

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARELL L. MOORE; AND CHARLENE)
A. MOORE, INDIVIDUALLY AND AS)
HUSBAND AND WIFE,)
Appellants,)
vs.)
JASON LASRY, M.D. INDIVIDUAL;)
AND TERRY BARTIMUS, RN, APRN,)
Respondents.)

Electronically Filed
Jul 21 2021 05:14 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 81659

APPEAL

From the Eighth Judicial District Court, Clark County
The Honorable Kathleen E. Delaney, District Judge
District Court Case No.: A-17-766426-C

APPELLANT'S APPENDIX VOLUME II

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Attorney for Appellant Darrell Moore and Charlene Moore

INDEX TO APPELLANT'S APPENDIX

VOLUME	DOCUMENT	BATES NUMBER
I	Complaint dated December 18, 2017	AA00001- AA00024
I	Amended Complaint dated December 20, 2017	AA00025- AA00048
I	Proof of Service upon Fremont Emergency Services dated January 5, 2018	AA00049
I	Dignity Health's Answer to Complaint dated January 17, 2018	AA00050- AA00059
I	Proof of Service of Amended Complaint upon Dignity Health dated January 17, 2018	AA00060
I	Proof of Service of Amended Complaint upon Jason Lasry dated January 31, 2018	AA00061
I	Proof of Service of Amended Complaint upon Terry Bartmus dated January 31, 2018	AA00062
I	Fremont Emergency Services and Terry Bartmus's Answer to Complaint dated February 9, 2018	AA00063- AA00072
I	Jason Lasry's Answer to Complaint dated February 12, 2018	AA00073- AA00081
I	Scheduling Order dated May 4, 2018	AA00082- AA00084
I	Stipulation and Order to Dismiss Dignity Health dated May 4, 2018	AA00085- AA00089
I	Notice of Entry of Order re Stipulation and Order to Dismiss Dignity Health dated June 28, 2018	AA00090- AA00098
I	Proof of Service of Deposition Subpoena Duces Tecum, Notice of Taking Deposition and Notice of Service of Subpoena Duces Tecum dated March 22, 2019	AA00099
I	Order Setting Civil Jury Trial dated May 7, 2019	AA00100- AA00101
I	Stipulation and Order re Expert Disclosures dated October 7, 2019	AA00102- AA00106
I	Notice of Entry of Stipulation and Order re Expert Disclosures dated October 7, 2019	AA00107- AA00114

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I	Fremont Emergency Services and Terry Bartmus's Notice of Entry of Order Affirming the Discovery Commissioner's Report dated October 14, 2019	AA00117- AA00121
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I	Order Allowing Plaintiff to amend their Complaint to remove Dignity Health dated October 16, 2019	AA00124- AA00125
I	Plaintiffs' Notice of Entry of Order Affirming the Discovery Commissioner's Report dated October 16, 2019	AA00126- AA00129
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II	Fremont Emergency Services and Terry Bartmus's Answer to Second Amended Complaint dated November 12, 2019	AA00158- AA00166
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II	Notice of Entry of Stipulation and Order to Dismiss Fremont Emergency Service dated December 18, 2019	AA00215- AA00223
II	Jason Lasry's Pretrial Disclosures dated December 27, 2019	AA00224- AA00238
II	Plaintiffs' Pretrial Disclosures dated December 27, 2019	AA00239- AA00249
II	Terry Bartmus's Pretrial Disclosures dated December 27, 2019	AA00250- AA00267
II	Jason Lasry's First Supplement to Pretrial Disclosures dated January 2, 2020	AA00268- AA00285

II	Jason Lasry's Second Supplement to Pretrial Disclosures dated January 9, 2020	AA00286- AA00303
III	Terry Bartmus's First Supplement to Pretrial Disclosures dated January 10, 2020	AA00304- AA00322
III	Jason Lasry's Third Supplement to Pretrial Disclosures dated January 15, 2020	AA00323- AA00340
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XVI	Trial Transcript for February 7, 2020	AA02401- AA02608
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CERTIFICATE OF SERVICE

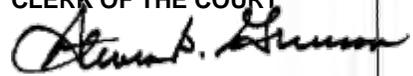
Pursuant to NRAP 25(b), I certify that I am an employee of the law firm and that on this 21st day of July, 2021, I served a true and correct copy of the foregoing **APPELLANT'S APPENDIX VOLUME II** as follows:

- by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- to be sent via facsimile (as a courtesy only); and/or
- to be hand-delivered to the attorneys at the address listed below:
- to be submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

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Las Vegas, NV 89113

Keith A. Weaver, Esq.
Lewis Brisbois Bisgaard & Smith, LLP
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Las Vegas, NV 89118

By: /s/ E. Breen Arntz
An employee of E. Breen Arntz, Chtd.



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9 Terry Bartmus, A.P.R.N.*

10
11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

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

16 Plaintiffs,

17 vs.

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

22 Defendants.

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

DEFENDANTS FREMONT EMERGENCY
SERVICES (MANDAVIA), LTD. AND
TERRY BARTMUS, A.P.R.N.'S ANSWER
TO PLAINTIFFS' SECOND AMENDED
COMPLAINT

23
24 Defendants FREMONT EMERGENCY SERVICES (MANDAVIA), LTD. and
25 TERRY BARTMUS, A.P.R.N. (hereinafter referred to as "Defendants" or "Answering
26 Defendants"), by and through their counsel of record, LEWIS BRISBOIS BISGAARD &
27 SMITH LLP, answer Plaintiffs' Second Amended Complaint as follows:

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GENERAL ALLEGATIONS

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2
3 1. These Answering Defendants are without knowledge or information
4 sufficient to form a belief as to the truth or falsity of the allegations contained in
5 Paragraphs 1 through 2, and therefore deny those allegations.

6 2. These Answering Defendants admit the allegations contained in Paragraph

7 3.

8 3. Answering Paragraph 4, these Answering Defendants admit Defendant
9 Fremont Emergency Medical Services (Mandavia), Ltd. ("Fremont Emergency Services")
10 is a Nevada Corporation authorized to conduct business in the State of Nevada. The
11 remaining allegations are legal conclusions that do not call for a response from these
12 Answering Defendants. However, to the extent the remaining allegations in Paragraph 4
13 call for a response from these Answering Defendants, these Answering Defendants are
14 without sufficient facts or information to form a belief as to the truth or falsity of the
15 allegations contained in Paragraph 4, and therefore deny those allegations.

16 4. Answering Paragraph 5, these Answering Defendants admit Defendant
17 Terry Bartmus, A.P.R.N. ("NP Bartmus") is an Advanced Practice Registered Nurse
18 employed by Fremont Emergency Services. As to the remaining allegations, these
19 Answering Defendants are without sufficient facts or information to form a belief as to the
20 truth or falsity of the allegations contained in Paragraph 5, and therefore deny those
21 allegations.

22 5. Paragraphs 6 through 9 contain legal conclusions that do not call for a
23 response from these Answering Defendants. To the extent that Paragraphs 6 through 9
24 requires a response from these Answering Defendants, these Answering Defendants are
25 without knowledge or information sufficient to form a belief as to the truth or falsity of the
26 allegations contained in Paragraphs 6 through 9, and therefore deny those allegations.

27 6. These Answering Defendants deny the allegations in Paragraph 10.

28 7. These Answering Defendants are without knowledge or information

1 sufficient to form a belief as to the truth or falsity of the allegations contained in
2 Paragraphs 11 through 20, and therefore deny those allegations.

3 8. These Answering Defendants deny the allegations in Paragraphs 21
4 through 23.

5 9. Answering Paragraph 24, these Answering Defendants admit R. Scott
6 Jacobs, M.D.'s report and supplemental report is attached to the Second Amended
7 Complaint. These Answering Defendants deny that the report and supplemental report
8 support the allegations contained in the Second Amended Complaint.

9 **SPECIFIC ALLEGATIONS OF NEGLIGENCE**

10 **1ST CAUSE OF ACTION**
11 **PROFESSIONAL NEGLIGENCE**
12 **(As Against Jason Lasry, M.D.)**

13 10. Answering Paragraph 25, these Answering Defendants repeat and reallege
14 its responses to Paragraphs 1 through 24 and incorporate the same by reference as
15 though fully set forth herein.

16 11. Paragraphs 26 through 33 do not call for a response from these Answering
17 Defendants as they relate to co-Defendant Jason Lasry, M.D. only. To the extent that
18 Paragraphs 26 through 33 requires a response from these Answering Defendants, these
19 Answering Defendants are without knowledge or information sufficient to form a belief as
20 to the truth or falsity of the allegations contained in Paragraphs 26 through 33, and
21 therefore deny those allegations.

22 **2ND CAUSE OF ACTION**
23 **NEGLIGENT HIRING, TRAINING AND SUPERVISION**
24 **(As Against FREMONT EMERGENCY SERVICES (MANDAVIA), LTD.)**

25 12. Answering Paragraph 34, these Answering Defendants repeat and reallege
26 its responses to Paragraphs 1 through 33 and incorporate the same by reference as
27 though fully set forth herein.

28 13. Paragraphs 35 through 36 contain legal conclusions that do not call for a
response from these Answering Defendants. To the extent that Paragraphs 35 through
36 requires a response from these Answering Defendants, these Answering Defendants

1 deny the allegations contained in Paragraphs 35 through 36, as phrased.

2 14. These Answering Defendants deny the allegations contained in Paragraphs
3 37 through 42.

4 3RD CAUSE OF ACTION
5 CORPORATE NEGLIGENCE/VICARIOUS LIABILITY
6 (As Against FREMONT EMERGENCY SERVICES (MANDAVIA), LTD.)

7 15. Answering Paragraph 43, these Answering Defendants repeat and reallege
8 its responses to Paragraphs 1 through 42 and incorporate the same by reference as
9 though fully set forth herein.

10 16. Answering Paragraph 44, These Answering Defendants admit Fremont
11 Emergency Services had a duty of care. These Answering Defendants deny any
12 allegations contained in Paragraph 44 that said duty of care was breached by Fremont
13 Emergency Services.

14 17. These Answering Defendants deny the allegations contained in Paragraphs
15 45-49.

16 4TH CAUSE OF ACTION
17 PROFESSIONAL NEGLIGENCE
18 (As Against TERRY BARTMUS, R.N., A.P.R.N.)

19 18. Answering Paragraph 50, these Answering Defendants repeat and reallege
20 its responses to Paragraphs 1 through 49 and incorporate the same by reference as
21 though fully set forth herein.

22 19. These Answering Defendants deny the allegations contained in Paragraphs
23 51 through 52.

24 20. These Answering Defendants deny the allegations contained in Paragraphs
25 53, as phrased.

26 21. These Answering Defendants deny the allegations contained in Paragraphs
27 54 through 58.

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1 AFFIRMATIVE DEFENSES

2 FIRST AFFIRMATIVE DEFENSE

3 Plaintiffs' Second Amended Complaint fails to state a claim on which relief may be
4 granted.

5 SECOND AFFIRMATIVE DEFENSE

6 Plaintiffs' damages, if any, were not proximately caused by these Answering
7 Defendants' conduct.

8 THIRD AFFIRMATIVE DEFENSE

9 Plaintiffs are comparatively at fault; Plaintiffs' recovery, if any, should be reduced
10 in proportion to Plaintiffs' fault, or in the event their fault exceeds that of these Answering
11 Defendants, Plaintiffs are not entitled to any recovery.

12 FOURTH AFFIRMATIVE DEFENSE

13 Plaintiffs' injuries and damages, if any, are the result of forces of nature over which
14 these Answering Defendants had no control or responsibility.

15 FIFTH AFFIRMATIVE DEFENSE

16 Plaintiffs are barred from asserting any claims against these Answering
17 Defendants because the alleged damages were the result of one or more unforeseeable
18 intervening and superseding causes.

19 SIXTH AFFIRMATIVE DEFENSE

20 Plaintiffs are barred from bringing this action for failure to comply with applicable
21 contractual remedies and requirements, including arbitration, if applicable. Plaintiffs'
22 failure to comply with the contractual remedies and requirements notwithstanding, these
23 Answering Defendants reserve their right to enforce any applicable arbitration provision.

24 SEVENTH AFFIRMATIVE DEFENSE

25 The damages, if any, incurred by Plaintiffs were not attributable to any act,
26 conduct, or omission on the part of these Answering Defendants. These Answering
27 Defendants deny that they were culpable in any matter or in any degree with respect to
28 the matters set forth in Plaintiffs' Second Amended Complaint.

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EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred due to the applicable statute of limitations applicable to each cause of action, and/or the doctrines of estoppel, waiver, laches and/or unclean hands.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs' damages, if any, were caused in whole or part by the negligence of third parties over which these Answering Defendants had no control.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs failed to take reasonable efforts to mitigate their damages, if any, and are therefore barred from recovering any damages from these Answering Defendants.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' maladies and injuries, if any, were caused by inevitable disease processes and not by any act of these Answering Defendants.

TWELFTH AFFIRMATIVE DEFENSE

These Answering Defendants are entitled to all limitations, protections and other provisions contained within NRS Chapter 41A and/or NRS 42.021.

THIRTEENTH AFFIRMATIVE DEFENSE

These Answering Defendants deny each and every allegation of Plaintiffs' Second Amended Complaint not specifically admitted or otherwise pled herein.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to comply with NRS 41A.071.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' non-economic damages, if any, may not exceed \$350,000, pursuant to NRS 41A.035.

SIXTEENTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs are entitled to recover any damages from these Answering Defendants, these Answering Defendants may be held severally liable only for that portion of any judgment which represents the percentage of negligence attributable these

1 Answering Defendants, pursuant to NRS 41A.045 and NRS 41,141.

2 SEVENTEENTH AFFIRMATIVE DEFENSE

3 Pursuant to NRS 41A.110, these Answering Defendants are entitled to a
4 conclusive presumption of informed consent.

5 EIGHTEENTH AFFIRMATIVE DEFENSE

6 The damages, if any, alleged by Plaintiffs are not the result of any acts of
7 omission, commission, or negligence, but were the result of a known risk(s), which were
8 consented to by Plaintiffs.

9 NINETEENTH AFFIRMATIVE DEFENSE

10 To the extent Plaintiffs are entitled to recover any future damages from these
11 Answering Defendants, these Answering Defendants may satisfy that amount through
12 periodic payments pursuant to NRS 42.021.

13 TWENTIETH AFFIRMATIVE DEFENSE

14 Plaintiffs have failed to name an indispensable party whose presence is
15 indispensable to full relief.

16 TWENTY-FIRST AFFIRMATIVE DEFENSE

17 Pursuant to N.R.C.P. 11, as amended, all affirmative defenses that have not been
18 alleged herein insofar as sufficient facts are not available after reasonable inquiry upon
19 the filing of these Answering Defendants' Answer. These Answering Defendants reserve
20 the right to allege additional affirmative defenses subsequently, if investigation so
21 warrants.

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TWENTY-SECOND AFFIRMATIVE DEFENSE

These Answering Defendants hereby incorporate by reference those affirmative defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein, for the specific purpose of not waiving any such defenses. In the event further investigation or discovery reveals the applicability of any such defenses, or any other affirmative defenses, these Answering Defendants reserve the right to seek leave of court to amend this Answer to specifically assert any such defense.

DATED this 12th day of November, 2019

LEWIS BRISBOIS BISGAARD & SMITH LLP

By Keith A. Weaver
KEITH A. WEAVER
Nevada Bar No. 10271
DANIELLE WOODRUM
Nevada Bar No. 12902
ALISSA N. BESTICK
Nevada Bar No. 14979C
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendants Fremont Emergency Services (Mandavia), Ltd. and Terry Bartmus, A.P.R.N.

1 CERTIFICATE OF SERVICE

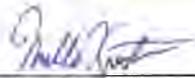
2 I hereby certify that on this 12th day of November, 2019, a true and correct copy
3 of DEFENDANTS FREMONT EMERGENCY SERVICES (MANDAVIA), LTD. AND
4 TERRY BARTMUS, A.P.R.N.'S ANSWER TO PLAINTIFFS' SECOND AMENDED
5 COMPLAINT was served electronically with the Clerk of the Court using the Wiznet
6 Electronic Service system and serving all parties with an email-address on record, who
7 have agreed to receive Electronic Service in this action.

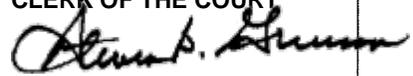
8 Matthew W. Hoffmann, Esq.
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Attorneys for Defendant Jason Lasry, M.D.

13 And

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16 Las Vegas, NV 89120
17 *Attorneys for Plaintiffs*

17 By 
18 An Employee of
19 LEWIS BRISBOIS BISGAARD & SMITH LLP



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12 E-mail: rmcbride@cktfmlaw.com
13 E-mail: crhueth@cktfmlaw.com
14 Attorneys for Defendant,
15 *Jason Lasry, M.D.*

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

v.

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

Defendants.

CASE NO.: A-17-766426-C
DEPT: XXV

21 **DEFENDANT, JASON LASRY, M.D.'S ANSWER TO PLAINTIFFS' SECOND**
22 **AMENDED COMPLAINT**

23 COMES NOW, Defendant, JASON LASRY, M.D. by and through his counsel of record,
24 ROBERT C. McBRIDE, ESQ. and CHELSEA R. HUETH, ESQ. of the law firm of CARROLL,
25 KELLY, TROTTER, FRANZEN & McBRIDE, and hereby Answers Plaintiffs' Second
26 Amended Complaint as follows:
27

28 ///

I.

GENERAL ALLEGATIONS

1
2
3 1. Answering Paragraphs 1, 2, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and
4 22 of Plaintiffs' Second Amended Complaint on file herein, this answering Defendant is without
5 sufficient knowledge to form a belief as to the truth of the allegations contained in said
6 paragraphs and therefore denies the same.

7
8 2. Answering Paragraph 3 of Plaintiffs' Second Amended Complaint on file herein,
9 this answering Defendant admits the allegations contained herein.

10 3. Answering Paragraphs 8, 10, 21, and 23 of Plaintiffs' Second Amended
11 Complaint, this answering Defendant denies the allegations as to Jason Lasry, M.D. and as to all
12 remaining allegations, this answering Defendant is without sufficient knowledge and information
13 to formulate a belief as to the truth of the allegations contained therein and, based upon such lack
14 of information and belief, the same are hereby denied.

15
16 4. Answering Paragraph 24 of Plaintiffs' Second Amended Complaint, this
17 answering Defendant admits the affidavits of Scott Jacobs, M.D. is attached to Plaintiffs'
18 Complaint.

19 **SPECIFIC ALLEGATIONS OF NEGLIGENCE**

20 **1ST CAUSE OF ACTION**
21 **PROFESSIONAL NEGLIGENCE**
22 **(As Against JASON LASRY, M.D.)**

23 5. Answering Paragraph 25 of Plaintiffs' Second Amended Complaint on file herein,
24 this answering Defendant repeats each and every response to Paragraphs 1 through 24, inclusive,
25 and incorporate the same by reference as though set forth fully herein.

26 6. Answering Paragraphs 26 through 33 of Plaintiffs' Second Amended Complaint,
27 this answering Defendant denies all allegations therein.
28

1 **2nd CAUSE OF ACTION**
2 **(NEGLIGENT HIRING, TRAINING AND SUPERVISION**
3 **(As Against FREMONT EMERGENCY SERVICES (MANDAVIA), LTD.)**

4 7. Answering Paragraph 34 of Plaintiffs' Second Amended Complaint on file herein,
5 this answering Defendant repeats each and every response to Paragraphs 1 through 33, inclusive,
6 and incorporate the same by reference as though set forth fully herein.

7 8. Answering Paragraphs 35 and 36 of Plaintiffs' Second Amended Complaint on
8 file herein, this answering Defendant is without sufficient knowledge to form a belief as to the
9 truth of the allegations contained in said paragraphs and therefore denies the same.

10 9. Answering paragraphs 37, 38, 39, 40, 41, and 42 of Plaintiffs' Second Amended
11 Complaint on file herein, this answering Defendant denies the allegations as to Jason Lasry,
12 M.D. and as to all remaining allegations, this answering Defendant is without sufficient
13 knowledge and information to formulate a belief as to the truth of the allegations contained
14 therein and, based upon such lack of information and belief, the same are hereby denied
15

16 **3RD CAUSE OF ACTION**
17 **CORPORATE NEGLIGENCE/VICARIOUS LIABILITY**
18 **(As Against FREMONT EMERGENCY SERVICES (MANDAVIA), LTD.)**

19 10. Answering Paragraph 43 of Plaintiffs' Second Amended Complaint on file herein,
20 this answering Defendant repeats each and every response to Paragraphs 1 through 42, inclusive,
21 and incorporate the same by reference as though set forth fully herein.

22 11. Answering Paragraphs 44 through 49 of Plaintiffs' Second Amended Complaint
23 on file herein, this answering Defendant is without sufficient knowledge to form a belief as to the
24 truth of the allegations contained in said paragraphs and therefore denies the same.

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FOURTH AFFIRMATIVE DEFENSE

The incident alleged in the Second Amended Complaint and the resulting damages, if any, to Plaintiffs were proximately caused or contributed to by Plaintiffs' own negligence, and such negligence was greater than the alleged negligence of Defendants.

FIFTH AFFIRMATIVE DEFENSE

Defendant alleges that the occurrence referred to in the Second Amended Complaint, and all injuries and damages, if any, resulting therefrom were caused by the acts or omissions of a third party over whom Defendant had no control.

SIXTH AFFIRMATIVE DEFENSE

Defendant has fully performed and discharged all obligations owed to Plaintiffs, including meeting the requisite standard of care to which Plaintiffs were entitled.

SEVENTH AFFIRMATIVE DEFENSE

Defendant alleges that at all times mentioned in Plaintiffs' Second Amended Complaint, Plaintiffs were suffering from a medical condition(s) which Defendant did not cause, nor was Defendant responsible for said medical condition(s).

EIGHTH AFFIRMATIVE DEFENSE

If Plaintiffs have sustained any injuries or damages, such were the result of intervening and/or superseding events, factors, occurrences, or conditions, which were in no way caused by Defendant, and for which Defendant is not liable.

NINTH AFFIRMATIVE DEFENSE

Defendant alleges that pursuant to Nevada law, he would not be jointly liable and that if liability is imposed, such liability would be several for that portion of Plaintiffs' damages, if any, that represents the percentage attributable to Defendant.

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TENTH AFFIRMATIVE DEFENSE

The risks and consequences, if any, attendant to the recommendations and treatment proposed by this Defendant were fully explained to Plaintiffs who freely consented to such treatment and thereby assumed risks involved in such matter.

ELEVENTH AFFIRMATIVE DEFENSE

Defendant alleges that Plaintiffs have a duty to mitigate their damages and have failed to do so.

TWELFTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs have been reimbursed from any source for any special damages claimed to have been sustained as a result of the incidents alleged in Plaintiffs' Second Amended Complaint, Defendant may elect to offer those amounts into evidence and, if Defendant so elect, Plaintiffs' special damages shall be reduced by those amounts pursuant to NRS 42.021.

THIRTEENTH AFFIRMATIVE DEFENSE

All possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer and, therefore, Defendant reserves the right to amend his Answer to allege additional Affirmative Defenses if subsequent investigation so warrants.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendant did not violate any statute, ordinance, or regulation referenced in Plaintiffs' Second Amended Complaint herein.

FIFTEENTH AFFIRMATIVE DEFENSE

Defendant alleges it has been necessary for this Defendant to employ the services of an attorney to defend this action and a reasonable sum should be allowed to Defendant for attorney's fees, together with costs of suit incurred herein.

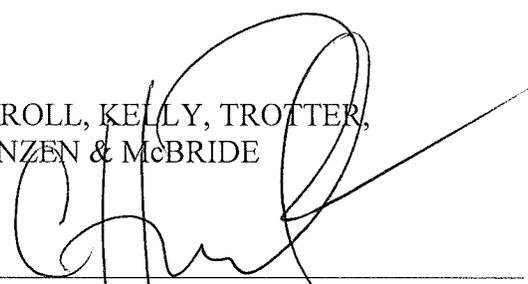
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WHEREFORE, Defendant prays for relief as follows:

1. That Plaintiffs take nothing by way of the Second Amended Complaint on file herein.
2. For reasonable attorney's fees and costs incurred in defending this litigation.
3. For such other and further relief as this Court deems just and proper in the premises.

DATED this 12th day of November, 2019

CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE



ROBERT C. McBRIDE, ESQ.
Nevada Bar No.: 7082
CHELSEA R. HUETH, ESQ.
Nevada Bar No.: 10904
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113
Attorneys For Defendant,
Jason Lasry, M.D.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of November, 2019, I served a true and correct copy of the foregoing **DEFENDANT, JASON LASRY, M.D.'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT** addressed to the following counsel of record at the following address(es):

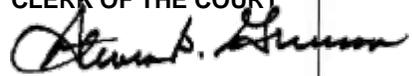
- VIA ELECTRONIC SERVICE:** *by mandatory electronic service (e-service), proof of e-service attached to any copy filed with the Court; or*
- VIA U.S. MAIL:** By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as indicated on the service list below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

Matthew W. Hoffmann, Esq.
 ATKINSON WATKINS, & HOFFMANN, LLP
 10789 W. Twain Avenue, Suite 100
 Las Vegas, NV 89135

Keith A. Weaver, Esq.
 Alissa Bestick, Esq.
 LEWIS BRISBOIS BISGAARD &
 SMITH LLP
 6385 S. Rainbow Boulevard, Suite 600
 Las Vegas, Nevada 89118
 Attorney for Defendant,
*Terry Bartmus, RN, APRN, and
 Fremont Emergency Services (Mandavia),
 Ltd.*

And
 Breen Artz, Esq.
 5545 Mountain Vista, Suite E
 Las Vegas, NV 89120
Attorneys for Plaintiffs


 An Employee of CARROLL, KELLY, TROTTER,
 FRANZEN, McBRIDE & PEABODY



JPTM

MATTHEW W. HOFFMANN, ESQ.
Nevada Bar No. 009061
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Las Vegas, NV 89135
Telephone: 702-562-6000
Facsimile: 702-562-6066
Email: mhoffmann@awhlawyers.com
Attorneys for Plaintiffs

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

JOINT PRE-TRIAL MEMORANDUM

COME NOW, Plaintiffs, DARELL L. MOORE and CHARLENE A. MOORE (hereinafter referred to as "Plaintiffs"), by and through their attorney of record, MATTHEW W. HOFFMANN, ESQ., of the law firm of ATKINSON WATKINS & HOFFMANN, LLP; Defendant, JASON LASRY, M.D. (hereinafter referred to as "Defendant Lasry"), by and through his attorney of record, CHELSEA HUETH, ESQ., of the law firm of CARROLL, KELLY, TROTTER, FRANZEN & MCBRIDE; and Defendant, TERRY BARTMUS, RN, APRN, (hereinafter referred to as "Defendant Bartmus"), by and through her attorneys of record, KEITH A. WEAVER, ESQ., and ALISSA BESTICK, ESQ., of the law firm of LEWIS BRISBOIS BISGAARD & SMITH, LLP, and hereby submit their Joint Pre-Trial Memorandum.

...

1 **I. STATEMENT OF FACTS**

2 This is a medical malpractice case arising out of allegations concerning the care and
3 treatment of Plaintiff Darell Moore when he presented to the emergency department at St. Rose
4 Dominican Hospital – San Martin Campus on December 25, 2016.

5 **II. LIST OF CLAIMS FOR RELIEF**

6 **A. Plaintiffs' Claims for Relief**

- 7 1. Professional Negligence;
8 2. Negligent Hiring, Training and Supervision;
9 3. Corporate Negligence/Vicarious Liability;

10 **III. LIST OF AFFIRMATIVE DEFENSES**

11 **Defendant Jason Lasry, M.D.**

12 1. Defendant alleges that Plaintiffs' Second Amended Complaint on file herein failst
13 to state claims upon which relief can be granted.

14 2. Defendant alleges that the damages, if any, were caused in whole or in part, or were
15 contributed to by reason of the negligence or wrongful conduct of Plaintiffs.

16 3. All risks and dangers involved in the factual situation describe in the Second
17 Amended Complaint were open, obvious, and known to Plaintiffs and said Plaintiffs voluntarily
18 assumed said risks and dangers.

19 4. The incident alleged in the Second Amended Complaint and the resulting damages,
20 if any, to Plaintiffs were proximately caused or contributed to by Plaintiffs' own negligence, and
21 such negligence was greater than the alleged negligence of Defendants.

22 5. Defendant alleges that the occurrence referred to in the Second Amended
23 Complaint, and all injuries and damages, if any, resulting therefrom were caused by the acts or
24 omissions of a third party over whom Defendant had no control.

25 6. Defendant has fully performed and discharged all obligations owed to Plaintiffs,
26 including meeting the requisite standard of care to which Plaintiffs were entitled.

27 7. Defendant alleges that at all times mentioned in Plaintiffs' Second Amended
28 Complaint, Plaintiffs were suffering from a medical condition(s) which Defendant did not cause,

1 nor was Defendant responsible for said medical condition(s).

2 8. If Plaintiffs have sustained any injuries or damages, such were the result of
3 intervening and/or superseding events, factors, occurrences, or conditions, which were in no way
4 caused by Defendant, and for which Defendant is not liable.

5 9. Defendant alleges that pursuant to Nevada law, he would not be jointly liable and
6 that if liability is imposed, such liability would be several for that portion of Plaintiffs' damages, if
7 any, that represents the percentage attributable to Defendant.

8 10. The risks and consequences, if any, attendant to the recommendations and treatment
9 proposed by this Defendant were fully explained to Plaintiff who freely consented to such treatment
10 and thereby assumed risks involved in such matter.

11 11. Defendant alleges that Plaintiffs have a duty to mitigate their damages and have
12 failed to do so.

13 12. To the extent Plaintiffs have been reimbursed from any source for any special
14 damages claimed to have been sustained as a result of the incidents alleged in Plaintiffs' Second
15 Amended Complaint, Defendant may elect to offer those amounts into evidence and, if Defendant
16 so elect, Plaintiffs' special damages shall be reduced by those amounts pursuant to NRS 45.021.

17 13. All possible affirmative defenses may not have been alleged herein insofar as
18 sufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer
19 and, therefore, Defendant reserves the right to amend his Answer to allege additional Affirmative
20 Defenses if subsequent investigation so warrants.

21 14. Defendant did not violate and statute, ordinance, or regulation referenced in
22 Plaintiffs' Second Amended Complaint herein.

23 15. Defendant alleges it has been necessary for this Defendant to employ the services
24 of an attorney to defend this action and a reasonable sum should be allowed to Defendant for
25 attorney's fees, together with costs of suit incurred herein.

26 16. Defendant hereby incorporates by reference those affirmative defenses enumerated
27 in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the event further
28 investigation or discovery reveals the applicability of any such defenses, Defendant reserves the

1 right to seek leave of Court to amend their Answer to specifically assert the same. Such defenses
2 are herein incorporated by referenced for the specific purpose of not waiving the same.

3 17. Plaintiffs' non-economic damages, if any, may not exceed \$350,000.00 pursuant to
4 NRS 41A.035; Defendant is otherwise entitled to all protections, benefits, and set offs available to
5 Defendant in medical malpractice actions under NRS Chapters 41, 41A and 42.

6 18. To the extent Plaintiffs have been reimbursed from an source for any special
7 damages claimed to have been sustained as a result of the incidents alleged in Plaintiffs' Second
8 Amended Complaint, Defendants may elect to offer those amounts into evidence and, if Defendant
9 so elects, Plaintiffs special damages shall be reduced by those amounts pursuant to NRS 42.021.

10 19. To the extent Plaintiffs are entitled to recover any future damages from Defendant,
11 Defendant may satisfy that amount through periodic payments pursuant to NRS 42.021(3).

12 **Defendant Terry Bartmus, RN, APRN**

13 1. Plaintiffs' Second Amended Complaint fails to state a claim on which relief may be
14 granted.

15 2. Plaintiffs' damages, if any, were not proximately caused by these Answering
16 Defendants' conduct.

17 3. Plaintiffs are comparatively at fault; Plaintiffs' recovery, if any, should be reduced
18 in proportion to Plaintiffs' fault, or in the event their fault exceeds that of these Answering
19 Defendants, Plaintiffs are not entitled to any recovery.

20 4. Plaintiffs' injuries and damages, if any, are the result of forces of nature over which
21 these Answering Defendants had no control or responsibility.

22 5. Plaintiffs are barred from asserting any claims against these Answering Defendants
23 because the alleged damages were the result of one or more unforeseeable intervening and
24 superseding causes.

25 6. Plaintiffs are barred from bringing this action for failure to comply with applicable
26 contractual remedies and requirements, including arbitration, if applicable. Plaintiffs' failure to
27 comply with the contractual remedies and requirements notwithstanding, these Answering
28 Defendants reserve their right to enforce any applicable arbitration provision.

1 7. The damages, if any, incurred by Plaintiffs were not attributable to any act, conduct,
2 or omission on the part of these Answering Defendants. These Answering Defendants deny that
3 they were culpable in any matter or in any degree with respect to the matters set forth in Plaintiffs'
4 Second Amended Complaint.

5 8. Plaintiffs' claims are barred due to the applicable statute of limitations applicable to
6 each cause of action, and/or the doctrines of estoppel, waiver, laches and/or unclean hands.

7 9. Plaintiffs' damages, if any, were caused in whole or part by the negligence of third
8 parties over which these Answering Defendants had no control.

9 ...

10 10. Plaintiffs failed to take reasonable efforts to mitigate their damages, if any, and are
11 therefore barred from recovering any damages from these Answering Defendants.

12 11. Plaintiffs' maladies and injuries, if any, were caused by inevitable disease processes
13 and not by any act of these Answering Defendants.

14 12. These Answering Defendants are entitled to all limitation, protections and other
15 provisions contained within NRS Chapter 41A and/or NRS 42.021.

16 13. These Answering Defendants deny each and every allegation of Plaintiffs' Second
17 Amended Complaint not specifically admitted or otherwise pled herein.

18 14. Plaintiffs have failed to comply with NRS 41A.071.

19 15. Plaintiffs' non-economic damages, if any, may not exceed \$350,000, pursuant to
20 NRS 41A.035.

21 16. To the extent Plaintiffs are entitled to recover any damages from these Answering
22 Defendants, these Answering Defendants may be held severally liable only for that portion of any
23 judgment which represents the percentage of negligence attributable these Answering Defendants,
24 pursuant to NRS 41A.045 and NRS 41.141.

25 17. Pursuant to NRS 41A.110, these Answering Defendants are entitled to a conclusive
26 presumption of informed consent.

27 18. The damages, if any, alleged by Plaintiffs are not the result of any acts of omission,
28 commission, or negligence, but were the result of a known risk(s), which were consented to by

1 Plaintiffs.

2 19. To the extent Plaintiffs are entitled to recover any future damages from these
3 Answering Defendants, these Answering Defendants may satisfy that amount through periodic
4 payments pursuant to NRS 42.021.

5 20. Plaintiffs have failed to name an indispensable party whose presence is
6 indispensable to full relief.

7 21. Pursuant to N.R.C.P. 11, as amended, all affirmative defenses that have not been
8 alleged herein insofar as sufficient facts are not available after reasonable inquiry upon the filing of
9 these Answering Defendants' Answer. These Answering Defendants reserve the right to allege
10 additional affirmative defenses subsequently, if investigation so warrants.

11 22. These Answering Defendants hereby incorporate by reference those affirmative
12 defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein,
13 for the specific purpose of not waiving any such defenses. In the event further investigation or
14 discovery reveals the applicability of any such defenses, or any other affirmative defenses, these
15 Answering Defendants reserve the right to seek leave of court to amend this Answer to specifically
16 assert any such defense.

17 **IV. LIST OF CLAIMS OR DEFENSES TO BE ABANDONED**

18 **A. Claims to be Abandoned**

19 None.

20 **B. Defenses to be Abandoned**

21 None.

22 **V. LIST OF EXHIBITS**

23 **A. PLAINTIFFS' PROPOSED EXHIBITS**

- 24 1. St. Rose Dominican Hospital – San Martin Campus' Billing and Medical Records
25 (PLF000001 – PLF001500);
- 26 2. Fremont Emergency Services Billing Records (PLF001501);
- 27 3. Radiology Associates of Nevada's Billing (PLF001502 – PLF001511);
- 28 4. Desert Radiologists' Billing Records (PLF001512);

1 20. Films from St Rose Dominican Hospital: 11/07/12 XRA Y Chest, 11/08/12 XRAY
2 Chest, 12/11/14 US Left Lower Extremity Arterial Duplex, 12/11/14 Fluoroscopy Lower
3 Extremities, 12/12/14 Fluoroscopy Lower Extremities, 12/13/14 Fluoroscopy Lower Extremities,
4 6/27/15 XRAY Chest, 6/27/15 US Left Lower Extremity Venous Duplex, 6/27/15 US Left Lower
5 Extremity Arterial Duplex, 6/27/15 Fluoroscopy Lower Extremities, 6/28/15 Fluoroscopy Lower
6 Extremities, 12/28/16 US Left Lower Extremity Arterial Duplex, 12/25/16 US Left Lower
7 Extremity Venous Duplex, 12/28/16 IR Angiogram Left Lower Extremity, 12/29/16 IR
8 Thrombolysis Art/Ven, 12/30/16 US Right Extremity Non-vascular Complete, 01/03/17 US
9 Bilateral Extremities Venous Duplex, 01/04/17 US Left Upper Extremity Duplex, as previously
10 disclosed by Defendant Fremont Emergency Services and Terry Bartmus as Exhibit 37.

11 21. Nevada Orthopedic & Spine Center Medical Records and Billing Ledger
12 (PLF002053-PLF002077);

13 22. Beneficiary Conditional Payment Letter from CMS (PLF002082-PLF002094);

14 23. Subrogation Claim Payment Report from USAA (PLF002095-PLF002096);

15 24. USAA Health Insurance ID Card (PLF002097);

16 25. Medicare Health Insurance ID Card (PLF002098);

17 26. Various Blow-ups and Demonstrative Exhibits. These may include:

18 a. Digital images or enlargement of records/documents;

19 b. Photographs;

20 c. Medical illustrations and models;

21 d. Timelines;

22 e. Records Summaries.

23 27. Plaintiffs reserve the right to utilize additional demonstrative exhibits;

24 28. Plaintiffs, without waiving any objections thereto, reserve the right to use any
25 exhibit disclosed by any other party in this matter, including those listed in Defendants' NRCP 16.1
26 Disclosures and Supplements thereto and listed in Defendants' Pre-Trial Disclosure and any
27 supplements thereto pursuant to NRCP 16.1(A)(3);

1 Plaintiffs reserve the right to supplement this list of documents and other exhibits up to, and
2 during, trial of this matter.

3 **B. DEFENDANTS' PROPOSED EXHIBITS**

4 **Defendant Jason Lasry, M.D.**

- 5 1. Spring Valley Hospital (SVHMC MR 00001-00260)
- 6 2. St. Rose Hospital, San Martin Campus (SRDSMMR 000001-002865)
- 7 3. St. Rose Hospital, Siena Campus (SRDSMR 0001-0771)
- 8 4. Radiological imaging from Spring Valley Hospital
- 9 5. Radiological imaging from Desert Radiologists
- 10 6. Radiological imaging from St. Rose Hospital
- 11 7. Advanced Prosthetics and Orthotics (APAP 00001, 00004-00020)
- 12 8. Desert Radiologists (DRI 00001-00017)
- 13 9. Irwin Simon, M.D. (ISMD 0001-0042)
- 14 10. Jonathan Riegler, M.D. (JRM 00001-00003)
- 15 11. Sang Tran, M.D. (STM 00001-00002, 00005-00028)
- 16 12. Scott Greaves, M.D. (SGM 00001-00012, 00016)
- 17 13. Shadow Emergency Physicians (SEP 00001-00031)
- 18 14. Noel Shaw, D.C. (NSD 00001-00007)
- 19 15. St. Rose Stanford Clinic (SRSC 00001-00085, 00089)
- 20 16. Nevada Comprehensive Pain Center (NCPC 00001-00237, 00252-00253, 00255-
21 00260)
- 22 17. Kindred Rehabilitation (LVHR 00001-00238)
- 23 18. Procure Medical Center (PCMC 00001-00002, 00005-00067)
- 24 19. Nevada Ortho & Spine Center (NOSC 00001-00003, 00008-0020)
- 25 20. American College of Surgeons Expert Witness Affirmation
- 26 21. American College of Surgeons Statement on the Physician Acting as an Expert
27 Witness
- 28 22. Kent Shoji, M.D., F.A.C.E.P., reports and curriculum vitae

- 1 23. Samuel Wilson, M.D.'s curriculum vitae and reports
- 2 24. John Janzen, Ph.D., CRC's, curriculum vitae and reports
- 3 25. Karl Erik Volk, M.A.'s reports and curriculum vitae
- 4 26. Darrell Moore's Answers to Defendant Jason Lasry's Interrogatories
- 5 27. Darrell Moore's Answers to Defendant Jason Lasry's Request for Production
- 6 28. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of
- 7 Interrogatories
- 8 29. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request
- 9 for Productions
- 10 30. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of
- 11 Interrogatories
- 12 31. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request
- 13 for Productions
- 14 32. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of
- 15 Interrogatories
- 16 33. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Request
- 17 for Productions
- 18 34. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Requests
- 19 for Admissions
- 20 35. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of
- 21 Requests for Admissions
- 22 36. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request
- 23 for Admissions
- 24 37. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 2nd Set of
- 25 Interrogatories
- 26 38. Darrell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 2nd
- 27 Set of Interrogatories
- 28 ...

1 39. Charlene Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 1st
2 Set of Requests for Admissions

3 40. Darrell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 1st
4 Set of Request for Admissions

5 41. Darrell Moore's Responses to Defendant Fremont Emergency Services' 2nd Set of
6 Request for Production of Documents

7 Defendant reserves the right to introduce any and all documents and/or tangible items
8 identified by any other party to this action, including any and all documents and/or tangible items
9 identified by any party who is subsequently dismissed and/or discharged as a party to this action.
10 Defendant also reserves the right to introduce any and all documents and/or tangible items that may
11 be necessary for impeachment and/or rebuttal purposes and to rely upon any and all of the medical
12 records from any and all of Plaintiff's treating and/or consulting physicians.

13 Defendant reserves the right to object to any of the documents and/or tangible items
14 identified by any other parties at the time of trial and to supplement and/or amend this disclosure
15 as needed before trial.

16 **Defendant Terry Bartmus, RN, APRN**

17 1. Medical Records from Advanced Prosthetics and Orthotics for Darell L. Moore
18 (Bates APO 00001-00020);

19 2. Billing Records from Desert Radiologists for Darell L. Moore (Bates ORB 00001-
20 00005);

21 3. Medical Records from Desert Radiologists for Darell L. Moore (Bates DR 00001-
22 00015;)

23 4. Billing Records from Radiology Associates of Nevada for Darell L. Moore (Bates
24 RAN 00001-00011);

25 5. Medical Records from Shadow Emergency Physicians for Darell L. Moore (Bates
26 SEP 0001-00032);

27 6. Medical Records from Spring Valley Hospital for Darell L. Moore (Bates SVHMR
28 00001-00260);

1 7. Billing Records from St. Rose Dominican Hospital San Martin for Darell L. Moore
2 (Bates SRDSMB 00001-00041);

3 8. St. Rose Dominican Hospital - San Martin Campus Billing and Medical Records
4 (Bates PLF 000001-001500,) produced by Plaintiff;

5 9. Fremont Emergency Services Billing Records (Bates PLF 001501);

6 10. Radiology Associates of Nevada's Billing (Bates PLF 001502-001511), produced
7 by Plaintiff;

8 11. Desert Radiologists' Billing Records (Bates PLF 001512), produced by Plaintiff;

9 12. Shadow Emergency Physicians, PLLC's Billing Records (Bates PLF 001513),
10 produced by Plaintiff;

11 13. Advanced Prosthetics and Orthotics' Billing and Medical Records (Bates PLF
12 001514-001531), produced by Plaintiff;

13 14. Plaintiffs Photographs (Bates PLF 001574-001575), produced by Plaintiff;

14 15. Spring Valley Hospital Medical Records (Bates PLF 001576-001833), produced
15 by Plaintiff;

16 16. Medical Records from St. Rose Dominican Hospital - San Martin (Bates SRSM
17 000001-001411), produced by Defendant St. Rose;

18 17. Films from St Rose Dominican Hospital - San Martin: 11/07/12 XRAY Chest,
19 11/08/12 XRAY Chest, 12/11/14 US Left Lower Extremity Arterial Duplex, 12/11/14 Fluoroscopy
20 Lower Extremities, 12/12/14 Fluoroscopy Lower Extremities, 12/13/14 Fluoroscopy Lower
21 Extremities, 6/27/15 XRAY Chest, 6/27/15 US Left Lower Extremity Venous Duplex, 6/27/15 US
22 Left Lower Extremity Arterial Duplex, 6/27/15 Fluoroscopy Lower Extremities, 6/28/15
23 Fluoroscopy Lower Extremities, 12/28/16 US Left Lower Extremity Arterial Duplex, 12/25/16 US
24 Left Lower Extremity Venous Duplex, 12/28/16 IR Angiogram Left Lower Extremity, 12/29/16 IR
25 Thrombolysis Art/Ven, 12/30/16 US Right Extremity Non-vascular Complete, 01/03/17 US
26 Bilateral Extremities Venous Duplex, 01/04/17 US Left Upper Extremity Duplex, produced by
27 Defendant St. Rose.

28 ...

- 1 18. Billing Records from Antonio Flores Erazo, M.D. for Darell L. Moore (Bates 3
2 AFEMD-0001-0006);
- 3 19. Medical Records from Irwin Simon, M.D. for Darell L. Moore (Bates ISMD-0001-
4 0042);
- 5 20. Medical Records from Nevada Comprehensive Pain Center for Darell L. Moore
6 (Bates NCPC-0001-0245);
- 7 21. Medical Records from Scott Greaves, M.D. for Darell L. Moore (Bates SGMD-
8 0001-0021);
- 9 22. Billing Records from Spring Valley Hospital for Darell L. Moore (Bates SVHMCB-
10 0001-0005);
- 11 23. Films from Spring Valley Hospital: 214117 Chest X RAY;
- 12 24. Films from Desert Radiologists: - 0312712015 - CT LS SP WO Contrast 289 -
13 0312712015 - CT Cervical SP WO Contrast 300 - 0210712015 - X- Ray Ankle Complete Min 3V
14 Bilat.
- 15 25. Billing Records from John F. Pinto, M.D. for Darell L. Moore (Bates JPMD-0001-
16 0002);
- 17 26. Medical Records from Noel L. Shaw, D.C. for Darell L. Moore (Bates NSDC-0001-
18 0008).
- 19 27. Billing Records from St. Rose Dominican Hospital - Siena (Bates SDSB 000001-
20 000068);
- 21 28. Medical Records from St. Rose Dominican Hospital - San Martin (Bates
22 SRDSMMR 000001-002865);
- 23 29. Films from St. Rose Dominican Hospital: 11/07/12 XRAY Chest, 11/08/12 XRAY
24 Chest, 12/11/14 US Left Lower Extremity Arterial Duplex, 12/11/14 Fluoroscopy Lower
25 Extremities, 12/12/14 Fluoroscopy Lower Extremities, 12/13/14 Fluoroscopy Lower Extremities,
26 6/27/15 XRAY Chest, 6/27/15 US Left Lower Extremity Venous Duplex, 6/27/15 US Left Lower
27 Extremity Arterial Duplex, 6/27/15 Fluoroscopy Lower Extremities, 6/28/15 Fluoroscopy Lower
28 Extremities, 12/28/16 US Left Lower Extremity Arterial Duplex, 12/25/16 US Left Lower

1 Extremity Venous Duplex, 12/28/16 IR Angiogram Left Lower Extremity, 12/29/16 IR
2 Thrombolysis ArtNen, 12/30/16 US Right Extremity Non-vascular Complete, 01/03/17 US
3 Bilateral Extremities Venous Duplex, 01/04/17 US Left Upper Extremity Duplex.

4 30. Medical Records from St. Rose Dominican Hospital - Siena (Bates SRDSMR-0001
5 -0764);

6 31. Medical Records from Kindred Rehabilitation (Bates LVHR-0001-0238);

7 32. Billing Records from St. Rose Dominican Hospital - San Martin (Bates SRDSMB -
8 0001-0054).

9 33. Additional Medical Records from St. Rose Dominican Hospital – Siena (Bates
10 SRDSMR-0766-0771);

11 34. Medical Records from Johnathan Riegler, M.D. (Bates JRMD-0001-0005);

12 35. Medical Records from Procure Medical Center (Bates PCMC-0001-0067);

13 36. Medical Records from St. Rose Stanford Clinic (Bates SRSC-0001-0088).

14 37. Medical Records from Nevada Ortho & Spine Center (Bates NOSC-0001-0020).

15 38. Additional Medical Records from Nevada Comprehensive Pain Center (Bates
16 NCPC-0246-0314).

17 Defendants reserve the right to supplement this list of documents as discovery continues.

18 Defendants reserve the right to use at trial any documents listed and/or produced by
19 Plaintiffs or any other party.

20 **Deposition Transcripts to be used by Plaintiffs**

21 1. Unknown

22 Plaintiffs reserve the right to use any and all deposition transcripts at trial of this matter.

23 **Deposition Transcripts to be used by Defendant Jason Lasry, M.D.**

24 1. Unknown

25 Defendant reserves the right to use any and all deposition transcripts at trial of this matter.

26 **Deposition Transcripts to be used by Defendant Terry Bartmus, RN, PRN**

27 1. Unknown

28 Defendant reserves the right to use any and all deposition transcripts at trial of this matter.

VI. LIST OF WITNESSES

A. PLAINTIFFS' WITNESSES

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29. Custodian of Records and/or
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16 42. Custodian of Records and/or
17 Person Most Knowledgeable
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19 Las Vegas, NV 89118

20 Plaintiffs reserve the right to supplement this list. Plaintiffs reserve the right to call any
21 witnesses disclosed by any party including Defendant.

22 **B. DEFENDANTS' WITNESSES**

23 **Defendant Jason Lasry, M.D.**

24 1. Jason Lasry, M.D., Defendant
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15 1140 North Town Center Drive, Ste. 350
16 Las Vegas, Nevada 89144
- 17 5. Terry Bartmus, RN, APRN
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- 1 12. Person(s) Most Knowledgeable and/or Custodian of Records at
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- 3 13. Person(s) Most Knowledgeable and/or Custodian of Records at
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- 23. Sang Tran, M.D.
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- 27. Stephen A. Gephardt, M.D.
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- 37. Ameer Kuchinsky, R.N.
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6 Defendant reserves the right to supplement this list. Defendant reserves the right to call any
7 witnesses disclosed by any party.

8 **Defendant Terry Bartmus, RN, APRN**

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- 20 3. Charlene Moore, Plaintiff
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7. Person(s) Most Knowledgeable
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14 25. Person(s) Most Knowledgeable/
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30 28. Person(s) Most Knowledgeable/
31 Custodian of Records
32 Nauman Tahir, M.D.
33 500 S. Rancho Drive, Suite 12
34 Las Vegas, NV 89106
- 35
36 29. Person(s) Most Knowledgeable/
37 Custodian of Records
38 Ida Washington, M.D.
1000 S. Rainbow Blvd.
Las Vegas, NV 89145

Defendant reserves the right to supplement this list. Defendant reserves the right to call any witnesses disclosed by any party.

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C. PLAINTIFFS' EXPERT WITNESSES

- 1. R. Scott Jacobs, M.D. FAAEM
- 2. Alexander R. Marmureanu, M.D.
- 3. David E. Fish, M.D.
- 4. Terrence M. Clauretje, Ph.D.

D. DEFENDANTS' EXPERT WITNESSES

Defendant Jason Lasry, M.D.

- 1. Kent Shoji, M.D., FACEP
- 2. Samuel Wilson, M.D.
- 3. John Janzen, Ed.D., CRC
- 4. Jason Lasry, M.D.
- 5. Karl Erik Volk, M.A.

Defendant Terry Bartmus, RN, APRN

- 1. Samuel Eric Wilson, M.D.
- 2. John M. Janzen, Ed.D., CRC
- 3. Karl Erik Volk, M.A.
- 4. David Barcay, M.D.
- 5. Terry Bartmus, APRN

VII. DEMONSTRATIVE EXHIBITS

Plaintiffs and Defendants may offer, at trial, certain exhibits for demonstrative purposes.

VIII. AGREEMENTS AS TO THE LIMITATION OR EXCLUSION OF EVIDENCE

Parties will be bound by the rulings of the Court as it relates to certain Motions in Limine.

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1 IX. PRINCIPAL ISSUES OF LAW THAT MAY BE CONTESTED AT THE TIME OF
2 TRIAL

- 3 1. Causation
4 2. Damages
5 3. Liability

6 X. ESTIMATE OF THE TIME REQUIRED FOR TRIAL

7 Parties anticipate that trial will take approximately 8-10 days.

8 XI. OTHER MATTERS TO BRING TO THE COURT'S ATTENTION

9 N/A.

10 DATED this ^{jh} 16 day of December, 2019.

11 ATKINSON WATKINS & HOFFMANN, LLP

12 

13 MATTHEW W. HOFFMANN, ESQ.
14 Nevada Bar No. 9061
15 10789 W. Twain Avenue, Suite 100
16 Las Vegas, NV 89135
17 *Attorneys for Plaintiffs*

18 BREEN ARNTZ, ESQ.
19 Nevada Bar No. 3853
20 5545 Mountain Vista, Ste. E
21 Las Vegas, NV 89120
22 *Co-Counsel for Plaintiffs*

23 DATED this ___ day of December, 2019.

24 LEWIS BRISBOIS BISGAARD & SMITH,
25 LLP.

26 KEITH A. WEAVER, ESQ.
27 Nevada Bar No. 100271
28 ALISSA BESTICK, ESQ.
Nevada Bar No. 14979
6385 S. Rainbow Blvd., Ste. 600
Las Vegas, NV 89118
*Attorneys for Defendant Terry Bartmus,
A.P.R.N.*

~~DATED this ___ day of December, 2019.~~

~~CARROLL, KELLY, TROTTER, FRANZEN
& MCBRIDE~~

~~CHELSEA HUETH, ESQ.
Nevada Bar No. 10904
ANNA KARABACHEV, ESQ.
Nevada Bar No. 14387
8923 W. Sunset Rd., Ste. 260
Las Vegas, NV 89113
Attorneys for Defendant Jason Lasry, M.D.~~

IX. PRINCIPAL ISSUES OF LAW THAT MAY BE CONTESTED AT THE TIME OF TRIAL

1. Causation
2. Damages
3. Liability

X. ESTIMATE OF THE TIME REQUIRED FOR TRIAL

Parties anticipate that trial will take approximately 8-10 days.

XI. OTHER MATTERS TO BRING TO THE COURT'S ATTENTION

N/A.

DATED this ___ day of December, 2019.

DATED this 16th day of December, 2019.

ATKINSON WATKINS & HOFFMANN, LLP

CARROLL, KELLY, TROTTER, FRANZEN
& MCBRIDE

MATTHEW W. HOFFMANN, ESQ.
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DATED this ___ day of December, 2019.

LEWIS BRISBOIS BISGAARD & SMITH,
LLP.

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*Attorneys for Defendant Terry Bartimus,
A.P.R.N.*

1 **IX. PRINCIPAL ISSUES OF LAW THAT MAY BE CONTESTED AT THE TIME OF**
2 **TRIAL**

- 3 1. Causation
4 2. Damages
5 3. Liability

6 **X. ESTIMATE OF THE TIME REQUIRED FOR TRIAL**

7 Parties anticipate that trial will take approximately 8-10 days.

8 **XI. OTHER MATTERS TO BRING TO THE COURT'S ATTENTION**

9 N/A.

10 DATED this ___ day of December, 2019.

11 ~~ATKINSON WATKINS & HOFFMANN, LLP~~

12 _____
13 MATTHEW W. HOFFMANN, ESQ.
14 Nevada Bar No. 9061
15 10789 W. Twain Avenue, Suite 100
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21 Las Vegas, NV 89120
22 *Co-Counsel for Plaintiffs*

23 DATED this ___ day of December, 2019.

24 LEWIS BRISBOIS BISGAARD & SMITH,
25 LLP.

26 ~~*Keith A. Weaver #5250 for*~~
27 ~~KEITH A. WEAVER, ESQ.~~

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6385 S. Rainbow Blvd., Ste. 600
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Attorneys for Defendant Terry Bartmus,
A.P.R.N.

DATED this ___ day of December, 2019.

CARROLL, KELLY, TROTTER, FRANZEN
& MCBRIDE

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of ATKINSON WATKINS & HOFFMANN, LLP and that on the 16th day of December, 2019, I caused to be served via Odyssey, the Court's mandatory efilng/eservice system, a true and correct copy of the document described herein.

Document Served: JOINT PRE-TRIAL MEMORANDUM

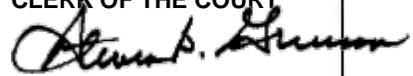
Person(s) Served:

Chelsea Hueth, Esq.
Nevada Bar No. 10904
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and Terry Bartmus, A.P.R.N.*

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7 702.893.3383
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8 *Attorneys for Defendants Fremont
Emergency Services (Mandavia) and Terry
9 Bartmus, A.P.R.N.*

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

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

16 Plaintiffs,

17 vs.

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

21 Defendants.

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

**STIPULATION AND ORDER TO DISMISS
DEFENDANT FREMONT EMERGENCY
SERVICE (MANDAVIA), LTD ONLY WITH
PREJUDICE**

22
23 ///

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28

1 IT IS HEREBY STIPULATED by and between the parties through undersigned
2 counsel of record that:

3 FIRST, all claims against Defendant Fremont Emergency Services (Mandavia),
4 Ltd. are to be dismissed with prejudice.

5 SECOND, each party shall bear their own attorneys' fees and costs incurred in this
6 action associated with the claims against Defendant Fremont Emergency Services
7 (Mandavia), Ltd.

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1 THIRD, the hearing on the Motion for Summary Judgment regarding the negligent
2 hiring, training and supervision claim against Defendant Fremont Emergency Services
3 (Mandavia), Ltd. set for December 10, 2019 at 9:00 a.m. is vacated as moot.

4 Dated: December ^{9th}____, 2019

Dated: December ____ , 2019

5 ATKINSON WATKINS & HOFFMAN, LLP

CARROLL, KELLY, TROTTER,
FRANZEN & MCBRIDE

6
7 

8 Matthew W. Hoffman, Esq.
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M.D.*

11 Breen Arntz, Esq.
12 Nevada Bar No.: 3853
13 5545 Mountain Vista, Suite E
14 Las Vegas, NV 89120
15 *Attorneys for Plaintiffs*

14 Dated: December ____ , 2019

16 LEWIS BRISBOIS BISGAARD &
17 SMITH LLP

18 KEITH A. WEAVER
19 Nevada Bar No. 10271
20 DANIELLE WOODRUM
21 Nevada Bar No. 12902
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25 Las Vegas, Nevada 89118
26 *Attorneys for Defendants Fremont
27 Emergency Services (Mandavia) and Terry
28 Bartmus, A.P.R.N.*

1 THIRD, the hearing on the Motion for Summary Judgment regarding the negligent
2 hiring, training and supervision claim against Defendant Fremont Emergency Services
3 (Mandavia), Ltd. set for December 10, 2019 at 9:00 a.m. is vacated as moot.

4 Dated: December ____, 2019

Dated: December 10, 2019

5
6 ATKINSON WATKINS & HOFFMAN, LLP

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FRANZEN & MCBRIDE

8 Matthew W. Hoffman, Esq.
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M.D.*

11 Breen Arntz, Esq.
12 Nevada Bar No.: 3853
13 5545 Mountain Vista, Suite E
14 Las Vegas, NV 89120
15 *Attorneys for Plaintiffs*

16 Dated: December ____, 2019

17 LEWIS BRISBOIS BISGAARD &
18 SMITH LLP

19 KEITH A. WEAVER
20 Nevada Bar No. 10271
21 DANIELLE WOODRUM
22 Nevada Bar No. 12902
23 ALISSA N. BESTICK
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27 *Attorneys for Defendants Fremont
28 Emergency Services (Mandavia) and Terry
Bartmus, A.P.R.N.*

1 THIRD, the hearing on the Motion for Summary Judgment regarding the negligent
2 hiring, training and supervision claim against Defendant Fremont Emergency Services
3 (Mandavia), Ltd. set for December 10, 2019 at 9:00 a.m. is vacated as moot.

4 Dated: December ____, 2019

Dated: December ____, 2019

5 ATKINSON WATKINS & HOFFMAN, LLP

CARROLL, KELLY, TROTTER,
FRANZEN & MCBRIDE

8 Matthew W. Hoffman, Esq.
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*Attorneys for Defendant, Jason Lasry,
M.D.*

10 Breen Arntz, Esq.
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12 Las Vegas, NV 89120
Attorneys for Plaintiffs

14 Dated: December 9, 2019

16 LEWIS BRISBOIS BISGAARD &
SMITH LLP

17 

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23 *Attorneys for Defendants Fremont
Emergency Services (Mandavia) and Terry
24 Bartmus, A.P.R.N.*

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ORDER

Based on the foregoing stipulation, IT IS HEREBY ORDERED that the Defendant Fremont Emergency Services (Mandavia), Ltd. is hereby DISMISSED WITH PREJUDICE and that each party shall bear their own attorneys' fees and costs associated with the claims against Defendant Fremont Emergency Services (Mandavia), Ltd. in this matter.

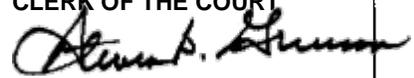
IT IS ALSO HEREBY ORDERED that the hearing on the Motion for Summary Judgment regarding the negligent hiring, training and supervision claim against Defendant Fremont Emergency Services (Mandavia), Ltd. set for December 10, 2019 at 9:00 a.m. is vacated as moot.

DATED this the 11th day of December, 2019.


DISTRICT COURT JUDGE
mk

Respectfully Submitted by:
LEWIS BRISBOIS BISGAARD & SMITH LLP

KEITH A. WEAVER
Nevada Bar No. 10271
DANIELLE WOODRUM
Nevada Bar No. 12902
ALISSA N. BESTICK
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*Attorneys for Defendants Fremont
Emergency Services (Mandavia) and Terry
Bartmus, A.P.R.N.*



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8 *Attorneys for Defendants Fremont
Emergency Services (Mandavia) and Terry
9 Bartmus, A.P.R.N.*

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA
12

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

16 Plaintiffs,

17 vs.

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

21 Defendants.
22

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

NOTICE OF ENTRY OF STIPULATION
AND ORDER TO DISMISS DEFENDANT
FREMONT EMERGENCY SERVICES
(MANDAVIA), LTD ONLY

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PLEASE TAKE NOTICE that the Stipulation and Order to Dismiss Defendant Fremont Emergency Services (Mandavia), Ltd. only was entered on December 18, 2019, a true and correct copy of which is attached hereto.

DATED this 18th day of December, 2019

LEWIS BRISBOIS BISGAARD & SMITH LLP

By Alissa Bestick
KEITH A. WEAVER
Nevada Bar No. 10271
DANIELLE WOODRUM
Nevada Bar No. 12902
ALISSA N. BESTICK
Nevada Bar No. 14979C
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendants Fremont Emergency Services (Mandavia) and Terry Bartmus, A.P.R.N.

CERTIFICATE OF SERVICE

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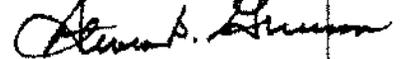
I hereby certify that on this 18th day of December, 2019, a true and correct copy of NOTICE OF ENTRY OF STIPULATION AND ORDER TO DISMISS DEFENDANT FREMONT EMERGENCY SERVICES (MANDAVIA), LTD ONLY was served electronically with the Clerk of the Court using the Wiznet Electronic Service system and serving all parties with an email-address on record, who have agreed to receive Electronic Service in this action.

Matthew W. Hoffman, Esq.
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By 
An Employee of
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8 *Attorneys for Defendants Fremont
Emergency Services (Mandavia) and Terry
9 Bartmus, A.P.R.N.*

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA
12

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

15 Plaintiffs,

16 vs.

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

21 Defendants.
22

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

**STIPULATION AND ORDER TO DISMISS
DEFENDANT FREMONT EMERGENCY
SERVICE (MANDAVIA), LTD ONLY WITH
PREJUDICE**

23 ///

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1 IT IS HEREBY STIPULATED by and between the parties through undersigned
2 counsel of record that:

3 FIRST, all claims against Defendant Fremont Emergency Services (Mandavia),
4 Ltd. are to be dismissed with prejudice.

5 SECOND, each party shall bear their own attorneys' fees and costs incurred in this
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7 (Mandavia), Ltd.

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1 THIRD, the hearing on the Motion for Summary Judgment regarding the negligent
2 hiring, training and supervision claim against Defendant Fremont Emergency Services
3 (Mandavia), Ltd. set for December 10, 2019 at 9:00 a.m. is vacated as moot.

4 Dated: December ^{gth} ____, 2019

Dated: December ____, 2019

5 ATKINSON WATKINS & HOFFMAN, LLP
6
7 

CARROLL, KELLY, TROTTER,
FRANZEN & MCBRIDE

8 Matthew W. Hoffman, Esq.
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Nevada Bar No.: 10904
8329 W. Sunset Road, Ste. 260
Las Vegas, NV 89113
*Attorneys for Defendant, Jason Lasry,
M.D.*

14 Dated: December ____, 2019

16 LEWIS BRISBOIS BISGAARD &
SMITH LLP

18 KEITH A. WEAVER
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21 Nevada Bar No. 12902
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27 Emergency Services (Mandavia) and Terry
28 Bartmus, A.P.R.N.*

1 THIRD, the hearing on the Motion for Summary Judgment regarding the negligent
2 hiring, training and supervision claim against Defendant Fremont Emergency Services
3 (Mandavia), Ltd. set for December 10, 2019 at 9:00 a.m. is vacated as moot.

4 Dated: December ____, 2019

Dated: December 10, 2019

5 ATKINSON WATKINS & HOFFMAN, LLP

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FRANZEN & MCBRIDE

8 Matthew W. Hoffman, Esq.
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10 Breen Arntz, Esq.
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13 *Attorneys for Plaintiffs*

14 Dated: December ____, 2019

16 LEWIS BRISBOIS BISGAARD &
SMITH LLP

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24 Bartmus, A.P.R.N.*

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2 hiring, training and supervision claim against Defendant Fremont Emergency Services
3 (Mandavia), Ltd. set for December 10, 2019 at 9:00 a.m. is vacated as moot.

4 Dated: December ____, 2019 Dated: December ____, 2019
5 ATKINSON WATKINS & HOFFMAN, LLP CARROLL, KELLY, TROTTER,
6 FRANZEN & MCBRIDE
7

8 Matthew W. Hoffman, Esq. Robert McBride, Esq.
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Las Vegas, NV 89135 Nevada Bar No.: 10904
10 8329 W. Sunset Road, Ste. 260
11 Breen Arntz, Esq. Las Vegas, NV 89113
Nevada Bar No.: 3853 *Attorneys for Defendant, Jason Lasry,*
12 5545 Mountain Vista, Suite E *M.D.*
Las Vegas, NV 89120
13 *Attorneys for Plaintiffs*

14 Dated: December 9, 2019
15
16 LEWIS BRISBOIS BISGAARD &
SMITH LLP

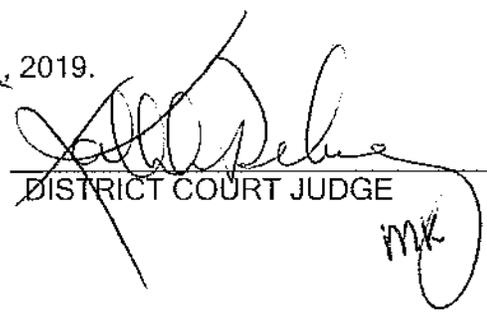
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18 KEITH A. WEAVER
19 Nevada Bar No. 10271
DANIELLE WOODRUM
20 Nevada Bar No. 12902
ALISSA N. BESTICK
21 Nevada Bar No. 14979C
22 6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
23 *Attorneys for Defendants Fremont*
Emergency Services (Mandavia) and Terry
24 *Bartmus, A.P.R.N.*

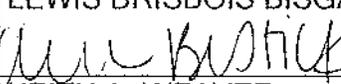
ORDER

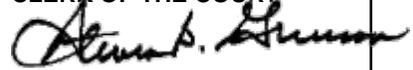
Based on the foregoing stipulation, IT IS HEREBY ORDERED that the Defendant Fremont Emergency Services (Mandavia), Ltd. is hereby DISMISSED WITH PREJUDICE and that each party shall bear their own attorneys' fees and costs associated with the claims against Defendant Fremont Emergency Services (Mandavia), Ltd. in this matter.

IT IS ALSO HEREBY ORDERED that the hearing on the Motion for Summary Judgment regarding the negligent hiring, training and supervision claim against Defendant Fremont Emergency Services (Mandavia), Ltd. set for December 10, 2019 at 9:00 a.m. is vacated as moot.

DATED this the 11th day of December, 2019.


DISTRICT COURT JUDGE
MK

Respectfully Submitted by:
LEWIS BRISBOIS BISGAARD & SMITH LLP

KEITH A. WEAVER
Nevada Bar No. 10271
DANIELLE WOODRUM
Nevada Bar No. 12902
ALISSA N. BESTICK
Nevada Bar No. 14979C
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
*Attorneys for Defendants Fremont
Emergency Services (Mandavia) and Terry
Bartmus, A.P.R.N.*



1 **PTD**
2 ROBERT C. McBRIDE, ESQ.
3 Nevada Bar No. 7082
4 CHELSEA R. HUETH, ESQ.
5 Nevada Bar No. 10904
6 CARROLL, KELLY, TROTTER,
7 FRANZEN & McBRIDE
8 8329 W. Sunset Road, Suite 260
9 Las Vegas, Nevada 89113
10 Telephone No. (702) 792-5855
11 Facsimile No. (702) 796-5855
12 E-mail: rcmcbride@cktfmlaw.com
13 E-mail: crhueth@cktfmlaw.com
14 Attorneys for Defendant
15 *Jason Lasry, M.D.*

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

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

Plaintiffs,

15 v.

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

Defendant.

CASE NO.: A-17-766426-C
DEPT: XXV

**DEFENDANT JASON LASRY, M.D.'S
PRETRIAL DISCLOSURES**

21 COMES NOW, Defendant, JASON LASRY, M.D., by and through his counsel of record,
22 ROBERT C. McBRIDE, ESQ. and CHELSEA R. HUETH, ESQ. of the law firm of CARROLL,
23 KELLY, TROTTER, FRANZEN & McBRIDE, and hereby submits his Pretrial Disclosures
24 pursuant to NRCP 16.1(a)(3) as follows

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I.

LIST OF WITNESSES

A. Witnesses Defendant Anticipates Calling at Trial

1. Jason Lasry, M.D., Defendant
c/o Robert C. McBride, Esq.
Chelsea R. Hueth, Esq.
CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
(702) 792-5855
2. Darrell L. Moore, Plaintiff
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
3. Charlene A. Moore, Plaintiff
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
4. Terry Bartmus, RN, APRN
c/o Keith A. Weaver, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
5. R. Scott Jacobs M.D., FAAEM
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
6. Irwin Simon, M.D.
2450 W. Horizon Ridge Pkwy, Ste. 100
Henderson, Nevada 89052
(702) 341-7608
7. Robert Wiencek, M.D.
7190 S. Cimarron Road
Las Vegas, Nevada 89113
(702) 490-9954

- 1 8. Noel L. Shaw, D.C.
2 1101 North Wilmot Road, Suite 229
3 Tucson, Arizona 85712
4 (520) 721-9331
- 5 9. Sang Tran, M.D.
6 6870 S. Rainbow Blvd., Suite 106
7 Las Vegas, Nevada 89118
8 (702) 396-6000
- 9 10. Patrick Frank, M.D.
10 3001 St. Rose Parkway
11 Henderson, Nevada 89052
12 (702) 651-5000
- 13 11. John Oh, M.D.
14 Radiology Associates
15 5495 S. Rainbow Blvd., Suite 203
16 Las Vegas, Nevada 89118
17 (702) 7077-9706
- 18 12. Stephen A. Gephardt, M.D.
19 7220 S. Cimarron Road, Suite 270
20 Las Vegas, Nevada 89113
21 (702) 912-4100
- 22 13. Colin Rock, M.D.
23 Nevada Comprehensive Pain Center
24 1569 E. Flamingo Road
25 Las Vegas, Nevada 89119
26 (702) 476-9999
- 27 14. John Henner, D.O.
28 8670 W. Cheyenne Ave.
Las Vegas, Nevada 89129
(702) 576-9608
15. Charles McPherson, M.D.
3121 S. Maryland Parkway, Suite 502
Las Vegas, Nevada 89109
(208) 415-5795
16. Salvador Borromeo III, M.D.
3009 W. Charleston Blvd.
Las Vegas, Nevada 89102
(702) 589-2750

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- 17. Karyn Harries, M.D.
5320 S. Rainbow Blvd., Suite 150
Las Vegas, Nevada 89118
(702) 944-7105

- 18. Nauman Tahir, M.D.
500 S. Rancho Drive, Suite 12
Las Vegas, Nevada 89106
(702) 877-1887

- 19. Ida Washington, M.D.
1000 S. Rainbow Blvd.
Las Vegas, Nevada 89145
(702) 259-0088

- 20. Jeffrey Germain, R.N.
Address unknown

- 21. Ameer Kuchinsky, R.N.
Address unknown

- 22. Lauren Eastham, R.N.
Address unknown

- 23. Danny Eisenberg, M.D.
9 Hawk Ridge Drive
Las Vegas NV 89135

- 24. Alexander R. Marmureanu, M.D.
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135

- 25. David Fish, M.D.
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135

- 26. Terrence Clauretie, Ph.D.
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135

- 1 27. Christopher Owen Moore
2 c/o Matthew W. Hoffmann, Esq.
3 Atkinson Watkins & Hoffmann, LLP
4 10789 W. Twain Avenue, Suite 100
5 Las Vegas, NV 89135
- 6 28. Holman Chan, M.D.
7 1505 Wigwam Parkway, Suite 340
8 Henderson, NV 89074
9 (702) 260-0467
- 10 29. Kent Shoji, M.D., F.A.C.E.P.
11 c/o Robert C. McBride, Esq.
12 Chelsea R. Hueth, Esq.
13 CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
14 8329 W. Sunset Road, Suite 260
15 Las Vegas, NV 89113
16 (702) 792-5855
- 17 30. Samuel Wilson, M.D.
18 c/o Robert C. McBride, Esq.
19 Chelsea R. Hueth, Esq.
20 CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
21 8329 W. Sunset Road, Suite 260
22 Las Vegas, NV 89113
23 (702) 792-5855
- 24 31. John Janzen, Ed.D., CRC
25 c/o Robert C. McBride, Esq.
26 Chelsea R. Hueth, Esq.
27 CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
28 8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
(702) 792-5855

26 ///

27 ///

28 ///

1 **B. Witnesses Defendant May Call at Trial**

2 33. Logan Sondrup, M.D.
3 8280 W. Warm Springs Road
4 Las Vegas, Nevada 89113
5 (702) 492-8000

6 34. Person(s) Most Knowledgeable and/or Custodian of Records at
7 Dignity Health d/b/a St. Rose Dominican Hospital – San Martin Campus
8 c/o Michael Prangle, Esq.
9 HALL PRANGLE & SCHOONVELD, LLC
10 1140 North Town Center Drive, Ste. 350
11 Las Vegas, Nevada 89144

12 35. Person(s) Most Knowledgeable and/or Custodian of Records at
13 Fremont Emergency Services, (Mandavia) Ltd.
14 c/o Keith A. Weaver, Esq.
15 LEWIS BRISBOIS BISGAARD & SMITH LLP
16 6385 S. Rainbow Boulevard, Suite 600
17 Las Vegas, Nevada 89118

18 36. Antonio Flores Erazo, M.D.
19 7674 W. Lake Mead Blvd., Suite 215
20 Las Vegas, Nevada 89128

21 37. James Hayes, M.D.
22 3001 St. Rose Parkway
23 Henderson, Nevada 89052
24 (702) 651-5000

25 38. Scott Greaves, M.D.
26 2120 Golden Hill Road, Suite 102
27 Paso Robles, California 93446
28 (805) 434-2900

39. Johnathan Riegler, M.D.
1255 Las Tables Road, Suite 201
Templeton, California 93465
(805) 226-4106

40. John Pinto, M.D.
1701 N. Green Valley Parkway
Henderson, Nevada 89074
(702) 734-2292

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- 41. Person(s) Most Knowledgeable and/or Custodian of Records at
Advanced Prosthetics and Orthotics
7455 W. Washington St., Suite 215
Las Vegas, Nevada 89128

- 42. Person(s) Most Knowledgeable and/or Custodian of Records at
Desert Radiologists
3930 S. Eastern Avenue
Las Vegas, Nevada 89119

- 43. Person(s) Most Knowledgeable and/or Custodian of Records at
Irwin Simon, M.D.
2450 W. Horizon Ridge Parkway, Suite 101
Henderson, Nevada 89052

- 44. Person(s) Most Knowledgeable and/or Custodian of Records at
Jonathan Riegler, M.D.
1255 Las Tables Road, Suite 201
Templeton, California 93465

- 45. Person(s) Most Knowledgeable and/or Custodian of Records at
Antonio Flores Erazo, M.D.
7674 W. Lake Mead Blvd., Suite 215
Las Vegas, Nevada 89128

- 46. Person(s) Most Knowledgeable and/or Custodian of Records at
Procure Medical Group
6870 S. Rainbow Blvd., Suite 106
Las Vegas, Nevada 89118

- 47. Person(s) Most Knowledgeable and/or Custodian of Records at
Los Tables Medical Group
2120 Golden Hill Road, Suite 102
Paso Robles, California 93446

- 48. Person(s) Most Knowledgeable and/or Custodian of Records at
Spring Valley Hospital
5400 S. Rainbow Blvd.
Las Vegas, Nevada 89118

- 49. Person(s) Most Knowledgeable and/or Custodian of Records at
Armour Christensen, Chtd
2450 W. Horizon Ridge Parkway, Suite 100
Henderson, Nevada 89052
(702) 735-2305

///

1 50. Person(s) Most Knowledgeable and/or Custodian of Records at
2 Paul Wiesner and Associates d/b/a Radiology Associates
3 2400 S. Cimarron Road, Suite 100
4 Las Vegas, Nevada 89117
(702) 477-0772

5 **C. Witnesses Who Have Been Subpoenaed**

6 None at this time.

7 **D. Witnesses Whose Testimony May Be Presented by Deposition**

8 None at this time.

9 Defendant reserves the right to call any and all treating, examining and consulting
10 physicians of the plaintiff regarding treatment and observations of the injuries alleged as a result
11 of this incident.

12 Defendant reserves the right to call any witnesses and expert witnesses named by any other
13 party of this case.

14 Defendant reserves the right to call any witnesses as may be necessary for the purpose of
15 rebuttal or impeachment.

16 Defendant reserves the right to call any and all other witnesses who may be disclosed by
17 any party.

18 **II.**

19 **LIST OF DOCUMENTS**

20 **A. Documents Defendant Anticipates Using at Trial**

- 21 1. Spring Valley Hospital (SVHMC MR 00001-00260)
22 2. St. Rose Hospital, San Martin Campus (SRDSMMR 000001-002865)
23 3. St. Rose Hospital, Siena Campus (SRDSMR 0001-0771)

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- 1 4. Radiological imaging from Spring Valley Hospital
- 2 02/05/17 TTE w/ Doppler
- 3 02/05/17 U/S LE Venous Duplex Bilateral
- 4 02/04/17 CT Angio Chest w/w/out Contras
- 5 02/04/17 XR Chest
- 6 5. Radiological imaging from Desert Radiologists
- 7 03/27/15 CT LS SP w/out Contrast
- 8 03/27/15 CT Cervical Spine w/out Contrast
- 9 02/07/15 XR Ankle Complete, Bilateral
- 10 6. Radiological imaging from St. Rose Hospital
- 11 01/04/17 U/S Ext Lt Ext Venous Doppler
- 12 01/04/17 U/S Ext Bil Venous Doppler
- 13 01/03/17 XR Chest 1 View
- 14 12/30/16 U/S Ext Non Vasc Comp. Rt
- 15 12/29/16 IR Thrombolysis Art/Vein Sub. Day
- 16 12/28/16 IR Angio Ext Lt
- 17 12/28/16 U/S Lowe Ext Art Duplex Lt
- 18 12/25/16 U/S Ext Venous Duplex Lt
- 19 06/28/15 Fluoroscopy of Lower Extremity
- 20 06/27/15 XR Chest
- 21 06/27/15 U/S Lower Ext Art Duplex Lt
- 22 06/27/15 U/S Ext Venous Duplex Lt
- 23 06/27/15 Fluoroscopy of Lower Extremity
- 24 12/13/14 Fluoroscopy of Lower Extremity
- 25 12/12/14 Fluoroscopy of Lower Extremity
- 26 12/11/14 U/S Lower Ext Art Duplex Lt
- 27 12/11/14 U/S Ext Venous Duplex Lt
- 28 12/11/14 Fluoroscopy of Lower Extremity
7. Advanced Prosthetics and Orthotics (APAP 00001, 00004-00020)
8. Desert Radiologists (DRI 00001-00017)
9. Irwin Simon, M.D. (ISMD 0001-0042)
10. Jonathan Riegler, M.D. (JRM 00001-00003)
11. Sang Tran, M.D. (STM 00001-00002, 00005-00028)
12. Scott Greaves, M.D. (SGM 00001-00012, 00016)
13. Shadow Emergency Physicians (SEP 00001-00031)

- 1 14. Noel Shaw, D.C. (NSD 00001-00007)
- 2 15. St. Rose Stanford Clinic (SRSC 00001-00085, 00089)
- 3 16. Nevada Comprehensive Pain Center (NCPC 00001-00237, 00246-00253, 00255-
- 4 00314)
- 5 17. Kindred Rehabilitation (LVHR 00001-00238)
- 6 18. Procure Medical Center (PCMC 00001-00002, 00005-00067)
- 7 19. Nevada Ortho & Spine Center (NOSC 00001-00003, 00008-0020)
- 8 20. American College of Surgeons Expert Witness Affirmation
- 9 21. American College of Surgeons Statement on the Physician Acting as an Expert
- 10 Witness
- 11 22. Kent Shoji, M.D., F.A.C.E.P., report, curriculum vitae, and fee schedule
- 12 23. Samuel Wilson, M.D.'s curriculum vitae, testimonial history, and reports
- 13 24. John Janzen, Ph.D., CRC's, curriculum vitae, fee schedule, reports
- 14 25. Karl Erik Volk, M.A.'s reports, curriculum vitae, fee schedule, testimonial history
- 15 26. Darrell Moore's Answers to Defendant Jason Lasry's Interrogatories
- 16 27. Darrell Moore's Answers to Defendant Jason Lasry's Request for Production
- 17 28. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of
- 18 Interrogatories
- 19 29. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request
- 20 for Productions
- 21 30. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of
- 22 Interrogatories
- 23 31. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of
- 24 Request for Productions
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- 32. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Interrogatories
- 33. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Request for Productions
- 34. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Requests for Admissions
- 35. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Requests for Admissions
- 36. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request for Admissions
- 37. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 2nd Set of Interrogatories
- 38. Darrell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 2nd Set of Interrogatories
- 39. Charlene Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 1st Set of Requests for Admissions
- 40. Darrell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 1st Set of Request for Admissions
- 41. Darrell Moore's Responses to Defendant Fremont Emergency Services' 2nd Set of Request for Production of Documents
- 42. Deposition transcript of Terry Bartmus, APRN, taken on February 26, 2019, with exhibit attached thereto.
- 43. Deposition transcript of Ruth Camack, taken on April 30, 2019, with exhibit attached thereto.

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- 44. Deposition transcript of Terrence Clauretje, Ph.D., taken on October 25, 2019, with exhibit attached thereto.
- 45. Deposition transcript of David Fish, M.D., taken on October 8, 2019, with exhibit attached thereto.
- 46. Deposition transcript of Jason Lasry, M.D., taken on February 6, 2019, with exhibit attached thereto.
- 47. Deposition transcript of Alexander Marmureanu, M.D., taken on October 2, 2019, with exhibit attached thereto.
- 48. Deposition transcript of Charlene Moore, taken on October 24, 2019, with exhibit attached thereto.
- 49. Deposition transcript of Christopher Moore, taken on February 5, 2019, with exhibit attached thereto.
- 50. Deposition transcript of Darrell Moore, taken on August 15, 2018, with exhibit attached thereto.
- 51. Deposition transcript of R. Scott Jacobs, taken on December 7, 2018, with exhibit attached thereto.
- 52. Fremont Emergency Services Dignity Call Schedule for December 2016 (FES DECEMBER SCHEDULE 000001).

B. Documents Defendant May Use at Trial

- 53. Billing records from Advanced Prosthetics and Orthotics (APAO 0002-00003).
- 54. Billing from Antonio Flores Erazo, M.D. (AMFEM 00001-00006).
- 55. Billing from Desert Radiologists (DRIB 00001-00005).
- 56. Billing from Radiology Associates of Nevada (RAONCM 00001-00007).
- 57. Billing records from Sang Tran, M.D. (STM 00003-00004).

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- 6. Models of the human body related to Plaintiff's alleged injuries
- 7. Surgical instrumentation

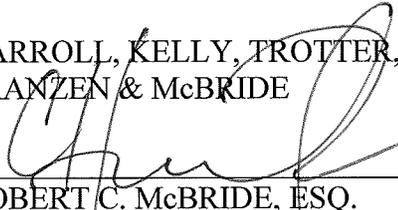
IV.

OBJECTIONS TO PLAINTIFFS' PRE-TRIAL DISCLOSURES

Defendant has not yet had an opportunity to fully review Plaintiff's exhibits or list of witnesses. As such, Defendant reserves the right to object to any exhibits offered by Plaintiff on substantive or other grounds.

Defendant reserves the right to introduce demonstrative exhibits such as enlarged duplicates of medical records and exemplars from medical texts and treatises as needed to educate the jury on various aspects of the medical terminology involved in the case. Defendant reserves the right to supplement this list as trial strategy evolves. Defendant further reserves the right to use any and all of any other parties' exhibits, including Plaintiff, at the time of trial of this matter.

DATED this 27th day of December, 2019.

CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE


ROBERT C. McBRIDE, ESQ.
Nevada Bar No.: 7082
CHELSEA R. HUETH, ESQ.
Nevada Bar No.: 10904
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113
Attorneys for Defendant
Jason Lasry, M.D.

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 27th day of December, 2019, I served a true and correct
3 copy of the foregoing **DEFENDANT JASON LASRY, M.D.'S PRETRIAL DISCLOSURE**
4 addressed to the following counsel of record at the following address(es):

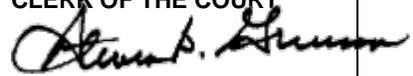
- 5
- 6 **VIA ELECTRONIC SERVICE:** By mandatory electronic service (e-service), proof of e-
7 service attached to any copy filed with the Court; or
- 8 **VIA U.S. MAIL:** By placing a true copy thereof enclosed in a sealed envelope with
9 postage thereon fully prepaid, addressed as indicated on the service list below in the United
10 States mail at Las Vegas, Nevada
- 11 **VIA FACSIMILE:** By causing a true copy thereof to be telecopied to the number
12 indicated on the service list below.

13 Matthew W. Hoffmann, Esq.
14 ATKINSON WATKINS, & HOFFMANN, LLP
15 10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135

16 - and -
16 Breen Artzn, Esq.
17 5545 Mountain Vista, Suite E
Las Vegas, NV 89120
18 *Attorneys for Plaintiffs*

19 Keith A. Weaver, Esq.
20 LEWIS BRISBOIS BISGAARD & SMITH LLP
21 6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
22 Attorney for Defendant,
Terry Bartmus, RN, APRN

23
24 
25 An Employee of CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE



1 **PTD**
2 MATTHEW W. HOFFMANN, ESQ.
3 Nevada Bar No. 009061
4 ATKINSON WATKINS & HOFFMANN, LLP
5 10789 W. Twain Ave., Suite 100
6 Las Vegas, NV 89135
7 Telephone: 702-562-6000
8 Facsimile: 702-562-6066
9 Email: mhoffmann@awhlawyers.com

6 E. BREEN ARNTZ, ESQ.
7 Nevada Bar No. 003853
8 2770 S. Maryland Pkwy., Suite 100
9 Las Vegas, NV 89109
10 Ph: 702-384-1616
11 Fax: 702-384-2990
12 Email: breen@breen.com
13 bartnz@ggrmlawfirm.com
14 *Attorneys for Plaintiffs*

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

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

16 Plaintiffs,

17 v.

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

23 Defendants.

CASE NO.: A-17-766426-C

DEPT. NO.: Dept. 25

PLAINTIFFS' PRE-TRIAL
DISCLOSURES PURSUANT TO
N.R.C.P. 16.1(a)(3)

23 COME NOW, Plaintiffs, DARELL L. MOORE and CHARLENE A. MOORE (hereinafter
24 referred to as "Plaintiffs"), by and through their attorney of record, MATTHEW W. HOFFMANN,
25 ESQ., of the law firm of ATKINSON WATKINS & HOFFMANN, LLP, and hereby submit the
26 following list of documents and witnesses pursuant to pursuant to NRCP 16.1(a)(3):

27 . . .

28 . . .

I.

LIST OF WITNESSES

A. Plaintiffs expect to present the following witnesses at trial:

1. Darell L. Moore
c/o Matthew W. Hoffmann, Esq.
Atkinson Watkins & Hoffmann, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
2. Charlene A. Moore
c/o Matthew W. Hoffmann, Esq.
Atkinson Watkins & Hoffmann, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
3. Christopher Owen Moore
c/o Matthew W. Hoffmann, Esq.
Atkinson Watkins & Hoffmann, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
4. Terry Bartmus, A.P.R.N.
c/o Keith A. Weaver, Esq.
Lewis Brisbois Bisgaard & Smith LLP
6385 S. Rainbow Blvd., Suite 600
Las Vegas, NV 89118
5. Jason Lasry, M.D.
c/o Robert C. McBride, Esq.
Chelsea R. Hueth, Esq.
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6. Custodian of Records and/or
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7. Custodian of Records and/or
Person Most Knowledgeable
Fremont Emergency Services
Jason Lasry, M.D.

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12. Custodian of Records and/or
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- 14. Custodian of Records and/or
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- 26. Custodian of Records and/or
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- 27. Custodian of Records and/or
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- 28. Custodian of Records and/or
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Collin Rock, M.D.
Nevada Comprehensive Pain Center
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- 1 29. Custodian of Records and/or
2 Person Most Knowledgeable
3 Desert Radiologists
4 2811 W. Horizon Ridge Parkway
5 Henderson, NV 89052
- 6 30. Custodian of Records and/or
7 Person Most Knowledgeable
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10 8280 W. Warm Springs Road
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- 12 31. Custodian of Records and/or
13 Person Most Knowledgeable
14 Charles McPherson, M.D.
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- 18 32. Custodian of Records and/or
19 Person Most Knowledgeable
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- 24 33. Custodian of Records and/or
25 Person Most Knowledgeable
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- 36. Custodian of Records and/or
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- 41. Custodian of Records and/or
Person Most Knowledgeable
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7455 W. Washington, Ste. 160
Las Vegas, NV 89128

- 42. Custodian of Records and/or
Person Most Knowledgeable
Kindred Transitional Care & Rehabilitation
5650 South Rainbow Blvd.
Las Vegas, NV 89118

Plaintiffs reserve the right to supplement this list. Plaintiffs reserve the right to call any witnesses disclosed by any party including Defendants and those witnesses listed in Defendants' Pre-Trial Disclosures pursuant to NRCPP 16.1(A)(3).

1 **B. Plaintiffs expect to present the following witnesses at trial if the need arises:**

- 2 1. Plaintiffs reserve the right to call any and all witnesses called by any other party.

3 **C. Plaintiffs' witnesses that have been subpoenaed for trial:**

- 4 1. Plaintiffs reserve the right to supplement this list of witnesses.

5 **D. Plaintiffs expect to present the following witnesses via deposition testimony, if the need**
6 **arises:**

- 7 1. None at this time. Plaintiffs reserve the right to supplement this list of witnesses.

8 **E. Witnesses that have been subpoenaed for trial:**

- 9 1. None at this time. Plaintiffs reserve the right to supplement this list of witnesses.

10 **II.**

11 **PLAINTIFFS' LIST OF EXHIBITS**

- 12 1. St. Rose Dominican Hospital – San Martin Campus' Billing and Medical Records
13 (PLF000001 – PLF001500);
- 14 2. Fremont Emergency Services Billing Records (PLF001501);
- 15 3. Radiology Associates of Nevada's Billing (PLF001502 – PLF001511);
- 16 4. Desert Radiologists' Billing Records (PLF001512);
- 17 5. Shadow Emergency Physicians, PLLC's Billing Records (PLF001513);
- 18 6. Advanced Prosthetics and Orthotics' Billing and Medical Records (PLF001514 –
19 PLF001531);
- 20 7. Plaintiff's Photographs (PLF001574-PLF001575);
- 21 8. Spring Valley Hospital Medical Records (PLF001576-PLF001833);
- 22 9. Plaintiff DARELL L. MOORE's CMS Medicare Form (PLF001996);
- 23 10. The Journal of Emergency Medicine, article "Corporate and Hospital Profiteering
24 in Emergency Medicine: Problems of the Past, Present, and Future." (PLF002019-PLF002026).
- 25 11. Department of Health and Human Services, information publication "Advanced
26 Practice Registered Nurses, Anesthesiologist Assistants, and Physician Assistants." (PLF002027-
27 PLF002044).

28 . . .

1 12. St. Rose Hospital Audit Trail for Plaintiff Darell Moore from December 25, 2016,
2 through April 1, 2019, as disclosed by St. Rose Hospital (PLF002046);

3 13. St. Rose Hospital Audit Trail Verification/Affidavit for Plaintiff Darell Moore from
4 December 25, 2016 through April 1, 2019, as disclosed by St. Rose Hospital (PLF002047);

5 14. Spring Valley Hospital Billing Ledger (PLF002048-PLF002052);

6 15. Antonio M. Florez Erazo, M.D., Billing Ledger, as previously disclosed by
7 Defendant Fremont Emergency Services and Terry Bartmus as Exhibit 26.

8 16. Desert Radiologist Medical Records, as previously disclosed by Defendant Fremont
9 Emergency Services and Terry Bartmus as Exhibit 3.

10 17. Radiology Associates of Nevada Billing Ledger, as previously disclosed by
11 Defendant Fremont Emergency Services and Terry Bartmus as Exhibit 4.

12 18. Nevada Comprehensive Pain Center Medical Records and Billing Statements, as
13 previously disclosed by Defendant Fremont Emergency Services and Terry Bartmus as Exhibit 28.

14 19. Las Vegas Healthcare & Rehabilitation c/o Kindred Transitional Care &
15 Rehabilitation Medical Records and Billing Ledger, as previously disclosed by Defendant Fremont
16 Emergency Services and Terry Bartmus as Exhibit 39.

17 20. Films from St Rose Dominican Hospital: 11/07/12 XRA Y Chest, 11/08/12 XRAY
18 Chest, 12/11/14 US Left Lower Extremity Arterial Duplex, 12/11/14 Fluoroscopy Lower
19 Extremities, 12/12/14 Fluoroscopy Lower Extremities, 12/13/14 Fluoroscopy Lower Extremities,
20 6/27/15 XRAY Chest, 6/27/15 US Left Lower Extremity Venous Duplex, 6/27/15 US Left Lower
21 Extremity Arterial Duplex, 6/27/15 Fluoroscopy Lower Extremities, 6/28/15 Fluoroscopy Lower
22 Extremities, 12/28/16 US Left Lower Extremity Arterial Duplex, 12/25/16 US Left Lower
23 Extremity Venous Duplex, 12/28/16 IR Angiogram Left Lower Extremity, 12/29/16 IR
24 Thrombolysis Art/Ven, 12/30/16 US Right Extremity Non-vascular Complete, 01/03/17 US
25 Bilateral Extremities Venous Duplex, 01/04/17 US Left Upper Extremity Duplex, as previously
26 disclosed by Defendant Fremont Emergency Services and Terry Bartmus as Exhibit 37.

27 21. Nevada Orthopedic & Spine Center Medical Records and Billing Ledger
28 (PLF002053-PLF002077);

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of ATKINSON WATKINS & HOFFMANN, LLP and that on the 27th day of December, 2019, I caused to be served via Odyssey, the Court's mandatory efilings/eservice system a true and correct copy of the document described herein.

Document Served: **PLAINTIFFS' PRE-TRIAL DISCLOSURES PURSUANT TO N.R.C.P. 16.1(a)(3)**

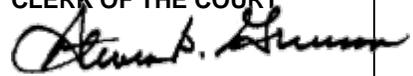
Person(s) Served:

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Nevada Bar No. 10904
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Nevada Bar No. 14387
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/s/ Erika Jimenez
An Employee of ATKINSON WATKINS & HOFFMANN, LLP



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11 702.893.3383
12 FAX: 702.893.3789
13 *Attorneys for Terry Bartmus, A.P.R.N.*

8 DISTRICT COURT
9
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 DIGNITY HEALTH d/b/a ST. ROSE
17 DOMINICAN HOSPITAL-SAN MARTIN
18 CAMPUS; JASON LASRY, M.D.,
19 individually; FREMONT EMERGENCY
20 SERVICES (MANDAVIA), LTD.; TERRY
21 BARTMUS, A.P.R.N.; and DOES I through
X, inclusive; and ROE CORPORATIONS I
through V, inclusive,;

22 Defendants.

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

DEFENDANT TERRY BARTMUS,
A.P.R.N.'S PRE-TRIAL DISCLOSURE
PURSUANT TO NRCP 16.1 (a)(3)

22 Defendant TERRY BARTMUS, A.P.R.N., by and through her attorneys, LEWIS
23 BRISBOIS BISGAARD & SMITH LLP, hereby submits the following Pretrial Disclosures
24 pursuant to NRCP 16.1(a)(3), as follows:

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I.

DEFENDANT'S WITNESSES

A. **Witnesses Defendant Expects to Present.**

1. Terry Bartmus, R.N, A.P.R.N.
c/o Keith A. Weaver, Esq.
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2. Person(s) Most Knowledgeable and/or Custodian of Records at
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3. Jason Lasry, M.D., Defendant
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Chelsea R. Hueth, Esq.
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4. Person(s) Most Knowledgeable and/or Custodian of Records at
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Jeffrey Germain, R.N.
Amee Kuchinsky, R.N.
Lauren Eastham, R.N.
c/o Michael Prangle, Esq.
HALL PRANGLE & SCHOONVELD, LLC
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5. Kent Shoji, M.D., F.A.C.E.P.
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6. John Janzen, Ed.D., CRC
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- 1 7. Samuel E. Wilson, M.D.
2 c/o Keith A. Weaver, Esq.
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- 6 8. Karl Erik Volk, M.A.
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- 11 9. David Barcay, M.D.
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- 16 10. Darrell L. Moore, Plaintiff
17 c/o Matthew W. Hoffmann, Esq.
18 ATKINSON WATKINS, & HOFFMANN, LLP
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- 21 11. Charlene A. Moore, Plaintiff
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- 26 12. Christopher Owen Moore
27 c/o Matthew W. Hoffmann, Esq.
28 Atkinson Watkins & Hoffmann, LLP
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13. R. Scott Jacobs, M.D.
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15. Robert Wiencek, M.D.
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- 17. David Fish, M.D.
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- 18. Terrence Clauretie, Ph.D.
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B. Witnesses Defendant May Call if the Need Arises.

- 1. Logan Sondrup, M.D.
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- 3. Antonio Flores Erazo, M.D.
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- 5. Scott Greaves, M.D.
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- 19. Lauren Eastham, R.N.
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- 20. Jeffrey Germain, R.N.
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- 21. Ameer Kuchinsky, R.N.
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- 7 36. Person(s) Most Knowledgeable/
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- 12 37. Person(s) Most Knowledgeable/
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- 18 38. Person(s) Most Knowledgeable/
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21 Irwin Simon, M.D.
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- 25 39. Person(s) Most Knowledgeable/
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27 Robert Wiencek, M.D.
28 7190 S. Cimarron Road
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- 40. Person(s) Most Knowledgeable/
 Custodian of Records
 Noel L. Shaw, D.C.
 1101 North Wilmot Road, Suite 229
 Tucson, AZ 85712
 (520) 721-9331

- 41. Person(s) Most Knowledgeable/
 Custodian of Records
 Nevada Orthopedic and Spine Center
 2809 W. Charleston Blvd., Ste. 150
 Las Vegas, NV 89102

- 42. Person(s) Most Knowledgeable/
 Custodian of Records
 Patrick Frank, M.D.
 James Hayes, M.D.
 3001 St. Rose Parkway
 Henderson, NV 89052

- 1 43. Person(s) Most Knowledgeable/
2 Custodian of Records
3 Paul Wiesner and Associates d/b/a
4 Radiology Associates
5 Danny Eisenberg, M.D.
6 John Oh, M.D.
7 2400 S. Cimarron Road, Suite 100
8 Las Vegas, NV 89117
9 (702) 477-0772
- 6 44. Person(s) Most Knowledgeable/
7 Custodian of Records
8 Stephen A. Gephardt, M.D.
9 7220 S. Cimarron Road, Suite 270
10 Las Vegas, NV89113
11 (702) 912-4100
- 10 45. Person(s) Most Knowledgeable/
11 Custodian of Records
12 Colin Rock, M.D.
13 Nevada Comprehensive Pain Center
14 1569 E. Flamingo Road
15 Las Vegas, NV 89119
16 (702) 476-9999
- 14 46. Person(s) Most Knowledgeable/
15 Custodian of Records
16 John Henner, M.D.
17 8670 W. Cheyenne Ave.
18 Las Vegas, NV 89129
19 (702) 576-9608
- 18 47. Person(s) Most Knowledgeable/
19 Custodian of Records
20 Charles McPherson, M.D.
21 3121 S. Maryland Parkway, Suite 502
22 Las Vegas, NV 89109
23 (208) 415-5795
- 21 48. Person(s) Most Knowledgeable/
22 Custodian of Records
23 Salvador Borrromeo III, M.D.
24 3009 W. Charleston Blvd.
25 Las Vegas, NV 89102
26 (702) 589-2750
- 25 49. Person(s) Most Knowledgeable/
26 Custodian of Records
27 Karyn Harries, M.D.
28 5320 S. Rainbow Blvd., Suite 150
Las Vegas, NV 89118
(702) 944-7105

1 50. Person(s) Most Knowledgeable/
2 Custodian of Records
3 Nauman Tahir, M.D.
4 500 S. Rancho Drive, Suite 12
5 Las Vegas, NV 89106
6 (702) 877-1887

7 51. Person(s) Most Knowledgeable/
8 Custodian of Records
9 Ida Washington, M.D.
10 1000 S. Rainbow Blvd.
11 Las Vegas, NV 89145
12 (702) 259-0088

13 **C. Witnesses Who Have Been Subpoenaed for Trial.**

14 As of this date, Defendant has not served any trial subpoenas. Defendant
15 reserves the right to serve a trial subpoena upon any and all of the witnesses identified in
16 Part I above.

17 **II.**

18 **DEFENDANT'S EXHIBITS**

19 **A. Documents Defendant Intends to Offer.**

20 Defendant expects to offer the following documents:

21 1. Medical Records from Advanced Prosthetics and Orthotics for Darell L.
22 Moore (Bates APO 00001-00020);

23 2. Billing Records from Advanced Prosthetics and Orthotics (APAO 00002-
24 00003);

25 3. Medical and Billing Records from Sang Tran, M.D. (STM 00001-00028);

26 4. Billing Records from Desert Radiologists for Darell L. Moore (Bates DRB
27 00001-00005);

28 5. Medical Records from Desert Radiologists for Darell L. Moore (Bates DRI
00001-00017);

6. Billing Records from Radiology Associates of Nevada for Darell L. Moore
(Bates RAN 00001-00011);

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- 1 7. Medical and Billing Records from Shadow Emergency Physicians for Darell
2 L. Moore (Bates SEP 00001-00033);
- 3 8. Medical Records from Spring Valley Hospital for Darell L. Moore (Bates
4 SVHMR 00001-00260);
- 5 9. Billing Records from St. Rose Dominican Hospital - San Martin for Darell L.
6 Moore (Bates SRDSMB 00001-00041);
- 7 10. Fremont Emergency Services Billing Records (Bates PLF 001501),
8 produced by Plaintiff;
- 9 11. Radiology Associates of Nevada's Billing Records (Bates PLF 001502-
10 001511), produced by Plaintiff;
- 11 12. Medical Records from St. Rose Dominican Hospital - San Martin (Bates
12 SRDSMMR 000001-002865);
- 13 13. Films from St Rose Dominican Hospital;
- 14 14. Billing Records from Antonio Flores Erazo, M.D. for Darell L. Moore (Bates
15 AFEMD-0001-0006);
- 16 15. Medical Records from Irwin Simon, M.D. for Darell L. Moore (Bates ISMD-
17 0001-0042);
- 18 16. Medical and Billing Records from Nevada Comprehensive Pain Center for
19 Darell L. Moore (Bates NCPC-0001-0314);
- 20 17. Medical Records from Scott Greaves, M.D. for Darell L. Moore (Bates
21 SGMD-0001-0021);
- 22 18. Billing Records from Scott Greaves, M.D. (Bates SGM 00013-00015);
- 23 19. Billing Records from Spring Valley Hospital for Darell L. Moore (Bates
24 SVHM CB-0001-0012);
- 25 20. Films from Spring Valley Hospital;
- 26 21. Films from Desert Radiologists;
- 27 22. Billing Records from John F. Pinto, M.D. for Darell L. Moore (Bates JPMD-
28 0001-0002);

- 1 23. Medical Records from Noel L. Shaw, D.C. for Darell L. Moore (Bates NSDC-
2 0001-0008).
- 3 24. Billing Records from St. Rose Dominican Hospital - Siena (Bates SDSB
4 000001-000068);
- 5 25. Medical Records from St. Rose Dominican Hospital - San Martin (Bates
6 SRDSMMR 000001-002865);
- 7 26. Medical Records from St. Rose Dominican Hospital - Siena (Bates
8 SRDSMR-0001-0771);
- 9 27. Medical Records from Kindred Rehabilitation (Bates LVHR-0001-0238);
- 10 28. Billing Records from St. Rose Dominican Hospital - San Martin (Bates
11 SRDSMB-0001-0054);
- 12 29. Medical Records from Jonathan Riegler, M.D. (Bates JRMD-0001-0005);
- 13 30. Medical Records from Procure Medical Center (Bates PCMC-0001-0067);
- 14 31. Medical and Billing Records from St. Rose Stanford Clinic (Bates SRSC-
15 0001-0088);
- 16 32. Medical Records from Nevada Ortho & Spine Center (Bates NOSC-0001-
17 0020);
- 18 33. American College of Surgeons Expert Witness Affirmation;
- 19 34. American College of Surgeons Statement on the Physician Acting as an
20 Expert Witness;
- 21 35. David Barcay, M.D., reports, curriculum vitae and fee schedule;
- 22 36. Samuel Wilson, M.D., reports, curriculum vitae and fee schedule;
- 23 37. John Janzen, Ph.D., CRC's reports, curriculum vitae and fee schedule;
- 24 38. Karl Erik Volk, M.A.'s reports, curriculum vitae and fee schedule;
- 25 39. Darell Moore's Answers to Defendant Jason Lasry, M.D.'s Interrogatories;
- 26 40. Darell Moore's Answers to Defendant Jason Lasry, M.D.'s Requests for
27 Production of Documents;
- 28 41. Darell Moore's Answers to Defendant Terry Bartmus, APRN's First Set of

- 1 Interrogatories;
- 2 42. Darell Moore's Answers to Defendant Terry Bartmus, APRN's First Set of
- 3 Requests for Production of Documents;
- 4 43. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's First Set
- 5 of Interrogatories;
- 6 44. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's First Set
- 7 of Requests for Production of Documents;
- 8 45. Plaintiffs' Answers to Defendant Fremont Emergency Services' First Set of
- 9 Interrogatories;
- 10 46. Plaintiffs' Answers to Defendant Fremont Emergency Services' First Set of
- 11 Requests for Production of Documents;
- 12 47. Plaintiffs' Answers to Defendant Fremont Emergency Services' First Set of
- 13 Requests for Admission;
- 14 48. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's First Set
- 15 of Requests for Admission;
- 16 49. Darell Moore's Answers to Defendant Terry Bartmus, APRN's First Set of
- 17 Requests for Admission;
- 18 50. Darell Moore's Answers to Defendant Terry Bartmus, APRN's Second Set
- 19 of Interrogatories;
- 20 51. Darell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's
- 21 Second Set of Interrogatories;
- 22 52. Charlene Moore's Supplemental Answers to Defendant Terry Bartmus,
- 23 APRN's First Set of Requests for Admission;
- 24 53. Darell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's
- 25 First Set of Requests for Admission;
- 26 54. Darell Moore's Responses to Defendant Fremont Emergency Services'
- 27 Second Set of Requests for Production of Documents;
- 28 55. Deposition transcript of Defendant Terry Bartmus, APRN, taken February

1 26, 2019, and exhibits attached thereto;

2 56. Deposition transcript of Ruth Camack, taken April 30, 2019, with exhibits
3 attached thereto;

4 57. Deposition transcript of Terrence Claurette, Ph.D., taken October 25, 2019,
5 with exhibits attached thereto;

6 58. Deposition transcript of David Fish, M.D., taken October 8, 2019, with
7 exhibits attached thereto;

8 59. Deposition transcript of Jason Lasry M.D., taken February 6, 2019, with
9 exhibits attached thereto;

10 60. Deposition transcript of Alexander Marmureanu, M.D., taken October 2,
11 2019, with exhibits attached thereto;

12 61. Deposition transcript of Charlene Moore, taken August 15, 2018, with
13 exhibits attached thereto;

14 62. Deposition transcript of Darell Moore, taken August 15, 2018, with exhibits
15 attached thereto;

16 63. Deposition transcript of Christopher Moore, taken February 5, 2019, with
17 exhibits attached thereto;

18 64. Deposition of R. Scott Jacobs, M.D., taken December 7, 2019, with exhibits
19 attached thereto;

20 65. Plaintiffs' Photographs (Bates PLF 001574-001575).

21 Defendant reserves the right to offer and rely upon all of the documents disclosed
22 by any party to this action, including without limitation the documents/tangible items
23 disclosed/produced by any other party to this action, including but not limited to those
24 appearing in Pretrial Disclosures Pursuant to NRCP16.1(a)(3), any and all documents
25 disclosed in any and all original and supplemental NRCP 16.1 disclosures and written
26 discovery responses made by any and all parties to this action, whether or not such party
27 remains a party at the time of trial.

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1 Defendant also reserves the right to amend or supplement this list of documents
2 as discovery progresses. Further, Defendant in no way waives her rights to object to the
3 authenticity or admissibility of any documents or tangible items produced by any party
4 and specifically reserves the right to lodge such objection within a reasonable time after
5 the production of items determined by Defendant to be objectionable.

6 **B. Documents Which Defendant May Offer If The Need Arises.**

- 7 1. Job files of any party's expert witnesses;
- 8 2. Exhibits attached to deposition transcripts;
- 9 3. Demonstrative exhibits as necessary;
- 10 4. Documents necessary for rebuttal or impeachment purposes;
- 11 5. Deposition transcripts and exhibits as necessary;
- 12 6. Any evidence of collateral benefits or other insurance benefits provided to
13 Plaintiffs for the purpose of determining the amount of any offset to damages
14 pursuant to NRS 42.021;
- 15 7. All records produced by Plaintiffs in response to requests for production;
- 16 8. Any party's experts' files, curricula vitae, billing statements, models, charts,
17 diagrams, literature discussed at an expert's deposition, or referenced in an
18 expert's report, and/or other items utilized by or relied upon by the expert;
- 19 9. All medical literature listed on the curricula vitae of all parties' experts;
- 20 10. Any previous deposition testimony by any party's experts;
- 21 11. General medical treatises and texts, including but not limited to:
 - 22 a. Dorland's Illustrated Medical Dictionary, 29th Ed., W.B. Saunders
23 Co., Philadelphia (2007);
 - 24 b. Taber's Cyclopedic Medical Dictionary, F.A. Davis Co.;
 - 25 c. The American Medical Association Encyclopedia of Medicine,
26 Clayman, C.B., M.D., Random House New York (1989);
 - 27 d. Gray's Anatomy, Lea & Febiger, Philadelphia;
 - 28 e. Bakerman's ABC's of Interpretive Laboratory Data, 4th Ed.,

- 1 Bakerman S., Interpretive Laboratory Data, Inc. (2002);
- 2 f. Basic Pathophysiology, 3rd Ed., Groër, R.N., PhD, Shekleton, M.,
- 3 R.N., C.V. Mosby Co. (1989);
- 4 g. Textbook of Medical Physiology, 10th Ed., Guyton, A., M.D., Hall, J.,
- 5 PhD, W.B. Saunders Co., (2000);
- 6 h. Diagnostic and Statistical Manual of Mental Disorders (DSM-IV), 4th
- 7 Ed., American Psychiatric Association (2000);
- 8 i. Physicians' Desk Reference, 2005 Edition, Thomson PDR;

9 12. Any and all exhibits listed by any other party regardless of whether that
10 party attempts to de-list the exhibit or fails to use it at the time of trial.

11 **C. Demonstrative Exhibits.**

12 Defendant may offer at trial certain exhibits for demonstrative purposes, including
13 but not limited to the following:

- 14 1. Power point images, blowups and transparencies of exhibits.
- 15 2. Models of various parts of the human body as needed.

16 Defendant reserves the right to introduce demonstrative exhibits such as enlarged
17 copies of medical records and exemplars from medical texts and treatises as necessary
18 to educate the jury on various aspects of the medical terminology involved in this case.
19 Defendant reserves the right to amend and/or supplement this list as trial strategy
20 evolves. Defendant reserves the right to use any and all other parties' exhibits at the time
21 of trial.

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1 D. Objections to Plaintiffs' Pre-Trial Disclosures.

2 Plaintiffs have not yet filed their pre-trial disclosures. Accordingly, Defendant
3 reserves the right to object to any exhibits offered by Plaintiffs on substantive or other
4 grounds.

5

6 DATED this 27th day of December, 2019

7

LEWIS BRISBOIS BISGAARD & SMITH LLP

8

9

By /s/ Alissa Bestick

10

KEITH A. WEAVER

11

Nevada Bar No. 10271

12

ALISSA N. BESTICK

13

Nevada Bar No. 14979C

14

6385 S. Rainbow Boulevard, Suite 600

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Las Vegas, Nevada 89118

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Attorneys for Terry Bartmus, A.P.R.N.

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December, 2019, a true and correct copy of DEFENDANTS TERRY BARTMUS, A.P.R.N.'S PRE-TRIAL DISCLOSURE PURSUANT TO NRCP 16.1 (a)(3) 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.

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Attorneys for Defendant, Jason Lasry, M.D.

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

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I.

LIST OF WITNESSES

A. Witnesses Defendant Anticipates Calling at Trial

1. Jason Lasry, M.D., Defendant
c/o Robert C. McBride, Esq.
Chelsea R. Hueth, Esq.
CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
(702) 792-5855
2. Darrell L. Moore, Plaintiff
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
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3. Charlene A. Moore, Plaintiff
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
4. Terry Bartmus, RN, APRN
c/o Keith A. Weaver, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
5. R. Scott Jacobs M.D., FAAEM
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
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6. Irwin Simon, M.D.
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7. Robert Wiencek, M.D.
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- 8. Noel L. Shaw, D.C.
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(520) 721-9331

- 9. Sang Tran, M.D.
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- 10. Patrick Frank, M.D.
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(702) 651-5000

- 11. John Oh, M.D.
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- 12. Stephen A. Gephardt, M.D.
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- 13. Colin Rock, M.D.
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- 14. John Henner, D.O.
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(702) 576-9608

- 15. Charles McPherson, M.D.
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- 16. Salvador Borromeo III, M.D.
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- 1 17. Karyn Harries, M.D.
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4 (702) 944-7105
- 5 18. Nauman Tahir, M.D.
6 500 S. Rancho Drive, Suite 12
7 Las Vegas, Nevada 89106
8 (702) 877-1887
- 9 19. Ida Washington, M.D.
10 1000 S. Rainbow Blvd.
11 Las Vegas, Nevada 89145
12 (702) 259-0088
- 13 20. Jeffrey Germain, R.N.
14 Address unknown
- 15 21. Ameer Kuchinsky, R.N.
16 Address unknown
- 17 22. Lauren Eastham, R.N.
18 Address unknown
- 19 23. Danny Eisenberg, M.D.
20 9 Hawk Ridge Drive
21 Las Vegas NV 89135
- 22 24. Alexander R. Marmureanu, M.D.
23 c/o Matthew W. Hoffmann, Esq.
24 ATKINSON WATKINS, & HOFFMANN, LLP
25 10789 W. Twain Avenue, Suite 100
26 Las Vegas, NV 89135
- 27 25. David Fish, M.D.
28 c/o Matthew W. Hoffmann, Esq.
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26. Terrence Clauretie, Ph.D.
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- 27. Christopher Owen Moore
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- 30. Samuel Wilson, M.D.
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Chelsea R. Hueth, Esq.
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- 31. John Janzen, Ed.D., CRC
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- 32. Karl Erik Volk, M.A.
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First Supplement

33. **David Barcay, M.D.**
c/o Keith A. Weaver, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118

B. Witnesses Defendant May Call at Trial

1. Logan Sondrup, M.D.
8280 W. Warm Springs Road
Las Vegas, Nevada 89113
(702) 492-8000

2. Person(s) Most Knowledgeable and/or Custodian of Records at
Dignity Health d/b/a St. Rose Dominican Hospital – San Martin Campus
c/o Michael Prangle, Esq.
HALL PRANGLE & SCHOONVELD, LLC
1140 North Town Center Drive, Ste. 350
Las Vegas, Nevada 89144

3. Person(s) Most Knowledgeable and/or Custodian of Records at
Fremont Emergency Services, (Mandavia) Ltd.
c/o Keith A. Weaver, Esq.
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4. Antonio Flores Erazo, M.D.
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5. James Hayes, M.D.
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6. Scott Greaves, M.D.
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7. Johnathan Riegler, M.D.
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Templeton, California 93465
(805) 226-4106

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- 8. John Pinto, M.D.
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- 9. Person(s) Most Knowledgeable and/or Custodian of Records at
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- 10. Person(s) Most Knowledgeable and/or Custodian of Records at
Desert Radiologists
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- 11. Person(s) Most Knowledgeable and/or Custodian of Records at
Irwin Simon, M.D.
2450 W. Horizon Ridge Parkway, Suite 101
Henderson, Nevada 89052

- 12. Person(s) Most Knowledgeable and/or Custodian of Records at
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- 13. Person(s) Most Knowledgeable and/or Custodian of Records at
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- 14. Person(s) Most Knowledgeable and/or Custodian of Records at
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- 15. Person(s) Most Knowledgeable and/or Custodian of Records at
Los Tables Medical Group
2120 Golden Hill Road, Suite 102
Paso Robles, California 93446

- 16. Person(s) Most Knowledgeable and/or Custodian of Records at
Spring Valley Hospital
5400 S. Rainbow Blvd.
Las Vegas, Nevada 89118

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- 17. Person(s) Most Knowledgeable and/or Custodian of Records at
Armour Christensen, Chtd
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- 18. Person(s) Most Knowledgeable and/or Custodian of Records at
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First Supplement

- 19. **Christopher Mercado, M.D.**
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(702) 616-7660

- 20. **Jody Cearlock, M.D.**
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- 21. **Person(s) Most Knowledgeable and/or Custodian of Records at
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- 22. **Person(s) Most Knowledgeable and/or Custodian of Records at
Radiology Associates**
5495 S. Rainbow Blvd., Suite 203
Las Vegas, Nevada 89118
(702) 707-9706

- 23. **Person(s) Most Knowledgeable and/or Custodian of Records at
Shadow Emergency Physicians**
620 Shadow Lane
Las Vegas, Nevada 89106
(800) 355-2470

- 24. **Oscar Rago, M.D.**
DMS-EMCARE
500 N Rainbow Blvd., Ste. 203
Las Vegas, Nevada 89107
(702) 259-1228

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- 25. **Irfana Razzaq, M.D.**
6273 Narrow Isthmus Ave.
Las Vegas, Nevada 89139-6410
(702) 243-8767

- 26. **Shannon Berry, M.D.**
295 Posada Lane
Templeton, California 93465
(802) 494-9900

- 27. **C. Edward Yee, M.D.**
2980 S. Jones Blvd., Ste. A
Las Vegas, Nevada 89146
(702) 362-3937

- 28. **Mark Barney, M.D.**
2820 W. Washington Blvd., Ste. 33
Las Vegas, Nevada 89102
(702) 8880-1558

- 29. **Person(s) Most Knowledgeable and/or Custodian of Records at**
OptumCare Cancer Care
6190 S. Fort Apache Road
Las Vegas, Nevada 89179
(702) 724-8787

- 30. **Charina Toste, APRN**
OptumCare Cancer Care
6190 S. Fort Apache Road
Las Vegas, Nevada 89179
(702) 724-8787

- 31. **Person(s) Most Knowledgeable and/or Custodian of Records at**
Nevada Orthopedic and Spine Center
7455 W. Washington, Ste. 160
Las Vegas, Nevada 89128
(702) 258-3773

- 32. **Person(s) Most Knowledgeable and/or Custodian of Records at**
Kindred Transitional Care and Rehabilitation
5650 S. Rainbow Blvd.
Las Vegas, Nevada 89118
(702) 470-1102

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33. Ashok Gupta, M.D.
Desert Radiology
2020 Palomino Lane, #100
Las Vegas, Nevada 89106
(702) 759-8600

C. Witnesses Who Have Been Subpoenaed

None at this time.

D. Witnesses Whose Testimony May Be Presented by Deposition

None at this time.

Defendant reserves the right to call any and all treating, examining and consulting physicians of the plaintiff regarding treatment and observations of the injuries alleged as a result of this incident.

Defendant reserves the right to call any witnesses and expert witnesses named by any other party of this case.

Defendant reserves the right to call any witnesses as may be necessary for the purpose of rebuttal or impeachment.

Defendant reserves the right to call any and all other witnesses who may be disclosed by any party.

II.

LIST OF DOCUMENTS

A. Documents Defendant Anticipates Using at Trial

- 1. Spring Valley Hospital (SVHMC MR 00001-00260)
- 2. St. Rose Hospital, San Martin Campus (SRDSMMR 000001-002865)
- 3. St. Rose Hospital, Siena Campus (SRDSMR 0001-0771)
- 4. Radiological imaging from Spring Valley Hospital
 - 02/05/17 TTE w/ Doppler
 - 02/05/17 U/S LE Venous Duplex Bilateral
 - 02/04/17 CT Angio Chest w/w/out Contras

- 1 02/04/17 XR Chest
- 2 5. Radiological imaging from Desert Radiologists
- 3 03/27/15 CT LS SP w/out Contrast
- 4 03/27/15 CT Cervical Spine w/out Contrast
- 5 02/07/15 XR Ankle Complete, Bilateral
- 6 6. Radiological imaging from St. Rose Hospital
- 7 01/04/17 U/S Ext Lt Ext Venous Doppler
- 8 01/04/17 U/S Ext Bil Venous Doppler
- 9 01/03/17 XR Chest 1 View
- 10 12/30/16 U/S Ext Non Vasc Comp. Rt
- 11 12/29/16 IR Thrombolysis Art/Vein Sub. Day
- 12 12/28/16 IR Angio Ext Lt
- 13 12/28/16 U/S Lowe Ext Art Duplex Lt
- 14 12/25/16 U/S Ext Venous Duplex Lt
- 15 06/28/15 Fluoroscopy of Lower Extremity
- 16 06/27/15 XR Chest
- 17 06/27/15 U/S Lower Ext Art Duplex Lt
- 18 06/27/15 U/S Ext Venous Duplex Lt
- 19 06/27/15 Fluoroscopy of Lower Extremity
- 20 12/13/14 Fluoroscopy of Lower Extremity
- 21 12/12/14 Fluoroscopy of Lower Extremity
- 22 12/11/14 U/S Lower Ext Art Duplex Lt
- 23 12/11/14 U/S Ext Venous Duplex Lt
- 24 12/11/14 Fluoroscopy of Lower Extremity
- 25 7. Advanced Prosthetics and Orthotics (APAP 00001, 00004-00020)
- 26 8. Desert Radiologists (DRI 00001-00017)
- 27 9. Irwin Simon, M.D. (ISMD 0001-0042)
- 28 10. Jonathan Riegler, M.D. (JRM 00001-00003)
11. Sang Tran, M.D. (STM 00001-00002, 00005-00028)
12. Scott Greaves, M.D. (SGM 00001-00012, 00016)
13. Shadow Emergency Physicians (SEP 00001-00031)
14. Noel Shaw, D.C. (NSD 00001-00007)
15. St. Rose Stanford Clinic (SRSC 00001-00085, 00089)
16. Nevada Comprehensive Pain Center (NCPC 00001-00237, 00246-00253, 00255-

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- 17. Kindred Rehabilitation (LVHR 00001-00238)
- 18. Procure Medical Center (PCMC 00001-00002, 00005-00067)
- 19. Nevada Ortho & Spine Center (NOSC 00001-00003, 00008-0020)
- 20. American College of Surgeons Expert Witness Affirmation
- 21. American College of Surgeons Statement on the Physician Acting as an Expert Witness
- 22. Kent Shoji, M.D., F.A.C.E.P., report, curriculum vitae, and fee schedule
- 23. Samuel Wilson, M.D.'s curriculum vitae, testimonial history, and reports
- 24. John Janzen, Ph.D., CRC's, curriculum vitae, fee schedule, reports
- 25. Karl Erik Volk, M.A.'s reports, curriculum vitae, fee schedule, testimonial history
- 26. Darrell Moore's Answers to Defendant Jason Lasry's Interrogatories
- 27. Darrell Moore's Answers to Defendant Jason Lasry's Request for Production
- 28. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Interrogatories
- 29. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request for Productions
- 30. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Interrogatories
- 31. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request for Productions
- 32. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Interrogatories

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- 33. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Request for Productions
- 34. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Requests for Admissions
- 35. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Requests for Admissions
- 36. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request for Admissions
- 37. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 2nd Set of Interrogatories
- 38. Darrell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 2nd Set of Interrogatories
- 39. Charlene Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 1st Set of Requests for Admissions
- 40. Darrell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 1st Set of Request for Admissions
- 41. Darrell Moore's Responses to Defendant Fremont Emergency Services' 2nd Set of Request for Production of Documents
- 42. Deposition transcript of Terry Bartmus, APRN, taken on February 26, 2019, with exhibit attached thereto.
- 43. Deposition transcript of Ruth Camack, taken on April 30, 2019, with exhibit attached thereto.
- 44. Deposition transcript of Terrence Clauretie, Ph.D., taken on October 25, 2019, with exhibit attached thereto.

- 1 45. Deposition transcript of David Fish, M.D., taken on October 8, 2019, with exhibit
- 2 attached thereto.
- 3 46. Deposition transcript of Jason Lasry, M.D., taken on February 6, 2019, with
- 4 exhibit attached thereto.
- 5 47. Deposition transcript of Alexander Marmureanu, M.D., taken on October 2, 2019,
- 6 with exhibit attached thereto.
- 7 48. Deposition transcript of Charlene Moore, taken on October 24, 2019, with exhibit
- 8 attached thereto.
- 9 49. Deposition transcript of Christopher Moore, taken on February 5, 2019, with
- 10 exhibit attached thereto.
- 11 50. Deposition transcript of Darrell Moore, taken on August 15, 2018, with exhibit
- 12 attached thereto.
- 13 51. Deposition transcript of R. Scott Jacobs, taken on December 7, 2018, with exhibit
- 14 attached thereto.
- 15 52. Fremont Emergency Services Dignity Call Schedule for December 2016
- 16 (FES DECEMBER SCHEDULE 000001).
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20 **First Supplement**

- 21 **53. Medical records from Steinberg Diagnostic Medical Imaging Center**
- 22 **(SDMIC 00001-00002, SDMIC 00004-00013).**

23 **B. Documents Defendant May Use at Trial**

- 24 1. Billing records from Advanced Prosthetics and Orthotics (APAO 0002-00003).
- 25 2. Billing from Antonio Flores Erazo, M.D. (AMFEM 00001-00006).
- 26 3. Billing from Desert Radiologists (DRIB 00001-00005).
- 27 4. Billing from Radiology Associates of Nevada (RAONCM 00001-00007).
- 28

- 1 5. Billing records from Sang Tran, M.D. (STM 00003-00004).
- 2 6. Billing records from Scott Greaves, M.D. (SGM 00013-00015).
- 3 7. Billing records from Spring Valley Hospital (SVHMCB 00001-00012).
- 4 8. Billing records from John Pinto, M.D. (JFPM 00001-00002).
- 5 9. Billing records from Shadow Emergency Physicians (SEP 00032-00033).
- 6 10. Billing records from St. Rose Stanford Clinic (SRSC 00086-00088).
- 7 11. Billing records from Nevada Comprehensive Pain Center (NCPC 00238-00251;
- 8 00254).
- 9 12. Plaintiff's Photographs (PLF 001574-001575)
- 10 13. Billing Records from St. Rose Hospital, Siena (SDSB 000001-000068)
- 11 14. Billing Records from St. Rose Hospital, San Martin (SRDSMB 0001-0054)
- 12 15. Billing Records from Nevada Ortho & Spine Center (NOSC 00004-00007).
- 13 16. Billing records from Nevada Comprehensive Pain Center (NCPC 00252-
- 14 0000254).

17 **First Supplement**

- 18 **17. Billing records from Steinberg Diagnostic Medical Imaging Center**
- 19 **(SDMIC 00003).**
- 20 **18. Records from Walgreens Pharmacy, previously requested and will be**
- 21 **supplemented upon receipt.**
- 22 **19. Records from Dignity Health Clinic, previously requested and will be**
- 23 **supplemented upon receipt.**
- 24 **20. Radiological imaging from Steinberg Diagnostic Medical Imaging Center,**
- 25 **previously requested and will be supplemented upon receipt.**
- 26 **21. Deposition of Alexander Marmureanu, M.D. taken on October 3, 2017.**
- 27
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1 Defendant reserves the right to utilize any exhibits and/or documents identified and listed
2 by any other party.

3 Defendant further anticipates relying on the pertinent medical records which have been
4 provided by Plaintiff's counsel, and anticipates that such exhibits will be submitted jointly by the
5 parties once counsel has had an opportunity to exchange and review.

6 **III.**

7 **DEFENDANT'S DEMONSTRATIVE EXHIBITS**

8 Defendant will offer at trial, certain Exhibits for demonstrative purposes, including but
9 not limited to, the following:

- 10 1. Actual diagnostic studies and computer digitized diagnostic studies
- 11 2. Samples of tools used in the surgical procedures involved in Plaintiff's care
- 12 3. Diagrams and videos demonstrating the surgical procedures involved
- 13 4. Timeline of events
- 14 5. Computer re-enactments
- 15 6. Models of the human body related to Plaintiff's alleged injuries
- 16 7. Surgical instrumentation

17 **IV.**

18 **OBJECTIONS TO PLAINTIFFS' PRE-TRIAL DISCLOSURES**

19 Defendant has not yet had an opportunity to fully review Plaintiff's exhibits or list of
20 witnesses. As such, Defendant reserves the right to object to any exhibits offered by Plaintiff on
21 substantive or other grounds.

22 Defendant reserves the right to introduce demonstrative exhibits such as enlarged
23 duplicates of medical records and exemplars from medical texts and treatises as needed to
24 educate the jury on various aspects of the medical terminology involved in the case. Defendant
25 reserves

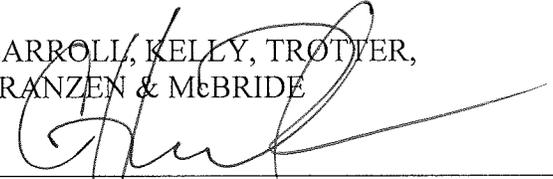
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1 the right to supplement this list as trial strategy evolves. Defendant further reserves the right to
2 use any and all of any other parties' exhibits, including Plaintiff, at the time of trial of this
3 matter.

4 DATED this 2nd day of January, 2020.

CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE


ROBERT C. McBRIDE, ESQ.
Nevada Bar No.: 7082
CHELSEA R. HUETH, ESQ.
Nevada Bar No.: 10904
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113
Attorneys for Defendant
Jason Lasry, M.D.

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1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that on the 2nd day of January, 2020, I served a true and
3 correct copy of the foregoing **DEFENDANT JASON LASRY, M.D.'S 1st SUPPLEMENT TO**
4 **HIS PRETRIAL DISCLOSURE** addressed to the following counsel of record at the following
5 address(es):
6

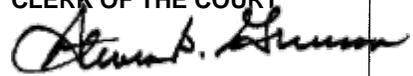
- 7 **VIA ELECTRONIC SERVICE:** By mandatory electronic service (e-service), proof of
8 e-service attached to any copy filed with the Court; or
9 **VIA U.S. MAIL:** By placing a true copy thereof enclosed in a sealed envelope with
10 postage thereon fully prepaid, addressed as indicated on the service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

14 Matthew W. Hoffmann, Esq.
15 ATKINSON WATKINS, & HOFFMANN, LLP
16 10789 W. Twain Avenue, Suite 100
17 Las Vegas, NV 89135

17 - and -
18 Breen Artz, Esq.
19 5545 Mountain Vista, Suite E
20 Las Vegas, NV 89120
21 *Attorneys for Plaintiffs*

22 Keith A. Weaver, Esq.
23 LEWIS BRISBOIS BISGAARD & SMITH LLP
24 6385 S. Rainbow Boulevard, Suite 600
25 Las Vegas, Nevada 89118
26 Attorney for Defendant,
27 *Terry Bartmus, RN, APRN*

28 
An Employee of *CARROLL, KELLY, TROTTER,*
FRANZEN & McBRIDE



1 **PTD**
2 ROBERT C. McBRIDE, ESQ.
3 Nevada Bar No. 7082
4 CHELSEA R. HUETH, ESQ.
5 Nevada Bar No. 10904
6 CARROLL, KELLY, TROTTER,
7 FRANZEN & McBRIDE
8 8329 W. Sunset Road, Suite 260
9 Las Vegas, Nevada 89113
10 Telephone No. (702) 792-5855
11 Facsimile No. (702) 796-5855
12 E-mail: rcmcbride@ctfmlaw.com
13 E-mail: crhueth@ctfmlaw.com
14 Attorneys for Defendant
15 *Jason Lasry, M.D.*

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

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

14 Plaintiffs,

15 v.

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

20 Defendant.

CASE NO.: A-17-766426-C

DEPT: XXV

**DEFENDANT JASON LASRY, M.D.'S 2nd
SUPPLEMENT TO HIS PRETRIAL
DISCLOSURES**

21 COMES NOW, Defendant, JASON LASRY, M.D., by and through his counsel of record,
22 ROBERT C. McBRIDE, ESQ. and CHELSEA R. HUETH, ESQ. of the law firm of CARROLL,
23 KELLY, TROTTER, FRANZEN & McBRIDE, and hereby submits his Supplement to his
24 Pretrial Disclosures pursuant to NRCP 16.1(a)(3) as follows. **Supplement indicated in bold.**

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I.

LIST OF WITNESSES

A. Witnesses Defendant Anticipates Calling at Trial

1. Jason Lasry, M.D., Defendant
c/o Robert C. McBride, Esq.
Chelsea R. Hueth, Esq.
CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
(702) 792-5855
2. Darrell L. Moore, Plaintiff
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
3. Charlene A. Moore, Plaintiff
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
4. Terry Bartmus, RN, APRN
c/o Keith A. Weaver, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
5. R. Scott Jacobs M.D., FAAEM
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
6. Irwin Simon, M.D.
2450 W. Horizon Ridge Pkwy, Ste. 100
Henderson, Nevada 89052
(702) 341-7608
7. Robert Wiencek, M.D.
7190 S. Cimarron Road
Las Vegas, Nevada 89113
(702) 490-9954

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- 8. Noel L. Shaw, D.C.
1101 North Wilmot Road, Suite 229
Tucson, Arizona 85712
(520) 721-9331

- 9. Sang Tran, M.D.
6870 S. Rainbow Blvd., Suite 106
Las Vegas, Nevada 89118
(702) 396-6000

- 10. Patrick Frank, M.D.
3001 St. Rose Parkway
Henderson, Nevada 89052
(702) 651-5000

- 11. John Oh, M.D.
Radiology Associates
5495 S. Rainbow Blvd., Suite 203
Las Vegas, Nevada 89118
(702) 7077-9706

- 12. Stephen A. Gephardt, M.D.
7220 S. Cimarron Road, Suite 270
Las Vegas, Nevada 89113
(702) 912-4100

- 13. Colin Rock, M.D.
Nevada Comprehensive Pain Center
1569 E. Flamingo Road
Las Vegas, Nevada 89119
(702) 476-9999

- 14. John Henner, D.O.
8670 W. Cheyenne Ave.
Las Vegas, Nevada 89129
(702) 576-9608

- 15. Charles McPherson, M.D.
3121 S. Maryland Parkway, Suite 502
Las Vegas, Nevada 89109
(208) 415-5795

- 16. Salvador Borromeo III, M.D.
3009 W. Charleston Blvd.
Las Vegas, Nevada 89102
(702) 589-2750

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- 17. Karyn Harries, M.D.
5320 S. Rainbow Blvd., Suite 150
Las Vegas, Nevada 89118
(702) 944-7105

- 18. Nauman Tahir, M.D.
500 S. Rancho Drive, Suite 12
Las Vegas, Nevada 89106
(702) 877-1887

- 19. Ida Washington, M.D.
1000 S. Rainbow Blvd.
Las Vegas, Nevada 89145
(702) 259-0088

- 20. Jeffrey Germain, R.N.
Address unknown

- 21. Ameer Kuchinsky, R.N.
Address unknown

- 22. Lauren Eastham, R.N.
Address unknown

- 23. Danny Eisenberg, M.D.
9 Hawk Ridge Drive
Las Vegas NV 89135

- 24. Alexander R. Marmureanu, M.D.
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135

- 25. David Fish, M.D.
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135

- 26. Terrence Clauretie, Ph.D.
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135

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- 27. Christopher Owen Moore
c/o Matthew W. Hoffmann, Esq.
Atkinson Watkins & Hoffmann, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135

- 28. Holman Chan, M.D.
1505 Wigwam Parkway, Suite 340
Henderson, NV 89074
(702) 260-0467

- 29. Kent Shoji, M.D., F.A.C.E.P.
c/o Robert C. McBride, Esq.
Chelsea R. Hueth, Esq.
CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
(702) 792-5855

- 30. Samuel Wilson, M.D.
c/o Robert C. McBride, Esq.
Chelsea R. Hueth, Esq.
CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
(702) 792-5855

- 31. John Janzen, Ed.D., CRC
c/o Robert C. McBride, Esq.
Chelsea R. Hueth, Esq.
CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
8329 W. Sunset Road, Suite 260
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- 32. Karl Erik Volk, M.A.
c/o Robert C. McBride, Esq.
Chelsea R. Hueth, Esq.
CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
8329 W. Sunset Road, Suite 260
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(702) 792-5855

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First Supplement

33. David Barcay, M.D.
c/o Keith A. Weaver, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118

B. Witnesses Defendant May Call at Trial

1. Logan Sondrup, M.D.
8280 W. Warm Springs Road
Las Vegas, Nevada 89113
(702) 492-8000
2. Person(s) Most Knowledgeable and/or Custodian of Records at
Dignity Health d/b/a St. Rose Dominican Hospital – San Martin Campus
c/o Michael Prangle, Esq.
HALL PRANGLE & SCHOONVELD, LLC
1140 North Town Center Drive, Ste. 350
Las Vegas, Nevada 89144
3. Person(s) Most Knowledgeable and/or Custodian of Records at
Fremont Emergency Services, (Mandavia) Ltd.
c/o Keith A. Weaver, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
4. Antonio Flores Erazo, M.D.
7674 W. Lake Mead Blvd., Suite 215
Las Vegas, Nevada 89128
5. James Hayes, M.D.
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Henderson, Nevada 89052
(702) 651-5000
6. Scott Greaves, M.D.
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Paso Robles, California 93446
(805) 434-2900
7. Johnathan Riegler, M.D.
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Templeton, California 93465
(805) 226-4106

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8. John Pinto, M.D.
1701 N. Green Valley Parkway
Henderson, Nevada 89074
(702) 734-2292
9. Person(s) Most Knowledgeable and/or Custodian of Records at
Advanced Prosthetics and Orthotics
7455 W. Washington St., Suite 215
Las Vegas, Nevada 89128
10. Person(s) Most Knowledgeable and/or Custodian of Records at
Desert Radiologists
3930 S. Eastern Avenue
Las Vegas, Nevada 89119
11. Person(s) Most Knowledgeable and/or Custodian of Records at
Irwin Simon, M.D.
2450 W. Horizon Ridge Parkway, Suite 101
Henderson, Nevada 89052
12. Person(s) Most Knowledgeable and/or Custodian of Records at
Jonathan Riegler, M.D.
1255 Las Tables Road, Suite 201
Templeton, California 93465
13. Person(s) Most Knowledgeable and/or Custodian of Records at
Antonio Flores Erazo, M.D.
7674 W. Lake Mead Blvd., Suite 215
Las Vegas, Nevada 89128
14. Person(s) Most Knowledgeable and/or Custodian of Records at
Procure Medical Group
6870 S. Rainbow Blvd., Suite 106
Las Vegas, Nevada 89118
15. Person(s) Most Knowledgeable and/or Custodian of Records at
Los Tables Medical Group
2120 Golden Hill Road, Suite 102
Paso Robles, California 93446
16. Person(s) Most Knowledgeable and/or Custodian of Records at
Spring Valley Hospital
5400 S. Rainbow Blvd.
Las Vegas, Nevada 89118

- 1 17. Person(s) Most Knowledgeable and/or Custodian of Records at
2 Armour Christensen, Chtd
3 2450 W. Horizon Ridge Parkway, Suite 100
4 Henderson, Nevada 89052
5 (702) 735-2305
- 6 18. Person(s) Most Knowledgeable and/or Custodian of Records at
7 Paul Wiesner and Associates d/b/a Radiology Associates
8 2400 S. Cimarron Road, Suite 100
9 Las Vegas, Nevada 89117
10 (702) 477-0772

11 First Supplement

- 12 19. Christopher Mercado, M.D.
13 8205 W Warm Springs Rd., Ste. 210
14 Las Vegas, Nevada 89113
15 (702) 616-7660
- 16 20. Jody Cearlock, M.D.
17 2850 S. Maryland Pkwy.
18 Las Vegas, Nevada 89109
19 (702) 732-6000
- 20 21. Person(s) Most Knowledgeable and/or Custodian of Records at
21 Steinberg Diagnostic Medical Imaging Center
22 2950 S. Maryland Parkway
23 Las Vegas, Nevada 89109
24 (702) 732-6000
- 25 22. Person(s) Most Knowledgeable and/or Custodian of Records at
26 Radiology Associates
27 5495 S. Rainbow Blvd., Suite 203
28 Las Vegas, Nevada 89118
(702) 707-9706
- 29 23. Person(s) Most Knowledgeable and/or Custodian of Records at
30 Shadow Emergency Physicians
31 620 Shadow Lane
32 Las Vegas, Nevada 89106
33 (800) 355-2470
- 34 24. Oscar Rago, M.D.
35 DMS-EMCARE
36 500 N Rainbow Blvd., Ste. 203
37 Las Vegas, Nevada 89107
38 (702) 259-1228

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- 25. Irfana Razzaq, M.D.
6273 Narrow Isthmus Ave.
Las Vegas, Nevada 89139-6410
(702) 243-8767

- 26. Shannon Berry, M.D.
295 Posada Lane
Templeton, California 93465
(802) 494-9900

- 27. C. Edward Yee, M.D.
2980 S. Jones Blvd., Ste. A
Las Vegas, Nevada 89146
(702) 362-3937

- 28. Mark Barney, M.D.
2820 W. Washington Blvd., Ste. 33
Las Vegas, Nevada 89102
(702) 8880-1558

- 29. Person(s) Most Knowledgeable and/or Custodian of Records at
OptumCare Cancer Care
6190 S. Fort Apache Road
Las Vegas, Nevada 89179
(702) 724-8787

- 30. Charina Toste, APRN
OptumCare Cancer Care
6190 S. Fort Apache Road
Las Vegas, Nevada 89179
(702) 724-8787

- 31. Person(s) Most Knowledgeable and/or Custodian of Records at
Nevada Orthopedic and Spine Center
7455 W. Washington, Ste. 160
Las Vegas, Nevada 89128
(702) 258-3773

- 32. Person(s) Most Knowledgeable and/or Custodian of Records at
Kindred Transitional Care and Rehabilitation
5650 S. Rainbow Blvd.
Las Vegas, Nevada 89118
(702) 470-1102

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33. Ashok Gupta, M.D.
Desert Radiology
2020 Palomino Lane, #100
Las Vegas, Nevada 89106
(702) 759-8600

C. Witnesses Who Have Been Subpoenaed

None at this time.

D. Witnesses Whose Testimony May Be Presented by Deposition

None at this time.

Defendant reserves the right to call any and all treating, examining and consulting physicians of the plaintiff regarding treatment and observations of the injuries alleged as a result of this incident.

Defendant reserves the right to call any witnesses and expert witnesses named by any other party of this case.

Defendant reserves the right to call any witnesses as may be necessary for the purpose of rebuttal or impeachment.

Defendant reserves the right to call any and all other witnesses who may be disclosed by any party.

II.

LIST OF DOCUMENTS

A. Documents Defendant Anticipates Using at Trial

- 1. Spring Valley Hospital (SVHMCMR 00001-00260)
- 2. St. Rose Hospital, San Martin Campus (SRDSMMR 000001-002865)
- 3. St. Rose Hospital, Siena Campus (SRDSMR 0001-0771)
- 4. Radiological imaging from Spring Valley Hospital
 - 02/05/17 TTE w/ Doppler
 - 02/05/17 U/S LE Venous Duplex Bilateral
 - 02/04/17 CT Angio Chest w/w/out Contras

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- 02/04/17 XR Chest
- 5. Radiological imaging from Desert Radiologists
 - 03/27/15 CT LS SP w/out Contrast
 - 03/27/15 CT Cervical Spine w/out Contrast
 - 02/07/15 XR Ankle Complete, Bilateral
- 6. Radiological imaging from St. Rose Hospital
 - 01/04/17 U/S Ext Lt Ext Venous Doppler
 - 01/04/17 U/S Ext Bil Venous Doppler
 - 01/03/17 XR Chest 1 View
 - 12/30/16 U/S Ext Non Vasc Comp. Rt
 - 12/29/16 IR Thrombolysis Art/Vein Sub. Day
 - 12/28/16 IR Angio Ext Lt
 - 12/28/16 U/S Lowe Ext Art Duplex Lt
 - 12/25/16 U/S Ext Venous Duplex Lt
 - 06/28/15 Fluoroscopy of Lower Extremity
 - 06/27/15 XR Chest
 - 06/27/15 U/S Lower Ext Art Duplex Lt
 - 06/27/15 U/S Ext Venous Duplex Lt
 - 06/27/15 Fluoroscopy of Lower Extremity
 - 12/13/14 Fluoroscopy of Lower Extremity
 - 12/12/14 Fluoroscopy of Lower Extremity
 - 12/11/14 U/S Lower Ext Art Duplex It
 - 12/11/14 U/S Ext Venous Duplex Lt
 - 12/11/14 Fluoroscopy of Lower Extremity
- 7. Advanced Prosthetics and Orthotics (APAP 00001, 00004-00020)
- 8. Desert Radiologists (DRI 00001-00017)
- 9. Irwin Simon, M.D. (ISMD 0001-0042)
- 10. Jonathan Riegler, M.D. (JRM 00001-00003)
- 11. Sang Tran, M.D. (STM 00001-00002, 00005-00028)
- 12. Scott Greaves, M.D. (SGM 00001-00012, 00016)
- 13. Shadow Emergency Physicians (SEP 00001-00031)
- 14. Noel Shaw, D.C. (NSD 00001-00007)
- 15. St. Rose Stanford Clinic (SRSC 00001-00085, 00089)
- 16. Nevada Comprehensive Pain Center (NCPC 00001-00237, 00246-00253, 00255-

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- 17. Kindred Rehabilitation (LVHR 00001-00238)
- 18. Procure Medical Center (PCMC 00001-00002, 00005-00067)
- 19. Nevada Ortho & Spine Center (NOSC 00001-00003, 00008-0020)
- 20. American College of Surgeons Expert Witness Affirmation
- 21. American College of Surgeons Statement on the Physician Acting as an Expert Witness
- 22. Kent Shoji, M.D., F.A.C.E.P., report, curriculum vitae, and fee schedule
- 23. Samuel Wilson, M.D.'s curriculum vitae, testimonial history, and reports
- 24. John Janzen, Ph.D., CRC's, curriculum vitae, fee schedule, reports
- 25. Karl Erik Volk, M.A.'s reports, curriculum vitae, fee schedule, testimonial history
- 26. Darrell Moore's Answers to Defendant Jason Lasry's Interrogatories
- 27. Darrell Moore's Answers to Defendant Jason Lasry's Request for Production
- 28. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Interrogatories
- 29. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request for Productions
- 30. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Interrogatories
- 31. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request for Productions
- 32. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Interrogatories
- 33. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Request

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- for Productions
- 34. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Requests for Admissions
- 35. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Requests for Admissions
- 36. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request for Admissions
- 37. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 2nd Set of Interrogatories
- 38. Darrell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 2nd Set of Interrogatories
- 39. Charlene Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 1st Set of Requests for Admissions
- 40. Darrell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 1st Set of Request for Admissions
- 41. Darrell Moore's Responses to Defendant Fremont Emergency Services' 2nd Set of Request for Production of Documents
- 42. Deposition transcript of Terry Bartmus, APRN, taken on February 26, 2019, with exhibit attached thereto.
- 43. Deposition transcript of Ruth Camack, taken on April 30, 2019, with exhibit attached thereto.
- 44. Deposition transcript of Terrence Clauretje, Ph.D., taken on October 25, 2019, with exhibit attached thereto.
- 45. Deposition transcript of David Fish, M.D., taken on October 8, 2019, with exhibit

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- attached thereto.
- 46. Deposition transcript of Jason Lasry, M.D., taken on February 6, 2019, with exhibit attached thereto.
- 47. Deposition transcript of Alexander Marmureanu, M.D., taken on October 2, 2019, with exhibit attached thereto.
- 48. Deposition transcript of Charlene Moore, taken on October 24, 2019, with exhibit attached thereto.
- 49. Deposition transcript of Christopher Moore, taken on February 5, 2019, with exhibit attached thereto.
- 50. Deposition transcript of Darrell Moore, taken on August 15, 2018, with exhibit attached thereto.
- 51. Deposition transcript of R. Scott Jacobs, taken on December 7, 2018, with exhibit attached thereto.
- 52. Fremont Emergency Services Dignity Call Schedule for December 2016 (FES DECEMBER SCHEDULE 000001).

First Supplement

- 53. Medical records from Steinberg Diagnostic Medical Imaging Center (SDMIC 00001-00002, SDMIC 00004-00013).

Second Supplement

- 54. Medical records from Dignity Health Clinic (DHC 00001-00139).
- 55. Radiological imaging from Steinberg Diagnostic (CTA Abd. w/ runoff).

B. Documents Defendant May Use at Trial

- 1. Billing records from Advanced Prosthetics and Orthotics (APAO 0002-00003).
- 2. Billing from Antonio Flores Erazo, M.D. (AMFEM 00001-00006).

- 1 3. Billing from Desert Radiologists (DRIB 00001-00005).
- 2 4. Billing from Radiology Associates of Nevada (RAONCM 00001-00007).
- 3 5. Billing records from Sang Tran, M.D. (STM 00003-00004).
- 4 6. Billing records from Scott Greaves, M.D. (SGM 00013-00015).
- 5 7. Billing records from Spring Valley Hospital (SVHM CB 00001-00012).
- 6 8. Billing records from John Pinto, M.D. (JFPM 00001-00002).
- 7 9. Billing records from Shadow Emergency Physicians (SEP 00032-00033).
- 8 10. Billing records from St. Rose Stanford Clinic (SRSC 00086-00088).
- 9 11. Billing records from Nevada Comprehensive Pain Center (NCPC 00238-00251;
- 10 00254).
- 11 12. Plaintiff's Photographs (PLF 001574-001575)
- 12 13. Billing Records from St. Rose Hospital, Siena (SDSB 000001-000068)
- 13 14. Billing Records from St. Rose Hospital, San Martin (SRDSMB 0001-0054)
- 14 15. Billing Records from Nevada Ortho & Spine Center (NOSC 00004-00007).
- 15 16. Billing records from Nevada Comprehensive Pain Center (NCPC 00252-0000254).

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18 First Supplement

- 19 17. Billing records from Steinberg Diagnostic Medical Imaging Center
- 20 (SDMIC 00003).
- 21 18. Records from Walgreens Pharmacy, previously requested and will be supplemented
- 22 upon receipt.
- 23 19. Records from Dignity Health Clinic, previously requested and will be
- 24 supplemented upon receipt.
- 25 20. Radiological imaging from Steinberg Diagnostic Medical Imaging Center,
- 26 previously requested and will be supplemented upon receipt.
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21. Deposition of Alexander Marmureanu, M.D. taken on October 3, 2017.

Defendant reserves the right to utilize any exhibits and/or documents identified and listed by any other party.

Defendant further anticipates relying on the pertinent medical records which have been provided by Plaintiff's counsel, and anticipates that such exhibits will be submitted jointly by the parties once counsel has had an opportunity to exchange and review.

III.

DEFENDANT'S DEMONSTRATIVE EXHIBITS

Defendant will offer at trial, certain Exhibits for demonstrative purposes, including but not limited to, the following:

- 1. Actual diagnostic studies and computer digitized diagnostic studies
- 2. Samples of tools used in the surgical procedures involved in Plaintiff's care
- 3. Diagrams and videos demonstrating the surgical procedures involved
- 4. Timeline of events
- 5. Computer re-enactments
- 6. Models of the human body related to Plaintiff's alleged injuries
- 7. Surgical instrumentation

IV.

OBJECTIONS TO PLAINTIFFS' PRE-TRIAL DISCLOSURES

Defendant has not yet had an opportunity to fully review Plaintiff's exhibits or list of witnesses. As such, Defendant reserves the right to object to any exhibits offered by Plaintiff on substantive or other grounds.

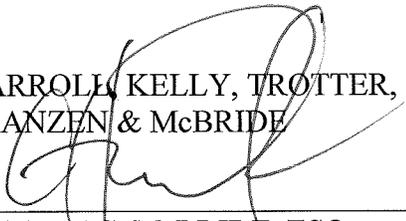
Defendant reserves the right to introduce demonstrative exhibits such as enlarged duplicates of medical records and exemplars from medical texts and treatises as needed to educate the jury on various aspects of the medical terminology involved in the case. Defendant reserves

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1 the right to supplement this list as trial strategy evolves. Defendant further reserves the right to
2 use any and all of any other parties' exhibits, including Plaintiff, at the time of trial of this matter.

3
4 DATED this 9th day of January, 2020.

CARROLL KELLY, TROTTER,
FRANZEN & McBRIDE



ROBERT C. McBRIDE, ESQ.
Nevada Bar No.: 7082
CHELSEA R. HUETH, ESQ.
Nevada Bar No.: 10904
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113
Attorneys for Defendant
Jason Lasry, M.D.

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1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 9th day of January, 2020, I served a true and correct
3 copy of the foregoing **DEFENDANT JASON LASRY, M.D.'S 2nd SUPPLEMENT TO HIS**
4 **PRETRIAL DISCLOSURE** addressed to the following counsel of record at the following
5 address(es):

- 6
- 7 **VIA ELECTRONIC SERVICE:** By mandatory electronic service (e-service), proof of e-
8 service attached to any copy filed with the Court; or
- 9 **VIA U.S. MAIL:** By placing a true copy thereof enclosed in a sealed envelope with
10 postage thereon fully prepaid, addressed as indicated on the service list below in the United
11 States mail at Las Vegas, Nevada
- 12 **VIA FACSIMILE:** By causing a true copy thereof to be telecopied to the number
13 indicated on the service list below.

14 Matthew W. Hoffmann, Esq.
15 ATKINSON WATKINS, & HOFFMANN, LLP
16 10789 W. Twain Avenue, Suite 100
17 Las Vegas, NV 89135

18 - and -
19 Breen Artz, Esq.
20 5545 Mountain Vista, Suite E
21 Las Vegas, NV 89120
22 *Attorneys for Plaintiffs*

23 Keith A. Weaver, Esq.
24 LEWIS BRISBOIS BISGAARD & SMITH LLP
25 6385 S. Rainbow Boulevard, Suite 600
26 Las Vegas, Nevada 89118
27 Attorney for Defendant,
28 *Terry Bartmus, RN, APRN*


An Employee of CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE