

Original

FILED

Case No: CV 20-00422

2020 JUN 26 AM 11:52

CODE: 2515

JACQUELINE DRYANT
CLERK OF THE COURT

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

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

Marilee Brown, Marilou Brown, Gregory J. Brown (*Approved Informa Pauperis*)
Pro Se Plaintiffs/Appellants,
v
Case No: CV 20-00422

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

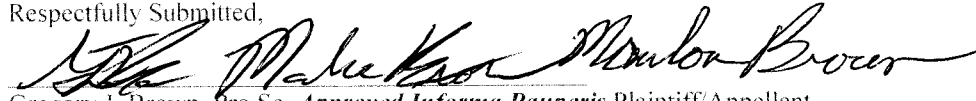
Defendants.

NOTICE OF APPEAL

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

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

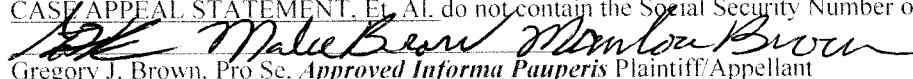
Respectfully Submitted,



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

AFFIRMATION Pursuant to NRS 239B.002

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

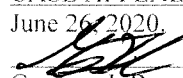
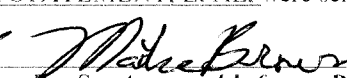
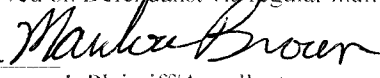


Gregory J. Brown, Pro Se, *Approved Informa Pauperis* Plaintiff/Appellant
Marilee Brown, Pro Se, Plaintiff/Appellant
Marilou Brown, Pro Se, Plaintiff/Appellant
45 Nives Court
Sparks, NV 89441
Telephone: (775) 425-4216
Date: June 26, 2020

CERTIFICATE OF SERVICE

1/2

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

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

Marilee Brown, Pro Se, Plaintiff/Appellant

Marilou Brown, Pro Se, Plaintiff/Appellant

45 Nives Court, Sparks, NV 89441

Telephone: (775) 425-4216

Date: June 26, 2020

FILED

Original

2020 JUN 26 AM 11:53

Dept No: 1

JACQUELINE BRYANT
CLERK OF THE COURT

Case No: CV 16-02649

CODE:

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

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

v

Case No: CV 20-00422

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

Defendants.

PLAINTIFFS'/APPELLANTS' Pro Se CASE APPEAL STATEMENT

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

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

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

From: District Court Judge: Kathleen Drakulich

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

4. Respondents:

5. N/A Not represented

6. N/A Not represented

7. N/A Not represented

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

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

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

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

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

11. This Case does Not involve a Child Custody Matter

12. Appellant is Agreeable to Settlement Proceedings

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

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

Respectfully Submitted,



NAME: Gregory J. BROWN

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

NAME: Marilee Brown, Pro Se

NAME: Marilou Brown, Pro Se

ADDRESS: 45 Nives Court

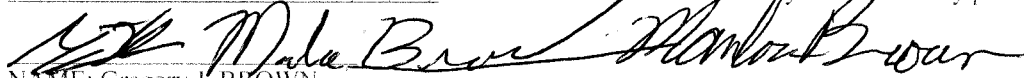
Sparks, NV 89441

TELEPHONE: (775) 425-4216

June 26, 2020

AFFIRMATION Pursuant to NRS 239B.030

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



NAME: Gregory J. BROWN

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

NAME: Marilee Brown, Pro Se

NAME: Marilou Brown, Pro Se

ADDRESS: 45 Nives Court


Sparks, NV 89441

TELEPHONE: (775) 425-4216

June 26, 2020

CERTIFICATE OF SERVICE

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



NAME: Gregory J. BROWN

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

NAME: Marilee Brown, Pro Se

NAME: Marilou Brown, Pro Se

ADDRESS: 45 Nives Court

Sparks, NV 89441

TELEPHONE: (775) 425-4216

June 26, 2020

Code 1310

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

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

Case No. CV20-00422

Plaintiffs,

Dept. No. 1

vs.

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

Defendants.

CASE APPEAL STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated this 1st day of July, 2020.

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

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

Case History - CV20-00422

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

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

Parties

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

Disposed Hearings

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

Report Does Not Contain Sealed Cases or Confidential Information

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

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

Actions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

93 6/5/2020 - 1020 - Addendum

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

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

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

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

Additional Text: AFFIDAVIT IN SUPPORT OF DEFAULT JUDGMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No additional text exists for this entry.

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

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

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

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

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

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

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

Additional Text: CASE APPEAL STATEMENT

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

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

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

Additional Text: MOTION TO PROCEED INFORMA PAUPERIS ON APPEAL

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

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

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

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

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

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

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

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

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

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

3060

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

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

Plaintiffs,

Case No.: CV20-00422

Dept. No.: 1

vs.

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

Defendants.

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

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

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

9 **I. Background**

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

18 **II. Relevant Legal Authority**

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

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

4 NRS 41A.071 provides:

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

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

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

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

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

14 **III. Analysis**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 Based upon the foregoing and good cause appearing,

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

11 IT IS SO ORDERED.

12 DATED this 8th day of June, 2020.

13 

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

2 CASE NO. CV20-00422

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

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

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

12 EDWARD LEMONS, ESQ. for MARK MCALLISTER

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

15 ALICE CAMPOS MERCADO, ESQ for MARK MCALLISTER

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

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

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

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

27 
28 Department 1 Judicial Assistant

MICHAEL E. PRANGLE, ESQ.
Nevada Bar No. 8619
RICHARD D. DEJONG, ESQ
Nevada Bar No. 15207
HALL PRANGLE & SCHOONVELD, LLC
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Phone: 702-889-6400
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Attorneys for Defendant
St. Mary's Regional Medical Center,
Tammy Evans (erroneously named as Tami Evans),
Prem Reddy, M.D., Tanzeel Islam, M.D. and Sri Challapalli, M.D.

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

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

CASE NO. CV20-00422
DEPT NO. I

Plaintiffs,

vs.

NOTICE OF ENTRY OF ORDER

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

Defendants.

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

A copy of the Order is attached hereto.

///

///

///

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

AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 8th day of June, 2020.

HALL PRANGLE & SCHOONVELD, LLC

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

CERTIFICATE OF SERVICE

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

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

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

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

EXHIBIT A

3060

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

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

Plaintiffs,

Case No.: CV20-00422

Dept. No.: 1

vs.

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

Defendants.

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

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

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

9 **I. Background**

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

18 **II. Relevant Legal Authority**

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

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

4 NRS 41A.071 provides:

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

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

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

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

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

14 **III. Analysis**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 Based upon the foregoing and good cause appearing,

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

11 IT IS SO ORDERED.

12 DATED this 8th day of June, 2020.

13 

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

2 CASE NO. CV20-00422

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

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

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

12 EDWARD LEMONS, ESQ. for MARK MCALLISTER

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

15 ALICE CAMPOS MERCADO, ESQ for MARK MCALLISTER

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

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

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

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

27 
28 Department 1 Judicial Assistant

Code 1350

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

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

Case No. CV20-00422

Dept. No. 1

Plaintiffs,

vs.

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

Defendants

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

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

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

Dated this 1st day of July, 2020.

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

Code 4132

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

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

Case No. CV20-00422

Dept. No. 1

Plaintiffs,

vs.

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

Defendants.

NOTICE OF APPEAL DEFICIENCY

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

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

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

Dated this 1st day of July, 2020.

Jacqueline Bryant
Clerk of the Court

By: /s/YViloria
YViloria
Deputy Clerk

CERTIFICATE OF SERVICE

CASE NO. CV20-00422

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

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

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

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

ALICE CAMPOS MERCADO, ESQ. for MARK MCALLISTER

EDWARD LEMONS, ESQ. for MARK MCALLISTER

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

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

/s/YViloria
YViloria
Deputy Clerk