**IN THE SUPREME COURT OF THE STATE OF NEVADA**

VALLEY HEALTH SYSTEM, LLC, D/B/A CENTENNIAL HILLS HOSPITAL MEDICAL CENTER, A FOREIGN LIMITED LIABILITY COMPANY; DR. DIONICE S. JULIANO, M.D., AN INDIVIDUAL; DR. CONRADO C.D. CONCIO, M.D., AN INDIVIDUAL; AND DR. VISHAL S. SHAH, M.D., AN INDIVIDUAL,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE JERRY W. WIESE, DISTRICT JUDGE,

Respondents,

and

ESTATE OF REBECCA POWELL THROUGH BRIAN POWELL, AS SPECIAL ADMINISTRATOR; DARCI CREECY, INDIVIDUALLY AND AS HEIR; TARYN CREECY, INDIVIDUALLY AND AS HEIR; ISAIAH KHOSROF, INDIVIDUALLY AND AS HEIR; LLOYD CREECY, INDIVIDUALLY,

Real Parties in Interest.

Supreme Court No. 82250



# PETITION FOR *EN BANC* RECONSIDERATION

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## I.

## ISSUE PRESENTED

Whether "inquiry notice" in a medical malpractice case can be imputed from one party to another party-in-interest even where there is no evidence that the party to whom notice is being imputed had actual or constructive notice of what the first party is alleged to have known.

## II.

## INTRODUCTION

Real Parties in Interest, Lloyd Creecy, Darci Creecy, Taryn Creecy and Isaiah Khosrof (collectively "the Creecy Plaintiffs"),[1] seek *en banc* reconsideration pursuant to Nevada Rule of Appellate Procedure ("NRAP") 40A from the Panel's October 18, 2021 Order issuing a Writ of Mandamus directing the Eighth Judicial District Court (the Honorable Jerry A. Wiese) to vacate its order denying Petitioner's motion for summary judgment and directing the entry of summary judgment in favor of Petitioners. *See* **Exhibit A** (Court's Order filed October 18, 2021). The Panel denied rehearing on November 15, 2021. **Exhibit B**.

[1] The Estate of Rebecca Powell is not a party to this Petition. Brian Powell was not an individual plaintiff in the proceedings below except that he served as the Special Administrator of the Estate. Darci, Taryn and Isaiah Khosrof are the children of Rebecca Powell. Brian Powell is not their father. Lloyd Creecy is the father of Rebecca Powell.

In these appellate proceedings, the Petitioners' argued that the district court erred in denying them summary judgment and by failing to dismiss the Real Parties in Interest's lawsuit based upon statute of limitations grounds. While Petitioners advanced various arguments in support of their position, the Panel granted Petitioners' Writ of Mandamus by focusing in on, and accepting, the argument that Brian Powell's complaint to the State Board of Nursing constituted "inquiry notice" thereby triggering the one-year limitation period made applicable to medical malpractice claims by Nevada Revised Statute ("NRS") 41A.097. However, instead of limiting this finding to simply the Estate of which Brian Powell was the Special Administrator, the Panel went one step further and imputed his inquiry notice to the Creecy Plaintiffs; something that even Petitioners themselves did not explicitly argue in favor of.

Indeed, in granting Petitioners' Writ of Mandamus, the Panel based the entirety of its decision upon the conclusion that "irrefutable evidence demonstrates that the real parties in interest were on inquiry notice by June 11, 2017 at the latest, when real party in interest Brian Powell, special administrator for the estate, filed a complaint with the State Board of Nursing." *See* Exhibit 1, p. 3-4. From this conclusion, the Panel exceeded the supporting facts of this case and foreclosed the Creecy Plaintiffs' claims by imputing Brian Powell's "inquiry notice" to them. This was improper because it is axiomatic that the Creecy Plaintiffs are separate and

distinct claimants for purposes of NRS 41.085 (distinguishing between heirs and the personal representative of an estate – each entitled to separate, distinct and unique causes of action under the plain language of the statute).

Based upon the NRAP 40A standards, the Creecy Plaintiffs respectfully request this Court reconsider this matter with respect to their claims. The Panel overlooked and/or misapprehended a key and crucial fact, namely that there is no evidence of any kind, let alone any "irrefutable" record evidence,[2] that the Creecy Plaintiffs knew, either actually or constructively, what Brian Powell is alleged to have known on June 11, 2017 (the complaint to the State Board of Nursing does not even mention the Creecy Plaintiffs let alone indicate they were copied on that correspondence – nor have Petitioners alleged as much).

Additionally, through its ruling, the Panel has created a new legal standard in cases of this kind that would impute the inquiry notice of a non-party Special Administrator to all other plaintiffs irrespective of any proof demonstrating a special relationship between them or that the parties to whom notice is being imputed had actual or constructive notice of purported negligence.

Respectfully, the Panel's decision is not supported by any legal precedent and would establish a standard that implicates a substantial public policy question,

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[2] Nor has any been provided by Petitioners.

namely whether inquiry notice can be imputed from one party to another in the absence of any evidence of either constructive or actual knowledge by the party to whom knowledge is being imputed. In light of this, reconsideration is appropriate to avoid a manifest injustice in this case. The Creecy Plaintiffs respectfully request the Court reconsider the Panel's October 18, 2021 Order granting the Writ of Mandamus as it pertains to their individual claims as statutory heirs of Rebecca Powell.[3]

## III.

## LEGAL ARGUMENT

### A. STANDARD FOR *EN BANC* RECONSIDERATION

Under NRAP 40A(a), this Court may reconsider a panel decision when either (1) "reconsideration by the full court is necessary to secure or maintain uniformity of decisions of the Supreme Court or Court of Appeals" or (2) "the proceeding involves a substantial precedential, constitutional or public policy issue."

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[3] The Panel's decision with respect to the Estate is not being challenged herein.

### B. THE PANEL OVERLOOKED AND/OR MISAPPREHENDED THAT THERE IS NO RECORD EVIDENCE SUPPORTING THE CONCLUSION THAT THE CREECY PLAINTIFFS WERE ON INQUIRY NOTICE ON THE SAME DAY AS BRIAN POWELL OR, FOR THAT MATTER, ANY TIME THEREAFTER

The Panel, while acknowledging that "the accrual date for NRS 41A.097(2)'s one-year period is generally a question for the trier of fact,"[4] erroneously concludes in this case that "irrefutable evidence demonstrates that the real parties in interest were on inquiry notice by June 11, 2017 at the latest, when real party in interest Brian Powell, special administrator for the estate, filed a complaint with the State Board of Nursing." Exhibit 1, pp. 3-4.

Respectfully, there is no "irrefutable" record evidence, let alone any evidence, to support this conclusion that the Creecy Plaintiffs knew what Brian Powell is alleged to have known on June 11, 2017. Petitioners themselves have not directly made this argument, submitted any testimony supporting this finding or cited to any other documentary evidence that would establish the "irrefutable evidence" referenced by the Panel. Instead, the sole evidence relied upon by the Panel to grant the Writ of Mandamus, namely Brian Powell's complaint to the State Board of Nursing, is devoid of any reference to the Creecy Plaintiffs and is signed only by

[4] Exhibit 1, p. 3.

Brian Powell acting alone. *See* II PA 325-326.[5] To characterize this evidence as "irrefutable" in the absence of any record evidence demonstrating that the Creecy Plaintiffs joined in the complaint or even had knowledge of its contents is simply erroneous and is not based upon any facts in the record.[6] The Panel itself described the complaint to the Nursing Board as "Brian alleged" or "Brian's own allegations" thereby demonstrating that it was only his complaint and not that of the Creecy Plaintiffs. Similarly, the other complaint by Brian Powell referenced in footnote 3 of the Panel's October 18, 2021 Order was filed solely by him, a fact acknowledged by the Panel.

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[5] "___ PA ___" refers to the volume and page numbers of Petitioner's Appendix filed on December 22, 2020.

[6] Petitioners have argued that "Plaintiffs' own documents demonstrate they possessed that very notice as late of June 11, 2017, but other documents show they knew as early as either Ms. Powell's date of death on May 11, 2017 or on May 23, 2017 when the State acknowledged their complaint of patient neglect." *See* Petition p. 23. Petitioners use of "they" is not supported by any facts in the record. Both the complaint to the Nursing Board (II PA 325-326) and the letter from the State of Nevada Department of Health and Human Services (II PA 327), including its subsequent findings (II PA 186-198) are addressed and pertain only to Brian Powell. The Creecy Plaintiffs are not even referenced in any of those communications. The Panel erred by accepting, wholesale, Petitioners' representation implying the Creecy Plaintiffs had knowledge of any of these communications. Cursory review of the documents cited in the Court's Order of October 18, 2021 demonstrates this is clearly erroneous.

Given that there is no record evidence whatsoever demonstrating that the Creecy Plaintiffs were aware of the complaints to the Nursing Board or to the State's Department of Health and Human Services, it was simply erroneous to impute Brian Powell's notice to them and thereby bar them from pursuing their individual and separate claims. Brian Powell, as the Court can take note, is a resident of Nevada while Lloyd, Taryn, Darci and Isaiah are residents of Ohio and Massachusetts. See II PA 201. Each of the Real Parties in Interest is an individual plaintiff separate and apart from the Estate. II PA 199-219.

In the proceedings below, the district judge correctly concluded based upon these facts that he could not "find that such evidence is irrefutable" and that "there remains a genuine issues of material fact as to when the Plaintiffs [Creecy Plaintiffs] were actually put on inquiry notice." *See* III PA 359 (lines 7-8). He further concluded that these issues were "appropriate for determination by the trier of fact." Id. Notably, Petitioners did not submit any testimonial or documentary evidence demonstrating that Brian Powell imparted what he is alleged to have known to the Creecy Plaintiffs or that they were even aware of his communications with the Nursing Board or the State Department of Health and Human Services. Nor is any such alleged "irrefutable evidence" identified in the Panel's October 18, 2021 Order.

Simply put, there are genuine issues of material fact regarding what the Creecy Plaintiffs knew and when they knew it. Petitioners have succeeded in

improperly conflating the inquiry notice attributable to Brian Powell to the Creecy Plaintiffs by suggesting that they had knowledge of the Nursing Board complaint. This is not only untrue, but there is no actual evidence to support this suggestion which the Panel disappointingly accepted as "fact." Were this matter to be remanded for further discovery or an evidentiary hearing, the allegations in the Complaint would be corroborated including the fact that the Creecy Plaintiffs did not even live in the same state as Brian Powell during the time period relevant to the litigation or communicate with him. Indeed, discovery or a hearing would reveal that the Creecy Plaintiffs had limited communications with Brian Powell and that, although he was married to Rebecca Powell, he was not the biological father of Darci, Taryn or Isaiah. Further, even though Brian and Rebecca Powell divorced well before she was admitted to the hospital, further discovery or a hearing would reveal they remained on good terms and that his (Brian Powell) complaints to state agencies were motivated by his prior relationship and concern for his former wife whom he considered a friend. These are all issues that need resolution before any conclusion can be reached regarding what the Creecy Plaintiffs knew for purposes of inquiry notice.

The Court should reconsider the Panel's October 18, 2021 Order and limit the ruling to simply the Estate. It should reconsider the Order's application as it pertains to the rights of the Creecy Plaintiffs. The factual assumptions forming the basis for

imputing Brian Powell's notice and knowledge are simply not supported by the evidentiary record before this Court.

### C. THERE IS NO LEGAL PRECEDENT OR LEGITIMATE POLICY REASONS THAT SUPPORT THE IMPUTATION OF NOTICE FROM ONE PARTY TO ANOTHER PARTY IN A MEDICAL NEGLIGENCE CASE OF THIS KIND

Under NRS 41A.097(2), an action seeking recovery for injury or death caused by a provider of healthcare cannot be commenced more than 1 year after the plaintiff discovers, or through the use of reasonable diligence should have discovered, the injury. The plain language of the law makes no accommodation for inquiry notice being transferred from one plaintiff to another except in situations where there may be a special relationship such as that between a parent, guardian or legal custodian and a child. *See* NRS 41A.097(4). Notably, none of those factors exist in this case. Thus, in rendering its ruling and imputing Brian Powell's inquiry notice and purported knowledge to the Creecy Plaintiffs (all of whom were adults – *see* II PA 201) the Panel created a new legal standard that did not otherwise exist under Nevada law prior to this case. Presumably, this is why Petitioners were eager to have this Court publish the Panel's decision.

Counsel for the Creecy Plaintiffs have attempted to find, but have been unable to locate, any case authority in Nevada for the proposition that, in the absence of a special relationship or evidence of knowledge, one plaintiff's inquiry notice is

automatically imputed to another plaintiff in a medical malpractice case. To permit such a result would be to countenance a regrettable and ill-advised policy in which the loved ones of medical malpractice victims are punished because someone else (e.g. a friend) who subsequently becomes the Special Administrator for the Estate asked questions somewhere along the way.

Given the complete absence of any evidence in this case establishing that the Creecy Plaintiffs were aware of Brian Powell's communications with the Nursing Board and State's Department of Health and Human Services, imputation of inquiry notice from Brian Powell to the Creecy Plaintiffs is simply improper, indeed even unjust. Under such a policy, an unsuspecting claimant could be foreclosed from pursuing justice because someone else (e.g. a friend), completely unbeknownst to the claimant, raised questions pertaining to medical care of a decedent/victim in a medical malpractice case. Not only is this not the law in Nevada, to make it such would be terrible policy. As recognized in another jurisdiction (Florida), knowledge of an injury and that there is a reasonable possibility that the injury was caused by medical malpractice as to trigger the statute of limitations for a civil action may not be imputed to an adult who has no ability to be consciously aware of such injury. *See* Barrier v. JFK Medical Center Ltd. Partnership, 169 So.3d 185 (2015). While the facts of the Barrier case involved an incapacitated and medically unconscious

person, the issue of transferring inquiry notice to a claimant lacking awareness or knowledge has significance and direct relevance in this matter.

There is nothing in the plain language of NRS 41A.097 that permits imputation of inquiry notice between one party and another in the absence of a special relationship or evidence that the party to whom notice is being imputed was aware of the possible medical malpractice. The Panel's ruling creates a new and harsh standard that should concern the Court and cause it to reconsider the October 18, 2021 Order.

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## IV.

## CONCLUSION

For the reasons set forth herein, the Court should rehear the Panel Order that is the subject of this Petition. While the Real Parties in Interest are not seeking to have the Court alter its ruling with respect to the Estate, the Creecy Plaintiffs are respectfully requesting the Court rehear its decision and remand to permit their claims to proceed. The Panel made a mistake as to a key fact in this case. The Court should rectify that mistake by granting this Petition.

DATED this 17th day of December 2021.

PAUL PADDA LAW, PLLC

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Attorneys for Real Parties in Interest

## CERTIFICATE OF COMPLIANCE

1. I hereby certify that this petition complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Times New Roman font.

2. I further certify that this petition complies with the page- or type-volume limitations of NRAP 40 or 40A because, it is either:

☒ proportionally spaced, has a typeface of 14 points or more and contains 2,814 words; and/or

☐ does not exceed ___ pages.

DATED this 17th day of December 2021.

PAUL PADDA LAW, PLLC

By /s/ Paul S. Padda
Paul S. Padda, Esq.
Nevada Bar No. 10417
*Attorney for Real Parties in Interest*

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PETITION FOR EN BANC RECONSIDERATION** was filed electronically with the Supreme Court of Nevada on December 17, 2021. I further certify that electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

S. Brent Vogel, Esq.
Adam Garth, Esq.
John H. Cotton, Esq.
Brad J. Shipley, Esq.

/s/ Diana Escobar
Diana Escobar, Litigation Assistant
Paul Padda Law

# EXHIBIT A

# EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF NEVADA

VALLEY HEALTH SYSTEM, LLC, D/B/A CENTENNIAL HILLS HOSPITAL MEDICAL CENTER, A FOREIGN LIMITED LIABILITY COMPANY; DR. DIONICE S. JULIANO, M.D., AN INDIVIDUAL; DR. CONRADO C.D. CONCIO, M.D., AN INDIVIDUAL; AND DR. VISHAL S. SHAH, M.D., AN INDIVIDUAL,
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ESTATE OF REBECCA POWELL THROUGH BRIAN POWELL, AS SPECIAL ADMINISTRATOR; DARCI CREECY, INDIVIDUALLY AND AS HEIR; TARYN CREECY, INDIVIDUALLY AND AS AN HEIR; ISAIAH KHOSROF, INDIVIDUALLY AND AS AN HEIR; LLOYD CREECY, INDIVIDUALLY,
Real Parties in Interest.

No. 82250

FILED

OCT 18 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

*ORDER GRANTING PETITION*

This is a petition for a writ of mandamus challenging a district court order denying a motion for summary judgment in a professional negligence matter on statute of limitations grounds.



21-29784

Reviewing the summary judgment de novo, *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005), we elect to entertain the petition and grant the requested relief as we conclude the district court manifestly abused its discretion when it denied summary judgment. *All Star Bail Bonds, Inc. v. Eighth Judicial Dist. Court*, 130 Nev. 419, 422, 326 P.3d 1107, 1109 (2014) ("A writ of mandamus is available to compel the performance of an act that the law requires or to control a manifest abuse of discretion." (internal quotation and citation omitted)); *Ash Springs Dev. Corp. v. O'Donnell*, 95 Nev. 846, 847, 603 P.2d 698, 699 (1979) ("Where an action is barred by the statute of limitations no issue of material fact exists and mandamus is a proper remedy to compel entry of summary judgment."). While we generally disfavor petitions for mandamus relief challenging a district court's summary judgment denial, *State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 361-62, 662 P.2d 1338, 1340 (1983), we nonetheless may consider such petitions "where no disputed factual issues exist and, pursuant to clear authority under a statute or rule, the district court [was] obligated to dismiss [the] action." *Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1345, 950 P.2d 280, 281 (1997).

Petitioners argue that undisputed evidence demonstrates the real parties in interest were on inquiry notice of their professional negligence, wrongful death, and negligent infliction of emotional distress claims by June 11, 2017, at the latest.[1] Thus, petitioners contend that the

[1]Petitioner Valley Health System filed the instant petition. We permitted Drs. Dionice Juliano, M.D., Conrado Concio, M.D., and Vishal Shah, M.D., to join the petition. However, the district court granted summary judgment in favor of Dr. Juliano. Thus, Dr. Juliano is not a proper

real parties in interest's February 4, 2019, complaint was time-barred under NRS 41A.097(2) (providing that plaintiffs must bring an action for injury or death based on the negligence of a health care provider within three years of the date of injury and within one year of discovering the injury, whichever occurs first).[2] We agree.

The term injury in NRS 41A.097 means "legal injury." *Massey v. Litton*, 99 Nev. 723, 726, 669 P.2d 248, 251 (1983). A plaintiff "discovers his legal injury when he knows or, through the use of reasonable diligence, should have known of facts that would put a reasonable person on inquiry notice of his cause of action." *Id.* at 728, 669 P.2d at 252. A plaintiff "is put on 'inquiry notice' when he or she should have known of facts that 'would lead an ordinarily prudent person to investigate the matter further.'" *Winn v. Sunrise Hosp. & Med. Ctr.*, 128 Nev. 246, 252, 277 P.3d 458, 462 (2012) (quoting *Inquiry Notice*, *Black's Law Dictionary* (9th ed. 2009)). While the accrual date for NRS 41A.097(2)'s one-year period is generally a question for the trier of fact, the district court may decide the accrual date as a matter of law when the evidence is irrefutable. *Winn*, 128 Nev. at 251, 277 P.3d at 462.

Here, irrefutable evidence demonstrates that the real parties in interest were on inquiry notice by June 11, 2017 at the latest, when real

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party to the instant petition and we direct the clerk of this court to remove his name from the case caption.

[2]Petitioners argue, and the real parties in interest do not contest, that the at-issue claims all sound in professional negligence and are thus subject to the limitation period under NRS 41A.097(2). *See Szymborski v. Spring Mountain Treatment Ctr.*, 133 Nev. 638, 642, 403 P.3d 1280, 1284 (2017) ("Allegations of breach of duty involving medical judgment, diagnosis, or treatment indicate that a claim is for medical malpractice.").

party in interest Brian Powell, special administrator for the estate, filed a complaint with the State Board of Nursing. There, Brian alleged that the decedent, Rebecca Powell, "went into respiratory distress" and her health care providers did not appropriately monitor her, abandoning her care and causing her death. Thus, Brian's own allegations in this Board complaint demonstrate that he had enough information to allege a prima facie claim for professional negligence—that in treating Rebecca, her health care providers failed "to use the reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained and experienced providers of health care." NRS 41A.015 (defining professional negligence); *Winn*, 128 Nev. at 252-53; 277 P.3d at 462 (explaining that a "plaintiff's general belief that someone's negligence may have caused his or her injury" triggers inquiry notice).[3] That the real parties in interest received Rebecca's death certificate 17 days later, erroneously listing her cause of death as suicide, does not change this conclusion.[4] Thus, the real parties in interest

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[3]The evidence shows that Brian was likely on inquiry notice even earlier. For example, real parties in interest had observed in real time, following a short period of recovery, the rapid deterioration of Powell's health while in petitioners' care. Additionally, Brian had filed a complaint with the Nevada Department of Health and Human Services (NDHHS) on or before May 23, 2017. Similar to the Nursing Board complaint, this complaint alleged facts, such as the petitioners' failure to upgrade care, sterilize sutures properly, and monitor Powell, that suggest he already believed, and knew of facts to support his belief, that negligent treatment caused Powell's death by the time he made these complaints to NDHHS and the Nursing Board.

[4]The real parties in interest do not adequately address why tolling should apply under NRS 41A.097(3) (providing that the limitation period for a professional negligence claim "is tolled for any period during which the provider of health care has concealed any act, error or omission upon which the action is based"). Even if they did, such an argument would be

had until June 11, 2018, at the latest, to file their professional negligence claim. Therefore, their February 4, 2019 complaint was untimely.

Given that uncontroverted evidence demonstrates that the petitioners are entitled to judgment as a matter of law because the complaint is time-barred under NRS 41A.097(2), *see* NRCP 56(a); *Wood*, 121 Nev. at 729, 121 P.3d at 1029 (recognizing that courts must grant summary judgment when the pleadings and all other evidence on file, viewed in a light most favorable to the nonmoving party, "demonstrate that no genuine issue as to any material fact [remains] and that the moving party is entitled to a judgment as a matter of law" (internal quotations omitted)), we hereby

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to vacate its order denying petitioners' motion for summary judgment and enter summary judgment in favor of petitioners.

Cadish, J.

Pickering, J.

Herndon, J.

unavailing, as the medical records provided were sufficient for their expert witness to conclude that petitioners were negligent in Powell's care. *See Winn*, 128 Nev. at 255, 277 P.3d at 464 (holding that tolling under NRS 41A.097(3) is only appropriate where the intentionally concealed medical records were "material" to the professional negligence claims). Finally, we have not extended the doctrine of equitable tolling to NRS 41A.097(2), and the real parties in interest do not adequately address whether such an application is appropriate under these facts. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (refusing to consider arguments that a party did not cogently argue or support with relevant authority).

cc: Hon. Jerry A. Wiese, District Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
John H. Cotton & Associates, Ltd.
Paul Padda Law, PLLC
Eighth District Court Clerk

# EXHIBIT B

# EXHIBIT B

IN THE SUPREME COURT OF THE STATE OF NEVADA

VALLEY HEALTH SYSTEM, LLC, D/B/A CENTENNIAL HILLS HOSPITAL MEDICAL CENTER, A FOREIGN LIMITED LIABILITY COMPANY; DR. CONRADO C.D. CONCIO, M.D., AN INDIVIDUAL; AND DR. VISHAL S. SHAH, M.D., AN INDIVIDUAL,
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Real Parties in Interest.

No. 82250

FILED

NOV 15 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER DENYING REHEARING*

Rehearing denied. NRAP 40(c).

It is so ORDERED.

Cadish, J.

Pickering, J.

Herndon, J.



21-32705

cc: Hon. Jerry A. Wiese, District Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
John H. Cotton & Associates, Ltd.
Paul Padda Law, PLLC
Eighth District Court Clerk