PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE ANY REFERENCE TO PLAINTIFF'S HISTORY OF SMOKING...TERRY BARTMUS, A.P.R.N.'S JOINDER TO DEFENDANT JASON LASRY, M.D.'S OPPOSITION TO PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE ANY REFERENCE TO PLAINTIFF'S HISTORY OF SMOKING:

Arguments by counsel. COURT ORDERED, motion DENIED if it was relevant and not outweighed

by substantial prejudice. There was sufficient disclosure of the issue. COURT NOTED as the evidence was presented and the testimony, there could still be objections made as to when and how these things were disclosed for the record in the trial. Court directed the Defense to prepare the Order.

DEFENDANT, JASON LASRY, M.D.'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO PLAINTIFFS' PAST MEDICAL EXPENSES...DEFENDANTS' FREMONT EMERGENCY SERVICES (MANDAVIA), LTD. AND TERRY BARTMUS, A.P.R.N.'S JOINDER TO DEFENDANT JASON LASRY, M.D.'S MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO PLAINTIFFS' PAST MEDICAL EXPENSES:

COURT ORDERED, Motion and Joinder DENIED WITHOUT PREJUDICE. COURT NOTED this matter could be raised once they hear from the testimony and how it was causally related.

DEFENDANT, JASON LASRY, M.D. S MOTION IN LIMINE TO EXCLUDE EVIDENCE OR REFERENCE TO DR. LASRY BEING RESPONSIBLE FOR TERRY BARTMUS, APRN:

COURT ORDERED, motion GRANTED; there would be no argument as to vicarious liability or imputing actions of Nurse Bartmus.

DEFENDANT, JASON LASRY, M.D. S MOTION IN LIMINE TO EXCLUDE EVIDENCE NOT IN COMPLIANCE WITH NRS 41A.100... DEFENDANTS FREMONT EMERGENCY SERVICES (MANDAVIA), LTD. AND TERRY BARTMUS, A.P.R.N.'S JOINDER TO DEFENDANT JASON LASRY, M.D.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE NOT IN COMPLIANCE WITH NRS 41A.100

COURT ORDERED, motion GRANTED as unopposed; Defense to prepare the Order.

DEFENDANT, JASON LASRY, M.D.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF STANDARD OF CARE OPINIONS NOT CAUSALLY RELATED TO PLAINTIFF'S INJURIES...DEFENDANTS' FREMONT EMERGENCY SERVICES (MANDAVIA), LTD. AND TERRY BARTMUS, A.P.R.N.'S JOINDER TO DEFENDANT JASON LASRY, M.D.'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF STANDARD OF CARE OPINIONS NOT CAUSALLY RELATED TO PLAINTIFF'S INJURIES

Arguments by counsel. COURT NOTED the notes were legitimate pieces of evidence in this case; therefore, COURT ORDERED, motion DENIED.

DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'S MOTION IN LIMINE NO. 1 TO PRECLUDE EVIDENCE OF THE CAP ON NON-ECONOMIC DAMAGES UNDER NRS 41A.035...DEFENDANT, JASON LASRY, M.D. S JOINDER TO TERRY BARTMUS, R.N. A.P.R.N. S MOTION IN LIMINE NO. 1 TO PRECLUDE EVIDENCE OF THE CAP ON NON-ECONOMIC DAMAGES UNDER NRS 41A.035

COURT ORDERED, motion GRANTED as unopposed.

DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'S MOTION IN LIMINE NO. 2 REGARDING NO DISPLAY OR USE OF MEDICAL TEXT ON CROSS-EXAMINATION WITHOUT A PROPER EVIDENTIARY FOUNDATION...DEFENDANT, JASON LASRY, M.D. 'S JOINDER TO TERRY BARTMUS, R.N. A.P.R.N.'S MOTION IN LIMINE NO. 2 REGARDING NO DISPLAY OR USE OF MEDIAL TEXT ON CROSS-EXAMINATION WITHOUT A PROPER EVIDENTIARY FOUNDATION

COURT ORDERED, motion GRANTED as unopposed; Plaintiff to lay the foundation.

DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'S MOTION IN LIMINE NO. 3 REGARDING NO USE OF MEDICAL TEXT ON DIRECT EXAMINATION

COURT ORDERED, motion GRANTED as unopposed; Plaintiff to lay the foundation to utilize the text.

DEFENDANT TERRY BARTMUS, R.N., A.P.R.N.'S MOTION IN LIMINE NO. 4 TO EXCLUDE TESTIMONY OF WITNESSES AND DOCUMENTS OR OTHER TANGIBLE THINGS NOT DISCLOSED OR PRODUCED IN DISCOVERY PLAINTIFFS' JOINDER TO DEFENDANT TERRY BARTMUS, R.N. A.P.R.N. S MOTION IN LIMINE NO. 4 TO EXCLUDE TESTIMONY OF WITNESSES AND DOCUMENTS OR OTHER TANGIBLE THINGS NOT DISCLOSED OR PRODUCED IN DISCOVERY

COURT ORDERED, motion DENIED WITHOUT PREJUDICE on the basis it was essentially a Follow-the-Law Motion in Limine. COURT NOTED this matter would be addressed, if needed, prior to trial.

DEFENDANT TERRY BARTMUS, R.N. A.P.R.N.'S MOTION IN LIMINE NUMBER 5 REGARDING TESTIMONY BY PLAINTIFFS' EXPERT WITNESSES CONCERNING NON-STANDARD OF CARE CRITICISMS OF DEFENDANT DEFENDANT, JASON LASRY, M.D.'S JOINDER TO TERRY BARTMUS, R.N. A.P.R.N.'S MOTION IN LIMINE NO. 5 REGARDING PRECLUSION OF EXPERT TESTIMONY BY PLAINTIFF'S EXPERT WITNESSES CONCERNING NON-STANDARD OF CARE CRITICISMS OF DEFENDANT

Argument by counsel. COURT ORDERED, motion DENIED WITHOUT PREJUDICE; subject to objections at the time of trial. Further, if the experts were to opine that something fell below the standard of care then they would need to be clear what that was and tie it into the injury. If there was some discussions, such as things they found fault, then it had to be tied.

DEFENDANT TERRY BARTMUS, R.N. A.P.R.N.'S MOTION IN LIMINE NUMBER 6 REGARDING NO REFERENCE TO PERSONAL OPINION OR PREFERENCE OF PLAINTFFS' EXPERTS DEFENDANT, JASON LASRY, M.D.'S JOINDER TO TERRY BARTMUS, R.N. A.P.R.N.'S MOTION

IN LIMINE NO. 6 REGARDING NO REFERENCE TO PERSONAL OPINION OR PREFERENCE OF PLAINTIFFS EXPERTS

COURT ORDERED, motion GRANTED.

DEFENDANT TERRY BARTMUS, R.N. A.P.R.N.'S MOTION IN LIMINE NUMBER 7 REGARDING NO EXPERT TESTIMONY BASED ON HEARSAY OPINIONS OF OTHER EXPERTS

COURT ORDERED, motion GRANTED as not significantly opposed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 27, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

January 27, 2020 1:30 PM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Robert Cangemi

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hymanson, Joseph H.	Attorney
	Hymanson, Philip M.	Attorney
	Lasry, Jason, M.D.	Defendant
	McBride, Robert C.	Attorney
	Moore, Charlene A	Plaintiff
	Moore, Darell L	Plaintiff
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:

Colloquy and argument regarding the Court's previous ruling on Motions argued regarding supervision duties, vicarious liability, and the doctor's duty clarification. COURT CLARIFIED trial protocol to counsel, colloquy regarding scheduling.

PROSPECTIVE JURY PANEL PRESENT:

Prospective Jury Panel SWORN IN, introductions by Court and counsel. Roll call at the request of Mr. McBride. Voir Dire begins. CONFERENCES AT BENCH. Individual Voir Dire of Prospective Juror #618. For cause excusals RELEASED. COURT ORDERED, Trial CONTINUES.

CONTINUED TO: 01/28/20 1:00 P.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 28, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

January 28, 2020 1:00 PM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hymanson, Joseph H.	Attorney
	Hymanson, Philip M.	Attorney
	Lasry, Jason, M.D.	Defendant
	McBride, Robert C.	Attorney
	Moore, Charlene A	Plaintiff
	Moore, Darell L	Plaintiff
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:
Colloquy regarding scheduling and completion of jury selection.

PROSPECTIVE JURY PANEL PRESENT:

Voir Dire CONTINUES. CONFERENCES AT BENCH. Individual Voir Dire of prospective jurors badge #664 and 385, jurors EXCUSED for cause. Mr. and Mrs. Moore no longer present, all other parties present as before. Voir Dire CONTINUES. COURT ORDERED, trial CONTINUED.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:

Colloquy regarding potential for cause dismissals and parties stipulating on previously contested Motions In Limines filed with Court.

CONTINUED TO: 01/29/20 1:30 P.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 29, 2020

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

January 29, 2020 1:30 PM Jury Trial

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hymanson, Joseph H.	Attorney
	Hymanson, Philip M.	Attorney
	Lasry, Jason, M.D.	Defendant
	McBride, Robert C.	Attorney
	Moore, Charlene A	Plaintiff
	Moore, Darell L	Plaintiff
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:

Colloquy regarding passing prospective jurors 606 and 637 for cause. With there being no objection and counsel being in agreement, prospective jurors 606 and 637, DISMISSED. Individual Voir Dire of prospective juror 668. Counsel jointly agreed to DISMISS prospective juror 668. COURT NOTED prospective juror 625 contacted Jury Services and indicated he is sick, he is unable to return for service. Juror 625 DISMISSED. Mr. McBride provided Court a copy of Deft. Jason Lasry, M.D.'s Objection to Pltf's. Proposed Jury Instruction Re: Loss of Chance. Mr. Weaver made an Oral Motion to Join. COURT SO NOTED.

PROSPECTIVE JURY PANEL PRESENT:
Voir Dire CONTINUES. CONFERENCES AT BENCH.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:
Individual Voir Dire of prospective jurors #611, 143, and 665. Prospective jurors 143 and 665
DISMISSED.

PROSPECTIVE JURY PANEL PRESENT:
Voir Dire CONTINUES. CONFERENCES AT BENCH. For Cause EXCUSALS. Peremptory
Challenges EXECUTED. Jury SELECTED. Court thanked and RELEASED the remaining jury panel,
and ORDERED, Trial CONTINUES.

CONTINUED TO: 01/30/20 9:30 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 30, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

January 30, 2020 9:30 AM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Dana J. Tavaglione
Robert Cangemi

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hymanson, Joseph H.	Attorney
	Lasry, Jason, M.D.	Defendant
	McBride, Robert C.	Attorney
	Moore, Charlene A	Plaintiff
	Moore, Darell L	Plaintiff
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- Reporter Robert Cangemi not present.

JURY PANEL PRESENT:

Jury Panel SWORN IN. Opening statements by Mr. Arntz, and Mr. McBride. CONFERENCES AT BENCH.

OUTSIDE THE PRESENCE OF THE JURY PANEL:

Argument and colloquy regarding the CONFERENCE AT BENCH and statements pertaining to Dr. Jacobs testifying. Mr. Arntz stated Dr. Jacobs had surgery and is unable to appear. Mr. McBride and

Mr. Weaver argued they are unable to cross examine Dr. Jacobs if he does not appear and his depositions are utilized. COURT ORDERED, both sides can utilize the portions of Dr. Jacobs deposition they wish to use; the key will be to figure out what parts the parties want to use.

JURY PANEL PRESENT:

Opening statement by Mr. Weaver. Ms. Tavaglione no longer present, Mr. Cangemi now present. All other parties present as before. Exhibits ADMITTED, Witness TESTIMONY (See worksheets). COURT FURTHER ORDERED, Trial CONTINUES.

OUTSIDE THE PRESENCE OF THE JURY PANEL:

Colloquy counsel providing copies of their powerpoint presentations, and the possibility witnesses will be heard out of order.

CONTINUED TO: 01/31/20 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 31, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

January 31, 2020 9:00 AM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Bill Nelson
Dana J. Tavaglione

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hymanson, Joseph H.	Attorney
	Hymanson, Philip M.	Attorney
	Lasry, Jason, M.D.	Defendant
	McBride, Robert C.	Attorney
	Moore, Charlene A	Plaintiff
	Moore, Darell L	Plaintiff
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- Ms. Dana Tavaglione not present.

OUTSIDE THE PRESENCE OF THE JURY:

Colloquy and argument regarding statements Mr. Arntz made during his opening regarding Pltf's. need for a wheelchair, what he can and can't afford, what Medicare will pay for, and what Pltf. has applied for through Medicare. Additional colloquy regarding use of Dr. Jacobs deposition in lieu of him actually testifying.

JURY PANEL PRESENT:

Witness TESTIMONY, exhibits ADMITTED (see worksheets). CONFERENCES AT BENCH. Ms. Tavaglione now present, Mr. Bill Nelson longer present, all other parties present as before.

OUTSIDE THE PRESENCE OF THE JURY:

Following provision of the prior days transcript additional arguments regarding Mr. Arntz opening statements, expected expert testimony, and if the door to collateral source had been opened, COURT ADVISED, to the extent Mr. Weaver made a motion to inquire as to collateral source, that decision is DEFERRED. COURT made a RECORD of the CONFERENCES AT BENCH. Colloquy regarding scheduling, expert availability and expected testimony.

JURY PANEL PRESENT:

Pltf's. Darell moore and Charlene Moore no longer present, all other parties present as before. Testimony CONTINUED. COURT ORDERED, trial CONTINUES.

CONTINUED TO: 02/03/20 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 03, 2020

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

February 03, 2020 1:30 PM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Robert Cangemi

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hymanson, Joseph H.	Attorney
	Hymanson, Philip M.	Attorney
	Lasry, Jason, M.D.	Defendant
	McBride, Robert C.	Attorney
	Moore, Charlene A	Plaintiff
	Moore, Darell L	Plaintiff
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY PANEL:

Colloquy regarding accommodating Pltf's. testimony and use of an alternative Courtroom and scheduling witnesses, and settling Jury Instructions.

JURY PANEL PRESENT:

Witness TESTIMONY (see worksheets). CONFERENCES AT BENCH. COURT ORDERED, Trial CONTINUES.

OUTSIDE THE PRESENCE OF THE JURY PANEL:

COURT made a RECORD of the CONFERENCES AT BENCH. Colloquy and argument regarding inquiries pertaining to Pltf's. Medicare coverage and the experts testimony, specifically the article Dr. Marmureanu was citing to when testifying. COURT NOTED, additional briefing would be needed as to what the article says that is being referenced. Mr. Weaver stated he will be filing a Motion for Court to Take Judicial Notice of the Report. COURT DIRECTED counsel to request a hearing date of 02/04/20 when filing the Notice.

CONTINUED TO: 02/04/20 1:30 P.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 04, 2020

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

February 04, 2020 1:30 PM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hymanson, Joseph H.	Attorney
	Hymanson, Philip M.	Attorney
	Lasry, Jason, M.D.	Defendant
	McBride, Robert C.	Attorney
	Moore, Charlene A	Plaintiff
	Moore, Darell L	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY PANEL:

Argument regarding testimony addressing the reasonability and necessity of medical billings. COURT NOTED, each party submitted Orders on previously decided Motions and Motions in Limine, Court will need to listen to the Javs recording for the nuances.

JURY PANEL PRESENT:

Witness TESTIMONY. CONFERENCES AT BENCH.

OUTSIDE THE PRESENCE OF THE JURY PANEL:

Extensive arguments regarding Dr. Fish's testimony regarding Pltff's. life care plan, Mr. Arntz opening

statements regarding what Pltf. can or could not afford to get and what Medicare would pay for, and if the door is opened as to what Medicare would pay for. COURT STATED FINDINGS, Court does not believe the door has been opened as to collateral source. It would be an error on the part of the Court to allow inquiry of Dr. Fish as to what is covered by Medicare and what is not. COURT made a RECORD of the CONFERENCES AT THE BENCH.

JURY PANEL PRESENT:

Witness TESTIMONY. CONFERENCES AT BENCH. COURT FURTHER ORDERED, trial CONTINUES.

CONTINUED TO: 02/05/20 1:30 P.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 05, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

February 05, 2020 1:30 PM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hoffmann, Matthew W.	Attorney
	Hymanson, Joseph H.	Attorney
	Lasry, Jason, M.D.	Defendant
	McBride, Robert C.	Attorney
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY PANEL:

Colloquy and argument regarding scheduling witnesses, Dr. Wilson's rebuttal report; Mr. Arntz renewed his objection as to Dr. Wilson's rebuttal report. Argument by counsel. COURT CLARIFIED, Dr. Wilson is CONFINED to any report that he is entitled to testify about as that is what the parties STIPULATED to and that is standard practice. COURT DETERMINES It is not going to preclude questioning on the initial or rebuttal reports, and STATED FINDINGS.

JURY PANEL PRESENT:

Witness TESTIMONY, exhibits ADMITTED (see worksheets). CONFERENCES AT BENCH. COURT ORDERED, trial CONTINUES.

OUTSIDE THE PRESENCE OF THE JURY PANEL:

COURT made a RECORD of the CONFERENCES AT THE BENCH. Colloquy regarding scheduling.

CONTINUED TO: 02/06/20 1:30 P.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 06, 2020

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

February 06, 2020 3:00 AM Status Check: Compliance

HEARD BY: Truman, Erin **COURTROOM:** No Location

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Matter continued.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 06, 2020

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

February 06, 2020 3:00 AM Status Check: Compliance

HEARD BY: Truman, Erin **COURTROOM:** No Location

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Matter Continued.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 06, 2020

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

February 06, 2020 1:30 PM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hymanson, Joseph H.	Attorney
	Hymanson, Philip M.	Attorney
	Lasry, Jason, M.D.	Defendant
	McBride, Robert C.	Attorney
	Moore, Charlene A	Plaintiff
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- JURY PANEL PRESENT:

Witness TESTIMONY, exhibits ADMITTED (see worksheets). CONFERENCES AT BENCH. COURT ORDERED, trial CONTINUES.

OUTSIDE THE PRESENCE OF THE JURY PANEL:

COURT made a RECORD of the CONFERENCES AT BENCH. Colloquy regarding scheduling, expert testimony, and Dr. Lasry returning to work in the upcoming week.

CONTINUED TO: 02/07/20 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 07, 2020

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

February 07, 2020 9:00 AM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle
Louisa Garcia

RECORDER:

REPORTER: Robert Cangemi
Dana J. Tavaglione

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hymanson, Joseph H.	Attorney
	Hymanson, Philip M.	Attorney
	Lasry, Jason, M.D.	Defendant
	McBride, Robert C.	Attorney
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- Court Reporter Robert Cangemi not present.

OUTSIDE THE PRESENCE OF THE JURY: Court stated for the record there were no substantive bench conferences toward the end of cross examination. It was primarily all scheduling and when counsel might finish as it was concerned about the Jury. Colloquy regarding scheduling.

JURY PANEL PRESENT: Testimony presented. (See worksheets) **CONFERENCE AT THE BENCH.**

****Shelley Boyle, Court Clerk, present at 9:45 a.m. Louisa Garcia no longer present; all other parties present as before.**

Testimony CONTINUED, exhibits ADMITTED (see worksheets). ADDITIONAL CONFERENCES AT BENCH. Following the lunch break Court Reporter Cangemi present, Court Report Dana Tavaglione no longer present. All other parties present as before. Additional testimony. COURT ORDERED, Trial CONTINUES.

OUTSIDE THE PRESENCE OF THE JURY:

COURT made a RECORD of the CONFERENCES AT BENCH, and explained how Jury Instructions would be settled. COURT DIRECTED counsel to provide their proposed Special Instructions and Jury Verdicts by 5 p.m., 02/09/20.

CONTINUED TO: 02/10/20 1:30 P.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 10, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

February 10, 2020 1:30 PM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15D

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hoffmann, Matthew W.	Attorney
	Hymanson, Joseph H.	Attorney
	McBride, Robert C.	Attorney
	Moore, Charlene A	Plaintiff
	Moore, Darell L	Plaintiff
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY PANEL:

Extensive arguments by counsel regarding Mr. Arntz' communications with Deft's. counsel on Sunday, 02/09/20, stating his intention to call Dr. Robert Wiencek, M.D, Pltf's. previous efforts to have the doctor appear, when it became apparent the doctor may be an essential witness and was able to travel, and Deft's. counsel inability to bring Dr. Wilson, who has already testified, back to the stand. COURT STATED FINDINGS, and DETERMINED, It does not see any legal or factual basis to call the doctor at this time. Dr. Wiencek will not be called, testimony will proceed as scheduled.

JURY PANEL PRESENT:

Witness TESTIMONY, exhibits ADMITTED (see worksheets). CONFERENCE AT BENCH. COURT

ORDERED, Trial CONTINUES.

OUTSIDE THE PRESENCE OF THE JURY PANEL:

Colloquy regarding settling Jury Instructions and provision of the fully redacted copies of exhibit 100, already ADMITTED.

CONTINUED TO: 02/11/20 1:30 P.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 11, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

February 11, 2020 1:30 PM Jury Trial

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15D

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Robert Cangemi

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hymanson, Joseph H.	Attorney
	Hymanson, Philip M.	Attorney
	McBride, Robert C.	Attorney
	Moore, Charlene A	Plaintiff
	Moore, Darell L	Plaintiff
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY PANEL:

COURT NOTED, the Motions argued by counsel the prior day, Deft's. Terry Bartmus, A.P.R.N's Request for Judicial Notice, Deft's. Terry Bartmus, A.P.R.N's Emergency Motion to Preclude Testimony from Robert Wiencek, M, and Deft. Jason Lasry's M.D.'s Joinder to Deft's. Terry Bartmus, A.P.R.N's Request for Judicial Notice, Deft's. Terry Bartmus, A.P.R.N's Emergency Motion to Preclude Testimony from Robert Wiencek, M.D., all MOOT and therefore VACATED, as they were argued and decided 02/10/20. Colloquy regarding settling jury instructions and scheduling.

JURY PANEL PRESENT:

Testimony CONTINUED, Depositions PUBLISHED (see worksheets). CONFERENCES AT BENCH.

OUTSIDE THE PRESENCE OF THE JURY PANEL:

Argument and colloquy regarding hearsay testimony, prompting of the witness, and eliciting hearsay.

JURY PANEL PRESENT:

Testimony CONTINUED, exhibits ADMITTED (see worksheets). Counsel REST. COURT ORDERED, Trial CONTINUES; counsel to appear at 11:30 a.m. to settle Jury Instructions; the panel is to return at 1:30 p.m.

OUTSIDE THE PRESENCE OF THE JURY PANEL:

Colloquy regarding settling instructions and scheduling closing arguments. Argument regarding admission of exhibits 203 and 210; if an appropriate foundation being set for their admission, revision of the bills by experts, and lack of expert testimony that the bills are reasonable. COURT ADVISED, It will make a final decision on this issue. Mr. McBride made an Oral Rule 50 Motion for Judgment as a Matter of Law and argued. Mr. Weaver joined Mr. McBride's Oral Motion. COURT INFORMED counsel It will hear additional argument prior to making a final decision.

CONTINUED TO: 11:30 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 12, 2020

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

February 12, 2020 11:30 AM Jury Trial

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Bill Nelson
Dana J. Tavaglione

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Bartmus, Terry, RN	Defendant
	Bestick, Alissa	Attorney
	Hoffmann, Matthew W.	Attorney
	Hymanson, Joseph H.	Attorney
	McBride, Robert C.	Attorney
	Moore, Charlene A	Plaintiff
	Moore, Darell L	Plaintiff
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- Court Reporter Bill Nelson not present.

OUTSIDE THE PRESENCE OF THE JURY PANEL:

Arguments regarding admission of exhibits 203 and 210. COURT ORDERED, Exhibits 203 and 210 ADMITTED, and STATED FINDINGS. CONTINUED argument regarding Mr. McBride's Oral Rule 50 Motion for Judgment as a Matter of Law. COURT FURTHER ORDERED, Motion DENIED, and STATED ADDITIONAL FINDINGS. Jury Instructions and Verdict form argued and SETTLED. Colloquy regarding scheduling. Reporter Dana Tavaglione no longer present.

JURY PANEL PRESENT:

Reporter Bill Nelson present, all other parties present as before. Closing arguments by Mr. Arntz, Mr. McBride, and Mr. Weaver; Rebuttal by Mr. Arntz. CONFERENCES AT BENCH. Jury ADMONISHED and INSTRUCTED to return at the next day to begin deliberations; COURT ADDITIONALLY ORDERED, Trial CONTINUES.

CONTINUED TO: 02/13/20 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 13, 2020

A-17-766426-C Darell Moore, Plaintiff(s)
vs.
Jason Lasry, M.D., Defendant(s)

February 13, 2020 9:00 AM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER:
Robert Cangemi

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Hymanson, Joseph H.	Attorney
	McBride, Robert C.	Attorney
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- JURY PANEL PRESENT:

Jury began deliberations at 9:00 a.m. At the Hour of 2:42 p.m. the jury returned with a verdict in favor of Deft's. At the request of Mr. Weaver, Jury POLLED. Court thanked and EXCUSED the Jury.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

April 13, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

April 13, 2020	3:00 AM	Minute Order
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HEARD BY: Delaney, Kathleen E.	COURTROOM: RJC Courtroom 15B
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COURT CLERK: Shelley Boyle

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Minute Order Re-Setting Motion Hearing

For the convenience of the Court, and pursuant to the directives set forth in the District Court's Administrative Order 20-01 concerning the handling of all non-essential hearings, COURT ORDERED the hearing on Defendant Terry Bartmus, A.P.R.N.'s Motion for Attorney's Fees and Costs currently set to be heard on Tuesday, April 14, 2020 at 9:00 a.m. is hereby re-set to Tuesday, May 5, 2020 at 9:00 a.m.

CLERK'S NOTE: Copy of this minute order served on all parties and their counsel through the Court's electronic filing system. /sb 04.13.20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

May 04, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

May 04, 2020	3:00 AM	Minute Order
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HEARD BY: Delaney, Kathleen E.	COURTROOM: RJC Courtroom 15B
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COURT CLERK: Shelley Boyle

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Minute Order Re-Setting Motion Hearings

At the request of counsel for Plaintiff, without known opposition from counsel for Defendants, and for the convenience of the Court given the size of its calendar for the day in question, COURT ORDERED the hearings on Defendants respective Motions for Attorney's Fees and Costs and the Joinders thereto currently set for Tuesday, May 5, 2020 at 9:00 a.m. and May 12, 2020 at 9:00 a.m. are hereby re-set to a special setting on Thursday, June 11, 2020 at 9:00 a.m. COURT FURTHER ORDERED the hearing on Plaintiff's Motion for New Trial currently set for Tuesday, May 12, 2020 at 9:00 a.m. is also re-set to the special setting on Thursday, June 11, 2020 at 9:00 a.m.

CLERK'S NOTE: Copy of this minute order served on all parties and their counsel through the Court's electronic filing system. / sb 05/04/20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

June 11, 2020

A-17-766426-C	Darell Moore, Plaintiff(s) vs. Jason Lasry, M.D., Defendant(s)
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June 11, 2020 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Robert Cangemi

PARTIES

PRESENT:	Arntz, E. Breen Hueth, Chelsea R Hymanson, Joseph H. Weaver, Keith A.	Attorney Attorney Attorney Attorney
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JOURNAL ENTRIES

- DEFENDANT TERRY BARTMUS, APRN'S JOINDER TO DEFENDANT JASON LASRY, M.D.'S MOTION FOR ATTORNEYS' FEES AND COSTS...DEFENDANT, JASON LASRY, M.D. S JOINDER TO DEFENDANT TERRY BARTMUS, A.P.R.N.'S OPPOSITION TO PLAINTIFFS DARELL L. MOORE AND CHARLENE A. MOORE'S MOTION FOR NEW TRIAL...DEFENDANT TERRY BARTMUS, A.P.R.N.'S MOTION FOR ATTORNEYS' FEES AND COSTS...DEFENDANT, JASON LASRY M.D. S MOTION FOR ATTORNEY'S FEES AND COSTS...PLAINTIFFS' NRCP 59 MOTION FOR NEW TRIAL

Counsel appeared telephonically.

COURT ADVISED, It would like to hear argument on the Motion for New Trial. Court will make a final decision on that matter then flesh out the other Motions. Extensive arguments by counsel regarding Pltf's request to have Dr. Wiencek testify, when the request was made, what Dr. Winscet would have testified to regarding Deft's. treatment and diagnosis, and Court's denial of Pltf's. request to allow Dr. Winscet to testify. Additional arguements regarding the testimony of Dr. Marmureanu,

the report indicating he is one of the worst doctor's in California, and the doctor's reaction to the report while testifying. COURT ORDERED, all matters CONTINUED, SET for Decision on Motion for New Trial.

06.16.20 10:30 A.M. DECISION; PLAINTIFFS' NRCP 59 MOTION FOR NEW TRIAL...DEFENDANT TERRY BARTMUS, APRN'S JOINDER TO DEFENDANT JASON LASRY, M.D.'S MOTION FOR ATTORNEYS' FEES AND COSTS...DEFENDANT, JASON LASRY, M.D. S JOINDER TO DEFENDANT TERRY BARTMUS, A.P.R.N.'S OPPOSITION TO PLAINTIFFS DARELL L. MOORE AND CHARLENE A. MOORE'S MOTION FOR NEW TRIAL...DEFENDANT TERRY BARTMUS, A.P.R.N.'S MOTION FOR ATTORNEYS' FEES AND COSTS...DEFENDANT, JASON LASRY M.D. S MOTION FOR ATTORNEY'S FEES AND COSTS...PLAINTIFFS' NRCP 59 MOTION FOR NEW TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

June 16, 2020

A-17-766426-C	Darell Moore, Plaintiff(s)
	vs.
	Jason Lasry, M.D., Defendant(s)

June 16, 2020 10:30 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT:	Arntz, E. Breen	Attorney
	Hymanson, Joseph H.	Attorney
	McBride, Robert C.	Attorney
	Weaver, Keith A.	Attorney

JOURNAL ENTRIES

- PLTF'S. NRCP 59 MOTION FOR NEW TRIAL.. DECISION: PLTF'S. NRCP 59 MOTION FOR NEW TRIAL...DEFT. JASON LASRY M.D'S JOINDER TO DEFT. TERRY BARTMUS, A.P.R.N'S OPPOSITION TO PLTF'S. DARRELL L. MOORE AND CHARLENE A. MOORE'S MOTION FOR NEW TRIAL...DEFT. JASON LASRY M.D'S MOTION FOR ATTORNEY'S FEES AND COSTS...DEFT. TERRY BARTMUS, A.P.R.N'S JOINDER TO DEFT. JASON LASRY M.D'S MOTION FOR ATTORNEY'S FEES AND COSTS...DEFT. TERRY BARTMUS, A.P.R.N'S MOTION FOR ATTORNEY'S FEES AND COSTS

Mr. Arntz, Mr. McBride, and Mr. Hymanson appeared telephonically.

COURT STATED FINDINGS, and ADVISED, Court DETERMINES to DENY the Pltf's NRCP 59 Motion for a New Trial and STATED FINDINGS. On the ground whether or not Dr. Weincet should have been called, if the Court erred and ultimately if that prejudiced the jury and affected the substantial rights of the Pltf. as the rule would indicate, Court does NOT believe that It either erred or that it would have substantially affected the rights of the moving party.

COURT DID make Its DETERMINATION in some part based on the fact that It knew that the parties had previously agreed to disclose throughout the course of trial what witnesses were being called and in what order, and that appeared to have not been done. Also, that there was not disclosure of perhaps the nature of the testimony as to what it would be, and again that would be expected in the course of trial, prior to trial. At the end of the day, Court's ULTIMATE DETERMINATION is that there wasn't really any necessity for lack of a better word for Dr. Weincet to testify. All of his records that were relevant to the case had been well vetted throughout the course of the Pltf's. presentation. That there had been potentially some dispute as to obviously what his records may show or may have illustrated related to the care given on December 25th at the hospital in the emergency room but at the end of the day the Court felt strongly, and again this is the Court's discretion in making this call and why Court still feels It made the right decision at the time, that bringing in Dr. Weincet would not have clarified anything further but might have very well created confusion as to which doctors were on trial; which doctor and nurse practitioner was on trial and which was not. Additional FINDINGS STATED.

On the grounds whether the Court erred in allowing a discussion of an article from the State of California identifying Dr. Marmureanu, the doctor when he was confronted in cross-examination with this article by Mr Weaver and how he was portrayed in this article; how it portrayed as him being one of the worst doctors of his type in California. Really we have a wash whether if at the time the article was presented correctly by Mr. Weaver or Dr. Marmureanu. At the end of the day COURT FINDS it is likely an Appellate Court reviewing the Court's efforts in this regard would FIND that the Court erred. Court can see where by the argument provided by Mr. Arntz and summation argument by Mr. Hymanson when we were here last week that it is possible that it could be determined that allowing the article to be discussed at the time was in error. There is some argument that the objection was only to foundation and that the objection is not broader in scope as to whether or not it was relevant, whether or not it was improper impeachment, or other potential arguments that were made. Court does believe it was clear Pltf. was objection to the use of the article and to the way in which Dr. Marmureanu was being portrayed in the argument. Court can see how it could be determined the Court erred in allowing this line of inquiry whether it was because the article had not previously been disclosed. FINDINGS regarding Rule 16.1, impeachment and the grounds for the error.

Even if accounting for the potential that the Court did error it is still in this COURT'S DETERMINATION still no something rising to the level of requiring a new trail. That ULTIMATELY again for the new trial to be warranted it has to have substantially affected the material rights of the moving party or as cited in the case law to find that it substantially prejudiced the party. Obviously the Nevada Supreme Court will review Court's decision whether to admit or exclude evidence for abuse of discretion, it doesn't change those determinations. For the Court to find a new trial to be granted it must find that it materially affected the rights of the moving party substantially, that is where the Court can't to the extent of granting a new trial. COURT STATED FURTHER FINDINGS regarding who the jury did or did not believe and whose testimony they gave weight to. Court respects the decision that It's decision would be challenged.

Mr. Arntz stated he would like it reflected in the Order that at the hearing the prior week the parties agreed the doctor's demeanor was very defensive in responding to the article because that is one of the points of prejudice. COURT ACKNOWLEDGED counsel made that argument, and STATED it was clear the examination was not well received, it was clear that it upset him, and the doctor attempted to counter it with his own statements. Court will NOT quivelling with counsel's analogy. Court can NOT say it is making that finding; in his response the witness was negatively received and he tried to counter it.

Mr. Arntz further stated right after the verdict he made an offer for each side to pay their own fees and costs. Mr. McBride accepted this offer then revoked it. He is considering filing a Motion to Enforce Settlement. Mr. Arntz argued just because they won does not mean they should get attorney's fees. Mr. McBride argued there were communications between co-counsel, himself and the insurance company as to whether or not they would accept the offer. He misunderstood the information when he spoke with Mr. Arntz. His authority did not extend to accepting that offer. Mr. McBride stated there was no meeting of the minds, nothing was written on paper. Extensive arguments and colloquy by counsel. COURT ADVISED it seems to the Court we would proceed with the Motions and arguments under Rule 68. Court won't preclude counsel from making argument regarding why attorney's fees shouldn't be awarded. Court thinks the matter can be challenged in whatever ability it can be. Mr. Arntz can file a Motion on Order Shortening Time. COURT ORDERED, Motion and Joinder for New Trial DENIED; the remaining Motions CONTINUED. Mr. Weaver is to prepare the Order, provide a copy to opposing counsel for review as to form and content, and return it back to the Court within 10 days.

07/09/20 9:00 A.M. DEFT. JASON LASRY M.D S MOTION FOR ATTORNEY'S FEES AND COSTS...DEFT. TERRY BARTMUS, A.P.R.N'S JOINDER TO DEFT. JASON LASRY M.D S MOTION FOR ATTORNEY;S FEES AND COSTS...DEFT. TERRY BARTMUS, A.P.R.N S MOTION FOR ATTORNEYS FEES AND COSTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental**COURT MINUTES****July 09, 2020**

A-17-766426-C Darell Moore, Plaintiff(s)
 vs.
 Jason Lasry, M.D., Defendant(s)

July 09, 2020 9:00 AM All Pending Motions

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Shelley Boyle

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT: Arntz, E. Breen Attorney
 McBride, Robert C. Attorney
 Weaver, Keith A. Attorney

JOURNAL ENTRIES

- DEFT. TERRY BARTMUS, A.P.R.N'S MOTION FOR ATTORNEY'S FEES AND COSTS...DEFT, JASON LASRY M.D'S MOTION FOR ATTORNEY'S FEES AND COSTS

Counsel appeared telephonically.

COURT ADVISED, as to the Motion to Retax Costs, Court will consider the arguments put forward by Pltf. as to whether all the costs put forward are properly taxable, if they should be reduced in some fashion proper and if they should be considered, while not properly filed, Court will consider Pltf's. argument. While there was not a Motion to Retax filed, Court will still consider Pltf's. arguments.

Extensive arguments by counsel regarding the unpublished decision on Busick v. Trainer, the Beatty factors, and Deft's decision to walk away from Pltf's offer and if that was in bad faith and unreasonable. Mr. McBride argued he thinks he has provided the appropriate statutory language and case law as to why Dr. Lasry would be entitled to fees and costs. Mr. Arntz argued the parties never really had settlement discussions at all. Adding, he can't really wrap his mind around the argument Pltf's. acted in bad faith in pursuing the case. Further arguing, there were never any

discussions about settlement, the Settlement Conference was ordered by the Court.

Mr. McBride further argued the Deft. was willing to walk away with valid consideration. Pltf's. counsel should have instructed their client of the potential risk for paying fees and costs. Mr. Weaver argued the law suit was designed, litigated and prosecuted from beginning through closing arguments to harass. It was frivolous and it was without merit; the entirety of it was based upon a claim that Deft. Bartmus and Deft. Lasry were liars, medical record falsifiers, and purjurors. Mr. Arntz stated he believes when he takes this on appeal it will be reversed because of Deft. counsel's misconduct. Mr. Arntz requested Court allow Pltf. to pursue the Appeal without a bond. The insurance company has all the money in the world, Pltf. could afford not pay for the transcripts.

COURT STATED FINDINGS, and ORDERED, Deft's. Motions for Fees and Costs BOTH GRANTED in PART / DENIED in PART. As to Deft. Lasry's Motion for Attorney's Fees and Costs, Motion DENIED as to the request for Attorney's Fees, based upon the Court FINDING that ultimately there is not an appropriate award under Chapter 18 in the sense that the Court is NOT FINDING this claim was not bought without reasonable grounds or meant to harass the Deft. Court is also NOT going to grant under Rule 68, the basis for that is that the Court DOES FIND the claim was bought in good faith and FINDS the offer was reasonable in its timing and amount. Court CAN NOT FIND Pltf's. decision to reject the offer was grossly unreasonable or in bad faith. That is where the Beatty factor fails under Rule 68. ADDITIONAL FINDINGS STATED. Motion GRANTED as to the bulk of the Costs being requested by Deft. Lasry, the amount of Costs TOTALING \$40,248.66 AWARDED. Court STATED the reductions TOTALING \$13,326.75 It DETERMINED to disallow.

As to Deft. Bartmus' Motion for Attorney's Fees and Costs, there is the same basis for the DENIAL for the Request for Attorney's Fees under NRS Chapter 18 provision. Court does NOT FIND the claim was not bought without reasonable grounds and meant to harass the Deft. COURT STATED FINDINGS. Motion for Costs GRANTED, the amount of \$114,080.97 AWARDED. COURT STATED the reductions TOTALING \$13,796.18 It DETERMINED to disallow. Each party for Deft. is to prepare their Orders, provide a copy to opposing counsel for review as to form and content, and return them back to the Court within 10 days.



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

MATTHEW W. HOFFMANN, ESQ.
10789 W. TWAIN AVE., SUITE 100
LAS VEGAS, NV 89135

DATE: August 17, 2020
CASE: A-17-766426-C

RE CASE: DARELL L. MOORE and CHARLENE A. MOORE, individually and as husband and wife vs. JASON LASRY, M.D.; TERRY BARTMUS, RN, APRN

NOTICE OF APPEAL FILED: August 14, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the court.*
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER ON PLAINTIFFS' MOTION FOR NEW TRIAL; NOTICE OF ENTRY OF ORDER ON PLAINTIFFS' MOTION FOR NEW TRIAL; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

DARELL L. MOORE and CHARLENE A.
MOORE, individually and as husband and wife,

Plaintiff(s),

vs.

JASON LASRY, M.D.; TERRY BARTMUS,
RN, APRN,

Defendant(s),

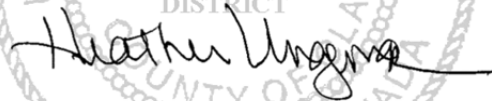
Case No: A-17-766426-C

Dept No: XXV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 17 day of August 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk