

**IN THE COURT OF APPEALS OF THE STATE OF NEVADA**

MARILEE BROWN, MARILOU BROWN  
GREGORY J. BROWN (FOR BEVERLY M.  
BROWN'S FAMILY),

Appellants,

vs.

ST. MARY'S REGIONAL MEDICAL CENTER;  
TAMMY EVANS (ERRONEOUSLY NAMED  
AS TAMI EVANS); PREM REDDY, M.D.;  
TANZEEL ISLAM, M.D., SRIDEVI  
CHALLAPALLI, M.D.; and  
MARK McALLISTER, M.D.

Respondents.

**Case No. 81434-COA**

Dist. Ct. Case No. CV20-00422  
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**RESPONDENTS' JOINT APPENDIX**

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## **CHRONOLOGICAL INDEX TO RESPONDENTS' JOINT APPENDIX**

<b><u>DOCUMENT</u></b>	<b><u>DATE FILED</u></b>	<b><u>PAGE NO.</u></b>
Complaint	3/03/2020	1-17
Defendants' Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071	3/26/2020	18-25
Defendant Mark McAllister, M.D.'s Motion to Dismiss	4/03/2020	26-30
Plaintiffs' Opposition to Defendants' Motion to Dismiss to Include Amendment/ Clarification, 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)	4/13/2020	31-54
<u>Attachment 1</u> : Notice to the Aforementioned Defendants, Re Civil Complaint Adjudication		55-57
<u>Attachment 2</u> : Correspondence between Kathy Millard and Charles Brown		58-59
<u>Attachment 3</u> : Correspondence between Saint Mary's Regional Medical Center and Charles Brown		60-62
Amendment to Civil Complaint/ Return Service of Summons	4/13/2020	63-64
<u>Attachment 1</u> : Summons		65-67
Reply to Plaintiffs' Opposition to Defendant Mark McAllister, M.D.'s Motion to Dismiss	4/16/2020	68-74

<b><u>DOCUMENT</u></b>	<b><u>DATE FILED</u></b>	<b><u>PAGE NO.</u></b>
Defendants Saint Mary's Regional Medical Center, Tammy Evans, and Prem Reddy, M.D.'s Reply in Support of Motion to Dismiss	4/20/2020	75-83
<u>Exhibit 1</u> : Substitution of Counsel		84-89
<u>Exhibit 2</u> : Civil Complaint		90-107
<u>Exhibit 3</u> : Amendment to Civil Complaint / Return Service of Summons		108-110
Plaintiff's Request for a Hearing with Reiterated Refutes of Defendants' (Tiffany Coury Replaced Tammy Evans, Prem Redding, M.D.; Mark McAllister, M.D.) Answers in Lieu of a Hearing – If Same Supports Upholding Plaintiffs' Complaint {served on Defendants on April 24, 2020}	4/28/2020	111-119
Defendant Mark McAllister, M.D.'s Motion to Strike Plaintiffs' "Request for Hearing with Reiterated Refutes of Defendants' Answers," etc.	4/28/2020	120-123
Order Denying Plaintiffs' Application for Default Judgment	5/05/2020	124-127
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)	5/06/2020	128-138
Plaintiffs' Opposition to Defendant McAllister's Dismissal Motion of Plaintiffs' Hearing Request Else Consideration of Plaintiffs' New/Reiterated Refutes (Clarifications) in Lieu of Hearing to Uphold Plaintiffs' Complaint Issues (see separate Opposition/Motion Filing on Same Issues, as well)	5/06/2020	139-143

<b><u>DOCUMENT</u></b>	<b><u>DATE FILED</u></b>	<b><u>PAGE NO.</u></b>
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 Oppositions/ Motion Filings on Same Issues as well)	5/06/2020	144-163
<u>Exhibit 1:</u> Authorization for use or Disclosure of Protected Health Information		164-166
<u>Exhibit 2:</u> Renown Health Palliative record		167-168
<u>Exhibit 3:</u> Fax cover sheet from St. Mary's to Renown/Death Excerpt		169-170
Plaintiffs' Reply (Opposition) to Defendant McAllister's May 7, 2020 Opposition (Reply) Requesting to Strike Plaintiffs' May 6, 2020 Amended Pleading/Supplemental Brief	5/14/2020	171-175
Errata to Defendants Saint Mary's Regional Medical Center, Tammy Evans and Prem Reddy, M.D.'s Reply in Support of Motion to Dismiss	5/15/2020	176-179
Order Granting Request to Add Gregory J. Brown as Party	5/26/2020	180-182
Plaintiffs' (a) Opposition to Defendants' Tammy Evans' (Tiffany Coury)/Prem Reddy, M.D.'s 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 Filings)	5/28/2020	182-195



<b><u>DOCUMENT</u></b>	<b><u>DATE FILED</u></b>	<b><u>PAGE NO.</u></b>
Plaintiffs' Addendum to Their May 28, 2020 Opposition to Defendants Tammy Evans (Tiffany Coury) / Prem Reddy, M.D.'s May 15, 2020 Errata – Nexused to Plaintiffs' April 28(24), 2020 & May 14, 2020 Default Filings Against Defendants Tanzeel Islam and Sridevi Challapalli, (Etc)	6/05/2020	196-199
Order Granting Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071	6/08/2020	200-209
Notice of Entry of Order	6/10/2020	210-211
<u>Exhibit 1</u> : Order Granting Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071		212-222
Notice of Appeal	6/26/2020	223-224

1. ORIGINAL

2. CODE: 1425  
NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)  
3. BAR NUMBER: N/A (Pro Se litigants)  
ADDRESS: 45 Nives Court  
4. Sparks, NV 89441  
TELEPHONE: (775) 425-4216

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

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

8. Case No: CV  
9. VS Dept No:

10. St. Mary's Regional Medical Center: Tami Evans (Director Medical Services / Risk Mgmt;  
Prem Reddy, MD - (Prime HealthCare)  
Mark McAllister, MD (St. Mary's Interventional Radiologist)  
11. Tanzeel Islam, MD (St. Mary's Hospitalist)  
Sridevi Challapalli, MD (St. Mary's Cardiologist),  
12. DOES I through X inclusive; ROES Businesses I through X inclusive

Defendants,  
13. CIVIL COMPLAINT (*Jury Demanded*)

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**CIVIL COMPLAINT**

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

20. **PRELIMINARY STATEMENT**

21. 2a. Plaintiffs will serve the Defendants with this Complaint and Summons by a Non Party over 18 years of  
22. age and within 120 days of Filing pursuant to the Nevada Rules of Civil Procedure NRCP 4(a)(c)(d)(i); and will  
23. provide an Affidavit of Service to the Court upon Service of Same Complaint and Summons NRCP (4(g))(2)

24. **2b. Pro Se Plaintiffs Note: The Courts State:**

25. "*Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than formal pleading drafted by lawyers (Defendant)(caselaw)*" And

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

1/17

1.

**JURISDICTION**

2. 3. Plaintiffs are informed and believe, and therefore alleges, that this Court has subject jurisdiction over this  
 3. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of <sup>Heirs</sup>  
<sup>NRS 41.085, 41.130</sup> Beverly Brown); <sup>NRS 41.085, 41.130</sup> and any other applicable law or statute under this jurisdiction not yet known by  
 5. the Plaintiffs; in that the Defendants did commit Medical Negligent actions to include Medicinal,  
 6. Treatment, Judgment, protocol, Etc Errors, against the Plaintiffs which led to the Wrongful Suffering and Death  
 7. of their mother, patient Beverly Morris (M.) Brown; to include but not limited to the fact that Defendants did  
 8. commit Medical Negligent Actions, Errors that lead to the Detrimental Health, Suffering and Wrongful death  
<sup>-Actual & proximate</sup>  
 9. of their mother, patient Beverly Morris (M.) Brown; And to include Breach of Duty, Medical Negligence /  
 10. Malpractice, Causation of Financial loss in these proceedings, and Emotional, Financial Distress, et al, to  
 11. the Plaintiffs and their family, Subject to the jurisdiction of this Court.

12. 4. Plaintiffs are informed and believe, and therefore alleges, that this Court has subject jurisdiction over this  
 13. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of <sup>Heirs</sup>  
<sup>NRS 41.085, 41.130</sup> Beverly Brown); <sup>NRS 41.085, 41.130</sup> and any other applicable law or statute under this jurisdiction not yet known to Plaintiffs;  
 15. 5. Plaintiffs advise that this Complaint may be Amended at a later date as authorized by the Court to include  
 16. additional laws, clarifications, corrections, etc. to this Complaint.

17.

**VENUE**

18. 6. Venue is Proper in this Court as Defendants' Medical Negligence conduct asserted in this Complaint by  
 19. the Plaintiffs took place within the State of Nevada, County of Washoe, where the Defendants and the  
 20. Plaintiffs reside/work; and in which Defendants' Negligent Medical Malpractice Actions occurred.

21.

**PARTIES**

22. 7. Plaintiffs Marilee Brown and Marilou Brown (and for Beverly M. Brown's family) - (with Legal Power of  
 23. Attorney as representatives of <sup>Heirs</sup> Beverly Brown), (hereafter referred to as "Plaintiffs") currently reside in the  
 24. State of Nevada, County of Washoe; and St. Mary's Regional Medical Center – Tami Evans, Director of  
 25. Medical Services/Risk Mgmt; Prem Reddy, MD - (Prime HealthCare); Mark McAllister, MD (St. Mary's Interv.  
 26. Radiologist); Tanzeel Islam, MD (St. Mary's Hospitalist); Sridevi Challapalli, MD (St. Mary's Cardiologist),  
 27. (hereafter referred to as "Defendants") currently reside/work, in the State of Nevada, County of Washoe.

2/17

1. 8. All of the Acts or Failures of Duty, et al are performed and/or are attributable to the Defendants,
2. individually and/or combined; et seq;
3. 9. The names and capacities, whether individual, corporate, associate or otherwise of Defendants and
4. /or their alter egos sued herein as DOES I through X, and ROE Business Entities I through X, inclusive,
5. are presently unknown, and Plaintiffs will Amend this Complaint to insert the names (s) when ascertained.

#### STATEMENT OF FACTS

#### 6. 10. MAIN MEDICAL MALPRACTICE INFORMATION SUMMARY:

7. a. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
8. Hospitalist's and Interventional Radiologist's removal of patient from lifesaving medications for procedure
9. that threatened/negatively impacted patient's health without prior consult with her primary Cardiology
10. Specialist who would have advised against same unless necessary (**All Led to Patient Beverly M. Brown's**
11. **deteriorating medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
12. b. On/About February 21, 2019: Interventional Radiologist's pulmonary procedure error resulting in the
13. Hospitalist's continued removal of patient's necessary life saving medication; buildup of plural fluid in
14. patient's lungs that could no longer be removed by procedure due to the Interventional Radiologist's error
15. even when purportedly healed around Feb 25, 2019 (**All Led to Patient Beverly M. Brown's deteriorating**
16. **medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
17. c. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
18. Hospitalist's and Interventional Radiologist's removal of patient from lifesaving medications for procedure
19. that threatened/negatively impacted patient's health without prior consult with her primary Cardiology
20. Specialist who would have advised against same unless necessary (**All Led to Patient Beverly M.**
21. **deteriorating medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
22. d. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
23. Hospitalist's refusal to consult with the patient's cardiology specialist per protocol - who would have
24. maintained her on the necessary amount and type of lifesaving medication (*yet other hospital admitting*
25. *staff cc'ed said important specialists regarding patient's initial and proceeding care*) (**All Led to Patient**
26. **Beverly M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019;**
- Family anguish;**
27. e. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
28. Hospitalist's refusal to consult with the hospital assigned cardiology, pulmonary specialists per protocol

3/17

1. (despite assigned specialists apparent readings of patient's tests during hospital stay) until On/About
2. 2/25/19 when family members emphasized specialists needed to be consulted for patient's proper care and
3. treatment (**All Led to Patient Beverly M. Brown's 11. deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
4. f. On/About February 25, 2019: Attending hospital cardiology specialist misreading and alluding only to
5. hospital notes with erroneous interpretation of hospital medication given to patient; failure to consult with
6. patient's primary cardiology specialist who would have affirmed patient needed to be on correct
7. medications and amounts – who was in the same St. Mary's office as she; and purportedly released the
8. patient per the Hospitalist with apparent ongoing life threatening conditions (**All Led to Patient Beverly**
9. **M. Brown' deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
10. g. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
11. Hospitalists failed to consult with patient's primary cardiology specialist who would have affirmed patient
12. needed to be on correct medications and amounts while and after hospital admission (**All Led to Patient**
13. **Beverly M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
14. h. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
15. Hospitalist failed to timely review and properly reviews patients life threatening health condition symptoms
16. for proper treatment until speaking with the family on/about Feb 25, 2019; Failed to consult with patient's
17. primary cardiology specialist who would have affirmed patient needed to be on correct medications and
18. amounts while and after hospital admission; purportedly only consulted with a pharmacist who gave the
19. incorrect dosage for one lifesaving medication (2.5 Eliquis/2X per day, when it should have been 5mg/2X
20. per day) to be administered at the hospital; Failed to have patient on life saving medication Plavix at all;
21. and purportedly released the patient with apparent ongoing life threatening conditions; False statement
22. asserting family refused skilled nursing facility for PT to patient's detriment – when Hospitalist agreed
23. Home Therapy program was best for patient due to weak condition and malnutrition from hospital stay;
24. Hospitalist and Palliative Care staff pushing for DNR when patient wanted to live and simply, repeatedly
25. stating to patient and her family that she was just "OLD"; ETC (All Led to Patient Beverly M. Brown's
26. deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;
27. i. On/About December 12 -14, 2018, thereafter to and including On/About February 20 - 27, 28/2019:
28. Hospitalists Failed to consult with patient's primary cardiology specialist who would have affirmed patient

1. needed to be on correct medications and amounts and purportedly released the patient asserting to
2. specialists' recommendations with apparent ongoing life threatening conditions (**All Led to Patient Beverly**
3. **M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family**
4. **anguish**
5. j. On/About February 26,27/2019 - February 28, 2019: Hospital staff's placement of patient Beverly M.
6. Brown in a room with an infection patient that contributed to patient's pulmonary, respiratory issues death
7. on 3/5/19 (**All Led to Patient Beverly M. Brown's deteriorating medical condition, suffering and**
8. **preliminary death on March 5, 2019); Family anguish**
9. k. On/About: March 3, 2019 - March 5, 2019: St. Mary's Hospital Failed to timely fax vital documentation
10. requested by Renown for assisting in care and treatment of patient until 3/5/19; with said delinquency
11. impacting vital care/treatment and contributed to patient's death on 3/5/19 (**All Led to Patient Beverly M.**
12. **Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family**
13. **anguish**
14. ETC
15. m. All directly contributing to the Wrongful Suffering and Death of this patient who had severe Chronic
16. Medical conditions but the Negligence of St Mary's Regional Medical Center Hospital staff caused an
17. unnecessary Terminal Medical Condition of this patient (**Lead to Patient Beverly M. Brown's death on**
18. **March 5, 2019)**
19. n. From About April 2019 To The Date of this Filing, after securance and review of medical records from
20. St. Mary's Medical Center, the patient's family attempted to address the aforementioned issues with St.
21. Mary's Regional Medical Center without response, except upon contact with Prime Health Care said
22. Organization referred patient's family to St. Mary Regional Medical Center Risk Management Department.
23. Upon consult with same, Kathy Millard of Risk Management advised their department would investigate
24. the matter and respond in writing within 45 days.
25. o. Throughout February 2020, Upon consult with local counsel, it was advised to patient's family that any
26. medical malpractice case had to be filed in Court within a one year Statute of Limitations.
27. p. During this time, St. Mary's Regional Medical Center Risk Management and Legal Department refused
28. to return patient's family's calls for informal meeting in this matter, Alternative Dispute Resolution,
29. Mediation or Arbitration proceedings to resolve their concerns .Nor would same discuss matters when
30. Patient's family physically went to this Department to inquire of voluntary participation.
31. q. On/about February 21, 2020, Upon consult with Nevada District Court staff in Reno, NV, it was stated
32. by the Clerks that no such programs could be accessed through the Court unless a formal Civil Complaint

1. was filed –predicating this Action by the patient's family.
2. r. For the aforementioned reason, Plaintiffs (*and patient's family*) had no choice but to file this Civil Action in
3. order ~~1~~ to engage in Court and/or other sponsored programs to facilitate resolution of this matter and the
4. issues within since St. Mary's Regional Center Risk and Legal Department would not return Plaintiffs'
5. aforementioned requests to engage in said programs;
6. s. All to facilitate Hospital and Health Care Providers accountability and education for improving the quality
7. of care and reduction of medical mistakes by their accredited bodies; To improve the communication between
8. providers and patients/patients' families so as to ensure the improvement of quality care, healthcare
9. improvement and less Medical Medicinal, Judgment mistakes/error that lead to the suffering and
10. preventable death of patients; etc

## 11. 11. BACKGROUND HISTORY

12. A/I. Background History Related to Issue At Hand – St. Mary's Hospital/Medical Center (More Available) Patient Beverly M. Brown

13. 1a. Beverly M. Brown had Chronic medical conditions of Cardiovascular disease, Afib, etc as disclosed here in and more details available for the Related ISSUE AT HAND
14. 1b. Beverly M. Brown continued her heart and vascular care in Reno, Nevada with St. Mary's interventional vascular cardiologist Dr. Devang Desai after treatment with Renown and UCDavis physicians for associated illnesses; and her Cardiologist in Reno, NV Retired.
15. 2a. St Mary's wound care unit Infection Disease Specialist recommended Beverly M. Brown take conservative approach of oral antibiotics in an attempt to clear up her foot infection instead of a more aggressive necessary cutting the infection out of ~~an abscess that~~ wound caused by her condition. The medication simply made Beverly M. Brown sick and did not help with the wound considering her compromised circulatory vascular condition.
16. 2b. During a follow up visit at St. Mary's wound care center, Beverly M. Brown's wound was so infected the attending care professionals referred her to St. Mary's ER. Beverly M Brown's daughters wanted to immediately drive Beverly to UCDavis Medical Center in Sacramento, CA but St. Mary's medical staff advised against that and advised immediate hospitalization *(for their financial gain)*. Beverly and her daughters followed all medical advice and recommendations.
17. 3a. Once hospitalized, the St. Mary's health care professionals put Beverly M. Brown on IV heparin medication and could not remove this medication despite the vascular surgeon agreeing Beverly was best treated at UCDavis. Unfortunately, the IV heparin drip now required medical transport vs. private family transport to UCDavis Medical Center, which caused over a week delay in travel and longer for interventional treatment Beverly M. Brown's condition required not only limb but LIFE saving treatment upon arrival at UCDavis.
18. 3b. During the very lengthy waiting period at St. Mary's Hospital for transport to UC Davis Medical Center in Sacramento, CA, Beverly M. Brown's condition deteriorated dramatically, to the degree attending nurses and staff disclosed to Beverly's daughters that they feared she would die and not survive the trip.
19. 3c. St Mary's did NOT treat Beverly M. Brown for her cardiovascular condition except for IV Heparin pending transport to UCDavis hospital for treatment. Due to a limited number of patients allowed at UC Davis via

1. medical transport, Beverly M. Brown's transfer of care was further delayed. Beverly M. Brown's daughter Marilou Brown finally contacted UCDavis Dr. Laird and advised of the delay and Beverly's deteriorating condition. Dr. Laird expedited UC Davis transfer acceptance thereafter.
2. 3d. UC Davis medical staff advised Beverly M. Brown's daughters that they would NOT be able to do any vascular treatment to further save Beverly M. Brown's infected foot/leg and would now require amputation
3. - all because her vascular Dr. ~~Marilou~~ stated she could walk ~~on her amputated leg~~ when she should not have while it was recovering from infection; AND MOSTLY BECAUSE OF
4. St. Mary's actions noted above by the Wound Care Center poor treatment decisions, \* followed by St. Mary's decisions to Admit Beverly Brown to the Hospital for financial gain, poor medical treatment, thereafter delayed
5. transport to UCDavis, when this patient's daughters could have expedited transport to UCDavis on their own.
6. 3e. UCDavis Staff stated they had to do extensive treatment on Beverly M. Brown's Cardio condition (Afib, etc) - aggravated by the lack of care at St Mary's hospital in Reno, NV and lengthy delay there for transport
7. to UC Davis Medical Center in Sacramento, CA
8. Again, had St Mary's care staff simply let Beverly's daughters drive Beverly to UC Davis Medical Center ER - Beverly M. Brown would have been treated more exigently. (As Noted above: Brown subsequently learned
9. from Specialist that St Mary's ER protocol was to admit as many patients as possible, unfortunately to the demise of Beverly M. Brown in this case;
10. 4. Beverly M. Brown's leg amputation led to accelerated extensive bone loss (20%) from Osteoporosis due to Beverly M. Brown's inactivity and severe impact on her already compromised cardiovascular
11. condition (CHF) because she had very limited mobility from June 2016 - Dec 2018 / March 2019
12. A/2. **Primary Background Related to ISSUE AT HAND – Patient Beverly M. Brown**
13. 1a. In December 2018, Beverly M Brown was hospitalized at St. Mary's Hospital in Reno, Nevada for her Cardiovascular Condition, low oxygen level. Patient had her lungs aspired and was released.
14. 1b. However, upon review of medical documentation it was noted that the attending Hospitalist and Interventional Radiologist protocol was to conduct the aspiration without consult with Cardiovascular
15. and Pulmonary Specialists; which included removing the patient from life saving medications which caused more jeopardy to the patient than leaving this patient on same medications, Plavix and Eliquis;
16. Despite having the hospital assigned Cardiologist reading patient's test, residing in same St. Mary's Office as patient's primary Cardiologist.
17. 2a. From December 2018 - February 28, 2019, St. Mary's Cardiology reduced Beverly M. Brown's Eliquis from 5 to 2.5mg/2X per day due to incidental bleeding, intermittent blood in her phlegm due to an in hospital
18. radiological procedure to remove fluid from her lungs.
19. 2b. \* Within the week Marilou Brown called St. Mary's Cardiology requesting to know if Beverly M. Brown should return to an Eliquis 5mg/2X per day dosage as recommended by her Cardiologist from Renown,
20. Dr. Ganchan since Beverly no longer spotted blood and if vascular arterial tests should be ordered since it had been a year or more since said tests on Beverly had last been done.
21. 2c. St. Mary's Issue: The cardio nurse who answered the telephone said Beverly M. Brown should stay at 2.5mg for her weight and size. Marilou Brown explained with Beverly's AFIB/CHF condition, it was
22. advised by her previous cardiologist that Beverly's condition required she be at a 5mg 2X per day. Marilou Brown again requested the nurse ask the St. Mary's Cardiologist (Dr. Desai) if she could
23. return to this 5mg, 2x/day Eliquis dosage since she was not spotting blood from the procedure anymore. Marilou again reiterated to the nurse her concern because of what Beverly M. Brown's
24. previous, now retired Cardiologist recommended for her condition; 5mg twice a day. Beverly M. Brown's family did not hear back to this Request despite other same issue messages left for
25. this cardio nurse on this matter. Beverly M. Brown had resumed taking Plavix.



**1. B. ISSUE AT HAND FOR MEDICAL NEGLIGENCE / MALPRACTICE – History and Details**

2. 1. On/about February 20, 2019, During a primary care visit and a planned pulmonary visit at St. Mary's (*which was set up by her aforementioned family members to get an electric wheelchair for her and oxygen*
3. *authorizations*), Beverly M. Brown was again admitted by the attending Primary care physician to St. Mary's hospital due to low oxygen levels and for her now severe Cardiovascular condition.
4. 2a. On/about February 20, 2019, a female attending ER practitioner at St. Mary's Hospital in Reno, Nevada began discussing Directives, Resuscitation, End of Life issues with patient Beverly M. Brown's daughters in
5. front of this patient The daughters requested this conversation stop in front of the patient as it was placing undue further stress on Beverly clearly leaving her with the impression of dying when she is wanting to live!
6. 2b. This hospitalization became an unnecessary lengthy stay from Feb 20 - Feb 28th, 2019 as a result of a radiological pulmonary procedural error; further complicated by vital, life saving medications being withdrawn
7. completely from Beverly M. Brown during almost her entire hospital stay (*contrary to what a nurse told this patient's family*) when they specifically went over meds with her in the hospital – including the fact this
8. patient needed to be on 5mg/2x per day Eliquis, and Plavix).
9. 2c. Beverly M. Brown's daughters specifically asked of the ER Physician, one of the nurses and the attending Hospitalist if Beverly was on 5 mg/2 X per day Eliquis, and Plavix, other meds for said entities responded
10. "YES" to each question they asked. Plaintiff Marilou Brown specifically stated Beverly M. Brown needed to be on 5 Eliquis/2 X per day and Plavix; and was led to believe she was on these medications and dosages.
11. 2d. However, upon reviewing more details of the discharge information the family learned these vital, life saving meds had not been given to Beverly M. Brown for her hospital stay (*Plavix; Eliquis almost the*
12. *entire stay and then back to only 2.5 mg/X2 per day per Hospitalist consult with a pharmacist vs consulting with Beverly M. Brown's Primary Cardiologist who works for St. Mary's and would have*
13. *placed her back on 5 mg unless any bleeding occurred*).
14. 2e. Again, Beverly M. Brown's Primary Cardiologist works for St. Mary's Medical Center yet was never consulted (*with any assigned cardiologists to the Hospital apparently only reviewing patient tests and*
15. *notes*); with the one Cardiology Specialist consulted at patient's family's urgency of the Hospitalist on / about Feb 25, 2019, having erroneous medication information in her purported consult dictation; and one
16. Pulmonary Specialist consulted at patient's family's insistence on/about Feb 25, 2019 because of a procedural error by the Interventional Radiologist doing a lung aspiration procedure on Beverly M.
17. Brown had resulted in pulmonary injury and no further aspiration procedure could be conducted.
18. 3. The Hospitalist met the family days later, on /about Feb 25, 2019?, for the first time since this patient was admitted and only then were they informed of the dire situation she was in.. The Hospitalist informed the
19. Plaintiffs of this pulmonary aspiration error and inquired if this patient had an AFIB/CHF condition, five days since this patient's admittance. In fact, the Hospitalist admitted he had not contacted pulmonary or
20. cardio specialists per hospital protocol; until family (Plaintiffs) demanded and complained for Specialist intervention, especially since the patient's own specialists work for St. Mary's Medical Center.
21. 4. Despite specialist late intervention at the demand of family - detrimental, life threatening cardio pulmonary damage was done to Beverly M. Brown; with more fluid build up during this St. Mary's hospital stay. In
22. addition, consequential pneumonia and placing this patient in a room with a serious infectious patient exacerbated Beverly M. Brown's condition upon discharge after the Drs claimed she was healed and cleared
23. her for home for which the family asked for in home post hospital care. At no time did the Hospitalist advise of adverse results if this patient went to Home care and patient was not in a condition for Physical Therapy
24. falsely asserted by the Hospitalist in his Discharge Summary
25. 5. In Summary, the attending physician/Hospitalist Defendant did not read Beverly's hospital intake condition notes on the present and past visit and was not aware until midway through this patient's hospital
26. admittance that she had uncontrolled Atrial Fibrillation (Afib). The physician did not address specialists at the hospital until the family adamantly requested this due to Beverly M. Brown's deteriorating
27. condition; or this patient's cardiology specialists outside the hospital whom worked for St. Mary's at all.

817

1. 6. Despite the family requesting this not be done, the physicians and Palliative care personnel would keep reiterating IN FRONT OF THE PATIENT AND HER HUSBAND that she "WAS OLD"
2. And RECOMMENDED DO NOT RESUCITATE (DNR) .... clearly covering up for the hospital Error and Beverly M. Brwn's deteriorating condition (deteriorating because they REMOVED all her VITAL LIFE
3. SAVING medication necessary for her heart and vascular condition) and negligent diagnosis/treatment.  
BEVERLY M. BROWN MADE IT CLEAR SHE WANTED TO LIVE.

4. C. MAIN MEDICAL NEGLIGENCE SUMMARY INFORMATION:

5. 1. As per above, In February 2019, while visiting with Beverly M Brown who was hospitalized at St. Mary's Hospital in Reno, Nevada for her Cardiovascular Condition, the attending Hospitalist, Dr. Tanzeel Islam(?),
6. came in to speak with Beverly Morris Brown's family (the Plaintiffs named above). Dr. Tanzeel Islam (?) asked/stated the following:
7. After 4-5 days in the hospital Dr. Tanzeel Islam (?) only then visited with the family and only then did he first inquire if Beverly M. Brown had Afib - which he just surmised after doing days of repetitive unnecessary
8. tests.....stating PROTOCOL.
9. He admitted he had not looked at the extensive medical information provided by the family and prior hospital records from her previous and current hospitalization/other medical attendances.
10. Only after 4-5 days did Dr Tanzeel Islam (?) visit and explain there had been an error in a pulmonary procedure by the Interventional Radiologist as they had been attempting to do to remove fluid from this patient's lungs
11. He stated he was working on Healing the pulmonary injury
12. He stated he had not consulted with any specialists (Pulmonary or Cardiology) because hospital protocol and further stated No Specialists were to be consulted unless absolutely necessary (family then demanded same)
13. Hospitalists don't contact Specialists unless there is a medicine change question, other significant reasons; And don't contact patient's primary Outside Hospital Treating Specialist
14. Upon Review of Discharge papers, the Attending Hospitalist simply consulted with a pharmacist for dose and return of patient on one medication (Eliquis) with no dosage given on Plavix, both extensively needed
15. for the health of this patient; and the Hospital assigned Cardiologists simple reviewing tests and/or noting information – some inaccurate – and what appears to be discharge of this patient with ongoing
16. life threatening conditions.
17. The Hospitalist, Dr Tanzeel Islam (?) recommended Beverly M. Brown not be resuscitated if she coded as she would have broken ribs and he emphasized SHE WAS OLD, clearly to cover up under his statement
18. of following PROTOCOL and the Pulmonary error caused by the interventional radiologist physician. He stated such in front of the patient and her husband.
19. 2. Plaintiffs expressed their concerns to the hospital Social Worker about the protocol and malpractice performance, statements made by the Hospitalist; as well as the palliative care employee – clearly resulting
20. in a negative emotional and physical impact on the patient and family because the message related was death, not healing of patients.
21. This Social Worker stated she would reflect all the family's concerns to the hospital board and later confirmed to the family members she did so via email/other correspondence. This Social Worker also informed
22. them that St. Mary's recognition as "being one of the 200 best hospitals" simply had to do with a Survey for which the hospitals pay to participate in and exclude all hospitals who don't participate - 19. making it a
23. very inaccurate statistic.
24. 3. Hospitalist, Dr. Tanzeel Islam (?) came in on a later date stated he consulted with a Pulmonary Specialist and was able to get proper advice on dealing with the pulmonary injury followed by infectious pneumonia etc.

9/17

1. There was no indication he spoke to any Cardiologist or at minimum did not seek the extensive consult needed for Beverly M. Brown's chronic cardiovascular condition.
2. 4a On/about February 26, 27-28, 2019, St. Mary's staff placed Beverly M. Brown, who was in a very weakened state, in a room with an infected patient; with another infectious patient who kept entering the hallway. The
3. staff then moved Beverly M. Brown across the hallway during the night after they affirmed the other patient
4. was infected and quarantined.
5. As a result of being with this infected patient; Beverly' M. Brown's weakened condition from being taken off her cardio-vascular life saving medications; the lung aspiration Error, - Beverly M. Brown got weaker.
6. In ADDITION, her husband OF SIXTY (60) YEARS, Charles F. Brown, had been in that same room visiting Beverly M. Brown all day in the infected and later quarantined patient's room AND became very sick. He
7. was treated at Renown Urgent Care after Beverly M. Brown died on March 5, 2019.
8. Because of his Sickness, he was not able to physically be with his wife of SIXTY (60) years, Beverly M. Brown, when she died on March 5, 2019 at Renown Hospital due to the Negligent, Malpractice errors
9. caused by Defendants.
10. 4b. On/about February 27, 2019 Beverly M. Brown was moved to a different floor level and put in a room with an infectious patient, who was later quarantined (REITERATED FROM ABOVE, AGAIN BELOW)
11. That same day, an attending male nurse aid had informed Beverly M. Brown's daughters Marilee Brown and Marilou Brown as they walked down the hallway to stay away from a mentally ill patient in a wheelchair
12. that was at the entrance of his room and often in the hallway because he had infection that could be spread.
13. 4c. On February 27, 2019 The night before Beverly M. Brown's discharge, the family received a call from a St. Mary's hospital employee that Beverly M. Brown had been moved across the hallway from her prior room.
14. 4d. The following day, February 28, 2019 the aforementioned family members noticed a DO NOT ENTER sign - INFECTIOUS PATIENT/QUARANTINE at the entry way of where Beverly M. Brown had been
15. in the day before and only masked and gowned medical professionals were allowed into that room with this patient.
16. 5. Beverly M. Brown was discharged late in the day on February 28, 2019 with oxygen her aforementioned family members had been seeking for her. She was in such a very weak state that Marilee and Marilou
17. Brown asked the Nurse Aids to give her a sponge bath before leaving the hospital because she would be too weak to have a shower at home.
18. 6. Beverly M. brown was discharged with full medical clearance TO GO HOME with Oxygen over the weekend yet she had significant, ongoing life threatening medical conditions; Yet within two days of discharge patient
19. had a cranial blockage causing a stroke because the Drs at St Mary's had reduced then removed the critical life saving medication she needed to prevent arterial blockages. The removal of these critical life saving
20. medications altogether during her Second hospital stay due the lung procedural error ultimately led to Beverly M. Brown's blockages, stroke, heart stress/CHF/UNCONTROLLABLE AFIB, returned infectious Pneumonia
21. and Death at Renown hospital.
22. 7a. Upon review of Beverly M. Brown's discharge papers, it appeared **Attending Hospitalist, Tanzeel Islam** (?) simply consulted with a pharmacist for dosage and return of patient on one medication (Eliquis) with no
23. dosage given on Plavix – both extensively needed for the healthy of this patient; and the Hospital assigned Cardiologists simple reviewing tests and/or noting information – some inaccurate – and what appears to be
24. discharge of patient with ongoing life threatening conditions.
25. 7b. Upon review of Beverly M. Brown's discharge papers, the aforementioned family members noticed that she had NOT been given any; delinquent given and/or been given reduced amount of necessary medication

10/17

1. upon consult only with a pharmacist; the critical life saving Cardiovascular medications (Eliquis and Plavix) vital to Beverly M. Brown's cardiovascular condition and her life.
2. Upon discharge Beverly M. Brown resumed taking full dosage LIFE Saving medicines: Plavix for clots and Eliquis (yet still at the improper dosage of 2.5mg/2X per day too late and still to little with the damage already
3. done directly contributing to the death of this patient, after Hospitalists improper consult with pharmacist vs. Patient's primary St. Mary's cardiology physician who would have specified 5mg/2X per day).
4. 7c. In addition, this patient's discharge papers showed she was discharged with life threatening conditions; and had been placed with an infected patient a day prior to final discharge – all directly contributing to the death of
5. this patient.
6. 8. On Sunday March 3, 2019, only three (3) days after being fully cleared for HOME care by St. Mary's hospital the aforementioned family members noticed Beverly M. Brown appeared to be having a stroke. Marilou Brown
7. called for Paramedics, who took Beverly M. Brown to the requested RENOWN hospital. Marilou Brown rode in the ambulance with her mother to Renown Hospital while Marilee Brown and Charles Brown (*patient's husband of 60 years*) followed in their private vehicle.
9. There was a blood clot that had formed in Beverly M. Brown's brain but while the lifesaving procedure was attempted it appeared to be resolving so Beverly M. Brown was placed in Intensive Care.
10. 9. On Monday March 4, 2019. Marilee and Marilou Brown went to Renown hospital and were there until 10pm. Their brother, Peter Brown, was present intermittently to visit with Beverly M. Brown, his mother. Peter
11. Brown works as a Courier for Renown Hospital.
12. Beverly Brown appeared to be having difficulty breathing, with raspy respiratory sounds. Amanda, the Renown ICU nurse stated Beverly M. Brown's chest X-ray did not look good. Marilou and Marilee Brown also noticed
13. blood clots in the urinary tube and Beverly M. Brown expressed she was having difficulty urinating.
14. Beverly M. Brown expressed she was having severe pain in her amputated leg for which the attending night physician gave her pain medication along with Gabapentin (nerve paid medication). Beverly M. Brown
15. fell asleep and Marilee and Marilou Brown went home 10 pm. Their father, Charles F. Brown was sick at home because of his presence in the infected patient's room all day in patient's room.
16. 10. On Tuesday March 5, 2019 in the very early morning, Charles F. Brown answered a call from the Renown physician who requested to know if they could intubate Beverly M. Brown as she was having difficulty
17. breathing. Charles F. Brown said to do everything they could for Beverly M. Brown. Marilou, who was also on the phone, asked the attending physician was causing her condition. The attending ICU Pulmonary physician
18. stated he had an idea what was causing Beverly M. Brown's pulmonary condition, (which he affirmed later to be infectious pneumonia after he finally received the documents he had been requesting for three (3) days from
19. St. Mary's hospital; 3 days too late on the day of her death March 5, 2019). The physician recommended the family come to the hospital.
20. Again, Charles F. Brown was very ill (*he had been in the same room at St. Mary's with the infectious woman Beverly M. Brown had been a roommate with as noted above*) so he could not go to the hospital to see his
21. wife of sixty (60) years during this critical stages of illness (He later had to go to urgent care and was given antibiotic treatment), thus could not be there with her when she took her last breath.
22. 11. As they prepared to leave for the hospital, Marilou Brown received a call from Peter Brown, who stated they needed to get there fast because Beverly M. Brown had just "coded" and had been revived. When Marilee
23. Brown and Marilou Brown arrived at Renown hospital. Beverly M. Brown was intubated and awake. She tried to get comfortable in her bed.
24. 12. After St. Mary's finally faxed over their documents to Renown, the attending pulmonary physician spoke with Marilou Brown, Peter Brown about tests he wanted to do. Marilou Brown asked the attending physician
25. what his suspicions were that he mentioned to Charles Brown and Marilou Brown that morning that were

11/17

1. causing Beverly's deteriorating condition. The attending physician stated infectious pneumonia and planned to order a CT scan.
2. (Note: The attending ICU Pulmonary physician stated he had an idea what was causing Beverly M. Brown's pulmonary condition - affirmed later upon his receipt of St. Mary's hospital documents finally 3 days later,
3. three (3) days too late on the day of her death March 5, 2019).
4. At that time, Beverly M. Brown began coding again, with Marilee Brown by her side along with a Renown Nurse - who commenced CPR. Marilou Brown instructed the nurse and the attending Renown
5. Physician to stop CPR measures and to let her go. Plaintiffs would rather patient go quickly from a heart attack and thankful she had been intubated instead of dying from a more painful death such as drowning
7. in her own fluids. Beverly M. Brown's family said goodbye at her bedside and on the phone.
8. **Beverly M. Brown passed away on March 5, 2019 at approximately 12:22pm.**

8. D. **CONCLUSION**

9. **MAIN MEDICAL MALPRACTICE INFORMATION (REITERATED):**

10. 1. Of Note: Renown could not aspirate Beverly M. Brown's lungs to remove fluid causing respiratory distress
11. which ultimately resulted in her heart failure because her heart was too weak from having been removed from
12. her critical life saving cardio-vascular heart medications Eliquis and Plavix that St. Mary's completely removed
13. by their own discharge admittance - which resulted in her blood clots Sunday through Tuesday March
14. 2019, stress on her heart, heart failure and ultimate death.
15. 2. The removal of critical life saving medication by St. Mary's physicians from Beverly M. Brown after the
16. Interventionist Radiologist's aspiration error should NOT have BEEN DONE despite any possible bleeding
17. because such removal led to her higher risk of stroke and ultimate death - which ultimately DID OCCUR
18. days after discharge because of the aforementioned action.
19. The pulmonary aspiration error led to further significant cardio and pulmonary health issues which limited
20. further critical medical intervention; in addition to Beverly M. Brown ultimately full clearance and discharge for
21. home in a much more deteriorated, weakened and damaged state of health - all as a result of the initial
22. pulmonary aspiration Error and complicated by additional medical negligence /errors; ultimately leading to
23. Beverly M. Brown's Sufferomg and Death, as well as her family's anguish; And
24. St Mary's personnel placed Beverly M. Brown in a room for discharge with an infected patient at upon -
25. which also caused her husband Charles Brown to be sickened, resulting in the fact he could not physically
26. be with his wife when she passed away at Renown hospital because of his illness (he admittedly stated he
27. had never been that sick before in his life).
28. 3a. St Mary's & Renown's medical documentation supports she died because of infections pneumonia (*from*

12/17

1. *St. Mary's pulmonary Error procedure & from being placed in a room with the infected patient*), blood
2. clots ultimately leading to stroke, organ failure, furthered, Uncontrollable heart AFIB a and Congestive heart
3. failure (CHF) etc - all because St. Mary's removal of Beverly M. Brown's critical life Saving medication, Plavix
4. and Eliquis during her entire St. Mary's treatment and hospital stay because of the pulmonary injury caused
5. at St. Mary's hospital by the Interventional Radiologist; and;
6. **3b. St. Mary's Hospitalist discharged patient with ongoing life threatening conditions.**
7. **3c. Beverly was discharged with full medical clearance TO GO HOME with Oxygen over the weekend yet**
8. **she had significant, ongoing life threatening medical conditions;**
9. Yet within two days of discharge patient had a cranial blockage cusing a stroke because the Defendants
10. at St Mary's reduced, then removed the critical life saving medication she needed to prevent arterial
11. blockages.
12. **The removal of these critical life saving medications altogether during her Second hospital stay due the**
13. **pulmonary procedural Error ultimately led to Beverly M. Brown's blockages, stroke, heart stress/CHF**
14. **/ UNCONTROLLABLE AFIB, returned infectious Pneumonia and Death at Renown hospital.**
15. **4a. Upon review of Beverly M. Brown's discharge papers, it appeared the Attending Hospitalist simply**
16. **consulted with a pharmacist for dosage and return of patient on one medication (Eliquis) with no dosage**
17. **given on Plavix – both extensively needed for the healthy of this patient; and the Hospital assigned**
18. **Cardiologists simple reviewing tests and/or noting information – some inaccurate – and what appears to**
19. **be discharge of patient with ongoing life threatening conditions.**
20. **4b. Upon review of Beverly M. Brown's discharge papers, the aforementioned family members noticed that**
21. **she had NOT been given any; delinquently given and/or been given reduced amount of necessary medicine**
22. **upon consult only with a pharmacist; the critical life saving Cardiovascular medications (Eliquis and Plavix)**
23. **vital to Beverly M. Brown's cardiovascular condition and her life.**
24. **5. Upon discharge Beverly M. Brown resumed taking full dosage LIFE Saving medicines: Plavix for clots**
25. **and Eliquis (yet still at the improper dosage of 2.5mg/2X per day recommended by a pharmacist; too late**
26. **and still to little with the damage already done Directly Contributing to the Sufferig, Death of this patient).**
27. **6a. In addition, The patient's discharge papers showed she was discharged with life threatening**
28. **conditions; and**

13/17

1. 6b. Had been placed with an infected patient a day/two prior to final discharge;
2. All Directly Contributing to the Suffering and Death of this patient, who had severe Chronic Medical
3. conditions but the Negligence of St Mary's Regional Medical Center Hospital staff caused an
4. unnecessary Terminal Medical Condition of this patient; All to the Anguish of her family.
5. 7. From April 2019 to date, after securance and review of medical records from St. Mary's Medical Center,
6. the patient's family attempted to address the aforementioned issues with St. Mary's Regional Medical
7. Center without response, except upon contact with Prime Health Care said Organization referred patient's family to St. Mary Regional Medical Center Risk Management Department. Upon consult with same, Kathy
8. Millard of St. Mary's Risk Management Department advised their Department would investigate the matter and respond in writing within 45 days.
9. 8a. Throughout February 2020, Upon consult with local counsel, it was advised to patient's family that any
10. medical malpractice case had to be filed in Court within a one year Statute of Limitations.
11. 8b. During this time, St. Mary's Regional Medical Center Risk Management and Legal Department
12. refused to return patients family's calls for informal meeting in this matter, Alternative Dispute Resolution,
13. Mediation or Arbitration proceedings to resolve their concerns .Nor would same discuss matters when
14. Patient's family physically went to this Department to inquire of voluntary participation.
15. 9. Upon consult with Nevada District Court staff in Reno, NV, it was stated by the Clerks that no
16. such programs could be accessed through the Court unless a formal Civil Complaint was filed,
17. predicating this Action by the patient's family.
18. 10. For the aforementioned reason, Plaintiff and her family had no choice but to file this Civil Action in order
19. to engage in Court/other sponsored programs to facilitate resolution of this matter and the issues within since
20. St. Mary's Regional Center Risk and Legal Department would not return Plaintiff's and her family's
21. aforementioned requests to engage in said programs. .

22. **AS AND FOR THE FIRST CAUSE OF ACTION**

23. 1. Plaintiffs are informed and believe, and therefore allege, that this Court has subject jurisdiction over this
24. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of Beverly
25. M. Brown); <sup>NRS 41, 41A</sup> NRS 41.055, 41.130 and any other applicable law or statute under this jurisdiction not yet known by Plaintiffs;
26. in that Defendants did commit Medical Negligent actions to include Medicinal, Treatment, Judgment, protocol,
27. Etc Errors, against the Plaintiffs which led to the Wrongful Suffering and Death of their mother, patient Beverly

14/17

1. Morris (M.) Brown; to include but not limited to the fact that Defendants did commit Medical Negligent
2. Actions, Errors that lead to the <sup>Actual & proximate</sup> Detrimental Health, Suffering and Wrongful Death <sup>Preliminary</sup> of their mother, patient
3. Beverly Morris (M.) Brown; And to include Breach of Duty, Medical Negligence/Malpractice, Causation of
4. Human, Financial, Other loss in these proceedings; Significant Emotional, Financial Distress; Et Al, to the
5. Plaintiffs and their family, Subject to the jurisdiction of this Court.
6. 2. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs 1 through 10, 11(A-D)
7. of this Complaint as though fully set forth at length herein; to include but not limited to the facts that the
8. Defendants did commit Medical Negligent Actions, Errors that lead to the <sup>Actual & proximate Malpractice</sup> Detrimental Health, Suffering
9. <sup>Preliminary</sup> and Death of Beverly M. Brown; Emotional, Financial, Other Anguish Distress to her family; Breach of
10. Duty, Medical Negligence/Malpractice Action, Causation of Financial loss and Emotional, Financial
11. Distress. Et Al, to the Plaintiffs and her family, Etc – All Subject to the jurisdiction of this Court.
12. 3. Plaintiffs advise that this Complaint may be Amended at a later date as authorized by the Court to
13. include additional laws, clarifications, corrections, etc. to this Complaint.

#### CLAIMS FOR RELIEF

15. 1. **WHEREFORE**, the Plaintiffs refer to and by such reference incorporate herein each, every and all
16. averments contained in paragraphs 1 – 10, 11(A – D) <sup>(Source of action / Claims for Relief) (AM)</sup> herein, above and below as fully set forth in this
17. Complaint. The Defendants are liable to the Plaintiffs for the afore and below mentioned damages under
18. Nevada State Law NRS 11.310 <sup>(with Legal Power of Attorney as representatives of Beverly Brown);</sup> <sup>(Heirs)</sup>
19. <sup>NRS 41, 41A</sup> NRS 41.035, 41.130 and other any other applicable law under this jurisdiction not yet known to Plaintiffs, Et Seq
20. /other, as afforded by the aforementioned and yet unknown other Statutes; by Defendants causing such harm
21. to Plaintiffs <sup>(Heirs)</sup> (with Legal Power of Attorney as representatives of Beverly Brown); as noted above and below.
22. 2. **WHEREFORE**, as a result of the Medical Negligence and Malpractice Actions by Defendants as asserted
23. under the Jurisdiction and Causation Sections of this Complaint; And Affirmed in the Facts set forth herein;
24. The Plaintiffs respectfully request that this Honorable Court grant Judgment to the Plaintiffs against the
25. Defendant containing the following Prayer For Relief, all of which exceeds \$10,000.00 in damages; All of
26. Which will be proven at Trial; <sup>and/or</sup> Arbitration <sup>deteriorating medical condition,</sup>
27. With All the Aforementioned Directly Contributing to the <sup>Preliminary</sup> Suffering and Wrongful Death of this patient
28. who had Chronic Medical conditions, but the medical Negligence of Defendants caused the Unnecessary



1. Suffering and Terminal Medical Condition of this patient Leading to Patient Beverly M. Brown's
2. preliminary Death on March 5, 2019; And emotional Anguish to her family.

3. PRAYER FOR RELIEF

4. Wherefore Plaintiffs Pray for the Following Relief:

5. 1. An Award of actual, future, and any other financial damages, legal costs, medical, costs representing
6. attorney or elf-acquired Fees, legal expenses, disbursement fees and equivalent effort income lost etc, all in
7. sums may be exceeding \$10,000.00 in amount; representing Defendants' violations of and other any other
8. applicable law under this jurisdiction not yet known to the Plaintiffs, et seq/other, as afforded by the
9. aforementioned/other Statutes; **Noting Defendant financially gains from this/other patients' illnesses;**
10. 2. An Award of compensatory and any other financial damages, etc., all in sums exceeding \$10,000.00 in
11. amount; representing Defendants' violations of Nevada State Law NRS 11.310 (with Legal Power of Attorney
12. as representatives of Beverly Brown); <sup>et seq</sup> NRS 41, 41A; and other any other applicable laws under this jurisdiction
13. not yet known to the Plaintiffs, et seq/other, as afforded by the aforementioned/other Statutes;
14. 3. An Award of emotional and any other financial damages, etc all in sums exceeding \$10,000.00 in amount;
15. representing Defendants' violations Nevada State Law NRS 11.310 (with Legal Power of Attorney as
16. representatives of Beverly Brown); <sup>et seq</sup> NRS 41, 41A and other any other applicable law under this jurisdiction not
17. yet known to the Plaintiffs, et seq/other, as afforded by the aforementioned/other Statutes;
18. 4. An Award of Damages representing Plaintiffs and her family's loss of their Mother by Wrongful Suffering
19. and **Death caused by Defendants' Negligent Medical Malpractice Actions**, Et seq/Other, as afforded by the
20. aforementioned/other Statutes,
21. With All the Aforementioned Directly Contributing to the <sup>deteriorating medical condition</sup> Wrongful Suffering and Death of this patient
22. who had Chronic Medical conditions but the Negligence of Defendants caused the Unnecessary Suffering
23. and Terminal Medical Condition of this patient, Leading to Patient Beverly M. Brown's deteriorating
24. medical condition, suffering and preliminary Death on March 5, 2019; And Anguish to her family.
25. 5. An Award to facilitate Hospital and Health Care Providers accountability and education for improving
26. the quality of care and reduction of medical mistakes by their accredited bodies; To improve the
27. communication between providers and patients/patients' families so as to ensure the improvement of
28. quality care, healthcare Improvement and less Medical Medicinal, Judgment mistakes/error that lead to the

16/17

1. deteriorating medical condition, suffering and preventable death of patients as what happened in this case; etc
2. 6. Any other equitable and further relief as afforded by this Court as Deem and Proper.

3. Of Note: Plaintiffs have Filed an Application For Electronic Filing and Service Exemption in this Matter

4. Date: March 3, 2020



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

6. Sparks, NV 89441


Telephone: (775) 425-4216

7. AFFIRMATION Pursuant to NRS 239B.030

8. The undersigned do hereby affirm that the preceding document, CIVIL COMPLAINT and Summons

9. filed in this matter does not contain the Social Security Number of any person.

10. Date: March 3, 2020



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

12. Sparks, NV 89441

Telephone: (775) 425-4216

13. CERTIFICATE OF SERVICE

14. The undersigned do hereby affirm that the preceding document, CIVIL COMPLAINT and Summons will be served in person by a Non Party over 18 years of age within the timeframe of 120 days of Filing this

15. Complaint specified pursuant to NRCP 4(a)(c)(d)(i); and will provide an Affidavit of Service to the Court upon Service of Same Complaint and Summons pursuant to NRCP 4(g)(2)

16. Parties To be Served:

17. 1. St. Mary's Regional Medical Center – Tami Evans Director of Medical Services and Risk Mgmt,
2. Prem Reddy, MD - (Prime HealthCare @ 3480 E. Guasti Road, Ontario, CA 91761; 909-235-4400)
18. 3. Mark McAllister, MD (St Mary's Interventional Radiologist)
4. Tanzeel Islam, MD (St. Mary's Hospitalist)
19. 5. Sridevi Challapalli, MD (St. Mary's Cardiologist)
6. DOES I through X inclusive; 7. ROES Businesses I through X inclusive (yet to be determined)

20. At/About:

21. St. Mary's Regional Medical Center (Hospital/Medical Offices)

Risk Management and Legal Department; St Mary's Medical Offices

22. Via 235 West 6<sup>th</sup> Street, Reno, NV 89503 (Tele: 775-770-3228/3210; 775-770-3745) And FYI to:

23. Prem Reddy, MD - (Prime HealthCare @ 3480 E. Guasti Road, Ontario, CA 91761(909-235-4400)



24. Marilee Brown, Marilou Brown, Pro Se Plaintiffs  
45 Nives Court

25. Sparks, NV 89441

26. 775-425-4216

Date: March 2020

3,

17/17

1 **2315**

2 ROBERT C. McBRIDE, ESQ.

3 Nevada Bar No. 7082

4 HEATHER S. HALL, ESQ.

5 Nevada Bar No. 10608

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13 E-mail: [hshall@cktfmlaw.com](mailto:hshall@cktfmlaw.com)

14 Attorneys for Defendants,

15 St. Mary's Regional Medical Center,

16 Tammy Evans (erroneously named as Tami Evans), and Prem Reddy, M.D.

17 IN THE SECOND JUDICIAL DISTRICT OF THE STATE OF NEVADA

18 IN AND FOR THE COUNTY OF WASHOE

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

21 Plaintiffs,

22 v.

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

28 Defendants.

**CASE NO.: CV20-00422**

**DEPT: I**

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

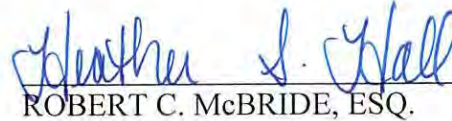
29 COME NOW, Defendants, ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY  
30 EVANS (erroneously named as Tami Evans), and PREM REDDY, M.D., by and through their  
31 counsel of record, ROBERT C. McBRIDE, ESQ. and HEATHER S. HALL ESQ. of the law firm  
32 of CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE, and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

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

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

2 DATED this 25<sup>th</sup> day of March, 2020.

3 CARROLL, KELLY, TROTTER,  
4 FRANZEN & McBRIDE

5   
6 ROBERT C. McBRIDE, ESQ.

7 Nevada Bar No.: 7082

8 HEATHER S. HALL, ESQ.

9 Nevada Bar No.: 10608

10 8329 W. Sunset Road, Suite 260

11 Las Vegas, Nevada 89113

12 Attorneys for Defendants,

13 *St. Mary's Regional Medical Center,*

14 *Tammy Evans (erroneously named as Tami*  
15 *Evans), & Prem Reddy, M.D.*

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**INTRODUCTION & STATEMENT OF FACTS**

On March 3, 2020, Plaintiffs filed their Complaint against St. Mary's Regional Medical Center, Tami Evans, Prem Reddy, M.D., Mark Mcallister, M.D. and Tanzeel Islam, M.D. *See* Plfs' Comp. The Complaint states one of cause of action, Medical Negligence/Malpractice. *Id.* at page 8. Even a cursory review of Plaintiffs' Complaint illustrates that all of the claims arise out of the medical care provided by Defendants. Plaintiffs' claims arise out of allegations of medical malpractice/wrongful death related to care and treatment provided to decedent Beverly Morris Brown in December 2018 and February 2019. *See* Plfs' Comp., page 4, para. 7 – 25. Plaintiffs allege that Ms. Brown died on March 5, 2019 as a result of the allegedly negligent medical care she received. *Id.* at para. 25 – 26.

The Complaint specifically cites to Nevada's medical malpractice statutes. *See* Plfs' Comp., pages 2, 14, and 16. Further, the Complaint alleges that:

“the Defendants did commit Medical Negligent actions to include Medicinal, Treatment, Judgment, protocol, Etc Errors, against the Plaintiffs which led to the Wrongful Suffering and Death of their mother, Beverly Morris (M. Brown; to include but not limited to the fact that Defendants did commit Medical Negligent Errors that actual and proximate lead [sic] to the Detrimental Health, Suffering and Wrongful death of their mother, Beverly Morris (M.) Brown; and to include Breach of Duty, Medical Negligence/Malpractice, Causation of Financial loss in their proceedings, and Emotional, Financial Distress, et al, to the Plaintiffs and their family, Subject to the jurisdiction of this Court.”

*Id.*, page 2, lines 5 – 11.

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

///

///

## II.

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

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

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

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

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

When the duty owing to the plaintiff by the defendant arises from the physician-patient relationship or is substantially related to medical treatment, the breach

1       thereof gives rise to an action sounding in medical malpractice as opposed to  
2       simple negligence. *Id.* at 1284., citing *Estate of French v. Stratford House*, 333  
3       S.W. 3d 546, 555 (Tenn. 2011 ) [internal quotations omitted].

4       Further, if a jury can only evaluate a plaintiff's claim by standards of care presented by a  
5       medical expert, the claim is for medical malpractice. *Szymborski, supra*, at 1284, citing  
6       *Humboldt Gen. Hosp. v. Sixth Judicial Dist. Court*, 132 Nev., Adv. Op. 53, 376 P.3d 167, 172  
7       (2016).

8       Analyzing the relationship between each of plaintiff's claims and the provision of  
9       medical care, *Szymborski* held plaintiffs negligent discharge claim did not require an expert  
10      affidavit because the allegations were not related to the patient's medical care. *Id.* at 1286.  
11      Rather, the allegations were "based on Spring Mountain employees performing nonmedical  
12      functions such as failing to verify [the patient] had his own apartment, arranging for [the patient]  
13      to be dropped off at his father's house with no way to get to his apartment, and declining to  
14      notify [the father] of this plan despite knowledge of his volatile and contentious relationship with  
15      his son." *Id.* In contrast, plaintiff's claim for professional negligence did require an expert  
16      affidavit because the claim involved allegations of medical duties, and would require medical  
17      expert testimony to assist the jury in determining the standard of care. *Id.* Plaintiff's claim of  
18      professional negligence required an expert affidavit because the court could not "discern a set of  
19      duties or facts in [the] claim based in ordinary negligence." *Id.*

20      In this case, Plaintiffs' claim for Medical Negligence/Malpractice sounds in medical  
21      malpractice because it arises from alleged breaches of the medical providers' duties in providing  
22      medical care. This claim does not involve nonmedical services and from reviewing the  
23      Complaint, there are no set of duties or facts based in ordinary negligence. As discussed in  
24      *Szymborski*, the need for expert testimony to establish a physician's duty indicates the claims  
25      sound in medical malpractice. Plaintiffs effectively concede expert testimony is required by  
26      making reference to various NRS 41A statutes. *See* Plfs' Comp., pages 2, 14, and 16.

27      All of the allegations in Plaintiffs' Complaint against these Defendants fall within the  
28      definition of "professional negligence" in NRS 41A, which is defined as a "negligent act or  
omission to act by a provider of health care in the rendering of professional services, which act

1 or omission is the proximate cause of a personal injury or wrongful death.” See NRS 41A.015.  
 2 Plaintiffs’ claim is based on allegations of medical malpractice and, therefore, subject to the  
 3 requirements of NRS 41A.071 and must be supported by an expert affidavit. Because Plaintiffs  
 4 failed to do so, dismissal is mandatory.

5 **B. PLAINTIFFS FAILED TO SATISFY THE REQUIREMENTS SET FORTH IN**  
 6 **NRS 41A.071, MANDATING DISMISSAL OF THEIR COMPLAINT.**

7 Plaintiffs’ claims are based on allegations of medical malpractice/wrongful death and,  
 8 therefore, subject to the requirements of NRS 41A.071. NRS 41A.071 provides:

9 “If an action for medical malpractice or dental malpractice is filed in the  
 10 district court, the district court **shall dismiss the action, without prejudice, if**  
 11 **the action is filed without an affidavit** that:

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

17 [Emphasis added].

18 NRS 41A.071 establishes that claims of medical malpractice may not be maintained  
 19 unless those claims are supported by an affidavit from a medical expert. A Complaint **must** be  
 20 dismissed if an expert’s affidavit does not address the breaches of the standard of care as to each  
 and every defendant named in the case. See *Washoe Med. Ctr. v. Second Judicial District Court*,  
 122 Nev. 1298, 148 P.3d 790 (2006).

21 The whole purpose behind the affidavit requirement was to ensure that medical  
 22 malpractice actions were meritorious and supported by competent expert opinion. *Washoe*,  
 23 *supra.*; *Borger v. Eighth Judicial District Court*, 120 Nev. 1021, 1029 (2004). To satisfy these  
 24 requirements, the expert affidavit must state that, to a reasonable degree of medical probability,  
 25 the defendant fell below the standard of care, must substantively identify the manner in which  
 26 the defendant fell below the standard of care, and must further state that the departure from the  
 27 standard of care caused damage. *Orcutt v. Miller*, 95 Nev. 408, 411, 595 P.2d 1191, 1193 (1979),  
 28 (citing *Lockart v. Maclean*, 77 Nev. 210, 361 P.2d 670 (1961)). NRS 41A.071 and the cases



1 interpreting that statute have made it abundantly clear that dismissal of the action is mandatory if  
2 a supporting affidavit of a medical expert is not submitted with the Complaint to support the  
3 allegations of negligence by the medical provider. *See Borger v. Eighth Judicial Dist. Ct.*, 120  
4 Nev. 1021, 102 P.2d 600 (2004); *See also Washoe Med. Ctr. v. Second Judicial District Court*,  
5 122 Nev. 1298, 148 P.3d 790 (2006).

6 Additionally, the *Washoe* decision specifically held that medical malpractice and  
7 professional negligence claims that are void *ab initio*, because a proper expert affidavit is not  
8 attached, may not be cured by amendment of the complaint, regardless of whether other claims  
9 in the complaint survive. Here, Plaintiffs failed to attach any affidavit to their Complaint  
10 mandating dismissal pursuant to NRS 41A.071.

### 11 III.

### 12 CONCLUSION

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

### 16 AFFIRMATION PURSUANT TO NRS 239B.030

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

19 DATED this 25<sup>th</sup> day of March, 2020.

20 CARROLL, KELLY, TROTTER,  
FRANZEN & McBRIDE

21 

22 ROBERT C. McBRIDE, ESQ.

23 Nevada Bar No.: 7082

24 HEATHER S. HALL, ESQ.

25 Nevada Bar No.: 10608

26 8329 W. Sunset Road, Suite 260

27 Las Vegas, Nevada 89113

28 Attorneys for Defendants,

*St. Mary's Regional Medical Center,*

*Tammy Evans (erroneously named as Tami*  
*Evans), & Prem Reddy, M.D.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 26<sup>th</sup> day of March, 2020, I served a true and correct copy of the foregoing **DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR FAILURE TO COMPLY WITH NRS 41A.071** addressed to the following counsel of record at the following address(es):

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

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

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

1 **2315**  
Edward J. Lemons, Esq.  
2 Nevada Bar No. 699  
ejl@lge.net  
3 **LEMONS, GRUNDY & EISENBERG**  
6005 Plumas Street  
4 3<sup>rd</sup> Floor  
Reno, Nevada 89519  
5 (775) 786-6868

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

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

11 -oOo-

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

13 Plaintiffs,

14 vs.

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

18 Defendant.

Case No.: CV20-00422

Dept. No. 1

19  
20 **DEFENDANT MARK McALLISTER, M.D.'S**  
21 **MOTION TO DISMISS**

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

27 ~ \* ~

28 ~ \* ~

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

## **MEMORANDUM OF POINTS AND AUTHORITIES**

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

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

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

### **I. LEGAL ANALYSIS**

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

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

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

~ \* ~

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

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

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

NRS 41A.071 applies to claims for professional negligence, which is defined as "the failure of a provider of health care, in rendering services to use the reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained and experienced providers of health care."

NRS 41A.015.

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

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

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

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

### 12 III. CONCLUSION

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

### 17 AFFIRMATION

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

21 DATED this 3<sup>rd</sup> day of April, 2020.

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

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



**CERTIFICATE OF SERVICE**

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

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

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

Marilee Brown  
Marilou Brown  
45 Nives Court  
Sparks, Nevada 89441

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

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

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

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

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

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

  
\_\_\_\_\_

ORIGINAL

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

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

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

11 Case No: CV20-00422  
12 Dept No: 1

13 VS

14 St. Mary's Regional Medical Center: Tiffany Coury CEO/Prem Reddy, MD (Prime HealthCare)  
15 Mark McAllister, MD (St. Mary's Interventional Radiologist)  
16 Tanzeel Islam, MD (St. Mary's Hospitalist)  
17 Sridevi Challapalli, MD (St. Mary's Cardiologist),  
18 DOES I through X inclusive; ROES Businesses I through X inclusive Defendants,  
19

20 **PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS - TO INCLUDE**  
21 **AMENDMENT/CLARIFICATION OF THEIR TO CIVIL COMPLAINT WITH ADDITIONAL LAWS,**  
22 **CORRECTIONS, CLARIFICATION, ET AL AS SPECIFIED IN THEIR CIVIL COMPLAINT; AND**  
23 **AMENDMENT REQUEST HERE TO INCLUDE ADDITIONAL PLAINTIFF (RETURN SERVICE OF**  
24 **SUMMONS AND ADDITIONAL LAINTIFF DOCUMENTATION SUBMITTED SEPARATELY)**

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

26 **INTRODUCTION**

- 27 1. From April 3-7, 2020, Plaintiffs received Defendants' Motions to Dismiss and Provide this Opposition, Et  
28 Al in Response. **Plaintiffs' Request a Hearing if needed to clarify this matter for upholding same Complaint.**  
29 2a. During the Service Process, Plaintiffs were notified that Defendant Tammy (Tami) Evans no longer worked with  
30 St. Mary's Regional Medical Center and CEO Tiffany Coury replaced this Defendant. Defendants' counsels  
31 erroneously Failed to address this fact in their Dismissal Motion. Plaintiffs Request this change Be Reflected in this  
32 Civil Action with the Courts.  
33 2b. Plaintiffs request their Civil Complaint be Amended to the include the aforementioned Defendant change and  
34 add Gregory J Brown, their brother, as a Plaintiff (*Informa Pauperis and Exempt Filing Application Documents*  
35 *Filed separately upon receipt from same for filing*)  
36 2c. Plaintiffs request their Civil Complaint be Amended to the include the aforementioned/below mentioned

V/32



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

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

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

#### STATEMENT OF FACTS and LEGAL ARGUMENT / OPPOSITION REFUTES

##### General and Direct Refutes of Defendants' Motions to Dismiss

11. 1a/1A. Defendants use one technicality, procedural argument with misconstrued assertions in an attempt to  
 12. dismiss Plaintiffs' meritous claims. Defendants are *splitting hairs* by falsely asserting ALL of Plaintiffs claims,  
 13. medical or not, must be dismissed since the requisite for medical malpractice requires a medical expert Affidavit  
 14. under NRS 41A.071 – A statute that is NOT the Only one used in Plaintiffs' Complaint and Amended herein  
 15. as afforded by their Complaint Requests.

16. 1a/1B. It is also noted under NRS 41A.097 (2) an action can be *tolled* because Defendant St Mary's  
 17. Regional Medical Center did clearly attempt to conceal, omit, etc almost all of the detailed factual allegations  
 18. stated to same Defendant in January 2020 after a year of same Defendant refusing to communicate with  
 19. Plaintiffs on said issues until this date (per the details noted in their Complaint), after which Defendant  
 20. on 3/5/2020 sent Plaintiffs their 3/3/2020 Response concealing, omitting, etc the majority of Plaintiffs'  
 21. factual allegations (Exhibits 2, 3 – Letters from St Mary Regional Medical Center Kathy Millard; and  
 22. Nurses Curtis Roth/Lisa Pistone, respectively) - Address of: Defendants' Administrative NON Medical  
Protocol / Lack of communication (Plaintiffs' Complaint Claims) of No Contact from 12/18 - 3/5/19 by  
individual Defendants with the Patient's Primary Cardiovascular Specialist Dr Devang Desai WHO  
WORKS WITH Defendant (Complaint Pg 3, 4, 8, 9, 10, 11 and throughout), and would NOT have

1. allowed for continued reduced dosage of Beverly M. Brown's medication or any procedure that  
 2. would have impacted ~~her~~ jeopardized her health as he ~~as~~ guarded against in the past.

3. - Plaintiffs request this tolling be a mitigating factor as Plaintiffs' timely filed their Complaint in that  
 4. Plaintiffs' simply request maintaining All the issues (including medical) of this Civil Action with time  
 5. for Plaintiffs to obtain a medical expert Affidavit solely to meeting the NRS 41A.071 annotation – which  
 6. the Court in its discretion can decide not to require pursuant to his/her review of the Plaintiffs'

7. Refuting facts presented herein, below.

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

11. RE "Shall":

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

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

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

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

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

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

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

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

22. - Judicial Discretion of shall – may be construed as imperative but also construed as permissive or  
directory such as the term may to carry out legislative intentions (which Nevada Revised Statute

1. NRS 41A.071 used to use – may) (The law dictionary)

2. 1a/D. It is also Noted that the Courts State:

3. “NRCp Rule 41(b)...a dismissal under this subdivision and any dismissal not provided for in this rule  
4. operates as an adjudication upon the merits (of the Complaint/case)”; “the Nevada Supreme Court held  
5. that the basic underlying policy governing the exercise of discretion is to have cases decided upon the  
6. merits, rather than dismissed on procedural grounds (caselaw)”

7. “the Court must construe the complaint in the light most favorable to Plaintiff and accept as true the  
8. factual allegations of the complaint(caselaw)” – INCLUDING PLAINTIFFS’ Joint AFFIDAVIT WITHIN  
9. THIS OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT  
10. FOR OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE

11. “Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than  
12. formal pleading drafted by lawyers(Defendant)(caselaw)” And

13. 1a/2. On the Contrary, Plaintiffs’ Factual Allegations noted throughout their Complaint State, Infer and Imply  
14. medical and Non medical Issues of Breach of Duty, Simple, Ordinary and Gross Negligence, ETC governed  
15. by Statutes, laws, etc Other than that requiring medical expert Affidavit (noted as Et AL) by Defendant St.  
16. Mary's Regional Medical Center (and staff), specifically related to Non medical issues - with simple nexus  
17. to the term “medical” because that is the Defendants’ professional business and action.

18. 1a/3. Plaintiffs simply annotated one of their NRS Statutes in their Complaint was “41A” regarding  
19. Professional Negligence simple because Defendant St. Mary Regional Medical Center is a professional  
20. businesses establishment. Plaintiffs annotated other relevant Statutes as well in addressing their Claims  
21. For Relief, with Request to Amend same to clarify, add others as addressed further below. Plaintiffs Refer  
22. to the Arguments Above/Below in Specific Refute of this medical Affidavit issue

1a/4. Again, Plaintiffs’ in Good Faith Clarify their verbiage in their Complaint in that most of the issues in their  
Totale relate to Non medical functions by Defendant despite nexus to this medical business Defendant and /  
or issues; Etc this in their Opposition Brief, and in Good Faith Request of the Court Time to obtain a medical  
expert Affidavit in furtherance of the medical issues of their Complaint - that Can be given at the Court’s  
Discretion.

1b/1. Because of Defendant’s sole reason of medical expert Affidavit for medical claims, Defendant is wrongfully  
demanding the Court dismiss all of Plaintiffs’ Complaint claims – including the non medical claims reiterated/  
clarified throughout Plaintiffs’ Complaint as clarified in this Opposition; and Contrary to what Defendants

1. admit the Nevada Supreme Court stated in the reversal of the District Court's decision in said reference case"

2. 1b/2. However, Plaintiffs seek additional time from the Court to obtain any medical expert Affidavit should such  
3. be required in support of any technical, procedural requisite; Such is clearly authorized as Defendants state

4. Plaintiffs' Complaint could be dismissed WITHOUT PREJUDICE – which means same Complaint could be filed  
5. another time detailing other Relevant Statutes for Claims of Relief. Given the fact that the Statute of Limitations

6. would have expired for any Medical issue Filing, such a dismissal would be prejudicial to Plaintiffs' Complaint as  
7. they may not be able to Re-File any medical issues of their case due to the time limitation expiration unless *tolled*.

8. 1b/3. What Plaintiffs have supported in this Instant case are applicable Law and Statute addressing the Breach of  
9. Duty, Simple, Ordinary, Gross Negligence, ETC related to Defendants' (*especially St Mary's Regional Medical*

10. *Center (and staff)* acts of Non-medical issues: (1) Protocol, (2) Lack of communication, (3) Age/Other

11. Discrimination/jeopardy to elderly, (4) Negligence jeopardizing patients/others safety related to infectious  
12. persons, (5) failure to expedite medical documentation that jeopardized this patient's , case, Etc, along with

13. medical issues; Some laws which are already addressed in Plaintiffs' and Others to be Amended, Clarified,

14. Corrected, Added, Etc as so stated in Plaintiffs' Complaint ("to include additional/corrected laws, corrections,  
15. *clarifications, etc (Complaint Pgs 2, 3, 14, 15, 16, etc)*).

16. 1c/1. Plaintiffs clearly Stated in their Complaint that they Request to be able to Amend their Complaint with  
17. other applicable laws, statutes, etc to include additional/corrected laws, corrections, clarifications, etc

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

20. =

21. thus their request of the Court time to obtain any medical expert Affidavit in support of the medical issues  
22. addressed (see tolling note).

1d. Plaintiffs Complaint issues are Valid in that they relate to Non-medical issues nexused to the medical aspect  
of this situation.

1e. In addition, as further noted below, Plaintiffs are versed enough with this specific case's medical and  
evidentiary knowledge, experience, education and medical expert consults that they indeed could explain the  
meritous, Non-medical issues of their Complaint even with nexus to the medical aspect of their claims for any  
Jury to understand - while requesting of the Court an time to locate and obtain a medical expert Affidavit

5/32

1. addressing the medical aspects of their legitimate, non-frivolous, meritous Complaint.

2. 1f. It is also Noted that the Courts State:

3. *"the Court must construe the complaint in the light most favorable to Plaintiff and accept as true the factual*  
 4. *allegations of the complaint(caselaw)" – INCLUDING PLAINTIFFS' Joint AFFIDAVIT WITHIN THIS*  
 5. *OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT FOR*  
 6. *OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE*

7. *"Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than*  
 8. *formal pleading drafted by lawyers(Defendant)(caselaw)" And*

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

13. 1g. Again, what Plaintiffs do provide IN THE MEANTIME – WHILE REQUESTING OF THE COURT TIME  
 14. TO SECURE A MEDICAL EXPERT AFFIDAVIT IF NECESSITATED - are their own Joint "Affidavits" below  
 15. illustrating their own education, experience, detailed caretaking of the patients in this matter for years -  
 16. personal observation and involvement in caring for the chronically ill, contact with experts, , etc related to  
 17. the Factual Allegations of their Complaint, Medical and Non-medical, To Include:

18. Twenty (20) years of caretaking to Beverly M. Brown incorporating Plaintiff Marilou Brown's lay person expertise  
 19. in dealing with detailed medical appointments, expert contacts, medicines, treatment and surgical nexused care,  
 20. review and acquisition of medical documentation Et Al for both Beverly M. Brown and Charles F. Brown  
 21. regarding any and all of their chronic illnesses since 2000 – making her a lay care taker expert in the medical field;

22. While Plaintiff Marilou Brown has had over four and ½ (4 ½) years of Federal law enforcement experience and  
 23. Plaintiff Marilee Brown has had over twenty one (21) years of Federal law enforcement experience and thirty (30)  
 24. years of varied law experience related to evidentiary assimilation / acquisition and analysis of same writing legal  
 25. briefs for varied Court processes – Federal, State, Administrative in varied fields of law for the presentation to  
 26. counsel and judges alike, including this medically nexused case; All nexused to their Direct witnessing of the  
 27. events that transpired as addressed in their Civil Action Complaint; experience in detailed care of their parents for  
 28. the last twenty (20) years); and assimilating, researching, analyzing the documentation, medical or not, nexused to  
 29. the Failed Communication / Protocol requisite by Defendant that led to the demise of patient Beverly M. Brown

1. because of the Non-medical (Protocol, Lack of communication, Age/Other Discrimination, Gross / Ordinary /  
 2. Simple Negligent Non medical decisions, Etc by Defendants – including placing same patient Beverly M.  
 3. Brown in the same room with a known infected, later quarantined patient; and another infected patient  
 4. exposed to all patients and visitors in the hallways on the same floor) and medical nexused issues caused  
 5. by Defendants as detailed in Plaintiffs' Civil Action Complaint.

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

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

23. 1j. Of note, legal malpractice and veterinary malpractice disparately do not require expert Affidavits to  
 support said cases. Again, it is clear the lobbyist for medical field has resulted in Disparate favoritism for  
 denying righteous medical malpractice issues on the guise of eliminating frivolous tort claims – which this  
 case clearly is not as specified by the Plaintiffs' Factual Allegations therein.

1k. Plaintiffs have clearly supported in their Factual Allegations of their Complaint via Directly Stated,  
Inferred, Implied, Etc of the medical and Non-medical Breach of Duty, Ordinary, Simple and Gross

1. Negligence by Defendants derived from their Non-medical (1) Protocol, (2) Lack of Communication, (3)  
 2. Age/Other Discrimination against chronically ill elderly patients; and (4) Breach of Duty, Gross, Simple,  
 3. Ordinary Negligence in subjecting not only Beverly M. Brown and Charles F. Brown to a quarantined  
 4. infected patient, but all others on the same floor with another infected person sitting in the hallway of a  
 5. crowded floor, And (5) Failed to Timely FAX vital medical documentation to Renown from March 3 - 5, 2019  
 6. (Complaint Pgs 5,11,12 and throughout) – ALL jeopardizing the Safety and Well Being of Patients and -  
 7. inconsistent with how the nation, Presidential directives and the world are contending with saving human  
 8. lives, especially the chronically ill and elderly with regards to the current corona virus Pandemic; clearly  
 9. addressed throughout Plaintiffs' Civil Action Complaint – All addressed throughout Plaintiffs' Complaint  
 10. with Pgs specified in this Brief.

11. 2a/1. As noted in their Civil Action Complaint: Plaintiffs in Good Faith attempted to Address Defendants for a  
 12. year regarding their factual allegations, yet all attempts went unheeded by Defendants. Upon consult with  
 13. attorneys, the Court and physicians, it was recommended that Plaintiffs pursue this legal Course of action  
 14. although it was clear medical experts affirmed it is difficult to obtain any written or testimonial support from  
 15. medical experts despite their acknowledgement of medical malpractice issues being apparent because said  
 16. professional feared reprisal, damage to their reputation with their peers and denial of hospital rights in  
 17. speaking out.; Such feeling is similar to attorneys not wanting to represent clients in legal malpractice  
 18. cases against other attorneys, leaving Plaintiffs to have to File/Defend themselves as *involuntary Pro Se*  
 19. litigants.

20. 2a/2. It is noted that Medical Malpractice claims under NRS 41A only allotted one (1) year statute of limitations  
 21. and limited compensation; yet said actions in other states, actions brought against attorneys and veterinarians  
 22. are given a 2 - 4 years Statute of limitations, etc; for the purpose of getting Nevada Physicians & under the guise  
 of asserting reducing frivolous tort claims, Without any Regard to the quality of Human life over animal lives –  
inconsistent with how the nation, Presidential directives and the world are contending with saving human  
lives, especially the chronically ill and elderly with regards to the current corona virus Pandemic.

2b. It is noted also that the Nevada Legislature Courts Amended NRS.41A in an attempt to attract physicians to  
the State of Nevada. However, it is also noted these same entities Affirmed protecting victims of malpractice  
cases. Yet the NRS 41A revisions unjustifiably impact these victims: 1 year limit to File in such cases;

8/32

1. specifying from the onset any expert medical Affidavit when most physicians are reluctant to provide such  
 2. testimony against others as note; and yet NRCP Rule 16 provides for same medical expert testimony or  
 3. documents to be disclosed and thereafter presented for trial.

4. 3. It is Affirmed that Plaintiffs' Civil Complaint focuses on medical but primary the NON-Medical Issues  
 5. (including that noted as Et AL) regardless of medical nexus that are Stated, Implied and Inferred  
 6. throughout Plaintiffs' Complaint:

7. (1) Non Medical Judgment Decisions, Administrative Protocol (Complaint Pg 3, 4, 7, 8, 9, 10, 11, 14 and  
 8. hroughout), that Defendants' staff must follow per Defendant St. Mary Regional Medical Center Defendants  
 9. (CEO Tiffany Coury & Risk Mgmt Staff; Prem Reddy, Etc);

10. To wit: Ex 1 - As per Plaintiffs' Complaint, Defendant Non-Medical Administrative Decision / Protocol  
 11. Physicians to admit as many patients as possible (Complaint Pg 7) which caused jeopardy to Beverly  
 12. M. Brown's life / well being and lack of proper cardiovascular treatment when she should have been  
 13. transported directly to UCDavis and resulted in her leg amputation from infection (Complaint Pg 6-  
 14. 7); Ex 2 - to include Defendant Administrative NON Medical Protocol / Lack of communication of  
 15. No Contact from 12/18 - 3/5/19 by individual Defendants with the Patient's Primary Cardiovascular  
 16. Specialist Dr Devang Desai WHO WORKS WITH Defendant (Complaint Pg 3, 4, 8, 9, 10, 11 and  
 17. throughout), and would not have allowed for continued reduced dosage of Beverly M. Brown's  
 18. medication or any procedure that would have impacted her jeopardized her health as he as guarded  
 19. against in the past.

20. (2) Lack of Communication, Non Medical Judgment Decisions/Administrative Protocol per Defendants;

21. (a) Note: On 3/3/2020, St Mary's Nurse Risk Mgmt Response was sent on 3/5/2020 - after deadline  
 22. for Plaintiffs' Filing of any Complaint had passed and before Service upon Defendants (Exhibits 2, 3  
 23. Letters from St Mary Regional Medical Center Kathy Millard; and Nurses Curtis Roth/Lisa Pistone ,  
 24. respectively). \*There was No investigation, just summary cover-up that excluded any mention of  
 25. patient placed among infectious diseased patients; or other issues addressed in Plaintiffs' Complaint;

26. (b) to include No Contact by individual Defendants from 12/18 - 3/5/19 with the Patient's Primary  
 27. Care Cardiovascular Specialist WHO WORK FOR Defendant St Mary's Regional Medical Center  
 28. (Complaint Pg 3, 4, 5, 6, 8, 10, 11, 14 and throughout), and would not have allowed for continued



1. reduced dosage of Beverly M. Brown's medication or any procedure that would have impacted her  
 2. jeopardized her health as he as guarded against in the past.

3. (3) Age/Other Discrimination, Jeopardy, Negligence to elderly patients -Non Medical Judgment Decisions  
 4. such as that exhibited by Defendant Hospitalist, Palliative Care personnel, Et Al (Complaint Pgs 4,8, 9,  
 5. and throughout); and

6. (4) Non Medical Judgment Decisions, such as placement of Patients including Beverly M. Brown with or  
 7. nexus /exposed to other infected, later quarantined patients (Complaint pgs 5,10,11,12, 13, 14 and  
 8. throughout) (which Defendants attempted to cover up (See Plaintiffs' Complaint; Attachments  
 9. 2/ 3 in this Brief); And

10. (5) Failed to Timely FAX vital medical documentation to Renown from March 3-5, 2019 (Complaint  
 11. Pgs 5,11,12 and throughout)

12. – ALL jeopardizing the Safety and Well Being of Patients and inconsistent with how the nation, Presidential  
 13. directives and the world are contending with saving human lives, especially the chronically ill and elderly  
 14. with regards to the current corona virus Pandemic; clearly addressed throughout Plaintiffs' Complaint.

15. 4a/1. As addressed above, Defendants use one technicality, procedural argument with misconstrued assertions  
 16. in an attempt to dismiss Plaintiffs' Non-medical meritous claims clarified herein. Defendants are "splitting  
 17. hairs" by asserting all of Plaintiffs claims are about medical malpractice requiring a medical expert Affidavit when  
 18. the majority of the issues ARE NOT (inaccurate language used by Plaintiffs, clarified herein) - See Non  
 19. Medical issues (1 – 5) clarified throughout this Opposition that are Stated, Inferred and Implied throughout  
 20. Plaintiffs' Complaint as examples; and not so much related to Professional Negligence under NRS 41A, but  
 21. are related to Gross, Simple and Ordinary Negligence noted under other Statutes in Plaintiffs' Complaint;  
 22. with additional laws, etc clarified, added, etc herein as Plaintiffs requested in their Complaint (with further  
leave for additions, clarifications on a later date if needbe).

4a/2. Again, It is noted that the Courts State:

"the Court must construe the complaint in the light most favorable to the Plaintiff and accept as true the  
 factual allegations of the complaint(caselaw)" – INCLUDING PLAINTIFFS' Joint AFFIDAVIT WITHIN  
THIS OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT  
FOR OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE

1. *"Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than formal pleading drafted by lawyers(Defendant)(caselaw)" And*

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

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

4. 4a/3. Plaintiffs' factual allegations of their Complaint Clearly State "the Negligence of St. Mary's Regional Medical Center...pg 5", "Negligence of Defendants...pg 16", and "Negligence of St. Mary's.... - Exhibit 1

5. Settlement Notice to Defendants, Etc" – All Infer, Imply, State Simple, Ordinary and Gross Negligence (vs. Medical Malpractice) by St. Mary Regional Medical Center (and staff), with simple nexus to the term "medical" because that is the Defendants' business and action (As asserted throughout this Opposition).

6. Again, simply because Defendant St. Mary's Medical Group is a professional business, Plaintiffs annotated as one of their laws, 41A – and for no other reason.

7. 4a/4. Defendants affirm in their dismissal Motion that the Nevada Supreme Court implications, inference and direct statements of Breach of Duty, Simple, Ordinary and Gross Negligent claims by Plaintiffs in their Civil Action Complaints without the necessity of medical expert affidavits Survive any dismissal motion by Defendants, as Plaintiffs do in their Civil Action:

8. "Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each claim, rather than its form, must be examined...the Court held the following: "a claim is not for medical malpractice if it is not related to medical diagnosis, judgment, treatment" –

9. It is duly noted that a Court or Jury can properly evaluate Plaintiffs' claims despite any inaccurate titling depiction of same, and derive said claims as involving Ordinary, Simple and Gross Negligence by Defendants ....allegations that are based on non medical functions in which same acts were discerned as a set of duties and facts based on Gross, Simple, Ordinary Negligence; Breach of Duty, etc" – Such as illustrated in Plaintiffs' factual allegations throughout their Complaint (and Clarifying Arguments within this Opposition).

10. 4a/5. Again, "It is also affirmed that Plaintiffs' Civil Action Complaint mainly focuses on the NON-Medical issues, such as (1 – 5 / Other) examples noted in this Opposition Brief:

11. (1) Protocol that Defendants' staff must follow per Defendant St. Mary Regional Medical Center Defendants

11/32

1. (CEO Tiffany Coury & Risk Mgmt Staff; Prem Reddy, Etc); (2) Lack of Communication per Defendants;  
 2. (3) Age/Other Discrimination/Neglect, abuse, etc against the elderly, such as that exhibited by Defendant  
 3. Hospitalist, Palliative Care personnel, Et Al and (4) Non Medical Judgment Decisions, such as placement of  
 4. Patients including Beverly M. Brown with or nexused/exposed to other infected patients (which Defendants  
 5. attempted to cover up (See Plaintiffs' Complaint and Attachments 2/ 3); And (5) Failed to Timely FAX vital  
 6. medical documentation to Renown from March 3-5, 2019 (Complaint Pgs 5,11,12 and throughout)  
 7. - ALL Jeopardizing the Safety and Well being of Patients and - inconsistent with how the nation,  
 8. Presidential directives and the world are contending with saving human lives, especially the chronically  
 9. ill and elderly with regards to the current corona virus Pandemic; clearly addressed throughout  
 Plaintiffs' Civil Action Complaint".

10. 4a/6. Note: On 3/3/2020, St Mary's Nurse Risk Mgmt Response was sent on 3/5/2020 - *after deadline*  
 11. *for Plaintiffs' Filing of any Complaint had passed and before Service upon Defendants.* \*There was No  
 12. investigation, just summary cover-up that excluded any mention of patient placed among infectious  
 13. diseased patients; or other issues addressed in Plaintiffs' Complaint – to include No Contact from  
 14. 12/18 – 3/5/19 with the Patient's Primary Care Cardiovascular Specialist who also works with  
 15. Defendant and would not have allowed for continued reduced dosage of Beverly M. Brown's  
 16. medication or any procedure that would have impacted her jeopardized her health as he as guarded  
 17. against in the past.

18. 4a/7. Again, Plaintiffs' Factual Allegations addressed throughout their Complaint and in this Opposition  
 19. Affirm Plaintiffs focuses primarily on the NON-Medical issues - nexused to Medical issues:

20. (1) Non Medical Administrative Protocol: Physicians followed Defendants' St. Mary's Regional Medical Center  
 21. Administrative Protocol of not consulting with Plaintiffs' mother Primary Care Cardiovascular Specialist for  
 22. her chronic illness (who also worked for this Defendant) before any treatment was rendered and in consult for  
 same – which would have resulted in her survival regarding procedures, medications, etc.  
 (2) Lack of Communication: As per Plaintiffs' Complaint - Defendant St Mary's Regional Medical Center  
 refused to respond to Plaintiffs' year long request to address this matter as noted in their Civil Complaint; No  
response to Plaintiffs' formal settlement request in which Plaintiffs' address the (Gross, Simple, Ordinary  
Non medical Negligence by Defendants (Exh I); Lack of Communication by Defendant as noted in a March

12/32

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

Note: On 3/3/2020, St Mary's Nurse Risk Mgmt Response was sent on 3/5/2020 - *after deadline for Plaintiffs' Filing of any Complaint had passed and before Service upon Defendants (Exhibits 2, 3 – Letters from St Mary Regional Medical Center Kathy Millard; and Nurses Curtis Roth/Lisa Pistone , respectively)*. \*There was No investigation, just summary cover-up that excluded any mention of patient placed among infectious diseased patients; or other issues addressed in Plaintiffs' Complaint, to include No Contact from 12/18 – 3/5/19 with the Patient's Primary Care Cardiovascular Specialist who works with Defendant and would not have allowed for continued reduced dosage of Beverly M. Brown's medication or any procedure that would have impacted her jeopardized her health as he as guarded against in the past.

(3) Age/Other Discrimination: As per Plaintiffs' Complaint addresses - Defendant asserting "she's OLD" and pushing DNR (Amendment to include supporting laws - addressed in this Opposition);

(4) Decisions jeopardizing the safety and well being of Patients such as placement with other infected patients that Defendants attempted to cover up (*See Complaint, Attachments 2/3-omission of this issue*) from Plaintiffs' submitted Complaints to them - *inconsistent with how the nation, Presidential directives and the world are contending with saving human lives, especially the chronically ill and elderly with regards to the current corona virus Pandemic; and March 17, 2020 – while Plaintiffs waited to serve Defendant - it was noted and addressed that poor judgment by Defendants was used to screen persons coming to the hospital by mandating congregation of many persons in a small room that contributed to corona virus jeopardy to same, including Plaintiffs and their process server; And*

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

13/32

1. 4b/1. As Per above, below, Defendant is **completely erroneous** in asserting Plaintiffs' Complaint must be  
 2. dismissed for the simple omission of a medical expert Affidavit – **when as clarified herein, Plaintiffs'**  
 3. **Complaint clearly States, Implies and Infers other then Unknown laws and statutes; corrections and**  
 4. **clarifications; etc can be amended to their Complaint in support of their Civil Action; including as**  
 5. **they clearly stated Non Medical, Administrative factual allegations/claims addressed herein and**  
 6. **therein along with medical inference claims.**

7. 4b/2. Plaintiffs requested in their Civil Complaint that same could be Amended to include the  
 8. **forementioned/below mentioned changes, et al corresponding - to include NON Medical issue**  
 9. **clarifications, etc (as redundantly addressed in this Opposition); Additional/corrected laws,**  
 10. **clarifications, etc (Complaint Pgs 2,3,14,15,16,etc):**

11. **Statute, Law Clarification/Amendments in Support of Case Laws, ETC**

12. **(with Leave to Submit Other Statutes/laws Still Yet Unknown to Plaintiffs In**

13. **Support of Plaintiffs' Factual allegations):**

14. A. **NRS 11.310:** Plaintiffs (*and for Beverly M. Brown's family*), with Legal Power of Attorney as  
 15. representatives of Beverly Brown), And

16. B. **NRS 41.085:** (2) Plaintiffs as Heirs or Personal Representatives (*for Beverly M. Brown's*) may maintain  
 17. action – when the death of any person is caused by the wrongful act or neglect (*See 1-5 non medical acts*  
 18. *described in this Opposition*) of another, the heirs of the decedent and personal representatives of the  
 19. decedent may each maintain an action for damages against any person who caused/contributed to the injury,  
 20. death by wrongful act or neglect; if any other person is responsible for the wrongful act or neglect, or if  
 21. wrongdoer is employed by another person who is responsible for wrongdoer's conduct, the action may be  
 22. maintained against that other person (*Defendant St Mary's Regional Medical Center – including*  
*Administrative Protocols set forth by this Defendant directing other Defendants' conduct*) (*See 1-5*  
*Non medical acts described in this Opposition*); Court or Jury may award pecuniary damages for  
 person's grief, sorrow, loss of probable support, companionship, society, consortium; pain and suffering  
 of the decedent; Penalties including but not limited to Exemplary. Punitive (*NRS 41 Actions and*  
*Proceedings in Particular Cases Concerning Persons / ACTIONS FOR DEATH BY WRONGFUL ]*  
*ACT OR NEGLIGENCE*), Etc;

14/32

1. Leading to / In Support of Valid Law/Claims meeting Requisites for Case Continuation (Such  
 2. damages include the medical and Non medical References Asserted in Plaintiffs' Complaint and  
 3. (Redundantly) Clarified in this Opposition:

4. NRS 41 Actions and Proceedings in Particular Cases Concerning Persons -

5. ACTIONS FOR PERSONAL INJURIES OR DEATH BY WRONGFUL ACT, NEGLIGENCE OR DEFAULT:

6. C. NRS 41.130: Liability for Personal Injury – Except under NRS 41.745, whenever a person suffers personal  
 7. injury by a wrongful act, neglect, default of another, the person causing the injury is liable to the person injured  
 8. for damages; And where the person causing the injury is employed by another person or corporation responsible  
 9. for the conduct of the person causing the injury, that other person or corporation is liable to the person injured for  
 10. damages (TO Wit: Defendant St Mary's Regional Medical Center, Individual Defendants employed with same,  
 11. and Yet Unnamed/unknown/Unidentified Defendants contributing to the injury, death such as: Following  
 12. Defendant Non medical Protocol instructions and Failing to communicate messages by Plaintiffs to Beverly  
 13. M. Brown's Primary Care Cardiovascular Specialist WORKING FOR Defendant when same communication  
 14. was VITAL; Yet unidentified Defendant placing Beverly M. Brown in proximity with infected persons, etc)  
 15. (See 1-5 non medical acts described in this Opposition);

16. D. NRS 41.1395: Action for Damages for Injury or loss suffered by an OLDER (over 60 yrs), vulnerable  
 17. persons from abuse, neglect (failure of a person or organization, To Wit: Defendants - that has assumed  
 18. legal responsibility or contractual obligation for caring for an older person or who has voluntarily  
 19. assumed responsibility for that person's care, to include services within the scope of the person's or o  
 20. rganization's responsibility or obligation, which are necessary to maintain the physical or mental  
 21. health of the older person - only to the extent that the person has expressly acknowledged the  
person's responsibility to provide such care) exploitation: double damages, attorney fees/costs:

(-) if an older, vulnerable person suffers a personal injury or death that is caused by abuse or neglect, etc the  
 person who caused the injury, death or loss is liable to the older, vulnerable person for 2 X the actual  
 damages incurred by the older or vulnerable person,  
 (-) a person who is liable for damages when acted with recklessness, etc, the court shall order that person  
 to pay fees, costs, etc of persons who initiated lawsuit;

E. Plaintiffs' Request to Amend their Complaint to include Age/Other Discrimination, as per addresses in

15/32

1. said Complaint asserting stated Patient Beverly M Brown was "OLD", pushing DNR when she was NOT a  
 2. hospice case (similar to another elderly witness for this case who asserted Defendant pushed hospice care  
 3. when to date she is recovered from ailments and well) - AMENDMENT REQUESTED TO ADD AS A  
 4. CAUSE OF ACTION / FOR RELIEF: DISCRIMINATION BASED ON DISABILITY (amputee), AGE  
 5. (OVER 40)/Other, ETC - ALL PURSUANT TO THE CIVIL RIGHTS ACT OF 1964, 42 USC 2000e, et  
 6. seq; REHABILITATION ACT OF 1973, 29 USC 794; AGE DISCRIMINATION ACT OF 1967, 29 USC  
 7. 633a(b); Other as Yet To Be Determined, Et, Seq

8. F. NRS 41A - Again, simply noted because Defendant St. Mary's Medical Group is a professional  
 9. business, Plaintiffs annotated as one of their laws, 41A – and for no other reason as clarified in this  
 10. Opposition. Plaintiff Requests of the Court that the TOLLING aspect of this Statute applies for Relief  
 11. for Plaintiffs To Obtain a medical Affidavit if required by the Court (shall means Judicial discretion  
 12. and Does NOT mean must contrary to Defendants' false assertions see No 1 addresses above) due to  
 13. Defendants' Concealment (1-3/2020 – Exh 2, 3)

14. G. Plaintiffs Reserve the Request to submit further arguments, evidence, laws, etc clarifying their dispute  
 15. of professional/medical negligence that were simple annotated verbiage and laws; yet their Complaint,  
 16. Clarified in this Opposition, addresses factual allegations that in this clarification are noted in Laws NOT  
 17. specifically related to Professional, Medical Negligence, but Laws related to Gross, Ordinary, Simple  
 18. Negligence / Laws on Gross, Ordinary, simple Negligence which the Court acknowledges/upheld as NOT  
 19. being medical even with medical nexus such as: laws related to jeopardy negligence to safety and health,  
 20. EX: placement of persons with/around known infected people; Law related to Negligent care of elderly  
 21. - saying 'SHE's OLD' & pushing DNR - see Age Discrimination law/NRS Statute herein on elder  
 22. abuse, neglect; Etc

H. Defendants affirm in their dismissal Motion that the Nevada Supreme Court implications, inference and  
direct statements of Breach of Duty, Simple, Ordinary and Gross Negligent claims by Plaintiffs in their  
Civil Action Complaints without the necessity of medical expert affidavits Survive any dismissal motion  
by Defendants, as Plaintiffs do in their Civil Action:  
 "Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each claim,  
 rather than its form, must be examined...the Court held the following: "a claim is not for medical

16/32

malpractice if it is not related to medical diagnosis, judgment , treatment” –

It is duly noted that a Court or Jury can properly evaluate Plaintiffs’ claims *despite any inaccurate titling depiction of same*, and derive said claims as involving Ordinary, Simple, Gross Negligence by Defendants ....allegations that are based on non medical functions in which same acts were discerned as a set of duties and facts based on Gross, Simple, Ordinary Negligence; Breach of Duty, etc” – Such as illustrated in Plaintiffs factual allegations throughout their Complaint (and Clarifying Arguments within this Opposition).

Again, “It is also affirmed that Plaintiffs’ Civil Action Complaint mainly focuses on the NON-Medical issues, such as (1 – 5/other) examples noted in this Opposition Brief.

4c/1 Plaintiffs’ actual Complaint primarily deals with Non-Medical, Admin issues such as: (1) Protocol their staff must follow per Defendant St. Mary Regional Medical Center Defendants (CEO Tiffany Coury & Risk Mgmt Staff; Prem Reddy, Etc) – which is not to consult with any patients’ primary care specialists; (2) Lack of Communication per same Defendants; Note: On 3/3/2020, St Mary’s Nurse Risk Mgmt Response sent on 3/5/2020 - after deadline for Plaintiffs’ Filing of any Complaint had passed and before Service upon Defendants (Exhibits 2, 3 – Letters from St Mary’s Regional Medical Center Kathy Millard; and Nurses Curtis Roth/Lisa Pistone , respectively),. \*There was No investigation, just summary cover-up that excluded any mention of patient placed among infectious diseased patients (See Non medical issue 4); or other issues addressed in Plaintiffs’ Complaint – to include No Contact from 12/18 – 3/5/19 with the Patient’s Primary Care Cardiovascular Specialist who works with Defendant and would not have allowed for continued reduced dosage of Beverly M. Brown’s medication or any procedure that would have impacted her jeopardized her health as he as guarded against in the past; (3) Age/Other Discrimination and Non medical Poor Decisions – ALL jeopardizing the safety and well being of Patients such as (4) placement with other infected patients that Defendants attempted to cover up (See Complaint, Attachments 2/3- omitting these details: Exhibits 2, 3 – Letters from St Mary’s Regional Medical Center Kathy Millard; and Nurses Curtis Roth/Lisa Pistone , respectively),) from Plaintiffs’ submitted Complaints to them – inconsistent with how the nation, Presidential directives and the world are contending with saving human lives, especially the chronically ill and elderly with regards to the current corona virus Pandemic; And (5) Failed to Timely FAX vital medical documentation to Renown from March 3-5, 2019 (Complaint Pgs 5,11,12 and

17/32



1, throughout) – ALL jeopardizing the Safety and Well Being of Patients and - inconsistent with how the  
 2, nation, Presidential directives and the world are contending with saving human lives, especially the  
 3, chronically ill and elderly with regards to the current corona virus Pandemic; clearly addressed  
 4, throughout Plaintiffs' Civil Action Complaint, as addressed in their Civil Action; as well as medically  
 5, nexus issues; And

6, 4c/2. Support Plaintiffs' Non Medical Breach of Duty, Simple, Ordinary, Gross Negligent claims, Et al  
 7, noted in their Civil Action; in addition to the medical claims which Plaintiffs can explain to stand against  
 8, any \*absence of any medical expert Affidavit. However, Plaintiffs' again Seek Leave of the Court To Produce  
 9, and thus Conform with any such Technicality without the undue financial/other hardship prejudicial to  
 10, their meritous Complaint in any dismissal for this one aspect; when Plaintiffs have addressed in their  
 11, Complaint Request to later Amend, clarify, correct, add laws, statutes, etc if needbe related to any  
 12, further known laws, statutes and as of yet unknown Defendants; Etc (See No 4b/2 Above).

13, \* Again, It is noted that the Courts State:

14, *"the Court must construe the complaint in the light most favorable to the Plaintiff and accept as true the*  
 15, *factual allegations of the complaint(caselaw)" – INCLUDING PLAINTIFFS' Joint AFFIDAVIT WITHIN*  
 16, *THIS OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT*  
 17, *FOR OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE*

18, *"Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than*  
 19, *formal pleading drafted by lawyers(Defendant)(caselaw)" And*

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

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

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

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

29, 4c/4. Plaintiffs in the meantime Refer to the aforementioned Arguments address in No. 1c-1f Above

1. regarding their own Affidavits related to their detailed personal education, experience, caretaking, expert  
 2. contacts, etc; nexused to the issues stated in the factual allegations of their Complaint addressing

3. Defendants Breach of Duty, Gross and Simple Negligence from December 2018 through March 5, 2019:

4. (1) Non Medical Administrative Protocol: Physicians followed Defendants' St. Mary's Regional Medical  
 5. Center Administrative Protocol of not consulting with Plaintiffs' mother primary care specialist for her  
 6. chronic illness (who also worked for this Defendant) before any treatment was rendered and in consult for  
 7. same – which would have resulted in her survival regarding procedures, medications, etc.

8. (2) Lack of Communication: As per Plaintiffs' Complaint:

9. - On 3/3/2020, St Mary's Nurse Risk Mgmt Written Response was sent on 3/5/2020 - *after deadline for*  
 10. *Plaintiffs' Filing of any Complaint had passed and before Service upon Defendants.* \*There was No  
 11. investigation, just summary cover-up that excluded any mention of patient placed among infectious  
 12. diseased patients; or other issues addressed in Plaintiffs' Complaint – to include No Contact from  
 13. 12/18 – 3/5/19 with the Patient's Primary Care Cardiovascular Specialist who works with Defendant  
 14. and would not have allowed for continued reduced dosage of Beverly M. Brown's medication or any  
 15. procedure that would have impacted her jeopardized her health as he as guarded against in the past.

16. - Defendant St Mary's Regional Medical Center refused to respond to Plaintiffs' year long Requests to  
 17. address this matter, as noted in their Civil Action Complaint;

18. - No response to Plaintiffs' formal settlement request which address Defendant's Gross, Simple  
 19. Ordinary Negligence and Lack of Communication;

20. - Noted in a March 2020 television news address, nurses at St Mary's asserting lack of communication  
 21. within their establishment regarding combating the Corona virus issues;

22. - Etc;

(3) Age/Other Discrimination: As per Plaintiffs' Complaint addresses - Defendant asserting "she's OLD"  
and pushing DNR (Amendment to include supporting laws - addressed in this Opposition); .

(4) Decisions jeopardizing the safety and well being of Patients such as placement with other infected patients  
 that Defendants attempted to cover up (*See Complaint, Attachments 2/3-omission of this issue*) from Plaintiffs'  
 submitted Complaints to them - *inconsistent with how the nation, Presidential directives and the world are*  
*contending with saving human lives, especially the chronically ill and elderly with regards to the current*

19/30

1. *corona virus Pandemic; And*

2. - March 17, 2020 - while Plaintiffs' waited to serve Defendant it was noted and addressed that poor judgment  
 3. was used by Defendants to screen persons coming to the hospital by mandating congregation of many persons  
 4. in a small room that contributed to corona virus jeopardy to same, including Plaintiffs and their process  
 5. server; And

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

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

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

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

18. - Addition of: Age/Other Discrimination law violations by Defendant against Plaintiffs (RE: Beverly M.  
 19. Brown) as specified by Defendants' verbiage of Age/other and DNR noted in Plaintiffs' factual  
 20. allegations of their Complaint;

21. - Addition of Gregory J. Brown as Plaintiff (*documentation for same supplied separately, as noted*)

22. - Court's Review of this Opposition as Clarification, Correction, Amendment, ETC in support of Plaintiffs'  
 factual allegations addressed in their Complaint - with request to further clarify/correct/amend laws,  
 parties, other as necessary;

- Time to secure medical expert Affidavit if necessitated by the Court to allow medical components of  
 their Complaint to proceed; with consideration of Plaintiffs' addresses in No 1 - 4/Other Above as well  
 as their own Affidavits attached herein,

- ETC

7. **CONCLUSION:**

7a. When the Court Reviews Plaintiffs' Civil Action Complaint, along with the Meritous Refuting Arguments of this Opposition - containing Corrections, Additions, Clarifications, Amendments, Time to Seek medical expert Affidavit Request (Court has clear discretion on Expert Affidavit submission – see Rule 16 provisions for same; and Plaintiffs' qualify for tolling statute of Filing to uphold Plaintiffs Complaint issues See No 1 Refutes above). valid Refuting Arguments ETC.– All in its Totale, it is clearly supported that Plaintiffs have meritous, Non-medical claims (*simply nexused to Defendant medical establishment – such as protocol, lack of communication, Age/Other Discrimination/elderly neglect/abuses, Decisions jeopardizing patient/others' health and safety such as placed with infected patients, Failure to timely fax vital medical documents, Etc*), along with clear medical nexus claims (with Time Request for Plaintiffs' to Seek medical expert Affidavit if needed (Court has clear discretion on Expert Affidavit submission – see Rule 16 provisions for same; and Plaintiffs' qualify for tolling statute of Filing to uphold Plaintiffs Complaint issues See No 1 Refutes above), that Validate their Civil Action to Continue (All of which are likewise subject to Medical Board Review, Media attention, U.S. Department of Health and Human Resource Reviews, ETC in addition to this Legal Nexus), On Behalf Of and For the Voice of other chronically ill, elderly patients who need Proper Care from Medical Establishments.

7b. Note: On 3/3/2020, St Mary's Nurse Risk Mgmt Written Response was sent on 3/5/2020 - *after Deadline for Plaintiffs' Filing of any Complaint had passed and before Service upon Defendants (Exhibits 2, 3 – Letters from St Mary Regional Medical Center Kathy Millard; and Nurses Curtis Roth/Lisa Pistone , respectively).*, \*There was No investigation, just summary cover-up that excluded any mention of Beverly M. Brown and Charles F. Brown / others placed among infectious diseased, quarantine (not enforced) patients; or other issues addressed in Plaintiffs' Complaint, To Include per Non Medical, Administrative Protocol of Defendants No Contact from 12/18 – 3/5/19 with Beverly M. Brown's Primary Care Cardiovascular Specialist Devang Desai, WHO WORKS FOR Defendant and would not have allowed for continued reduced dosage of Beverly M. Brown's medication or any procedure that would have impacted her jeopardized her health as he as guarded against in the past (Court has clear discretion on Expert Affidavit submission – see Rule 16 provisions for same; and Plaintiffs' qualify for tolling statute of Filing to uphold Plaintiffs Complaint issues See No 1 Refutes

1. above).

2. 7c. Plaintiffs provide the following Attachment in Support of this Opposition, with the majority of  
 3. Other Evidentiary Documentation supporting Plaintiffs' factual allegations in their Civil Action  
 4. to be submitted as evidence with any Hearing Brief: Exhibit 1. Plaintiffs' Settlement Notice ignored  
 5. by Defendants that was served upon same with their Summons and Civil Complaint excerpt copy on  
 6. March 17, 2020 (2 pgs)

7. 7d. Again, Plaintiffs' in Good Faith Clarify their verbiage, in their Complaint in that most of the issues in their  
 8. Totale relate to Non medical functions by Defendant despite nexus to this medical business Defendant and /or  
 9. issues; Etc; Provide in this Brief other issue clarifications, defenses, law additions/clarifications, statute *tolling*,  
 10. Etc which also support their Good Faith Request of the Court Time to obtain a medical expert Affidavit if needed  
 11. in furtherance of the medical issues of their Complaint -that can be given at Court's discretion (See NO 1 above)

12. 7e. Defendants affirm in their dismissal Motion that the Nevada Supreme Court implications, inference and  
 13. direct statements of Breach of Duty, Simple, Ordinary and Gross Negligent claims by Plaintiffs in their  
 14. Civil Action Complaints WITHOUT the necessity of medical expert affidavits Survive any dismissal  
 15. motion by Defendants, as Plaintiffs do in their Civil Action:

16. *"Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each*  
 17. *claim, rather than its form, must be examined...the Court held the following: "a claim is not for*  
 18. *medical malpractice if it is not related to medical diagnosis, judgment , treatment" –*

19. It is duly noted that a Court or Jury can properly evaluate Plaintiffs' claims *despite any inaccurate titling*  
 20. *depiction of same*, and derive said claims as involving Ordinary, Simple and Gross Negligence by Defendants  
 21. ....allegations that are based on non medical functions in which same acts were discerned as a set of duties  
 22. and facts based on Gross, Simple, Ordinary Negligence; Breach of Duty, etc"–Such as illustrated in Plaintiffs  
 23. factual allegations throughout their Complaint (and Clarifying Arguments within this Opposition). Again,  
 "It is also affirmed that Plaintiffs' Civil Action Complaint mainly focuses on the NON-Medical issues, such  
as (1 – 5/other) examples noted in this Opposition Brief. However, Again in Good Faith Request of the  
Court Time to obtain a medical expert Affidavit in furtherance of the medical issues of their Complaint -  
that can be given at the Court's discretion.

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

***"the Court must construe the complaint in the light most favorable to the Plaintiff and accept as true the factual allegations of the complaint(caselaw)" – INCLUDING PLAINTIFFS' Joint AFFIDAVIT WITHIN THIS OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT FOR OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE***

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

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

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



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

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

Undersigned do hereby affirm that the preceding document **PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS - TO INCLUDE AMENDMENT/CLARIFICATION OF THEIR TO CIVIL COMPLAINT WITH ADDITIONAL LAWS, CORRECTIONS, CLARIFICATION, ET AL AS SPECIFIED IN THEIR CIVIL COMPLAINT; AND AMENDMENT REQUEST HERE TO INCLUDE ADDITIONAL PLAINTIFF (RETURN SERVICE OF SUMMONS AND ADDITIONAL PLAINTIFF DOCUMENTS SUBMITTED SEPARATELY)**, filed in this matter does not contain the Social

Security Number of any person.

Date: April 9, 2020

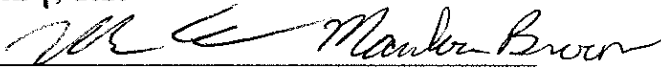


Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
Gregory J. Brown  
Nives Court  
Sparks, NV 89441  
Telephone: (775) 425-4216

**CERTIFICATE OF SERVICE**

Undersigned do hereby affirm that **PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO**

1. **DISMISS - TO INCLUDE AMENDMENT/CLARIFICATION OF THEIR TO CIVIL COMPLAINT WITH**  
 2. **ADDITIONAL LAWS, CORRECTIONS, CLARIFICATION, ET AL AS SPECIFIED IN THEIR CIVIL**  
 3. **COMPLAINT; AND AMENDMENT REQUEST HERE TO INCLUDE ADDITIONAL PLAINTIFF**  
**(RETURN SERVICE OF SUMMONS AND ADDITIONAL PLAINTIFF DOCUMENTS SUBMITTED**  
**SEPARATELY)** was served via regular mail and in person by Plaintiffs to Defendants' Counsels on  
 April 9, 2020

4.   
 5. Marilee Brown, Marilou Brown, Pro Se Plaintiffs

6. Gregory J. Brown  
 Nives Court  
 Sparks, NV 89441  
 775-425-4216  
 7. Date: April 9, 2020

Attachments

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

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

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

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

Attachment

R.App.55  
FILED  
Electronically  
CV20-00422  
2020-04-13 11:57:25 AM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 7831867 : yvilorla

Attachment 1

25/32

R.App.55



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

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

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

7.  
 8. VS Case No: CV20-00422  
 Dept No: ~~1~~ *102 (Mey)*  
 3-16-2020 *CEO Tiffany Coury Complaint to be Amended*  
 9. 1 - St. Mary's Regional Medical Center: Tami (~~Tammy~~) Evans (Director Medical Services / Risk Mgmt;  
 Prem Reddy, MD - (Prime HealthCare)  
 10. 2 - Tanzeel Islam, MD (St. Mary's Hospitalist)  
 3 - Mark McAllister, MD (St. Mary's Interventional Radiologist)  
 11. 4 - Sridevi Challapalli, MD (St. Mary's Cardiologist),  
 5 - DOES I through X inclusive; ROES Businesses I through X inclusive

Defendants,

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


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

24. **Excerpt - PRAYER FOR RELIEF**

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

Attorney *ILR- Pa 40*

1. 2. An Award of compensatory and any other financial damages, etc., all in sums exceeding \$10,000.00 in
2. amount;
3. 3. An Award of emotional and any other financial damages, etc all in sums exceeding \$10,000.00 in amount;
4. 4. An Award of Damages representing Plaintiffs and their family's loss of their Mother by Wrongful Suffering
5. and **Death caused by Defendants' Negligent Medical Malpractice Actions**, Et seq/Other, as afforded by the
6. aforementioned/other Statutes,
7. 5. With All the Aforementioned Directly Contributing to the **Wrongful Suffering and Death of this patient**
8. who had Chronic Medical conditions but the Negligence of Defendants caused the Unnecessary Suffering
9. and Terminal Medical Condition of this patient, Leading to Patient Beverly M. Brown's deteriorating
10. medical condition, suffering and preliminary Death on March 5, 2019; And Anguish to her family.
11. 6. An Award to facilitate Hospital and Health Care Providers accountability and education for improving
12. the quality of care and reduction of medical mistakes by their accredited bodies; To improve the
13. communication between providers and patients/patients' families, patients physicians/specialists etc, so as to
14. ensure the improvement of quality care, healthcare Improvement and less unnecessary preventable Medical Medicinal,
15. Judgment mistakes/ error that lead to the deteriorating medical condition, suffering and preventable death of patients
16. as what happened in this case; etc
17. 7. Any other equitable and further relief as Deemed and Proper and agreed to by the Parties..
18. Plaintiffs are agreeable to Mediation and Arbitration with Defendants.
19. Date: March 17, 2020
20. Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se
21. Sparks, NV 89441
- Telephone: (775) 425-4216

  
 HAH - 2/22

27/32

Attachment 2

Attachment 2

28/32

January 23, 2020

Charles Brown  
45 Nives Court  
Sparks, Nevada 89441

RE: Beverly Brown

Dear Mr. Brown:

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

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

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

Sincerely,



Kathy Millard  
Coordinator  
Risk Management Department

Saint Mary's Regional Medical Center | 235 W. Sixth Street, Reno, NV 89503 | [www.saintmarysreno.com](http://www.saintmarysreno.com)

Member of Prime Healthcare

1/1  
Attachment

2

29/32  
R.App.59

Attachment 3

R.App.60  
FILED  
Electronically  
CV20-00422  
2020-04-13 11:57:25 AM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 7831867 : yvilorla

Attachment 3

30/32

R.App.60

March 3, 2020

Charles Brown  
45 Nives Court  
Sparks, Nevada 89441

RE: Beverly Brown

Dear Mr. Brown:

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

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

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

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

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

Saint Mary's Regional Medical Center | 235 W. Sixth Street, Reno, NV 89503 | [www.saintmarysreno.com](http://www.saintmarysreno.com)

Member of Prime Healthcare

Attachment 3

1/2

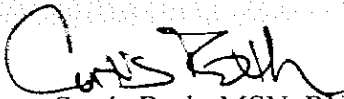
31/32  
R.App.61

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

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

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

Sincerely,



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



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

SEMENT

Mary's Regional  
al Center

235 West Sixth Street  
Reno, NV 89503

Hasler

RECEIVED

03/05/02

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CHARLES BROWN  
45 NIVES CT  
SPARKS, NV 89441

2/2  
Attachment 3

32/32

1. ORIGINAL

2. CODE: 3897  
3. NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)  
4. BAR NUMBER: N/A (Pro Se litigants)  
5. ADDRESS: 45 Nives Court  
6. Sparks, NV 89441  
7. TELEPHONE: (775) 425-4216

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

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

12. Case No: CV20-00422  
13. VS Dept No: 1

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

Defendants,

13. **AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS**

14. 1. During the Service Process, Plaintiffs were notified that Defendant Tammy (Tami) Evans no longer  
15. works with St. Mary's Regional Medical Center and CEO Tiffany Coury replaced this Defendant.  
16. Plaintiffs Request this change, Addition of Gregory J. Brown as a Plaintiff (*Informa Pauperis*) Be  
17. Reflected in this Civil Action with the Courts (*See Plaintiff's Opposition to Defendant's Dism Motion*);  
18. 2. Per the Affidavit of Service (*Attachment 1*), the following Defendants were served through an  
19. authorized agent for same by a person who is not a party to this action, Mr. Gary R. Orr, at the  
20. locations addressed in Mr. R. Orr's Affidavit as reflected below. The undersigned do hereby affirm that  
21. Plaintiffs' Civil Complaint and Summons (Attachment 1), with a Settlement Notice that went ignored  
22. by Defendants, were served on each Defendant via their authorized agents by Mr. Gary R. Orr on  
23. March 17, 2020; cc excerpt to Prem Reddy, MD (Prime HealthCare) via regular mail to (Prime HealthCare  
24. @ 3480 E. Guasti Road, Ontario, CA 91761; 909-235-4400)  
25. a. Mary's Regional Medical Center CEO Tiffany Coury/cc excerpt to Prem Reddy, MD via regular mail; &  
26. b. Tanzeel Islam, MD (St. Mary's Hospitalist) at Mary's Regional Medical Center through CEO Tiffany Coury's  
27. assistant "Cheryl" (LNU) at the emergency entrance of St. Mary's hospital at 235 West 6<sup>th</sup> Street,  
Reno, NV 89503(*Coronavirus Quarantine*)

11/5



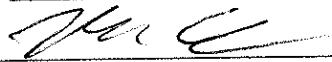
1. c. Mark McAllister, MD (St. Mary's Interventional Radiologist) through his assistant "Marci" (LNU) via front desk Radiology "Jessica" (LNU) at St Mary's Regional Medical Center Group, 645 N. Arlington Ave, #250,  
2. Reno, NV 89503 (*Coronavirus Quarantine*)

3. d. Sridevi Challapalli, MD (St. Mary's Cardiologist) through Cardiology via front desk "Pamola(sp?)" (LNU) at St Mary's Regional Medical Center Group, 645 N. Arlington Ave, #555, Reno, NV 89503 (*Coronavirus Quarantine*)

5. 2. **Of Note:** Plaintiffs are Exempt from Electronic Filing and Service in this Matter thus send/receive filings

6. often delayed. Plaintiffs mailed these Filings due to the Court's Filing Office closure from the

7. **Coronavirus Quarantine.**



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

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

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

14. / **RETURN SERVICE OF SUMMONS** filed in this matter does not contain the Social Security Number of

15. any person.

16. Date: April 9, 2020




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

19. **CERTIFICATE OF SERVICE**

20. The undersigned do hereby affirm that the Plaintiffs' **AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS** was served by Plaintiffs via regular mail/in person to Defendants' counsel of

21. record on April 9, 2020



24. Marilee Brown, Marilou Brown, Pro Se Plaintiffs  
45 Nives Court  
25. Sparks, NV 89441  
26. 775-425-4216  
Date: April 9, 2020

**Attachments**

27. Exhibit 1. Return Service - Affidavit by Plaintiffs and server Mr. Gary R. Orr, with Summons, served on all Defendants on March 17, 2020 (2 pgs)

2/5

Attachment 1

R.App.65  
FILED  
Electronically  
CV20-00422  
2020-04-13 11:57:25 AM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 7831867 : yvilorla

Attachment 1

Pg 3/8

R.App.65

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7. State of Nevada )

8. ) SS

9. County of Washoe )

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

11. Within the time frame designated for service, Affiant <sup>Gay K. Orr</sup> on behalf of Plaintiffs Marilee

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

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

*Settlement Notice*

Parties Served:

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

At:

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

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

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

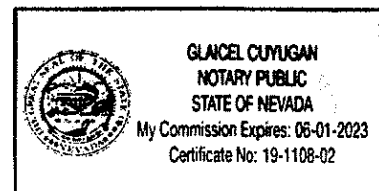
For *Marilee Brown*  
Marilee Brown, Marilou Brown, Pro Se Plaintiffs  
45 Nives Court  
Sparks, NV 89441  
775-425-4216  
Date: February , 2020

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

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

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

18. Notary Public



Pg 4/5

Attachment 1

1/1 Pg

Code: 4085

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

Marilee Brown, Marilou Brown (As Beverly M Brown's family)  
Plaintiff / Petitioner / Joint Petitioner,

Case No. CV 20-00422

VS. Oganis Regional Medical Center - Terry Evans, MD; Dr. McAllister, MD; Dr. Tanzeel Islam, MD; Dr. Sridevi Challepalli, MD; & DOES 1-X inclusive and DOES Businesses 1-X, inclusive  
Defendant / Respondent / Joint Petitioner.

Dept. No. A

SUMMONS

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

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

The object of this action is: medical malpractice, Negligence

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

Dated this 3rd day of March, 20 20

Issued on behalf of Plaintiff(s):

(for Beverly M Brown's family)

Name: Marilee Brown, Marilou Brown

Address: 45 Nives Ct

SPARKS, NV 89441

Phone Number: 775-425-4216

Email: -NA-

\* Exempt From Electronic Filing

JACQUELINE BRYANT

JACQUELINE BRYANT

CLERK OF THE COURT

By: [Signature] Deputy Clerk

Second Judicial District Court

Second Judicial District Court

75 Court Street

Reno, Nevada 89501

Reno, Nevada 89501

1 **3795**

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

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

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

-oOo-

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

Plaintiffs,

vs.

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

Defendant.

Case No.: CV20-00422

Dept. No. 1

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

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

## MEMORANDUM OF POINTS AND AUTHORITIES

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

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

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

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

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

---

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

1 **II. LEGAL ANALYSIS**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

### III. CONCLUSION

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

### AFFIRMATION

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

DATED this 16<sup>th</sup> day of April, 2020.

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

By: 

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

## CERTIFICATE OF SERVICE

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

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

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

Marilee Brown  
Marilou Brown  
45 Nives Court  
Sparks, Nevada 89441

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

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

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

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

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

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





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

MICHAEL E. PRANGLE, ESQ.  
Nevada Bar No. 8619  
RICHARD D. DEJONG, ESQ  
Nevada Bar No. 15207  
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JOHN C. KELLY, ESQ.  
Carroll, Kelly, Trotter, & Franzen  
8329 W. Sunset Rd., Ste. 260  
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[jckelly@cktfmlaw.com](mailto:jckelly@cktfmlaw.com)  
Attorneys for Defendant  
St. Mary's Regional Medical Center,  
Tammy Evans (erroneously named as Tami Evans),  
And Prem Reddy, M.D.

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

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

CASE NO. CV20-00422  
DEPT NO. I

Plaintiffs,

vs.

**DEFENDANTS ST. MARY'S  
REGIONAL MEDICAL CENTER,  
TAMMY EVANS, AND PREM REDDY  
M.D.'S REPLY IN SUPPORT OF  
MOTION TO DISMISS**

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.

COMES NOW, Defendants, ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY  
EVANS (erroneously named as Tami Evans) and PREM REDDY, M.D. (hereafter "St. Mary's  
Defendants") by and through its counsel of record, CARROLL, KELLY, TROTTER, and

FRANZEN and HALL PRANGLE & SCHOONVELD, LLC<sup>1</sup>, and hereby submits this Reply in Support of their Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071.

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

DATED this 20<sup>th</sup> day of April 2020.

HALL PRANGLE & SCHOONVELD, LLC

By: /s/ Richard D. De Jong

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

RICHARD D. DEJONG, ESQ

Nevada Bar No. 15207

HALL PRANGLE & SCHOONVELD, LLC

1140 North Town Center Drive, Ste. 350

Las Vegas, Nevada 89144

Phone: 702-889-6400

Facsimile: 702-384-6025

[efile@hpslaw.com](mailto:efile@hpslaw.com)

*Attorneys for Defendant*

*St. Mary's Regional Medical Center,*

*Tammy Evans (erroneously named as Tami Evans),*

*And Prem Reddy, M.D.*

---

<sup>1</sup> St. Mary's Regional Medical Center, Tammy Evans and Prem Reddy, M.D. have submitted to this Court a stipulation to substitute Hall Prangle and Schoonveld, LLC for previous counsel Carroll, Kelly, Trotter, and Franzen attached hereto as **Exhibit 1**.

## LEGAL ARGUMENT

Plaintiffs' Complaint must be dismissed because it is not supported by an affidavit of merit as is required by NRS § 41A.071 and Plaintiffs lack standing to file suit on behalf of the estate of their mother. Plaintiffs opposition misstates the law as the allegations in the Complaints clearly sound in professional negligence<sup>2</sup>.

### **I. Plaintiffs failed to file an expert affidavit as required by NRS § 41A.071.**

Plaintiffs are required to file an expert affidavit pursuant to NRS § 41A.071. This statute requires that the affidavit be signed by an expert who is engaged in a substantially similar practice as the provider(s) whose conduct is alleged to be negligent. NRS § 41A.071 states:

If an action for professional negligence is filed in the district court, the district court **shall dismiss** the action, without prejudice, if the action is filed **without an affidavit** that: supports the allegations contained in the action; is submitted by a medical expert who practices or has practiced in an area **that is substantially similar to the type of practice engaged in at the time of the alleged professional negligence; identifies by name, or describes by conduct, each provider of health care who is alleged to be negligent; and, sets forth factually a specific act or acts of alleged negligence separately as to each defendant** in simple, concise and direct terms. (emphasis added)

The Nevada Supreme Court held that "under NRS § 41A.071, a complaint filed without a supporting expert affidavit is *void ab initio and must be dismissed*." *Washoe Medical Center*, 122 Nev. 1298, 148 P.3d 790 (2006) (emphasis supplied). Further, the Court stated that "Because a complaint that does not comply with NRS § 41A.071 is *void ab initio*, it does not legally exist and thus it cannot be amended." *Id.* The Court went on to state:

"[S]hall" is mandatory and does not denote judicial discretion. The Legislature's choice of the words "shall dismiss: instead of "subject to dismissal" indicates that the legislature intended that the court have no discretion with respect to dismissal

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<sup>2</sup> Plaintiffs Opposition references an Amended Complaint. For purposes of this Reply the Complaint and Amended Complaint are treated as one document as the Amended Complaint was not properly filed or served.

and that a complaint filed without an expert affidavit would be void and must be automatically dismissed.

*Id.* at 793-94

The Court in *Washoe* discussed the legislative intent that upheld their ruling that failure to attach an expert affidavit made the complaint void from the start:

NRS 41A.071's legislative history further supports the conclusion that **a complaint defective under NRS 41A.071 is void**... NRS 41A.071 was adopted as part of the 2002 medical malpractice tort reform that abolished the Medical-Legal Screening Panel. NRS 41A.071's purpose is to "lower costs, reduce frivolous lawsuits, and ensure that medical malpractice actions are filed in good faith based upon competent expert medical opinion." According to NRS 41A.071's legislative history, the requirement that a complaint be filed with a medical expert affidavit was designed to streamline and expedite medical malpractice cases and lower overall costs, and the Legislature was concerned with strengthening the requirements for expert witnesses.

*Id.* at 794.

The Nevada Supreme Court has made this issue abundantly clear that district courts "have no discretion with respect to dismissal" where a complaint fails to comply with NRS § 41A.071. *Id.* The Nevada Supreme Court reiterated this requirement when it found that even when a third party contribution claim is brought, if contingent upon a claim of medical malpractice, it too must be supported by an expert affidavit or must be dismissed. *See Pack v. LaTourette*, 277 P.3d 1246, (Nev. 2012).

Here, it is undisputed that the original Complaint and Amended Complaint were filed without an expert affidavit. See Complaint and Amended Complaint attached as **Exhibits 2 and 3**. Plaintiffs' Opposition contemplates that the Plaintiffs have the requisite experience to file their own affidavit, however they do not cite to any relevant medical experience to support this claim nor is any affidavit attached to either complaint. Accordingly, the viability of Plaintiff's case depends entirely upon whether the claims asserted contemplate "professional negligence." Professional negligence is defined as "the failure of a provider of health care, in rendering

services, to use the reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained and experienced providers of health care.” See NRS § 41A.015. Hence, the application of NRS § 41A to a specific case depends solely on two factors: (1) the status of a defendant as a provider of health care, and (2) whether the allegations contemplate a failure in the rendering of services by that provider. Here, both these requirements are met as follows:

**1. Plaintiff’s allegations contemplate a failure by a provider of health care.**

NRS § 41A applies only to a “provider of health care.” A provider of health care is defined in NRS § 41A.017 as “a physician licensed pursuant to chapter 630 or 633 of NRS, **physician** assistant, dentist, licensed nurse, . . . **a licensed hospital**, clinic, surgery center, physicians’ professional corporation or group practice that employs any such person and its employees.” (emphasis added). Here, the allegations are against the St. Mary’s Defendants in relation to the medical care and treatment provided to the Plaintiff at St. Mary’s Regional Medical Center. Therefore, the St. Mary’s Defendants are undeniably providers of health care to which NRS § 41A applies.

**2. The allegations contemplate a failure by the St. Mary’s Defendants in “rendering services” to Plaintiff.**

Plaintiffs’ allegations clearly contemplate professional negligence. This Court must look to “the nature of the grievance to determine the character of the action, not the form of the pleadings.” *Egan v. Chambers*, 299 P.3d 364, 366 n. 2 (2013). A plaintiff cannot evade the professional negligence limitations through “artful pleading.” *Brown v. Mt. Grant General Hospital*, 2013 WL 4523488, \*8 (D. Nev. 2013) (citing *Fierle*, 219 P.2d at 913 n. 8).

The Nevada Supreme Court has held that “allegations of breach of duty involving medical judgment, diagnosis, or treatment indicate that a claim is for medical malpractice.”



1 *Szymborski v. Spring Mountain Treatment Center*, 133 Nev. Adv. Op. 80 (Oct. 26 2017).  
2 Emphasis added. The Nevada Supreme Court has added that “if the jury can only evaluate the  
3 plaintiff’s claims after presentation of the standards of care by a medical expert, then it is a  
4 medical malpractice claim.” *Id.* (citing *Humboldt Gen. Hosp. v. Sixth Judicial Dist. Court*, 132  
5 Nev. Adv. Op. 53, 376 P.3d 167, 172 (2016)). In fact, the Supreme Court has even broadly held  
6 that “allegations of negligent maintenance of medical records are properly characterized as  
7 medical malpractice.” *Id.* The U.S. District Court of Nevada has further added that “[t]he scope  
8 of ‘medical malpractice’ extends beyond the immediate provision of care, and encompasses even  
9 something as far removed from the immediate context of the doctor-patient relationship as the  
10 negligent maintenance of medical records and a misrepresentation resulting therefrom.” *Johnson*  
11 *v. Incline Village General Imp. Dist.*, 5 F. Supp. 2d 1113, 1115 (D. Nev. 1998).

14 In this case, Plaintiffs are seeking to impose liability upon the St. Mary’s Defendants for  
15 treatment relating to a foot wound, atrial fibrillation, improper amputation, low oxygen levels,  
16 and pulmonary injury. *See Exhibit 2* Pgs. 6-16. These allegations clearly implicate professional  
17 negligence in the context of medical care. In fact, the complaints repeatedly describe the causes  
18 of action as one for medical malpractice. *Id.* The allegations in the complaints relate directly to  
19 care and treatment of Beverley Brown. *Id.* Therefore, Plaintiffs’ allegations are premised on  
20 medical services and medical judgment that only providers delineated under NRS § 41A.017 can  
21 make. The claims in the Complaints all fall within the definition of NRS § 41A.015 and must  
22 therefore be dismissed pursuant to NRS § 41A.071 since there is no affidavit of merit supporting  
23 the Complaints.  
24  
25  
26  
27  
28

## II. Plaintiffs Lack Standing to File a Complaint or Opposition.

Suit in this case is brought by Marilee Brown and Marilou Brown<sup>3</sup> on behalf of the estate and family of Plaintiffs' Decedent Beverley Brown. *See* Plaintiff's Complaint Pg. 1 Ln. 14 -17 attached hereto as **Exhibit 2**. Plaintiffs' claim to have legal power of attorney as representatives of decedent Beverley Brown. *Id.* However, the Nevada Supreme Court has held no rule or statute permits a person to represent any other person, a company, a trust, or any other entity in the district courts or in the Supreme Court. *Salman v. Newell*, 110 Nev. 1333, 1336 885 P.2d 607, 609 (1994). While Nevada State Supreme Court Rule 44 permits an individual to represent themselves in the district courts, in this case Plaintiffs are not permitted to represent their deceased mother's estate.

Only an active member of the State Bar of Nevada, pursuant to the rules of this court, is permitted to practice law in this state; a violation of this rule is a crime pursuant to NRS § 7.285. In addition, Supreme Court Rule 77 provides that, with certain inapplicable exceptions, no person may practice law as an officer of the courts in this state who is not an active member of the state bar. Although an individual is entitled to represent himself or herself in the district court, no rule or statute permits a non-attorney to represent any other person, a company, a trust, or any other entity in the district courts or in this court. *Salman*, 110 Nev. 1336.

Plaintiff cites to NRS § 41.085 to support the contention that Plaintiffs may represent the estate in a cause of action, however this statute simply delineates who may recover for damages in a wrongful death action, not who may permissibly file suit and represent an estate in legal proceedings. Plaintiffs' Decedent's children are not entitled to represent the estate in legal

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<sup>3</sup> Plaintiffs' Opposition seeks leave to also add Gregory Brown as a named Plaintiff.

proceedings. The Complaint, Proposed Amended Complaint, and Opposition to Motion to Dismiss are all legally invalid and this case should be dismissed in its entirety.

### **CONCLUSION**

As Plaintiff has failed to adhere in any capacity to the medical expert affidavit requirements of NRS § 41A.071, the Complaint is *void ab initio* as to the St. Mary's Defendants and must be dismissed. Additionally, Plaintiffs are not permitted to file suit on behalf of their mother's estate. St. Mary's respectfully requests that this Court grant its Motion to Dismiss with prejudice.

### **AFFIRMATION**

#### ***Pursuant to NRS 239B.030***

The undersigned does affirm that the preceding document does not contain the Social Security Number of any person.

DATED this 20<sup>th</sup> day of April, 2020.

HALL PRANGLE & SCHOONVELD, LLC

/s/ Richard De Jong

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

RICHARD D. DEJONG, ESQ

Nevada Bar No. 15207

1140 North Town Center Drive, Suite 350

Las Vegas, NV 89144

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

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

\_\_\_\_ U.S. Mail, first class postage pre-paid to the following parties at their last known address;

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

# EXHIBIT 1

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

**SUBT**

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

RICHARD D. DEJONG, ESQ

Nevada Bar No. 15207

HALL PRANGLE &amp; SCHOONVELD, LLC

1140 North Town Center Drive, Ste. 350

Las Vegas, Nevada 89144

Phone: 702-889-6400

Facsimile: 702-384-6025

efile@hpslaw.com*Attorneys for Defendant**St. Mary's Regional Medical Center,**Tammy Evans (erroneously named as Tami Evans),**And Prem Reddy, M.D.*

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

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

Plaintiffs,

vs.

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

Defendants.

CASE NO. CV20-00422  
 DEPT NO. I

**SUBSTITUTION OF COUNSEL**

Defendant, ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY EVANS  
 (erroneously named as Tami Evans) and PREM REDDY, M.D., hereby substitutes the law firm  
 of HALL PRANGLE & SCHOONVELD, LLC, as its attorneys in the above-entitled action in  
 the place and stead of the law firm of CARROLL, KELLY, TROTTER, FRANZEN &  
 McBRIDE.

DATED this 17 day of April, 2020.

ST. MARY'S REGIONAL MEDICAL CENTER,  
TAMMY EVANS (erroneously named as Tami  
Evans) and PREM REDDY, M.D.,

HELEN PELTEKCI, ESQ.  
AUTHORIZED REPRESENTATIVE

  
TAMMY EVANS

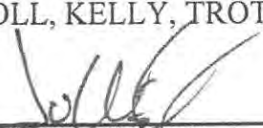
PREM REDDY, M.D.

**CONSENT TO SUBSTITUTION**

JOHN C. KELLY, ESQ. of the law firm of CARROLL, KELLY, TROTTER, FRANZEN  
& McBRIDE does hereby agree to the substitution of the law firm of HALL PRANGLE &  
SCHOONVELD, LLC as counsel for Defendant, ST. MARY'S REGIONAL MEDICAL  
CENTER, TAMMY EVANS (erroneously named as Tami Evans) and PREM REDDY, M.D., in  
the above-entitled action in my place and stead.

DATED this 14 day of April, 2020.

CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE

  
JOHN C. KELLY, ESQ.  
Nevada Bar No. 9848  
8329 W. Sunset Rd., Ste. 260  
Las Vegas, NV 89113

**ACCEPTANCE OF SUBSTITUTION**

MICHAEL E. PRANGLE, ESQ. of the law firm of HALL PRANGLE &  
SCHOONVELD, LLC, does hereby agree to be substituted for CARROLL, KELLY,  
TROTTER, FRANZEN & McBRIDE, in the above-entitled action as attorneys for Defendant,

DATED this 14<sup>th</sup> day of April, 2020.

ST. MARY'S REGIONAL MEDICAL CENTER,  
TAMMY EVANS (erroneously named as Tami  
Evans) and PREM REDDY, M.D.,

Helen Peltekci  
HELEN PELTEKCI, ESQ.  
AUTHORIZED REPRESENTATIVE

TAMMY EVANS

Prem Reddy  
PREM REDDY, M.D.

#### CONSENT TO SUBSTITUTION

JOHN C. KELLY, ESQ. of the law firm of CARROLL, KELLY, TROTTER, FRANZEN  
& McBRIDE does hereby agree to the substitution of the law firm of HALL PRANGLE &  
SCHOONVELD, LLC as counsel for Defendant, ST. MARY'S REGIONAL MEDICAL  
CENTER, TAMMY EVANS (erroneously named as Tami Evans) and PREM REDDY, M.D., in  
the above-entitled action in my place and stead.

DATED this 14 day of April, 2020.

CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE

John C. Kelly  
JOHN C. KELLY, ESQ.  
Nevada Bar No. 9848  
8329 W. Sunset Rd., Ste. 260  
Las Vegas, NV 89113

#### ACCEPTANCE OF SUBSTITUTION

MICHAEL E. PRANGLE, ESQ. of the law firm of HALL PRANGLE &  
SCHOONVELD, LLC, does hereby agree to be substituted for CARROLL, KELLY,  
TROTTER, FRANZEN & McBRIDE, in the above-entitled action as attorneys for Defendant.

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



1 ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY EVANS (erroneously named as  
2 Tami Evans) and PREM REDDY, M.D.

3 HALL PRANGLE & SCHOONVELD, LLC

4 

5  
6 MICHAEL E. PRANGLE, ESQ.  
7 Nevada Bar No. 8619  
8 1140 North Town Center Drive, Suite 350  
9 Las Vegas, NV 89144

10 **AFFIRMATION**

11 *Pursuant to NRS 239B.030*

12 The undersigned does affirm that the preceding document does not contain the Social  
13 Security Number of any person.

14 DATED this 20 day of April, 2020.

15 HALL PRANGLE & SCHOONVELD, LLC

16 

17 MICHAEL E. PRANGLE, ESQ.

18 Nevada Bar No. 8619

19 RICHARD D. DEJONG, ESQ

20 Nevada Bar No. 15207

21 1140 North Town Center Drive, Suite 350  
22 Las Vegas, NV 89144

23 *Attorneys for Defendant St. Mary's Regional  
24 Medical Center, Tammy Evans (erroneously named  
25 as Tami Evans), and Prem Reddy, M.D.*

26 **CERTIFICATE OF SERVICE**

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

1 I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD,  
 2 LLC; that on the 20 day of April, 2020, I served a true and correct copy of the foregoing  
 3 **SUBSTITUTION OF COUNSEL** via:

4 X E-Flex Electronic Service;

5        U.S. Mail, first class postage pre-paid to the following parties at their last known address;

6 Marilee Brown  
 7 Marilou brown  
 8 45 Nives Court  
 9 Sparks, NV 89441  
 10 *Plaintiff in Pro Per*

JOHN C. KELLY, ESQ.  
 Carroll, Kelly, Trotter, Franzen & McBride  
 8329 W. Sunset Rd., Ste. 260  
 Las Vegas, NV 89113  
[jckelly@cktfmlaw.com](mailto:jckelly@cktfmlaw.com)

11 /s/ Arla Clark

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

# EXHIBIT 2

1. ORIGINAL

2. CODE: 1425  
NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)  
3. BAR NUMBER: N/A (Pro Se litigants)  
ADDRESS: 45 Nives Court  
4. Sparks, NV 89441  
TELEPHONE: (775) 425-4216

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

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

8. Case No: CV  
9. VS Dept No:

10. St. Mary's Regional Medical Center: Tami Evans (Director Medical Services / Risk Mgmt;  
Prem Reddy, MD - (Prime HealthCare)  
Mark McAllister, MD (St. Mary's Interventional Radiologist)  
11. Tanzeel Islam, MD (St. Mary's Hospitalist)  
Sridevi Challapalli, MD (St. Mary's Cardiologist),  
12. DOES I through X inclusive; ROES Businesses I through X inclusive

Defendants,  
13. CIVIL COMPLAINT (*Jury Demanded*)

---

**CIVIL COMPLAINT**

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

20. **PRELIMINARY STATEMENT**

21. 2a. Plaintiffs will serve the Defendants with this Complaint and Summons by a Non Party over 18 years of  
22. age and within 120 days of Filing pursuant to the Nevada Rules of Civil Procedure NRCP 4(a)(c)(d)(i); and will  
23. provide an Affidavit of Service to the Court upon Service of Same Complaint and Summons NRCP (4(g))(2)

24. **2b. Pro Se Plaintiffs Note: The Courts State:**

25. "*Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than formal pleading drafted by lawyers (Defendant)(caselaw)*" And

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

1/17

1.

**JURISDICTION**

2. 3. Plaintiffs are informed and believe, and therefore alleges, that this Court has subject jurisdiction over this  
 3. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of <sup>Heirs</sup>  
<sup>NRS 41.085, 41.130</sup> Beverly Brown); <sup>NRS 41.085, 41.130</sup> and any other applicable law or statute under this jurisdiction not yet known by  
 5. the Plaintiffs; in that the Defendants did commit Medical Negligent actions to include Medicinal,  
 6. Treatment, Judgment, protocol, Etc Errors, against the Plaintiffs which led to the Wrongful Suffering and Death  
 7. of their mother, patient Beverly Morris (M.) Brown; to include but not limited to the fact that Defendants did  
 8. commit Medical Negligent Actions, Errors that lead to the Detrimental Health, Suffering and Wrongful death  
<sup>-Actual & proximate</sup>  
 9. of their mother, patient Beverly Morris (M.) Brown; And to include Breach of Duty, Medical Negligence /  
 10. Malpractice, Causation of Financial loss in these proceedings, and Emotional, Financial Distress, et al, to  
 11. the Plaintiffs and their family, Subject to the jurisdiction of this Court.

12. 4. Plaintiffs are informed and believe, and therefore alleges, that this Court has subject jurisdiction over this  
 13. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of <sup>Heirs</sup>  
<sup>NRS 41.085, 41.130</sup> Beverly Brown); <sup>NRS 41.085, 41.130</sup> and any other applicable law or statute under this jurisdiction not yet known to Plaintiffs;  
 15. 5. Plaintiffs advise that this Complaint may be Amended at a later date as authorized by the Court to include  
 16. additional laws, clarifications, corrections, etc. to this Complaint.

17.

**VENUE**

18. 6. Venue is Proper in this Court as Defendants' Medical Negligence conduct asserted in this Complaint by  
 19. the Plaintiffs took place within the State of Nevada, County of Washoe, where the Defendants and the  
 20. Plaintiffs reside/work; and in which Defendants' Negligent Medical Malpractice Actions occurred.

21.

**PARTIES**

22. 7. Plaintiffs Marilee Brown and Marilou Brown (and for Beverly M. Brown's family) - (with Legal Power of  
 23. Attorney as representatives of <sup>Heirs</sup> Beverly Brown), (hereafter referred to as "Plaintiffs") currently reside in the  
 24. State of Nevada, County of Washoe; and St. Mary's Regional Medical Center – Tami Evans, Director of  
 25. Medical Services/Risk Mgmt; Prem Reddy, MD - (Prime HealthCare); Mark McAllister, MD (St. Mary's Interv.  
 26. Radiologist); Tanzeel Islam, MD (St. Mary's Hospitalist); Sridevi Challapalli, MD (St. Mary's Cardiologist),  
 27. (hereafter referred to as "Defendants") currently reside/work, in the State of Nevada, County of Washoe.

2/17

1. 8. All of the Acts or Failures of Duty, et al are performed and/or are attributable to the Defendants,
2. individually and/or combined; et seq;
3. 9. The names and capacities, whether individual, corporate, associate or otherwise of Defendants and
4. /or their alter egos sued herein as DOES I through X, and ROE Business Entities I through X, inclusive,
5. are presently unknown, and Plaintiffs will Amend this Complaint to insert the names (s) when ascertained.

### STATEMENT OF FACTS

#### 6. 10. MAIN MEDICAL MALPRACTICE INFORMATION SUMMARY:

7. a. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
8. Hospitalist's and Interventional Radiologist's removal of patient from lifesaving medications for procedure
9. that threatened/negatively impacted patient's health without prior consult with her primary Cardiology
10. Specialist who would have advised against same unless necessary (**All Led to Patient Beverly M. Brown's**
11. **deteriorating medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
12. b. On/About February 21, 2019: Interventional Radiologist's pulmonary procedure error resulting in the
13. Hospitalist's continued removal of patient's necessary life saving medication; buildup of plural fluid in
14. patient's lungs that could no longer be removed by procedure due to the Interventional Radiologist's error
15. even when purportedly healed around Feb 25, 2019 (**All Led to Patient Beverly M. Brown's deteriorating**
16. **medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
17. c. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
18. Hospitalist's and Interventional Radiologist's removal of patient from lifesaving medications for procedure
19. that threatened/negatively impacted patient's health without prior consult with her primary Cardiology
20. Specialist who would have advised against same unless necessary (**All Led to Patient Beverly M.**
21. **deteriorating medical condition, suffering and preliminary death on March 5, 2019; Family anguish;**
22. d. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
23. Hospitalist's refusal to consult with the patient's cardiology specialist per protocol - who would have
24. maintained her on the necessary amount and type of lifesaving medication (*yet other hospital admitting*
25. *staff cc'ed said important specialists regarding patient's initial and proceeding care*) (**All Led to Patient**
26. **Beverly M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019;**
- Family anguish;**
27. e. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
28. Hospitalist's refusal to consult with the hospital assigned cardiology, pulmonary specialists per protocol

3/17

1. (despite assigned specialists apparent readings of patient's tests during hospital stay) until On/About
2. 2/25/19 when family members emphasized specialists needed to be consulted for patient's proper care and
3. treatment (**All Led to Patient Beverly M. Brown's 11. deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
4. f. On/About February 25, 2019: Attending hospital cardiology specialist misreading and alluding only to
5. hospital notes with erroneous interpretation of hospital medication given to patient; failure to consult with
6. patient's primary cardiology specialist who would have affirmed patient needed to be on correct
7. medications and amounts – who was in the same St. Mary's office as she; and purportedly released the
8. patient per the Hospitalist with apparent ongoing life threatening conditions (**All Led to Patient Beverly**
9. **M. Brown' deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
10. g. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
11. Hospitalists failed to consult with patient's primary cardiology specialist who would have affirmed patient
12. needed to be on correct medications and amounts while and after hospital admission (**All Led to Patient**
13. **Beverly M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;**
14. h. On/About December 12-14, 2018, thereafter to and including On/About February 20 - 27,28/2019:
15. Hospitalist failed to timely review and properly reviews patients life threatening health condition symptoms
16. for proper treatment until speaking with the family on/about Feb 25, 2019; Failed to consult with patient's
17. primary cardiology specialist who would have affirmed patient needed to be on correct medications and
18. amounts while and after hospital admission; purportedly only consulted with a pharmacist who gave the
19. incorrect dosage for one lifesaving medication (2.5 Eliquis/2X per day, when it should have been 5mg/2X
20. per day) to be administered at the hospital; Failed to have patient on life saving medication Plavix at all;
21. and purportedly released the patient with apparent ongoing life threatening conditions; False statement
22. asserting family refused skilled nursing facility for PT to patient's detriment – when Hospitalist agreed
23. Home Therapy program was best for patient due to weak condition and malnutrition from hospital stay;
24. Hospitalist and Palliative Care staff pushing for DNR when patient wanted to live and simply, repeatedly
25. stating to patient and her family that she was just "OLD"; ETC (All Led to Patient Beverly M. Brown's
26. deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family anguish;
27. i. On/About December 12 -14, 2018, thereafter to and including On/About February 20 - 27, 28/2019:
28. Hospitalists Failed to consult with patient's primary cardiology specialist who would have affirmed patient

1. needed to be on correct medications and amounts and purportedly released the patient asserting to
2. specialists' recommendations with apparent ongoing life threatening conditions (**All Led to Patient Beverly**
3. **M. Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family**
4. **anguish**
5. j. On/About February 26,27/2019 - February 28, 2019: Hospital staff's placement of patient Beverly M.
6. Brown in a room with an infection patient that contributed to patient's pulmonary, respiratory issues death
7. on 3/5/19 (**All Led to Patient Beverly M. Brown's deteriorating medical condition, suffering and**
8. **preliminary death on March 5, 2019); Family anguish**
9. k. On/About: March 3, 2019 - March 5, 2019: St. Mary's Hospital Failed to timely fax vital documentation
10. requested by Renown for assisting in care and treatment of patient until 3/5/19; with said delinquency
11. impacting vital care/treatment and contributed to patient's death on 3/5/19 (**All Led to Patient Beverly M.**
12. **Brown's deteriorating medical condition, suffering and preliminary death on March 5, 2019); Family**
13. **anguish**
14. ETC
15. m. All directly contributing to the Wrongful Suffering and Death of this patient who had severe Chronic
16. Medical conditions but the Negligence of St Mary's Regional Medical Center Hospital staff caused an
17. unnecessary Terminal Medical Condition of this patient (**Lead to Patient Beverly M. Brown's death on**
18. **March 5, 2019)**
19. n. From About April 2019 To The Date of this Filing, after securance and review of medical records from
20. St. Mary's Medical Center, the patient's family attempted to address the aforementioned issues with St.
21. Mary's Regional Medical Center without response, except upon contact with Prime Health Care said
22. Organization referred patient's family to St. Mary Regional Medical Center Risk Management Department.
23. Upon consult with same, Kathy Millard of Risk Management advised their department would investigate
24. the matter and respond in writing within 45 days.
25. o. Throughout February 2020, Upon consult with local counsel, it was advised to patient's family that any
26. medical malpractice case had to be filed in Court within a one year Statute of Limitations.
27. p. During this time, St. Mary's Regional Medical Center Risk Management and Legal Department refused
28. to return patient's family's calls for informal meeting in this matter, Alternative Dispute Resolution,
29. Mediation or Arbitration proceedings to resolve their concerns .Nor would same discuss matters when
30. Patient's family physically went to this Department to inquire of voluntary participation.
31. q. On/about February 21, 2020, Upon consult with Nevada District Court staff in Reno, NV, it was stated
32. by the Clerks that no such programs could be accessed through the Court unless a formal Civil Complaint

5/17



1. was filed –predicating this Action by the patient's family.
2. r. For the aforementioned reason, Plaintiffs (*and patient's family*) had no choice but to file this Civil Action in
3. order ~~to~~ to engage in Court and/or other sponsored programs to facilitate resolution of this matter and the
4. issues within since St. Mary's Regional Center Risk and Legal Department would not return Plaintiffs'
5. aforementioned requests to engage in said programs;
6. s. All to facilitate Hospital and Health Care Providers accountability and education for improving the quality
7. of care and reduction of medical mistakes by their accredited bodies; To improve the communication between
8. providers and patients/patients' families so as to ensure the improvement of quality care, healthcare
9. improvement and less Medical Medicinal, Judgment mistakes/error that lead to the suffering and
10. preventable death of patients; etc

## 11. 11. BACKGROUND HISTORY

- 12. A/I. Background History Related to Issue At Hand – St. Mary's Hospital/Medical Center (More Available) Patient Beverly M. Brown**

13. 1a. Beverly M. Brown had Chronic medical conditions of Cardiovascular disease, Afib, etc as disclosed herein and more details available for the Related ISSUE AT HAND
14. 1b. Beverly M. Brown continued her heart and vascular care in Reno, Nevada with St. Mary's interventional vascular cardiologist Dr. Devang Desai after treatment with Renown and UCDavis physicians for associated illnesses; and her Cardiologist in Reno, NV Retired.
15. 2a. St Mary's wound care unit Infection Disease Specialist recommended Beverly M. Brown take conservative approach of oral antibiotics in an attempt to clear up her foot infection instead of a more aggressive necessary cutting the infection out of ~~an amputation~~ wound caused by her condition. The medication simply made Beverly M. Brown sick and did not help with the wound considering her compromised circulatory vascular condition.
16. 2b. During a follow up visit at St. Mary's wound care center, Beverly M. Brown's wound was so infected the attending care professionals referred her to St. Mary's ER. Beverly M Brown's daughters wanted to immediately drive Beverly to UCDavis Medical Center in Sacramento, CA but St. Mary's medical staff advised against that and advised immediate hospitalization (*for their financial gain*). Beverly and her daughters followed all medical advice and recommendations.
17. 3a. Once hospitalized, the St. Mary's health care professionals put Beverly M. Brown on IV heparin medication and could not remove this medication despite the vascular surgeon agreeing Beverly was best treated at UCDavis. Unfortunately, the IV heparin drip now required medical transport vs. private family transport to UCDavis Medical Center, which caused over a week delay in travel and longer for interventional treatment Beverly M. Brown's condition required not only limb but LIFE saving treatment upon arrival at UCDavis.
18. 3b. During the very lengthy waiting period at St. Mary's Hospital for transport to UC Davis Medical Center in Sacramento, CA, Beverly M. Brown's condition deteriorated dramatically, to the degree attending nurses and staff disclosed to Beverly's daughters that they feared she would die and not survive the trip.
19. 3c. St Mary's did NOT treat Beverly M. Brown for her cardiovascular condition except for IV Heparin pending transport to UCDavis hospital for treatment. Due to a limited number of patients allowed at UC Davis via

1. medical transport, Beverly M. Brown's transfer of care was further delayed. Beverly M. Brown's daughter Marilou Brown finally contacted UC Davis Dr. Laird and advised of the delay and Beverly's deteriorating condition. Dr. Laird expedited UC Davis transfer acceptance thereafter.
2. 3d. UC Davis medical staff advised Beverly M. Brown's daughters that they would NOT be able to do any vascular treatment to further save Beverly M. Brown's infected foot/leg and would now require amputation
3. - all because her vascular Dr. ~~Marilou~~ stated she could walk ~~or be amputated~~ when she should not have while it was recovering from infection; AND MOSTLY BECAUSE OF
4. St. Mary's actions noted above by the Wound Care Center poor treatment decisions, \* followed by St. Mary's decisions to Admit Beverly Brown to the Hospital for financial gain, poor medical treatment, thereafter delayed
5. transport to UC Davis, when this patient's daughters could have expedited transport to UC Davis on their own.
6. 3e. UC Davis Staff stated they had to do extensive treatment on Beverly M. Brown's Cardio condition (Afib, etc) - aggravated by the lack of care at St Mary's hospital in Reno, NV and lengthy delay there for transport
7. to UC Davis Medical Center in Sacramento, CA
8. Again, had St Mary's care staff simply let Beverly's daughters drive Beverly to UC Davis Medical Center ER - Beverly M. Brown would have been treated more exigently. (As Noted above: Brown subsequently learned
9. from Specialist that St Mary's ER protocol was to admit as many patients as possible, unfortunately to the demise of Beverly M. Brown in this case;
10. 4. Beverly M. Brown's leg amputation led to accelerated extensive bone loss (20%) from Osteoporosis due to Beverly M. Brown's inactivity and severe impact on her already compromised cardiovascular
11. condition (CHF) because she had very limited mobility from June 2016 - Dec 2018 / March 2019
12. **A/2. Primary Background Related to ISSUE AT HAND – Patient Beverly M. Brown**
13. 1a. In December 2018, Beverly M Brown was hospitalized at St. Mary's Hospital in Reno, Nevada for her Cardiovascular Condition, low oxygen level. Patient had her lungs aspired and was released.
14. 1b. However, upon review of medical documentation it was noted that the attending Hospitalist and Interventional Radiologist protocol was to conduct the aspiration without consult with Cardiovascular
15. and Pulmonary Specialists; which included removing the patient from life saving medications which caused more jeopardy to the patient than leaving this patient on same medications, Plavix and Eliquis;
16. Despite having the hospital assigned Cardiologist reading patient's test, residing in same St. Mary's Office as patient's primary Cardiologist.
17. 2a. From December 2018 - February 28, 2019, St. Mary's Cardiology reduced Beverly M. Brown's Eliquis from 5 to 2.5mg/2X per day due to incidental bleeding, intermittent blood in her phlegm due to an in hospital
18. radiological procedure to remove fluid from her lungs.
19. 2b. \* Within the week Marilou Brown called St. Mary's Cardiology requesting to know if Beverly M. Brown should return to an Eliquis 5mg/2X per day dosage as recommended by her Cardiologist from Renown,
20. Dr. Ganchan since Beverly no longer spotted blood and if vascular arterial tests should be ordered since it had been a year or more since said tests on Beverly had last been done.
21. 2c. St. Mary's Issue: The cardio nurse who answered the telephone said Beverly M. Brown should stay at 2.5mg for her weight and size. Marilou Brown explained with Beverly's AFIB/CHF condition, it was
22. advised by her previous cardiologist that Beverly's condition required she be at a 5mg 2X per day. Marilou Brown again requested the nurse ask the St. Mary's Cardiologist (Dr. Desai) if she could
23. return to this 5mg, 2x/day Eliquis dosage since she was not spotting blood from the procedure anymore. Marilou again reiterated to the nurse her concern because of what Beverly M. Brown's
24. previous, now retired Cardiologist recommended for her condition; 5mg twice a day. Beverly M. Brown's family did not hear back to this Request despite other same issue messages left for
25. this cardio nurse on this matter. Beverly M. Brown had resumed taking Plavix.

**1. B. ISSUE AT HAND FOR MEDICAL NEGLIGENCE / MALPRACTICE – History and Details**

2. 1. On/about February 20, 2019, During a primary care visit and a planned pulmonary visit at St. Mary's (*which was set up by her aforementioned family members to get an electric wheelchair for her and oxygen*
3. *authorizations*), Beverly M. Brown was again admitted by the attending Primary care physician to St. Mary's hospital due to low oxygen levels and for her now severe Cardiovascular condition.
4. 2a. On/about February 20, 2019, a female attending ER practitioner at St. Mary's Hospital in Reno, Nevada began discussing Directives, Resuscitation, End of Life issues with patient Beverly M. Brown's daughters in
5. front of this patient The daughters requested this conversation stop in front of the patient as it was placing undue further stress on Beverly clearly leaving her with the impression of dying when she is wanting to live!
6. 2b. This hospitalization became an unnecessary lengthy stay from Feb 20 - Feb 28th, 2019 as a result of a radiological pulmonary procedural error; further complicated by vital, life saving medications being withdrawn
7. completely from Beverly M. Brown during almost her entire hospital stay (*contrary to what a nurse told this patient's family*) when they specifically went over meds with her in the hospital – including the fact this
8. patient needed to be on 5mg/2x per day Eliquis, and Plavix).
9. 2c. Beverly M. Brown's daughters specifically asked of the ER Physician, one of the nurses and the attending Hospitalist if Beverly was on 5 mg/2 X per day Eliquis, and Plavix, other meds for said entities responded
10. "YES" to each question they asked. Plaintiff Marilou Brown specifically stated Beverly M. Brown needed to be on 5 Eliquis/2 X per day and Plavix; and was led to believe she was on these medications and dosages.
11. 2d. However, upon reviewing more details of the discharge information the family learned these vital, life saving meds had not been given to Beverly M. Brown for her hospital stay (*Plavix; Eliquis almost the*
12. *entire stay and then back to only 2.5 mg/X2 per day per Hospitalist consult with a pharmacist vs consulting with Beverly M. Brown's Primary Cardiologist who works for St. Mary's and would have*
13. *placed her back on 5 mg unless any bleeding occurred*).
14. 2e. Again, Beverly M. Brown's Primary Cardiologist works for St. Mary's Medical Center yet was never consulted (*with any assigned cardiologists to the Hospital apparently only reviewing patient tests and*
15. *notes*); with the one Cardiology Specialist consulted at patient's family's urgency of the Hospitalist on / about Feb 25, 2019, having erroneous medication information in her purported consult dictation; and one
16. Pulmonary Specialist consulted at patient's family's insistence on/about Feb 25, 2019 because of a procedural error by the Interventional Radiologist doing a lung aspiration procedure on Beverly M.
17. Brown had resulted in pulmonary injury and no further aspiration procedure could be conducted.
18. 3. The Hospitalist met the family days later, on /about Feb 25, 2019?, for the first time since this patient was admitted and only then were they informed of the dire situation she was in.. The Hospitalist informed the
19. Plaintiffs of this pulmonary aspiration error and inquired if this patient had an AFIB/CHF condition, five days since this patient's admittance. In fact, the Hospitalist admitted he had not contacted pulmonary or
20. cardio specialists per hospital protocol; until family (Plaintiffs) demanded and complained for Specialist intervention, especially since the patient's own specialists work for St. Mary's Medical Center.
21. 4. Despite specialist late intervention at the demand of family - detrimental, life threatening cardio pulmonary damage was done to Beverly M. Brown; with more fluid build up during this St. Mary's hospital stay. In
22. addition, consequential pneumonia and placing this patient in a room with a serious infectious patient exacerbated Beverly M. Brown's condition upon discharge after the Drs claimed she was healed and cleared
23. her for home for which the family asked for in home post hospital care. At no time did the Hospitalist advise of adverse results if this patient went to Home care and patient was not in a condition for Physical Therapy
24. falsely asserted by the Hospitalist in his Discharge Summary
25. 5. In Summary, the attending physician/Hospitalist Defendant did not read Beverly's hospital intake condition notes on the present and past visit and was not aware until midway through this patient's hospital
26. admittance that she had uncontrolled Atrial Fibrillation (Afib). The physician did not address specialists at the hospital until the family adamantly requested this due to Beverly M. Brown's deteriorating
27. condition; or this patient's cardiology specialists outside the hospital whom worked for St. Mary's at all.

817

1. 6. Despite the family requesting this not be done, the physicians and Palliative care personnel would keep reiterating IN FRONT OF THE PATIENT AND HER HUSBAND that she "WAS OLD"
2. And RECOMMENDED DO NOT RESUCITATE (DNR) .... clearly covering up for the hospital Error and Beverly M. Brwn's deteriorating condition (deteriorating because they REMOVED all her VITAL LIFE
3. SAVING medication necessary for her heart and vascular condition) and negligent diagnosis/treatment.  
BEVERLY M. BROWN MADE IT CLEAR SHE WANTED TO LIVE.

4. C. MAIN MEDICAL NEGLIGENCE SUMMARY INFORMATION:

5. 1. As per above, In February 2019, while visiting with Beverly M Brown who was hospitalized at St. Mary's Hospital in Reno, Nevada for her Cardiovascular Condition, the attending Hospitalist, Dr. Tanzeel Islam(?),
6. came in to speak with Beverly Morris Brown's family (the Plaintiffs named above). Dr. Tanzeel Islam (?) asked/stated the following:
7. After 4-5 days in the hospital Dr. Tanzeel Islam (?) only then visited with the family and only then did he first inquire if Beverly M. Brown had Afib - which he just surmised after doing days of repetitive unnecessary
8. tests.....stating PROTOCOL.
9. He admitted he had not looked at the extensive medical information provided by the family and prior hospital records from her previous and current hospitalization/other medical attendances.
10. Only after 4-5 days did Dr Tanzeel Islam (?) visit and explain there had been an error in a pulmonary procedure by the Interventional Radiologist as they had been attempting to do to remove fluid from this patient's lungs
11. He stated he was working on Healing the pulmonary injury
12. He stated he had not consulted with any specialists (Pulmonary or Cardiology) because hospital protocol and further stated No Specialists were to be consulted unless absolutely necessary (family then demanded same)
13. Hospitalists don't contact Specialists unless there is a medicine change question, other significant reasons; And don't contact patient's primary Outside Hospital Treating Specialist
14. Upon Review of Discharge papers, the Attending Hospitalist simply consulted with a pharmacist for dose and return of patient on one medication (Eliquis) with no dosage given on Plavix, both extensively needed
15. for the health of this patient; and the Hospital assigned Cardiologists simple reviewing tests and/or noting information – some inaccurate – and what appears to be discharge of this patient with ongoing
16. life threatening conditions.
17. The Hospitalist, Dr Tanzeel Islam (?) recommended Beverly M. Brown not be resuscitated if she coded as she would have broken ribs and he emphasized SHE WAS OLD, clearly to cover up under his statement
18. of following PROTOCOL and the Pulmonary error caused by the interventional radiologist physician. He stated such in front of the patient and her husband.
19. 2. Plaintiffs expressed their concerns to the hospital Social Worker about the protocol and malpractice performance, statements made by the Hospitalist; as well as the palliative care employee – clearly resulting
20. in a negative emotional and physical impact on the patient and family because the message related was death, not healing of patients.
21. This Social Worker stated she would reflect all the family's concerns to the hospital board and later confirmed to the family members she did so via email/other correspondence. This Social Worker also informed
22. them that St. Mary's recognition as "being one of the 200 best hospitals" simply had to do with a Survey for which the hospitals pay to participate in and exclude all hospitals who don't participate - 19. making it a
23. very inaccurate statistic.
24. 3. Hospitalist, Dr. Tanzeel Islam (?) came in on a later date stated he consulted with a Pulmonary Specialist and was able to get proper advice on dealing with the pulmonary injury followed by infectious pneumonia etc.

9/17

1. There was no indication he spoke to any Cardiologist or at minimum did not seek the extensive consult needed for Beverly M. Brown's chronic cardiovascular condition.
2. 4a On/about February 26, 27-28, 2019, St. Mary's staff placed Beverly M. Brown, who was in a very weakened state, in a room with an infected patient; with another infectious patient who kept entering the hallway. The
3. staff then moved Beverly M. Brown across the hallway during the night after they affirmed the other patient
4. was infected and quarantined.
5. As a result of being with this infected patient; Beverly' M. Brown's weakened condition from being taken off her cardio-vascular life saving medications; the lung aspiration Error, - Beverly M. Brown got weaker.
6. In ADDITION, her husband OF SIXTY (60) YEARS, Charles F. Brown, had been in that same room visiting Beverly M. Brown all day in the infected and later quarantined patient's room AND became very sick. He
7. was treated at Renown Urgent Care after Beverly M. Brown died on March 5, 2019.
8. Because of his Sickness, he was not able to physically be with his wife of SIXTY (60) years, Beverly M. Brown, when she died on March 5, 2019 at Renown Hospital due to the Negligent, Malpractice errors
9. caused by Defendants.
10. 4b. On/about February 27, 2019 Beverly M. Brown was moved to a different floor level and put in a room with an infectious patient, who was later quarantined (REITERATED FROM ABOVE, AGAIN BELOW)
11. That same day, an attending male nurse aid had informed Beverly M. Brown's daughters Marilee Brown and Marilou Brown as they walked down the hallway to stay away from a mentally ill patient in a wheelchair
12. that was at the entrance of his room and often in the hallway because he had infection that could be spread.
13. 4c. On February 27, 2019 The night before Beverly M. Brown's discharge, the family received a call from a St. Mary's hospital employee that Beverly M. Brown had been moved across the hallway from her prior room.
14. 4d. The following day, February 28, 2019 the aforementioned family members noticed a DO NOT ENTER sign - INFECTIOUS PATIENT/QUARANTINE at the entry way of where Beverly M. Brown had been
15. in the day before and only masked and gowned medical professionals were allowed into that room with this patient.
16. 5. Beverly M. Brown was discharged late in the day on February 28, 2019 with oxygen her aforementioned family members had been seeking for her. She was in such a very weak state that Marilee and Marilou
17. Brown asked the Nurse Aids to give her a sponge bath before leaving the hospital because she would be too weak to have a shower at home.
18. 6. Beverly M. brown was discharged with full medical clearance TO GO HOME with Oxygen over the weekend yet she had significant, ongoing life threatening medical conditions; Yet within two days of discharge patient
19. had a cranial blockage causing a stroke because the Drs at St Mary's had reduced then removed the critical life saving medication she needed to prevent arterial blockages. The removal of these critical life saving
20. medications altogether during her Second hospital stay due the lung procedural error ultimately led to Beverly M. Brown's blockages, stroke, heart stress/CHF/UNCONTROLLABLE AFIB, returned infectious Pneumonia
21. and Death at Renown hospital.
22. 7a. Upon review of Beverly M. Brown's discharge papers, it appeared **Attending Hospitalist, Tanzeel Islam** (?) simply consulted with a pharmacist for dosage and return of patient on one medication (Eliquis) with no
23. dosage given on Plavix – both extensively needed for the healthy of this patient; and the Hospital assigned Cardiologists simple reviewing tests and/or noting information – some inaccurate – and what appears to be
24. discharge of patient with ongoing life threatening conditions.
25. 7b. Upon review of Beverly M. Brown's discharge papers, the aforementioned family members noticed that she had NOT been given any; delinquently given and/or been given reduced amount of necessary medication

10/17

1. upon consult only with a pharmacist; the critical life saving Cardiovascular medications (Eliquis and Plavix) vital to Beverly M. Brown's cardiovascular condition and her life.
2. Upon discharge Beverly M. Brown resumed taking full dosage LIFE Saving medicines: Plavix for clots and Eliquis (yet still at the improper dosage of 2.5mg/2X per day too late and still to little with the damage already
3. done directly contributing to the death of this patient, after Hospitalists improper consult with pharmacist vs. Patient's primary St. Mary's cardiology physician who would have specified 5mg/2X per day).
4. 7c. In addition, this patient's discharge papers showed she was discharged with life threatening conditions; and had been placed with an infected patient a day prior to final discharge – all directly contributing to the death of
5. this patient.
6. 8. On Sunday March 3, 2019, only three (3) days after being fully cleared for HOME care by St. Mary's hospital the aforementioned family members noticed Beverly M. Brown appeared to be having a stroke. Marilou Brown
7. called for Paramedics, who took Beverly M. Brown to the requested RENOWN hospital. Marilou Brown rode in the ambulance with her mother to Renown Hospital while Marilee Brown and Charles Brown (*patient's husband of 60 years*) followed in their private vehicle.
9. There was a blood clot that had formed in Beverly M. Brown's brain but while the lifesaving procedure was attempted it appeared to be resolving so Beverly M. Brown was placed in Intensive Care.
10. 9. On Monday March 4, 2019. Marilee and Marilou Brown went to Renown hospital and were there until 10pm. Their brother, Peter Brown, was present intermittently to visit with Beverly M. Brown, his mother. Peter
11. Brown works as a Courier for Renown Hospital.
12. Beverly Brown appeared to be having difficulty breathing, with raspy respiratory sounds. Amanda, the Renown ICU nurse stated Beverly M. Brown's chest X-ray did not look good. Marilou and Marilee Brown also noticed
13. blood clots in the urinary tube and Beverly M. Brown expressed she was having difficulty urinating.
14. Beverly M. Brown expressed she was having severe pain in her amputated leg for which the attending night physician gave her pain medication along with Gabapentin (nerve paid medication). Beverly M. Brown
15. fell asleep and Marilee and Marilou Brown went home 10 pm. Their father, Charles F. Brown was sick at home because of his presence in the infected patient's room all day in patient's room.
16. 10. On Tuesday March 5, 2019 in the very early morning, Charles F. Brown answered a call from the Renown physician who requested to know if they could intubate Beverly M. Brown as she was having difficulty
17. breathing. Charles F. Brown said to do everything they could for Beverly M. Brown. Marilou, who was also on the phone, asked the attending physician was causing her condition. The attending ICU Pulmonary physician
18. stated he had an idea what was causing Beverly M. Brown's pulmonary condition, (which he affirmed later to be infectious pneumonia after he finally received the documents he had been requesting for three (3) days from
19. St. Mary's hospital; 3 days too late on the day of her death March 5, 2019). The physician recommended the family come to the hospital.
20. Again, Charles F. Brown was very ill (*he had been in the same room at St. Mary's with the infectious woman Beverly M. Brown had been a roommate with as noted above*) so he could not go to the hospital to see his
21. wife of sixty (60) years during this critical stages of illness (He later had to go to urgent care and was given antibiotic treatment), thus could not be there with her when she took her last breath.
22. 11. As they prepared to leave for the hospital, Marilou Brown received a call from Peter Brown, who stated they needed to get there fast because Beverly M. Brown had just "coded" and had been revived. When Marilee
23. Brown and Marilou Brown arrived at Renown hospital. Beverly M. Brown was intubated and awake. She tried to get comfortable in her bed.
24. 12. After St. Mary's finally faxed over their documents to Renown, the attending pulmonary physician spoke with Marilou Brown, Peter Brown about tests he wanted to do. Marilou Brown asked the attending physician
25. what his suspicions were that he mentioned to Charles Brown and Marilou Brown that morning that were

11/17

1. causing Beverly's deteriorating condition. The attending physician stated infectious pneumonia and planned to order a CT scan.
2. (Note: The attending ICU Pulmonary physician stated he had an idea what was causing Beverly M. Brown's pulmonary condition - affirmed later upon his receipt of St. Mary's hospital documents finally 3 days later,
3. three (3) days too late on the day of her death March 5, 2019).
4. At that time, Beverly M. Brown began coding again, with Marilee Brown by her side along with a Renown Nurse - who commenced CPR. Marilou Brown instructed the nurse and the attending Renown
5. Physician to stop CPR measures and to let her go. Plaintiffs would rather patient go quickly from a heart attack and thankful she had been intubated instead of dying from a more painful death such as drowning
7. in her own fluids. Beverly M. Brown's family said goodbye at her bedside and on the phone.
8. **Beverly M. Brown passed away on March 5, 2019 at approximately 12:22pm.**

8. D. **CONCLUSION**

9. **MAIN MEDICAL MALPRACTICE INFORMATION (REITERATED):**

10. 1. Of Note: Renown could not aspirate Beverly M. Brown's lungs to remove fluid causing respiratory distress
11. which ultimately resulted in her heart failure because her heart was too weak from having been removed from
12. her critical life saving cardio-vascular heart medications Eliquis and Plavix that St. Mary's completely removed
13. by their own discharge admittance - which resulted in her blood clots Sunday through Tuesday March
14. 2019, stress on her heart, heart failure and ultimate death.
15. 2. The removal of critical life saving medication by St. Mary's physicians from Beverly M. Brown after the
16. Interventionist Radiologist's aspiration error should NOT have BEEN DONE despite any possible bleeding
17. because such removal led to her higher risk of stroke and ultimate death - which ultimately DID OCCUR
18. days after discharge because of the aforementioned action.
19. The pulmonary aspiration error led to further significant cardio and pulmonary health issues which limited
20. further critical medical intervention; in addition to Beverly M. Brown ultimately full clearance and discharge for
21. home in a much more deteriorated, weakened and damaged state of health - all as a result of the initial
22. pulmonary aspiration Error and complicated by additional medical negligence /errors; ultimately leading to
23. Beverly M. Brown's Sufferomg and Death, as well as her family's anguish; And
24. St Mary's personnel placed Beverly M. Brown in a room for discharge with an infected patient at upon -
25. which also caused her husband Charles Brown to be sickened, resulting in the fact he could not physically
26. be with his wife when she passed away at Renown hospital because of his illness (he admittedly stated he
27. had never been that sick before in his life).
28. 3a. St Mary's & Renown's medical documentation supports she died because of infections pneumonia (*from*

12/17

1. *St. Mary's pulmonary Error procedure & from being placed in a room with the infected patient*), blood
2. clots ultimately leading to stroke, organ failure, furthered, Uncontrollable heart AFIB a and Congestive heart
3. failure (CHF) etc - all because St. Mary's removal of Beverly M. Brown's critical life Saving medication, Plavix
4. and Eliquis during her entire St. Mary's treatment and hospital stay because of the pulmonary injury caused
5. at St. Mary's hospital by the Interventional Radiologist; and;
6. **3b. St. Mary's Hospitalist discharged patient with ongoing life threatening conditions.**
7. **3c. Beverly was discharged with full medical clearance TO GO HOME with Oxygen over the weekend yet**
8. **she had significant, ongoing life threatening medical conditions;**
9. Yet within two days of discharge patient had a cranial blockage cusing a stroke because the Defendants
10. at St Mary's reduced, then removed the critical life saving medication she needed to prevent arterial
11. blockages.
12. **The removal of these critical life saving medications altogether during her Second hospital stay due the**
13. **pulmonary procedural Error ultimately led to Beverly M. Brown's blockages, stroke, heart stress/CHF**
14. **/ UNCONTROLLABLE AFIB, returned infectious Pneumonia and Death at Renown hospital.**
15. **4a. Upon review of Beverly M. Brown's discharge papers, it appeared the Attending Hospitalist simply**
16. **consulted with a pharmacist for dosage and return of patient on one medication (Eliquis) with no dosage**
17. **given on Plavix – both extensively needed for the healthy of this patient; and the Hospital assigned**
18. **Cardiologists simple reviewing tests and/or noting information – some inaccurate – and what appears to**
19. **be discharge of patient with ongoing life threatening conditions.**
20. **4b. Upon review of Beverly M. Brown's discharge papers, the aforementioned family members noticed that**
21. **she had NOT been given any; delinquently given and/or been given reduced amount of necessary medicine**
22. **upon consult only with a pharmacist; the critical life saving Cardiovascular medications (Eliquis and Plavix)**
23. **vital to Beverly M. Brown's cardiovascular condition and her life.**
24. **5. Upon discharge Beverly M. Brown resumed taking full dosage LIFE Saving medicines: Plavix for clots**
25. **and Eliquis (yet still at the improper dosage of 2.5mg/2X per day recommended by a pharmacist; too late**
26. **and still to little with the damage already done Directly Contributing to the Sufferig, Death of this patient).**
27. **6a. In addition, The patient's discharge papers showed she was discharged with life threatening**
28. **conditions; and**

13/17



1. 6b. Had been placed with an infected patient a day/two prior to final discharge;
2. All Directly Contributing to the Suffering and Death of this patient, who had severe Chronic Medical
3. conditions but the Negligence of St Mary's Regional Medical Center Hospital staff caused an
4. unnecessary Terminal Medical Condition of this patient; All to the Anguish of her family.
5. 7. From April 2019 to date, after securance and review of medical records from St. Mary's Medical Center,
6. the patient's family attempted to address the aforementioned issues with St. Mary's Regional Medical
7. Center without response, except upon contact with Prime Health Care said Organization referred patient's family to St. Mary Regional Medical Center Risk Management Department. Upon consult with same, Kathy
8. Millard of St. Mary's Risk Management Department advised their Department would investigate the matter and respond in writing within 45 days.
9. 8a. Throughout February 2020, Upon consult with local counsel, it was advised to patient's family that any
10. medical malpractice case had to be filed in Court within a one year Statute of Limitations.
11. 8b. During this time, St. Mary's Regional Medical Center Risk Management and Legal Department
12. refused to return patients family's calls for informal meeting in this matter, Alternative Dispute Resolution,
13. Mediation or Arbitration proceedings to resolve their concerns .Nor would same discuss matters when
14. Patient's family physically went to this Department to inquire of voluntary participation.
15. 9. Upon consult with Nevada District Court staff in Reno, NV, it was stated by the Clerks that no
16. such programs could be accessed through the Court unless a formal Civil Complaint was filed,
17. predicating this Action by the patient's family.
18. 10. For the aforementioned reason, Plaintiff and her family had no choice but to file this Civil Action in order
19. to engage in Court/other sponsored programs to facilitate resolution of this matter and the issues within since
20. St. Mary's Regional Center Risk and Legal Department would not return Plaintiff's and her family's
21. aforementioned requests to engage in said programs. .

22. **AS AND FOR THE FIRST CAUSE OF ACTION**

23. 1. Plaintiffs are informed and believe, and therefore allege, that this Court has subject jurisdiction over this
24. action pursuant to Nevada State Law NRS 11.310 (with Legal Power of Attorney as representatives of Beverly
25. M. Brown); <sup>NRS 41, 41A</sup> NRS 41.055, 41.130 and any other applicable law or statute under this jurisdiction not yet known by Plaintiffs;
26. in that Defendants did commit Medical Negligent actions to include Medicinal, Treatment, Judgment, protocol,
27. Etc Errors, against the Plaintiffs which led to the Wrongful Suffering and Death of their mother, patient Beverly

14/17

1. Morris (M.) Brown; to include but not limited to the fact that Defendants did commit Medical Negligent
2. Actions, Errors that lead to the <sup>Actual & proximate</sup> Detrimental Health, Suffering and Wrongful Death <sup>Preliminary</sup> of their mother, patient
3. Beverly Morris (M.) Brown; And to include Breach of Duty, Medical Negligence/Malpractice, Causation of
4. Human, Financial, Other loss in these proceedings; Significant Emotional, Financial Distress; Et Al, to the
5. Plaintiffs and their family, Subject to the jurisdiction of this Court.
6. 2. Plaintiff repeats and re-alleges each and every allegation contained in Paragraphs 1 through 10, 11(A-D)
7. of this Complaint as though fully set forth at length herein; to include but not limited to the facts that the
8. Defendants did commit Medical Negligent Actions, Errors that lead to the <sup>Actual & proximate Malpractice</sup> Detrimental Health, Suffering
9. <sup>Preliminary</sup> and Death of Beverly M. Brown; Emotional, Financial, Other Anguish Distress to her family; Breach of
10. Duty, Medical Negligence/Malpractice Action, Causation of Financial loss and Emotional, Financial
11. Distress, Et Al, to the Plaintiffs and her family, Etc – All Subject to the jurisdiction of this Court.
12. 3. Plaintiffs advise that this Complaint may be Amended at a later date as authorized by the Court to
13. include additional laws, clarifications, corrections, etc. to this Complaint.

#### 14. CLAIMS FOR RELIEF

15. 1. **WHEREFORE**, the Plaintiffs refer to and by such reference incorporate herein each, every and all
16. averments contained in paragraphs 1 – 10, 11(A – D) <sup>(Source of action / Claims for Relief) (AM)</sup> herein, above and below as fully set forth in this
17. Complaint. The Defendants are liable to the Plaintiffs for the afore and below mentioned damages under
18. Nevada State Law NRS 11.310 <sup>(with Legal Power of Attorney as representatives of Beverly Brown);</sup> <sup>(Heirs)</sup>
19. <sup>NRS 41, 41A</sup> NRS 41.035, 41.130 and other any other applicable law under this jurisdiction not yet known to Plaintiffs, Et Seq
20. /other, as afforded by the aforementioned and yet unknown other Statutes; by Defendants causing such harm
21. to Plaintiffs <sup>(Heirs)</sup> (with Legal Power of Attorney as representatives of Beverly Brown); as noted above and below.
22. 2. **WHEREFORE**, as a result of the Medical Negligence and Malpractice Actions by Defendants as asserted
23. under the Jurisdiction and Causation Sections of this Complaint; And Affirmed in the Facts set forth herein;
24. The Plaintiffs respectfully request that this Honorable Court grant Judgment to the Plaintiffs against the
25. Defendant containing the following Prayer For Relief, all of which exceeds \$10,000.00 in damages; All of
26. Which will be proven at Trial; <sup>and/or</sup> Arbitration <sup>deteriorating medical condition,</sup>
27. With All the Aforementioned Directly Contributing to the <sup>Preliminary</sup> Suffering and Wrongful Death of this patient
28. who had Chronic Medical conditions, but the medical Negligence of Defendants caused the Unnecessary

1. Suffering and Terminal Medical Condition of this patient Leading to Patient Beverly M. Brown's
2. preliminary Death on March 5, 2019; And emotional Anguish to her family.

3. **PRAYER FOR RELIEF**

4. Wherefore Plaintiffs Pray for the Following Relief:

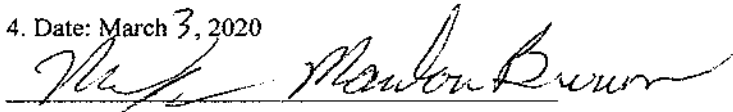
5. 1. An Award of actual, future, and any other financial damages, legal costs, medical, costs representing
6. attorney or elf-acquired Fees, legal expenses, disbursement fees and equivalent effort income lost etc, all in
7. sums may be exceeding \$10,000.00 in amount; representing Defendants' violations of and other any other
8. applicable law under this jurisdiction not yet known to the Plaintiffs, et seq/other, as afforded by the
9. aforementioned/other Statutes; **Noting Defendant financially gains from this/other patients' illnesses;**
10. 2. An Award of compensatory and any other financial damages, etc., all in sums exceeding \$10,000.00 in
11. amount; representing Defendants' violations of Nevada State Law NRS 11.310 (with Legal Power of Attorney
12. as representatives of Beverly Brown); <sup>as Heirs NRS 41, 41A</sup>; and other any other applicable laws under this jurisdiction
13. not yet known to the Plaintiffs, et seq/other, as afforded by the aforementioned/other Statutes;
14. 3. An Award of emotional and any other financial damages, etc all in sums exceeding \$10,000.00 in amount;
15. representing Defendants' violations Nevada State Law NRS 11.310 (with Legal Power of Attorney as
16. representatives of Beverly Brown); <sup>as Heirs NRS 41, 41A</sup> and other any other applicable law under this jurisdiction not
17. yet known to the Plaintiffs, et seq/other, as afforded by the aforementioned/other Statutes;
18. 4. An Award of Damages representing Plaintiffs and her family's loss of their Mother by Wrongful Suffering <sup>deteriorating medical condition</sup>
19. and Death caused by Defendants' Negligent Medical Malpractice Actions, <sup>Actual @ patient</sup> Et seq/Other, as afforded by the
20. aforementioned/other Statutes,
21. With All the Aforementioned Directly Contributing to the Wrongful Suffering and Death of this patient <sup>deteriorating medical condition.</sup>
22. who had Chronic Medical conditions but the Negligence of Defendants caused the Unnecessary Suffering
23. and Terminal Medical Condition of this patient, Leading to Patient Beverly M. Brown's deteriorating
24. medical condition, suffering and preliminary Death on March 5, 2019; And Anguish to her family.
25. 5. An Award to facilitate Hospital and Health Care Providers accountability and education for improving
26. the quality of care and reduction of medical mistakes by their accredited bodies; To improve the
27. communication between providers and patients/patients' families so as to ensure the improvement of
28. quality care, healthcare Improvement and less Medical Medicinal, Judgment mistakes/error that lead to the

16/17

1. deteriorating medical condition, suffering and preventable death of patients as what happened in this case; etc
2. 6. Any other equitable and further relief as afforded by this Court as Deem and Proper.

3. Of Note: Plaintiffs have Filed an Application For Electronic Filing and Service Exemption in this Matter

4. Date: March 3, 2020

  
Marilee Brown

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

6. Sparks, NV 89441

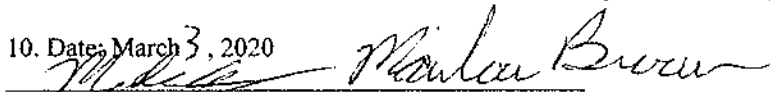
Telephone: (775) 425-4216

7. AFFIRMATION Pursuant to NRS 239B.030

8. The undersigned do hereby affirm that the preceding document, CIVIL COMPLAINT and Summons

9. filed in this matter does not contain the Social Security Number of any person.

10. Date: March 3, 2020

  
Marilee Brown

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

12. Sparks, NV 89441

Telephone: (775) 425-4216

13. CERTIFICATE OF SERVICE

14. The undersigned do hereby affirm that the preceding document, CIVIL COMPLAINT and Summons will be served in person by a Non Party over 18 years of age within the timeframe of 120 days of Filing this

15. Complaint specified pursuant to NRCP 4(a)(c)(d)(i); and will provide an Affidavit of Service to the Court upon Service of Same Complaint and Summons pursuant to NRCP 4(g)(2)

16. Parties To be Served:

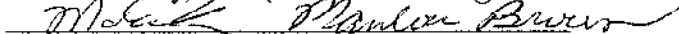
17. 1. St. Mary's Regional Medical Center – Tami Evans Director of Medical Services and Risk Mgmt,
2. Prem Reddy, MD - (Prime HealthCare @ 3480 E. Guasti Road, Ontario, CA 91761; 909-235-4400)
18. 3. Mark McAllister, MD (St Mary's Interventional Radiologist)
4. Tanzeel Islam, MD (St. Mary's Hospitalist)
19. 5. Sridevi Challapalli, MD (St. Mary's Cardiologist)
6. DOES I through X inclusive; 7. ROES Businesses I through X inclusive (yet to be determined)

20. At/About:

21. St. Mary's Regional Medical Center (Hospital/Medical Offices)  
Risk Management and Legal Department; St Mary's Medical Offices

22. Via 235 West 6<sup>th</sup> Street, Reno, NV 89503 (Tele: 775-770-3228/3210; 775-770-3745) And FYI to:

23. Prem Reddy, MD - (Prime HealthCare @ 3480 E. Guasti Road, Ontario, CA 91761(909-235-4400)

  
Marilee Brown

24. Marilee Brown, Marilou Brown, Pro Se Plaintiffs  
45 Nives Court

25. Sparks, NV 89441

26. 775-425-4216

Date: March 2020

3,

17/17

# EXHIBIT 3

1. ORIGINAL

2. CODE: 3897  
3. NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)  
4. BAR NUMBER: N/A (Pro Se litigants)  
5. ADDRESS: 45 Nives Court  
6. Sparks, NV 89441  
7. TELEPHONE: (775) 425-4216

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

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

12. Case No: CV20-00422  
13. VS Dept No: 1

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

Defendants,

13. **AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS**

14. 1. During the Service Process, Plaintiffs were notified that Defendant Tammy (Tami) Evans no longer  
15. works with St. Mary's Regional Medical Center and CEO Tiffany Coury replaced this Defendant.  
16. Plaintiffs Request this change, Addition of Gregory J. Brown as a Plaintiff (*Informa Pauperis*) Be  
17. Reflected in this Civil Action with the Courts (*See Plaintiff's Opposition to Defendant's Dism Motion*);  
18. 2. Per the Affidavit of Service (*Attachment 1*), the following Defendants were served through an  
19. authorized agent for same by a person who is not a party to this action, Mr. Gary R. Orr, at the  
20. locations addressed in Mr. R. Orr's Affidavit as reflected below. The undersigned do hereby affirm that  
21. Plaintiffs' Civil Complaint and Summons (Attachment 1), with a Settlement Notice that went ignored  
22. by Defendants, were served on each Defendant via their authorized agents by Mr. Gary R. Orr on  
23. March 17, 2020; cc excerpt to Prem Reddy, MD (Prime HealthCare) via regular mail to (Prime HealthCare  
24. @ 3480 E. Guasti Road, Ontario, CA 91761; 909-235-4400)  
25. a. Mary's Regional Medical Center CEO Tiffany Coury/cc excerpt to Prem Reddy, MD via regular mail; &  
26. b. Tanzeel Islam, MD (St. Mary's Hospitalist) at Mary's Regional Medical Center through CEO Tiffany Coury's  
27. assistant "Cheryl" (LNU) at the emergency entrance of St. Mary's hospital at 235 West 6<sup>th</sup> Street,  
Reno, NV 89503(*Coronavirus Quarantine*)

11/5

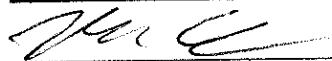
1. c. Mark McAllister, MD (St. Mary's Interventional Radiologist) through his assistant "Marci" (LNU) via front desk Radiology "Jessica" (LNU) at St Mary's Regional Medical Center Group, 645 N. Arlington Ave, #250,  
2. Reno, NV 89503 (*Coronavirus Quarantine*)

3. d. Sridevi Challapalli, MD (St. Mary's Cardiologist) through Cardiology via front desk "Pamola(sp?)" (LNU) at St Mary's Regional Medical Center Group, 645 N. Arlington Ave, #555, Reno, NV 89503 (*Coronavirus Quarantine*)

5. 2. **Of Note:** Plaintiffs are Exempt from Electronic Filing and Service in this Matter thus send/receive filings

6. often delayed. Plaintiffs mailed these Filings due to the Court's Filing Office closure from the

7. **Coronavirus Quarantine.**



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

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

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

14. / **RETURN SERVICE OF SUMMONS** filed in this matter does not contain the Social Security Number of

15. any person.

16. Date: April 9, 2020

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

19. **CERTIFICATE OF SERVICE**

20. The undersigned do hereby affirm that the Plaintiffs' **AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS** was served by Plaintiffs via regular mail/in person to Defendants' counsel of

21. record on April 9, 2020



24. Marilee Brown, Marilou Brown, Pro Se Plaintiffs  
45 Nives Court  
25. Sparks, NV 89441  
26. 775-425-4216  
Date: April 9, 2020

**Attachments**

27. Exhibit 1. Return Service - Affidavit by Plaintiffs and server Mr. Gary R. Orr, with Summons, served on all Defendants on March 17, 2020 (2 pgs)

2/5

ORIGINAL

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

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

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

Case No: CV20-00422  
Dept No: 1

VS

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

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

**I INTRODUCTION**

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

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

**II STATEMENT OF FACTS and LEGAL ARGUMENT / OPPOSITION REFUTES**



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

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

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

1b. Plaintiffs also requested in their Civil Complaint that same can be Amended to include to additional, corrected, clarified laws; Other clarifications; Etc (Complaint Pgs 2, 3, 14, 15, 16, Etc); And Nevada Court Statutes do provide authority for Party Amendments to Pleadings, readily done in proceedings.

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

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

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

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

1f. Again, Plaintiffs' in Good Faith Clarify their verbiage in their Complaint (It is noted that the Court state - "Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than formal pleading drafted by lawyers(Defendant)(caselaw)" in that most of the issues in their Totale relate to Non medical functions by Defendant despite nexus to this medical business Defendant and /or issues; Etc this in their Opposition Brief, and in Good Faith Request of the Court Time to obtain a medical expert Affidavit in furtherance of the medical issues of their Complaint -- that Can be given at the Court's Discretion; though clearly Discovery Rule 16 asserts Plaintiffs can provide medical expert documentation, etc in furtherance of said claims - (Court has clear discretion on Expert Affidavit submission -- see Rule 16 provisions for same)

2a. Because of Defendant's sole reason of a medical expert Affidavit for medical claims, Defendant is wrongfully demanding the Court dismiss all of Plaintiffs' Complaint claims -- including the NON medical claims reiterated /clarified throughout Plaintiffs' Complaint as clarified in their Opposition. Yet Defendants admit the Nevada Supreme Court reversed the District Court's decision in another medical referenced case.

2b. Defendants affirm in their dismissal Motion that the Nevada Supreme Court Affirm: that Implications, Inference and Direct statements of Breach of Duty, Simple, Ordinary and Gross Negligent claims by Plaintiffs in their Civil Action Complaints without the necessity of medical expert affidavits Survive any dismissal motion by Defendants, as Plaintiffs do in their Civil Action:

*"Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each claim, rather than its form, must be examined...the Court held the following: "a claim is not for medical malpractice if it is not related to medical diagnosis, judgment, treatment"*

2c. It is duly noted that a Court or Jury can properly evaluate Plaintiffs' claims *despite any inaccurate titling depiction of same*, and derive said claims as involving Ordinary, Simple and Gross Negligence by Defendants....allegations that are based on non medical functions in which same acts were discerned as a set of duties and facts based on Gross, Simple, Ordinary Negligence; Breach of Duty, etc" -- Such as illustrated in Plaintiffs factual allegations and amended, clarified laws, etc addressed throughout their Complaint and Clarified in their Opposition.

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

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

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

**RE "Shall":**

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

u/a

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

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

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

- (1) Protocol,
  - (2) Lack of communication,
  - (3) Age/Other Discrimination/jeopardy to elderly,
  - (4) Negligence jeopardizing patients / others safety related to infectious persons,
  - (5) failure to expedite medical documentation that jeopardized this patient's case, Etc,
- along with medical issues; Some laws which are already addressed in Plaintiffs' and Others to be Amended, Clarified, Corrected, Added, Etc as so stated in Plaintiffs' Complaint (“to include additional/corrected laws, corrections, clarifications, etc (Complaint Pgs 2, 3, 14, 15, 16, etc”).

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

5/a

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

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

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

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

4c. As addressed in their Opposition, Plaintiffs are versed enough with this specific case's medical and evidentiary knowledge, experience, education and medical expert consults that they indeed could explain the meritous, Non-medical issues of their Complaint even with nexus to the medical aspect of their claims for any Jury to understand and obtain/provide any medical documentation/testimony of persons pursuant to Discovery Rule 16 supporting their claims (Discovery Rule 16 asserts Plaintiffs can provide medical expert documentation, etc in furtherance of said claims – Court has clear discretion on Expert Affidavit submission – see Rule 16 provisions for same) - while requesting of the Court an time to locate and obtain a medical expert Affidavit addressing the medical aspects of their legitimate, non-frivolous, meritous Complaint.

5. Plaintiffs clarify here, in their Complaint and in their Opposition, that ALL Defendants contributed, acted in Simple, Ordinary, Gross negligence; NOT simply such noted under 41A.071, with regard to the Non-Medical claims – such as ALL Defendants' Administrative NON Medical Protocol / Lack of communication of Plaintiffs' Complaint Claims of - No Contact from 12/18 - 3/5/19 by individual Defendants with the Patient's Primary Cardiovascular Specialist Dr Devang Desai WHO WORKS WITH Defendant (Complaint Pg 3, 4, 8, 9, 10, 11 and throughout), and would not have allowed for continued reduced dosage of Beverly M. Brown's medication or any procedure that would have impacted, jeopardized her health as he has guarded against in the past (Note: verbiage. corrected from Opposition)

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

7. It is also Noted that the Courts State:

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

- "the Court must construe the complaint in the light most favorable to the Plaintiff and accept as true the factual allegations of the complaint(caselaw)" – INCLUDING PLAINTIFFS' Joint AFFIDAVIT WITHIN THEIR OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT FOR OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE

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

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

a. Defendants affirm in their dismissal Motion that the Nevada Supreme Court Affirm: that Implications, Inference and Direct statements of Breach of Duty, Simple, Ordinary and Gross Negligent claims by Plaintiffs in their Civil Action Complaints without the necessity of medical expert affidavits Survive any dismissal motion by Defendants, as Plaintiffs do in their Civil Action:

"Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each claim, rather than its form, must be examined...the Court held the following: "a claim is not for medical malpractice if it is not related to medical diagnosis, judgment, treatment" –

b. It is duly noted that a Court or Jury can properly evaluate Plaintiffs' claims despite any inaccurate titling depiction of same, and derive said claims as involving Ordinary, Simple and Gross Negligence by Defendants

- Claims that are based on Non medical functions in which same acts were discerned as a set of duties and facts based on Gross, Simple, Ordinary Negligence; Breach of Duty, etc" – Such as illustrated in Plaintiffs Factual Allegations (which Courts deem true and accurate) and Amended, Clarified laws, etc (authorized by Nevada Statutes) addressed throughout their Complaint and Clarified in their Opposition.

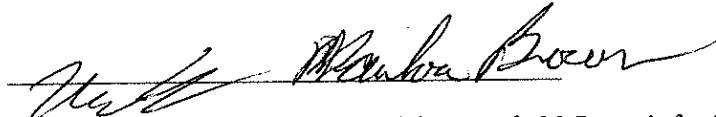
c. As per See definitions of "shall" above in No 3 and in their Opposition, the Court clearly has judicial discretion on how he/she wishes to independently use the word "shall", a clearly supported permissive term as fully supported in Plaintiffs' Opposition, herein.

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

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

**B. CONCLUSION:**

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



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

AFFIRMATION Pursuant to NRS 239B.030

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



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

CERTIFICATE OF SERVICE

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



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



1 **2475**  
Edward J. Lemons, Esq., Bar No. 699  
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ejl@lge.net; acm@lge.net

5  
6 *Attorneys for Defendant*  
*Mark McAllister, M.D.*

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

10 -o0o-

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

Case No.: CV20-00422

12 Plaintiffs,

Dept. No. 1

13 vs.

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

18 Defendant.

19  
20 **DEFENDANT MARK McALLISTER, M.D.'S MOTION TO STRIKE PLAINTIFFS'**  
21 **"REQUEST FOR HEARING WITH REITERATED REFUTES OF DEFENDANTS' ANSWERS," ETC.**

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

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

### **MEMORANDUM OF POINTS AND AUTHORITIES**

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

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

#### **II. LEGAL ANALYSIS**

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

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

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

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

### 6 III. CONCLUSION

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

### 12 AFFIRMATION

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

15 DATED this 28<sup>th</sup> day of April, 2020.

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

19 By:   
20 EDWARD J. LEMONS, ESQ.  
21 ALICE CAMPOS MERCADO, ESQ.  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

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

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

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

Marilee Brown  
Marilou Brown  
45 Nives Court  
Sparks, Nevada 89441

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

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

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

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

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

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



2840

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

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

Plaintiffs,

Case No.: CV20-00422

vs.

Dept. No.: 1

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

Defendants.

/

**ORDER DENYING PLAINTIFFS APPLICATION FOR DEFAULT JUDGMENT**

Currently before the Court is Plaintiffs' Marilee Brown, Marilou Brown (for Beverly M. Brown's family) ("Plaintiffs") *Application for Default Judgment Pursuant to Rule 54/55/Other Against Defendants Tanzeel Islam, M.D. and Sridevi Challapalli, M.D. for Non Answer/Response* ("Application") filed April 28, 2020 and submitted to the Court the same day. Having reviewed the Application, this Court finds good cause to deny the Application for Plaintiffs' failure to procure a clerk's default in accordance with NRCP 55(b)(1).

**I. Relevant Procedural History**

On March 3, 2020, Plaintiffs filed a *Civil Complaint* against Defendants St. Mary's Regional Medical Center; Tami Evans; Prem Reddy, M.D.; Mark McAllister, M.D.; Tanzeel Islam, M.D.; and

Sridevi Challapalli, M.D. Defendants St. Mary's Regional Medical Center, Tammy Evans and Prem Reddy, M.D. filed a *Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071* on March 26, 2020. Defendant Mark McAllister, M.D. filed a *Motion to Dismiss* on April 3, 2020. On April 13, 2020, Plaintiffs filed an *Amendment to Civil Complaint/Return Services of Summons* that attaches as Attachment 1 an affidavit signed by Gary K. Orr indicating that he personally served Defendants with a copy of the Summons and Complaint/Petition at several locations at St. Mary's Regional Medical Center. Plaintiffs now bring the instant Application requesting entry of default judgment against Defendants Tanzeel Islam, M.D. ("Dr. Islam") and Sridevi Challapalli, M.D. ("Dr. Challapalli") for failure to answer the complaint.

## **II. Law**

Prior to entry of a default judgment, plaintiff must obtain a default against the defendant. NRC 55 governs entry of a default and default judgment:

### **Rule 55. Default; Default Judgment**

(a) **Entering a Default.** When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

#### **(b) Entering a Default Judgment.**

(1) **By the Clerk.** If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk — on the plaintiff's request, with an affidavit showing the amount due — must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incapacitated person.

(2) **By the Court.** In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or incapacitated person only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing. The court may conduct hearings or make referrals — preserving any statutory right to a jury trial — when, to enter or effectuate judgment, it needs to:

- (A) conduct an accounting;
- (B) determine the amount of damages;
- (C) establish the truth of any allegation by evidence; or
- (D) investigate any other matter.

Further, WDCR 26 sets for additional criteria for default judgment applications:

An application for a judgment by default irrespective of the amount of the proposed judgment must be made upon affidavit unless the court specifically requests the presentation of oral testimony. Supporting affidavits must be made on personal knowledge and shall set forth such facts as would be admissible in evidence, show affirmatively that the affiant is competent to testify to the matters stated therein, and avoid mere general conclusions or argument. An affidavit substantially defective in these respects may be stricken, wholly or in part, and the court may decline to consider the application for the default judgment.

### III. Legal Analysis

Plaintiffs seek entry of a default judgment against Defendants Dr. Islam and Dr. Challapalli for “non answer/response.” However, Plaintiffs have not obtained a clerk’s default against Dr. Islam or Dr. Challapalli in accordance with NRCP 55(b)(1). Further, Plaintiffs’ Application is deficient and is not in compliance with NRCP 55 or WDCR 26. Therefore, this Court finds good cause to deny Plaintiffs’ Application.

Based upon the foregoing and good cause appearing,

IT IS HEREBY ORDERED that Plaintiffs’ *Application for Default Judgment Pursuant to Rule 54/55/Other Against Defendants Tanzeel Islam, M.D. and Sridevi Challapalli, M.D. for Non Answer/Response* is DENIED.

IT IS SO ORDERED.

DATED this 5<sup>th</sup> day of May, 2020.

  
KATHLEEN DRAKULICH  
DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

CASE NO. CV20-00422

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 5<sup>th</sup> day of May, 2020, I electronically filed the **ORDER DENYING APPLICATION FOR DEFAULT JUDGMENT** with the Clerk of the Court by using the ECF system.

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

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


EDWARD LEMONS, ESQ. for MARK MCALLISTER

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

ALICE CAMPOS MERCADO, ESQ for MARK MCALLISTER

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

MARILEE BROWN  
MARILOU BROWN  
45 NIVES COURT  
SPARKS, NV 89441

  
Department 1 Judicial Assistant



ORIGINAL

1. CODE: 2315

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

3. BAR NUMBER: N/A (Pro Se litigants)

4. ADDRESS: 45 Nives Court  
Sparks, NV 89441

5. Telephone: (775) 425-4216

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

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

8. VS

Case No: CV20-00422

Dept No: 1

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

10. Mark McAllister, MD (St. Mary's Interventional Radiologist)

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

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

13. DOES I through X inclusive; ROES Businesses I through X inclusive, Defendants,

14. **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*)**

15. **I INTRODUCTION**

16. 1a. On April 20, 2020, Plaintiffs received Defendant McAllister's Reply to their April 9, 2020 Opposition (*Filed by the Court on April 13, 2020*). Plaintiffs did NOT receive any Reply from Defendants Tiffany Coury / Prem

17. Reddy's Counsels. Plaintiffs stated this in their "REQUEST FOR A Hearing (et al)"

18. 1b. These Defendants through their Counsels' employee "Arla Clark" asserted in their Reply (*Et al*) Certificate of Services that their Reply (*Et al*) was sent electronically to Plaintiffs

19. (Exh 1. Defendants 4/20/2020 Reply Certificate of Service - Reply sent electronically to Plaintiffs: Defendants' DELINQUENT with ERRONEOUS/DEFICIENT information delineated in their Representation/Title facts - (Tiffany Coury replaced Tammy Evans)

20. 1c. Plaintiffs are Exempt from Electronic filing (sending/receipt).

21. 2b. On Monday April 27, 2020, Plaintiffs received Defendants "Tammy Evans/Prem Reddy, MD's April 20, 2020 Reply (*Et al*) by Mail and noted Defendants had filed their Reply DELINQUENTLY WITH THE

22. COURT and ERRONEOUS/DEFICIENT in its Representation and Title facts (Tiffany Coury (*replaced Tammy Evans*))

23. 2c. Plaintiffs received Defendants' DELINQUENT/ERRONEOUS Reply (*Et al*) AFTER Plaintiffs had Filed their Hearing Request (*with Clarifications and Justified New and Reiterated Refutes of the*

V//

1. Defendants' **erroneous** assertions in their dismissal motions).

2d. Plaintiffs Herein and in their corresponding Filings seek **Dismissal of Defendant's REPLY (Et al)** because of their **DELINQUENCY** and **ERRONEOUS/DEFICIENT** information delineated in their **Representation and Titling facts - (Tiffany Coury replaced Tammy Evans)** - addressed further below.

3. Plaintiffs' provide **this MOTION TO DISMISS (Separate Filings also)** in **Refute/Clarification** of the **erroneous** information contained in Defendants' dismissal pleadings that are **Redundant Themselves** and composed of **erroneous** information; with Plaintiffs **Supporting their Hearing Request** if needbe or in **Refute /Clarification** of Defendants' **erroneous** pleadings.

4. Plaintiffs' provide an **Amended Brief/Supplemental Pleading Request (Separate Filing)** in **Refute/Clarification** of the **erroneous** information in Defendants' dismissal pleadings that are **Redundant Themselves**; with Plaintiffs **Supporting their Hearing Request** if needbe or in **Refute** of Defendants' **erroneous** pleadings To:

a. **JUSTIFIABLY UPHOLD their COMPLAINT ISSUES - Law MUST be based on Merit/Justice, such as the factual/meritous** arguments of Plaintiffs' Complaint and Filings; **NOT** based on the **frivolous** dismissal reasonings given by Defendants;

b. **SUPPORT Court's DISMISSAL** of Defendants Tiffany Coury (replaced Tammy Evans) / Prem Reddy's April 20, 2020 **DELINQUENT** Reply

c. (See Separate Opposition/Motion Filings on Same Issues, as well)

## II. **MEMORANDUM OF POINTS AND AUTHORITIES (Redundant Points for Important Relevancy)**

1. On April 27, 2020, Plaintiffs received Defendants' **Tammy Evans/Prem Reddy, MD's** April 20, 2020 **DELINQUENT** Reply (Et al) to their April 9, 2020 Opposition (Filed by the Court on April 13, 2020). Plaintiffs received said Defendants' **DELINQUENT** Reply **AFTER** they had Filed their **Hearing Request (with New and Reiterated Refutes/Clarifications)**. Plaintiff's Herein and in their Other Filings **seek Dismissal of said Reply DELINQUENCY** and **ERRONEOUS/DEFICIENT** information delineated in their **Representation, Titling facts - ((Tiffany Coury replaced Tammy Evans)** - addressed further below

2. The reason why Plaintiffs provide for **Reiterated** along with **New Refutes (as disclosed herein again)** is to **facilitate the Court's review** of Plaintiffs' **meritous** pleadings in Support of **All** their Complaint claims **WITHOUT** having to Keep **REFERRING BACK** to Pprior pleadings; with the Court's discretion to consider same per Defendant's own statement **"the Court has inherent authority to administer its own**

2/11

1. *procedures, manage its own affairs”*

2. 3a. It is also noted Per Defendants’ Tiffany Coury (*replaced Tammy Evans*) / Prem Reddy’s own dismissal  
3. motion and their April 20, 2020 DELINQUENT Reply that same entities have solicited for a Hearing as well if  
4. needbe, “any oral argument allowed at the time of the hearing of this matter, if any” and “which may be  
5. adduced at the time of the Hearing on said Motion”, Respectively.

6. 3b. Such delineations support Plaintiffs’ Request for a Hearing if necessary to further support what they  
7. have already substantiated - to Uphold Plaintiffs’ their Meritous Complaint issues (Refutes/Clarificatons  
8. ln Plaintiffs’ Opposition, Hearing Request and Herein - Clarifying Defendant’s DELINQUENT Reply  
9. and Erroneous Representation assertions, as well)

10. 4. Of significance, Defendant McAllister’s April 28, 2020 dismissal motion of Plaintiffs’ Hearing Request also  
11. supports Plaintiffs affirmation that the Court does indeed have discretion to interpret how she will rule on the  
12. word terminology of “shall” in that Defendant states “the Court has inherent authority to administer its own  
13. procedures and manage its own affairs”

14. 5. Defendants now with Bad Faith and malice in their Replies call the Plaintiffs’ pleadings “*criminal*” and  
15. “*fugitive*” in nature – which indeed is refuted/clarified herein and in their other Pleadings with meritous  
16. arguments Defendants cannot escape from

17. 6. See Further Addresses Below AND in Plaintiffs’ other Filings

### 18. III STATEMENT OF FACTS and LEGAL ARGUMENTS /REFUTES

#### 19. A. DISMISSAL OF DEFENDANTS Tiffany Coury (*replaced Tammy Evans*) Prem Reddy, MD REPLY FOR 20. DELINQUENCY AND INVALID REPRESENTATION

21. 1a. Defendants *Tammy Evans*/Prem Reddy, MD’s April 20, 2020 DELINQUENT Reply to Plaintiffs’ April 9, 2020  
22. Opposition Filed by the Court on April 13, 2020. Pursuant to Nevada Revised Statutes, any Reply MUST be filed  
23. within five (5) days of an Opposition. Defendants FAILED TO TIMELY FILE their Reply and same must be  
24. DISMISSED FOR DELINQUENCY. Defendants are NOT Exempt from Electronic Filing and Receive / Submit  
25. Court Filings instantly once same Pleadings/Orders are Filed by the Court. Defendants have NO excuse for  
26. submitting Delinquent Filings and their Reply MUST BE DISMISSED for said reasoning.

27. 1b. Plaintiffs are Exempt from Electronic Filing and Service in this Matter. Thus Plaintiffs do not submit/receive  
28. electronic and must rely on in person/mailings (*thus delays*); Defendants have access to ALL Filings with

3/11

1. attachments via Electronic means while Plaintiffs do NOT. Plaintiffs mailed these respective Filings to the  
 2. Court as the Court's Filing Office is closed due to the *Coronavirus Quarantine*, with mailing or in person service  
 3. to Defendants as noted in their Certificate of Service.

4. 1c. **CONCLUSION:** Defendants' Tiffany Coury (*replaced Tammy Evans*) Prem Reddy, MD Reply **MUST Be**  
 5. **DISMISSED for DELINQUENCY And ALL Assertions therein VOIDED.**

6. 2a. Also, Defendant Counsel is also **NOT authorized to Represent Tiffany Coury** - who replaced Tammy Evans  
 7. as a Defendant in this matter. Such is because of Two (2) Deficiencies in Defendant's Substitution of Attorney  
 8. forms that make same Invalid (*See Exhibit 1 of Defendant's Reply*):

9. 2b. Defendants' counsel filed a Substitution of Counsel form for "Tammy Evans", signed by "Tammy Evans",  
 10. who is **NOT a Defendant** in this matter. Plaintiffs' clearly specified they changed and served Defendant  
 11. Tiffany Coury, **NOT Tammy Evans**, who no longer worked for St. Mary's Regional Medical Center at the time  
 12. of Plaintiffs' filing

13. 2c. Defendants' counsel filed a Substitution of Counsel form for "Tammy Evans", signed by "Tammy Evans",  
 14. who is **NOT a Defendant** in this matter; Yet there is NO signature for Helen Peltekci, Esq as an Authorized  
 15. Representative. Such make said Representation by same counsel of Tiffany Coury VOID.

16. 2d. **CONCLUSION:** Defendants' April 20, 2020 Reply for Tammy Evans **MUST be VOIDED / DISMISSED**  
 17. **in its ENTIRETY for INVALID REPRESENTATION of same Defendant.**

18. 3. **CONCLUSION:** Defendants Filing is **DELINQUENT with ERRONEOUS/DEFICIENT information**  
 19. **delineated in their Representation/Title facts - (Tiffany Coury replaced Tammy Evans) - and therefore**  
 20. **MUST be VOIDED / DISMISSED in its ENTIRETY.**

21. (Exh 1. Defendants 4/20/2020 Reply Certificate of Service - *Reply sent electronically to Plaintiffs:*  
 22. *Defendants' DELINQUENT with ERRONEOUS/DEFICIENT information delineated in their*  
*Representation/Title facts - (Tiffany Coury replaced Tammy Evans)*

23. B/C. **CLARIFICATION / REFUTES TO AFOREMENTION DELINQUENT REPLY**

24. Plaintiffs Request that the Court consider the meritous Refutes/Clarifications/Amendments contained  
 25. in their Opposition and Hearing Request nexused to their Complaint, as well as REITERATED Refutes  
 26. Herein to UPHOLD their Civil Action.

27. B. **DIRECT REFUTES / CLARIFICATONS**

28. 1. Plaintiffs **DO NOT REPRESENT "Beverley's" "estate"** (*Defendant Reply pg 7*). There is **NO estate**

4/11

2. Plaintiffs Represent THEMSELVES (simply noting that they and their father had power of attorney regarding their mother and vice-versa if needed/ simple terminology, Complaint pgs 1,2, etc)

See Exh 1. 4/2019 St Mary's disclosure form for Beverly Brown (Marilee, Marilou Brown personal representatives noted)

as Specified, Inferred, Etc in their Complaint and Clarified in their Opposition,

Hearing Request/Herein - with Laws, Causes of Action / Claims for Relief / Prayer for Relief noting Plaintiffs' Damages - "Emotional Anguish to her family" (Complaint pgs 2, 3, 4, 5, 12, 14, 15, 16, etc)

- Laws / NON Medical issues clarifications such as: Protocol, Non communication, Age Discrimination Jeopardy to Safety, Etc (Complaint pgs 2, 3, 4, 5, 6, 7, 8, 9,10,11,12, 13, 14, 15, 16, etc)

See Exh 2. 5/2019 Renown Palliative care ("bad experience at St. Mary's") and Exh 3. 3/5/19 Fax cover pg from St Mary's to Renown (Negligent fax - contributing to lack of communication and patient's death)

For The:

2a. Deterioration, Suffering and Loss of their mother Plaintiffs EXPERIENCED Emotionally as much as

their mother did, Caused by the Gross, Simple, Ordinary NON MEDICAL Negligence by Defendants

through their Protocol and Lack of communication (NOT associated with NRS 41A.071) by Defendants

with this patient's Primary Cardiovascular Specialist WHO WORKS FOR Defendant, even with

Plaintiffs' urgency of said contact; And

- Complaint Background information by Plaintiffs of Defendant Protocol to Admit as many patients as

possible to the Hospital for money (Complaint pgs 6, 7, etc) - jeopardizing patient's life/causing

injury to Patient and causing Emotional, etc Anguish to Plaintiffs/Patient's family for which they are

authorized relief and compensation - representing themselves; And

- Jeopardy to their mother's and Plaintiffs'/Plaintiffs' family's lives by placing Plaintiffs' mother and

nexusing them/their visiting family to same jeopardy by placing their mother in a room/floor with a known

infected patient(s) that were thereafter quarantine;

Etc - All as addressed in Plaintiffs' Complaint and Pleadings;

b. All of which Resulted in the health deterioration of Beverly M. Brown's condition from December 2018

through her death on March 5, 2019, causing significant Emotional Anguish, etc to Plaintiffs and their family

- All Asserted, Inferred, etc throughout Plaintiffs' Complaint (Ex pgs 2-5,9,12,14,15,16, etc) and clarified in

their Opposition, Request For a Hearing and Herein.

5/11

1 3a Plaintiffs' Factual Allegations noted throughout their Complaint, clarified in their Opposition, Request for  
 2 a Hearing, Herein - State, Infer and Imply medical and NON medical Issues of Breach of Duty, Simple,  
 3 Ordinary and Gross Negligence Based on And governed by Statutes, laws, etc - OTHER THAN that  
 4 requiring medical expert Affidavit

5 3b. Thus Plaintiffs seek said damages FOR THEMSELVES AND REPRESENT THEMSELVES for the  
 6 forementioned/below mentioned reiterated Damages and Loss under the Statutes noted in their Complaint,  
 7 any Others yet Unknown Statutes as stated in their Complaint and Other Filings - which Defendants asserted  
 8 Plaintiffs are authorized to do per their Reply Pg 7: "Plaintiffs may represent themselves" and "Plaintiffs  
 9 may recover damages in a wrongful death action" - which Plaintiffs clarify herein they DO REPRESENT  
 10 THEMSELVES, NOT AN ESTATE.

11 4. To Clarify, Plaintiffs use of their term as "representatives, heirs", etc are terms simply to designate their  
 12 connection to Beverly M. Brown (See Exh 1. 4/2019 St Mary's disclosure form for Beverly Brown  
 13 (Marilee, Marilou Brown personal representatives noted) as per NON lawyer/pro se/lay person  
 14 interpretation of the Statutes and legal terminology used (It is noted that the Court state - "Pleadings of  
 15 a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than formal pleading  
 16 drafted by lawyers (Defendant) (caselaw)".

17 5. In addition, Plaintiffs have sought to add their brother Gregory J. Brown as a Party who has likewise  
 18 suffered the Wrongful Loss of his mother; and Reserve the right to add Beverly M. Brown's husband and  
 19 any other family member if needbe so they may also Personally Represent themselves in this matter for  
 20 their Similar Loss. Of note, Beverly M. Brown's husband, Charles Brown, has health issues than impede  
 21 mobility and thus reserves his right to be included/added as a Party to this matter Pro Se, in ABSENTEE  
 22 because of his health/mobility condition at eighty eight (88) years of age.

23 6. As per Defendant's Reply, Gross Miscarriage of Justice to Mandate Plaintiffs secure counsel at \$300+  
 24 dollars an hour (which they would eagerly do but financially CANNOT AFFORD); when they are clearly  
 25 Plaintiffs in this matter REPRESENTING THEMSELVES in their own Suffering and Loss of their mother  
 26 unlike her own because of the NON MEDICAL Gross, Ordinary, Simple, Etc Negligence of Defendants  
 27 simply affiliated with medical institutions and acts of Defendants:

28 The Nevada Supreme Court Affirms - Implications, Inference and Direct statements of Breach of Duty,

6/11

1 Simple, Ordinary and Gross Negligent claims by Plaintiffs in their Civil Action Complaints WITHOUT  
 2 the necessity of medical expert affidavits Survive any dismissal motion by Defendants, as Plaintiffs do in  
 3 their Civil Action: "Reversing the district court in part, the Nevada Supreme Court held that the

4 gravamen of each claim, rather than its form, must be examined...the Court held the following:

5 "a claim is not for medical malpractice if it is not related to medical diagnosis, judgment, treatment"

6 - It is duly noted that a Court or Jury can properly evaluate Plaintiffs' claims despite any inaccurate  
 7 titling depiction of same, and derive said claims as involving Ordinary, Simple and Gross Negligence by  
 8 Defendants or Defendants' twisting of the facts - allegations that are based on NON medical functions  
 9 in which same acts were discerned as a set of duties and facts based on Gross, Simple, Ordinary Negligence;  
 10 Breach of Duty, etc" - Such as illustrated in Plaintiffs factual allegations and amended, clarified laws, etc  
 11 addressed throughout their Complaint. Clarified in their Opposition, Request for a Hearing and Herein.

12 7. Plaintiffs could NEVER AFFORD said representation, and the Courts of Nevada have apparently made it  
 13 unfeasible in their requisites for many meritorious Plaintiffs to obtain counsel or medical testimony willing to  
 14 represent these matters because of limited financial gain for attorneys; and damage to reputation for medical  
 15 experts - all clearly asserted, inferred, etc in Plaintiffs pleadings - regardless of terminology Plaintiffs used  
 16 in their pleadings (It is noted that the Court state - "Pleadings of a pro per litigant (Plaintiff - non lawyer)  
 17 are held to a less stringent standard than formal pleading drafted by lawyers (Defendant)(caselaw).

18 8. In addition, Plaintiffs' do NOT KNOW nor do they REPRESENT any "BEVERLEY depicted by Defendants  
 19 Tiffany Court/Prem Reddy, MD's Counsel - thus Defendants' Reply FALSELY asserting Plaintiffs represent  
 20 "BEVERLEY" IS ERRONEOUS and MUST BE VOIDED AND DISMISSED IN ITS ENTIRETY.

21 9a. Defendants' Counsel's terminology of asserting Plaintiffs are CRIMINAL in Defendant's ERRONEOUS  
 22 assertion that Plaintiffs are representing "Beverley's estate" is ABSURD

23 9b. Defendants' Counsel COMPLETELY DISREGARDS the SUFFERING, DEATH and family  
 24 (PLAINTIFFS') ANGUISH CAUSED by Defendants' NON MEDICAL Simple, Gross, Ordinary Negligent  
 25 Acts, PROTOCOL, Etc by simply affiliated with medical aspects, all NOTED THROUGHOUT PLAINTIFFS'  
 26 COMPLAINT (Pgs 2 - 16); And DISREGARDS the APPLICABLE LAWS and STATUTES referenced  
 27 throughout Plaintiffs' Complaint and Clarified in their Filings that do NOT require any medical Affidavit;  
 28 Yet Admitted PLAINTIFFS' ARE ENTITLED TO COMPENSATION for said acts.

7/11

10a. In addition to the fact that Defendants' Delinquently Filed, Deficient Reply erroneously twists Plaintiffs' *examples and verbiage* they used to express Defendant's medical negligent issues to falsely assert that the message of Plaintiffs' entire Complaint relates only to Professional Negligence - when it is NOT; VS. Gross, Simple, Ordinary NON Medical Acts (*noted throughout Plaintiffs' Complaint Pgs 2 -16, ETC*) of Negligencaas clarified in Plaintiffs' Filings.

10b/1. One example is where Defendant falsely delineates in his Delinquent Reply medical verbiage, "*foot wound, afib, improper amputation, low oxygen levels, pulmonary injury*" to intentionally Confuse the Court and Distort the facts. Said issues relate to a *Continuing Violation Theory* by Defendants, but Plaintiffs were usingsame as background to address Defendants' NON MEDICAL PROTOCOL of Admitting as many patients as possible to the Hospital To Make Money (*Complaint Pgs 6, 7*). Defendant's act of admitting this patient at that time pursuant to this NON MEDICAL PROTOCOL of Admitting as many patients as possible to the Hospital To Make Money that indeed jeopardized this patient's life, did cause injury to this patient's limb resulting in amputation, etc; but Defendants' NON MEDICAL PROTOCOL of Admitting as Many patients as possible to the Hospital To Make Money is SEPARATE and DISTINCT from any medical care for the sole purpose of Defendants' Financial Gain.

10b/2. Contrary to Defendants' false assertions of *splitting hairs* to erroneously confuse the Court to have all claims dismissed, Plaintiffs VALIDATE their NON MEDICAL claims through the Nevada Supreme Court's own rulings that hold claims NOT specifically affiliated with medical treatment - such as Defendants' NON MEDICAL PROTOCOL of Admitting as many patients as possible to the Hospital to Make Money (*that caused such personal injury and emotional anguish to the patient Plaintiffs and their family*); NO CONTACT WITH CHRONICALLY ILL PATIENT'S PRIMARY SPECIALISTS AND NON COMMUNICATION WITH FAMILY, ETC; PLACING PATIENTS/PERSONS AROUND KNOWN INFECTIOUS PATIENTS; AGE DISCRIMINATION "SHES OLD"/ ELDERLY ABUSE OF DNR EMPHASIS; DELINQUENT FAXING OF MEDICAL DOCUMENTS; ETC - as Meritous WITHOUT a medical expert Affidavit:

"Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each claim, rather than its form, must be examined...the Court held the following: "a claim is not for medical malpractice if it is not related to medical diagnosis, judgment , treatment"

8/11



1 10c. This Defendant deceptively **OMITS** all this in his **Fraudulent, Deceptive argument.**

2 10d. Plaintiffs damages relate to the significant Emotional Anguish, etc to themselves and their family  
3 which is afforded as a personal claim by Plaintiffs representing themselves and for the loss of their  
4 mother in this case afforded under noted/Other Unknown Laws, Statutes than the ONE dictated by  
5 Defendants. caused by Defendants' NON medical Gross, Ordinary, Simple Negligence of  
6 Defendants' NON MEDICAL PROTOCOL of Admitting as many patients as possible to the Hospital  
7 to make money.

8 C. SEE **Reliterated Refutes/ Clarificatons in Plaintiffs' Amendment/Supplemental Request and Other**  
9 **Filings in their Civil Action: IN ADDITION to the DIRECT Refutes / Clarificatons Above**

10 D. **IN CONCLUSION:**

11 1a. See Above **"III. STATEMENT OF FACTS and LEGAL ARGUMENTS/REFUTES:**

12 A. **DISMISSAL OF DEFENDANTS Tiffany Coury (replaced Tammy Evans) Prem Reddy, MD**

13 **REPLY FOR DELINQUENCY AND INVALID REPRESENTATION .....**

14 **B/C. CLARIFICATION / REFUTES TO AFOREMENTION DELINQUENT REPLY"**

15 1b. **CONCLUSION:** Defendants Filing is **DELINQUENT with ERRONEOUS/DEFICIENT information**  
16 **delineated in their Representation/Title facts - (Tiffany Coury replaced Tammy Evans) - and therefore**  
17 **MUST be VOIDED / DISMISSED in its ENTIRETY**

18 (Exh 1. Defendants 4/20/2020 Reply Certificate of Service - **Reply sent electronically to Plaintiffs:**  
19 **Defendants' DELINQUENT with ERRONEOUS/DEFICIENT information delineated in their**  
**Representation/Title facts - (Tiffany Coury replaced Tammy Evans)**

20 2. When the Court Reviews Plaintiffs' Civil Action Complaint, along with the **Meritous Refuting**  
21 **Arguments of their Opposition / Dismissal Motions; Hearing Request - including Herein in its Totale -**  
22 **containing Corrections, Additions, Clarifications, Amendments, Valid Time Request to Seek medical expert**  
23 **Affidavit if needed (Court has clear discretion on Expert Affidavit submisson-see Rule 16 provisions),**  
24 **valid Refuting Arguments ETC; Such **Supports the Court: Maintaining Plaintiffs Complaint pursuant to****  
25 **LAWS and ARGUMENTS thoroughly addressed NOT AFFILIATED WITH 41A.071 that correspond with**  
26 **Defendants Gross, Simple, Ordinary Negligence - which **Clearly Supports****

27 a. Plaintiffs have **meritous,**  
28 **NON-medical** claims (**simply nexused to ALL Defendants' medical establishment / acts - such as**  
29 **Protocol, lack of communication, Age/Other Discrimination/elderly neglect/abuses, Decisions**

9/11

1 *jeopardizing patients' / others' health and safety such As placement with infected patients, Failure to*  
 2 *timely fax vital medical documents, Etc) along with medical claims that*

3 **b. Validate**

4 their Civil Action to Continue (All of which are likewise subject to Medical Board Review, Media  
 5 attention, U.S. Department of Health and Human Resource Reviews, ETC in addition to this Legal  
 6 Nexus). Plaintiffs Filings are On Behalf Of and For the Voice of other chronically ill, elderly patients  
 7 who need Proper Care from Medical Establishments from NON MEDICAL and medical decision;  
 8 and the family subjected to EMOTIONAL/OTHER ANGUISH because of such Gross, Simple,  
 9 Ordinary Negligence under described laws asserted by Plaintiffs other than NRS 41A.071; To

10 **c. Plaintiffs seek said damages FOR THEMSELVES AND REPRESENT THEMSELVES for the**  
 11 aforementioned /below mentioned reiterated Damages and Loss under the Statutes noted in their Complaint,  
 12 any Others yet Unknown Statutes as stated in their Complaint and Other Filings - which Defendants asserted  
 13 Plaintiffs are authorized to do per their Reply Pg 7: "Plaintiffs may represent themselves" and "Plaintiffs  
 14 may recover damages in a wrongful death action" - which Plaintiffs clarify herein they DO REPRESENT  
 15 THEMSELVES, NOT AN ESTATE.



16 **3. UPHOLD Plaintiffs' Complaint and Pleadings pursuant to their meritous Factual Allegations, especially**

17 **a. Plaintiffs law addresses UNRELATED to 41A.071 that support the Simple, Ordinary, Gross negligence of**  
 18 Defendants as related to the meritous NON-Medical issues of their Complaint - to include their noted  
 19 applicable Laws and Statutes addressing the Breach of Duty, Simple, Ordinary, Gross Negligence, ETC  
 20 related to Defendants' acts of Non-medical issues: (1) Protocol, (2) Lack of communication, (3) Age /  
 21 Other Discrimination/jeopardy to elderly, (4) Negligence and jeopardizing this patient's/others safety  
 22 related needlessly admitting patients for money; placing patients/others with/near infectious patients,  
 23 etc (5) failure to expedite medical documentation that jeopardized this patient's case, Etc; simply with  
 24 medical affiliation of said Complaint issues and Defendants; and

25 **b. Plaintiffs' Refuting Arguments to Defendants' dismissal actions in that Plaintiffs' Factual Allegations**  
 26 noted throughout their Complaint, clarified in their Opposition/Dismissal Motions; Request for Hearing -  
 27 including Herein: State, Infer and Imply medical and NON medical Issues of Breach of Duty, Simple,



10/11

1. Ordinary, Gross Negligence, ETC governed by Statutes, laws, etc - OTHER THAN that requiring medical  
 2. expert Affidavit.

3.   
 4. Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
 5. Gregory J. Brown /  Others Reserved  
 6. 45 Nives Court  
 7. Sparks, NV 89441  
 8. Telephone: (775) 425-4216  
 9. Date: May 5, 2020

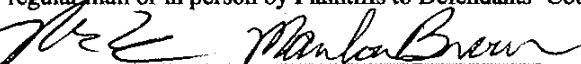

10. AFFIRMATION Pursuant to NRS 239B.030

11. The undersigned do hereby affirm that the preceding document PLAINTIFFS' MOTION TO  
 12. DISMISS Defendants Tiffany Coury (replaced Tammy Evans) / Prem Reddy's April 20, 2020  
 13. DELINQUENT/ERRONEOUS REPRESENTATION Reply (See Separate Opposition/Motion Filings  
 14. as well) Filed in this matter does not contain the Social Security Number of any person.

15.   
 16. Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
 17. Gregory J. Brown /  Others Reserved  
 18. Nives Court  
 19. Sparks, NV 89441  
 20. Telephone: (775) 425-4216  
 21. Date: May 5, 2020

22. CERTIFICATE OF SERVICE

The undersigned do hereby affirm that 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) was served via  
 regular mail or in person by Plaintiffs to Defendants' Counsels on May 5, 2020

  
 Marilee Brown, Marilou Brown, Pro Se Plaintiffs  
 Gregory J. Brown /  Others Reserved  
 Nives Court  
 Sparks, NV 89441  
 775-425-4216  
 Date: May 5, 2020

Exhibit

Exh 1. Defendants 4/20/2020 Reply Certificate of Service - Reply sent electronically to Plaintiffs:  
Defendants' DELINQUENT with ERRONEOUS/DEFICIENT information delineated in their  
Representation/Title facts - (Tiffany Coury replaced Tammy Evans)

11/11

ORIGINAL

1. CODE: 2645

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

3. BAR NUMBER: N/A (Pro Se litigants)

4. ADDRESS: 45 Nives Court

Sparks, NV 89441

Telephone: (775) 425-4216

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

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

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

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

Mark McAllister, MD (St. Mary's Interventional Radiologist)

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

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

12. DOES I through X inclusive; ROES Businesses I through X inclusive, Defendants,

13. **PLAINTIFFS' OPPOSITION TO DEFENDANT MCALLISTER'S DISMISSAL MOTION OF:**  
14. **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)**

15. I **INTRODUCTION**

16. 1. On April 27, 2020, Plaintiffs received Defendants' Tammy Evans/Prem Reddy, MD's April 20, 2020

17. **DELINQUENT/ERRONEOUS REPRESENTATION INFO** Reply to their April 9, 2020 Opposition

18. (*Filed by the Court on April 13, 2020*). Plaintiffs Received said Defendants' **DELINQUENT/ERRONEOUS**

19. **REPRESENTATION INFO** Reply **AFTER** they had Filed their **Hearing Request with New and Reiterated**

20. **Refutes / Clarifications**. Plaintiffs' Herein and in their Corresponding Filings seek **Dismissal of said**

21. **Reply for such Delinquency/Erroneous Representation Info. Et Al**

22. 2. On May 1, 2020, Plaintiffs received Defendant McAllister, MD's April 28, 2020 dismissal Motion of their

23. Hearing Request because it contained New and **Reiterated Refutes**.

24. 3. Plaintiffs' provide an **Amended Brief / Supplemental Pleading Request** (*Separate Filing*) in **Refute and/or**

25. **Clarification** of the **erroneous** information contained in Defendants' dismissal pleadings that are **Redundant**

26. **Themselves and composed of erroneous** information; with Plaintiffs **Supporting their Hearing Request if needbe**

27. or in **Refute** of the Defendants' **erroneous** pleadings To:

28. a. **JUSTIFIABLY UPHOLD their COMPLAINT ISSUES - Law MUST be based on Merit/Justice, such as the**

1/5

1 factual/meritous arguments of Plaintiffs' Complaint and Filings; NOT based on the *frivolous* dismissal  
 2 reasonings given by Defendants;

3 b. SUPPORT Court's DISMISSAL of Defendants Tiffany Coury (replaced Tammy Evans) / Prem Reddy's

4 April 20, 2020 DELINQUENT/ERRONEOUS REPRESENTATION INFO Reply

5 c. SUPPORT Court's DENIAL of Defendant McAllister's April 28, 2020 dismissal request of Plaintiffs'

6 April 24, 2020 Hearing Request/Consideration of Plaintiffs' meritous information containing New and

7 Reiterated Clarifications therein of Defendants' erroneous information;

8 d. (See Separate Opposition/Motion Filings on Same Issues, as well)

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

10 STATEMENT OF FACTS and LEGAL ARGUMENTS / CLARIFICATONS

11 A. In DIRECT Refute of Defendant McAllister's April 28, 2020 dismissal Motion of Plaintiffs' Hearing

12 Request/Refutes In Liu of: It is noted:

13 1a. That Plaintiffs' Pleadings consist of Relevant New and Reiterated Important Refutes and

14 Clarifications of Defendant's erroneous information – So Stated in their Pleadings

15 1b. It is also noted that the two counsel firms representing three of the five Defendants mentioned, who

16 responded to Plaintiffs' Summons/Complaint, provided dismissal Motions and Replies that consist of

17 Similar Redundancy as Plaintiffs' yet with erroneous information – Refuted by Plaintiffs' meritous

18 pleadings and herein, such as: Contrary to Defendant McAllister's false assertions otherwise, said

19 Defendant's actions are clearly mentioned and/or inferred in Plaintiffs' Complaint and Pleadings by the

20 fact in said documents this Defendant followed the NON Medical acts of hospital Protocol and own NON

21 Communication (Below).

22 1c. The reason why Plaintiffs' provide for Reiterated along with New Refutes and Clarifications (disclosed

23 herein again) is to Facilitate the Court's Review of Plaintiffs' meritous pleadings in Support of All their

24 Complaint claims Without having to keep Referring Back to Prior pleadings.. - with the Court's discretion

25 to consider same as per Defendant McAllister's own statement "the Court has inherent authority to

26 administer its own procedures and manage its own affairs".

27 1d. It is also noted, Per Defendants' Tiffany Coury (replaced Tammy Evans) / Prem Reddy's own dismissal

28 motion and their April 20, 2020 DELINQUENT/ERRONEOUS REPRESENTATION INFO Reply, same

1. entities have solicited for a Hearing as well if needbe,

2. *"any oral argument allowed at the time of the hearing of this matter, if any" and "which may be*

3. *adduced at the time of the Hearing on said Motion",* Respectively. Such delineation supports Plaintiffs'

4. request for same if necessary to further support what they have already substantiated to Uphold their

5. Complaint per same document; and as noted in the Refutes/Clarifications in their Opposition, Hearing

6. Request and Herein (Refuting Defendant's DELINQUENT Reply assertions, as well)

7. 2. Of significance, Defendant McAllister's April 28, 2020 dismissal motion of Plaintiffs' Hearing Request

8. also supports Plaintiffs affirmation that the Court does indeed have discretion to interpret how she will rule

9. on the word terminology of "*shall*" in that Defendant states "*the Court has inherent authority to*

10. *administer its own procedures and manage its own affairs*"

11. 3. Defendants now with Bad Faith and malice in their Replies call the Plaintiffs' pleadings "*criminal*" and

12. "*fugitive*" in nature – which indeed is refuted herein and in their other Pleadings with meritous arguments

13. Defendants cannot escape from

14. 4. See Further Addresses Below AND in Plaintiffs' other Filings

15. B. It is noted that the two counsel firms representing three of the five Defendants mentioned, who responded

16. to Plaintiffs' Summons/Complaint, provided dismissal Motions and Replies that consist of similar redundancy

17. as Plaintiffs' yet with *erroneous* information – Refuted by Plaintiffs' meritous pleadings and herein, such as:

18. Contrary to Defendant McAllister's false assertions otherwise, said Defendant's actions are clearly mentioned

19. and/or inferred in Plaintiffs' Complaint and Pleadings by the fact in said documents this Defendant followed the

20. NON Medical acts of hospital Protocol and own NON Communication:

21. *"1c. Plaintiffs Clarified in their Opposition in support of their Civil Complaint and in Refute of Defendants'*

22. *dismissal motions that their Complaint indeed has NON Medical provisions (not added as Defendants falsely*

23. *claim) in addition to the medical aspects of their Complaint, such as: Defendant Protocol and Lack of*

24. *Communication by ALL Defendants with Beverly M. Brown's Primary Cardiovascular Specialist, Dr.*

25. *Devang Desai, WHO WORKS FOR Defendant St. Mary's Regional Medical Center.*

26. *1d. Said Gross, Simple, Ordinary NON MEDICAL Negligence in the Protocol and Lack of communication*

27. *(NOT associated with NRS 41A.071) by Defendants with this patient's Primary Cardiovascular Specialist*

28. *WHO WORKS FOR Defendant St Mary's Regional Medical Center, even with Plaintiffs' urgency of said*

3/5

1 contact, resulted in the health deterioration of Beverly M. Brown's condition from December 2018 through  
 2 her death on March 5, 2019 --All asserted, inferred, etc in Plaintiffs' Complaint, Clarified in their Opposition"

3 **C. IN CONCLUSION:**

4 **1. Plaintiffs' Refer To their: STATEMENT OF FACTS and LEGAL ARGUMENTS / CLARIFICATONS**  
 5 **Above**

6 **IN DIRECT Refute of Defendant McAllister's April 28, 2020 dismissal Motion of Plaintiffs' Hearing Request**  
 7 **and/or Refutes (Clarifications ) of In Liu of any Hearing to Uphold Plaintiffs' Complaint.**

8 **2. When the Court Reviews Plaintiffs' Civil Action Complaint, along with the Meritous Refuting Arguments of**  
 9 **their Opposition / Dismissal Motions; Hearing Request - including Herein in its Totale - containing**  
 10 **Corrections, Additions, Clarifications, Amendments, Valid Time Request to Seek medical expert Affidavit**  
 11 **if needed (Court has clear discretlon on Expert Affidavit submission--see Rule 16 provisions), valid**

12 **Refuting Arguments ETC; Such Supports the Court: Maintaining Plaintiffs Complaint pursuant to**  
 13 **LAWS and ARGUMENTS thoroughly addressed NOT AFFILIATED WITH 41A.071 that correspond**  
 14 **with Defendants Gross, Simple, Ordinary Negligence - which Clearly Supports:**

15 **a. Plaintiffs have meritous, NON-medical claims (simply nexused to ALL Defendants' medical establishment**  
 16 **/ acts - such as Protocol, lack of communication, Age/Other Discrimination/elderly neglect/abuses,**  
 17 **Decisions jeopardizing patients' / others' health and safety such As placement with infected patients,**  
 18 **Failure to timely fax vital medical documents, Etc) along with medical claims that**

19 **b. Validate their Civil Action to Continue (All of which are likewise subject to Medical Board Review,**  
 20 **Media attention, U.S. Department of Health and Human Resource Reviews, ETC in additlon to this Legal**  
 21 **Nexus). Plaintiffs Filings are On Behalf Of and For the Voice of other chronically ill, elderly patients who**  
 22 **need Proper Care from Medical Establishments from NON MEDICAL and medical decision; and the family**  
 23 **subjected to EMOTIONAL/OTHER ANGUISH because of such Gross, Simple, Ordinary Negligence under**  
 24 **described laws asserted by Plaintiffs other than NRS 41A.071; To**

25 **3. UPHOLD Plaintiffs' Complaint and Pleadings pursuant to their meritous Factual Allegations, especially:**

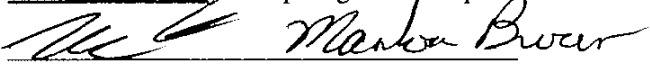
26 **a. Plaintiffs law addresses UNRELATED to 41A.071 that support the Simple, Ordinary, Gross negligence of**  
 27 **Defendants as related to the meritous NON-Medical issues of their Complaint - to include their noted**  
 28 **applicable Laws and Statutes addressing the Breach of Duty, Simple, Ordinary, Gross Negligence, ETC**

4/5

related to Defendants' acts of Non-medical issues: (1) Protocol, (2) Lack of communication, (3) Age / Other Discrimination/jeopardy to elderly, (4) Negligence and jeopardizing this patient's/others safety related needlessly admitting patients for money; placing patients/others with/near infectious patients, etc (5) failure to expedite medical documentation that jeopardized this patient's case, Etc; simply with medical affiliation of said Complaint issues and Defendants; and

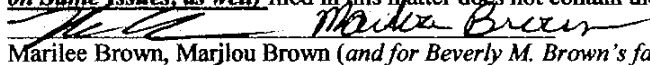
b. Plaintiffs' Refuting/Clarifying Arguments to Defendants' dismissal actions in that:

Plaintiffs' Factual Allegations noted throughout their Complaint, clarified in their Opposition, Dismissal Motions, Request for Hearing – including Herein: State, Infer and Imply medical and NON medical Issues of Breach of Duty, Simple, Ordinary, Gross Negligence, ETC governed by Statutes, laws, etc - OTHER THAN that requiring medical expert Affidavit.

  
Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
Gregory J. Brown / Others Reserved  
45 Nives Court, , Sparks, NV 89441  
Telephone: (775) 425-4216  
Date: May 5, 2020

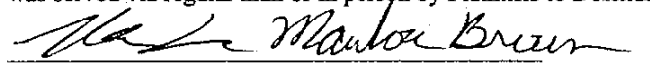
#### AFFIRMATION Pursuant to NRS 239B.030

The undersigned do hereby affirm that the preceding document, PLAINTIFFS' OPPOSITION TO DEFENDANT MCALLISTER'S DISMISSAL MOTION OF: PLAINTIFF'S HEARING REQUEST ELSE CONSIDERATION OF PLAINTIFFS' NEW / REITERATED REFUTES (CLARIFICATONS) IN LIU OF HEARING TO UPHOLD PLAINTIFFS' COMPLAINT ISSUES (See Separate Opposition/Motion Filings on Same Issues, as well) filed in this matter does not contain the Social Security Number of any person.

  
Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
Gregory J. Brown / Others Reserved  
Nives Court, Sparks, NV 89441  
Telephone: (775) 425-4216  
Date: May 5, 2020

#### CERTIFICATE OF SERVICE

The undersigned do hereby affirm that PLAINTIFFS' OPPOSITION TO DEFENDANT MCALLISTER'S DISMISSAL MOTION OF: PLAINTIFF'S HEARING REQUEST ELSE CONSIDERATION OF PLAINTIFFS' NEW/REITERATED REFUTES (CLARIFICATONS) IN LIU OF HEARING TO UPHOLD PLAINTIFFS' COMPLAINT ISSUES (See Separate Opposition/Motion Filings on Same Issues, as well) was served via regular mail or in person by Plaintiffs to Defendants' Counsels on May 5, 2020

  
Marilee Brown, Marilou Brown, Pro Se Plaintiffs  
Gregory J. Brown / Others Reserved  
Nives Court, Sparks, NV 89441  
775-425-4216  
Date: May 5, 2020

5/5



ORIGINAL

1 CODE: 4105  
2 NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)  
3 BAR NUMBER: N/A (Pro Se litigants)  
4 ADDRESS: 45 Nives Court  
Sparks, NV 89441  
5 Telephone: (775) 425-4216

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

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

9 VS

10 Case No: CV20-00422  
11 Dept No: 1

12 St. Mary's Regional Medical Center: Tiffany Coury CEO/Prem Reddy, MD (Prime HealthCare)  
13 Mark McAllister, MD (St. Mary's Interventional Radiologist)  
14 Tanzeel Islam, MD (St. Mary's Hospitalist)  
15 Sridevi Challapalli, MD (St. Mary's Cardiologist),  
16 DOES I through X inclusive; ROES Businesses I through X inclusive, Defendants,  
17 -----

18 **PLAINTIFFS' AMENDED PLEADING / SUPPLEMENTAL BRIEF REQUEST IN SUPPORT OF THEIR**  
19 **HEARING REQUEST/INFO CONSIDERATION IN LIEU OF; CLARIFICATION OF DEFENDANTS'**  
20 **ERRONEOUS INFORMATION WITHIN SAID PLEADINGS, (Plaintiffs' DIRECT And REITERATED**  
21 **REFUTES) IN SUPPORT OF THE COURT JUSTIFIABLY UPHOLDING PLAINTIFFS' COMPLAINT**  
22 **ISSUES (See Separate Opposition/Motion Filings on Same Issues, as well)**

23 **I INTRODUCTION**

24 1a. On April 27, 2020, Plaintiffs received Defendants' Tammy Evans/Prem Reddy, MD's April 20, 2020  
25 **DELINQUENT/ERRONEOUS REPRESENTATION INFO REPLY** to their April 9, 2020 Opposition  
26 (*Filed by the Court on April 13, 2020*). Plaintiffs received said Defendants' **DELINQUENT** Reply  
27 **AFTER** they had Filed their **Hearing Request with Clarifications and Justified reiterated Refutes of**  
28 Defendant's **erroneous** assertions.

29 1b. Plaintiff's Herein and in their Corresponding Filings seek **Dismissal of Defendant's Reply, ETC**  
30 **for such Delinquency, Deficient/Erroneous Representation info, Et Al.**

31 2. On May 1, 2020, Plaintiffs received Defendant McAllister, MD's April 28, 2020 dismissal Motion of their  
32 Hearing Request because it contained **New and Reiterated Refutes**.

33 3. Plaintiffs' provide this **Amended Brief / Supplemental Pleading Request** (w/ other *Separate Filings*) in  
34 **Refute and/or Clarification** of the **erroneous** information contained in Defendants' dismissal pleadings  
35 that are **Redundant Themselves** and composed of **erroneous** information; with Plaintiffs **Supporting**

1/20

their Hearing Request if needbe or in Refute/Clarification of Defendants' erroneous pleadings To:

a. JUSTIFIABLY UPHOLD their COMPLAINT ISSUES - Law MUST be based on Merit/Justice, such as the

factual/meritous arguments of Plaintiffs' Complaint and Filings; NOT based on the frivolous dismissal reasonings given by Defendants;

b. SUPPORT Court's DISMISSAL of Defendants Tiffany Coury (*replaced Tammy Evans*) / Prem Reddy's April 20, 2020 DELINQUENT Reply

c. SUPPORT Court's DENIAL of Defendant McAllister's April 28, 2020 dismissal request of Plaintiffs' April 24, 2020 Hearing Request/Consideration of Plaintiffs' meritous information containing New and Reiterated Clarifications therein of Defendants' erroneous information;

d. (See Separate Opposition/Motion Filings on Same Issues, as well)

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

This AMENDED Brief, with REQUEST of the Court that Same Be Considered as SUPPLEMENT to their meritous pleadings pursuant to Rule 15 (a-d) / Other applicable Statutes/Laws, etc yet unknown to Plaintiffs – In Support Plaintiffs' Request for any Hearing for clarification if needbe; and further Refute of Defendants' dismissal pleadings of Plaintiffs' meritous Complaint issues:

1. On April 27, 2020, Plaintiffs received Defendants Tammy Evans/Prem Reddy, MD's April 20, 2020 DELINQUENT/ERRONEOUS REPRESENTATION Reply to their April 9, 2020 Opposition (*Filed by the Court on April 13, 2020*). Plaintiffs received said Defendants' DELINQUENT/ERRONEOUS REPRESENTATION Reply AFTER they had Filed their Hearing Request with New and Valid Reiterated Refutes for Clarifications; Plaintiff's Herein and in their Other Filings seek Dismissal of said Reply for such Delinquency, ET AL.

2. In Refute of Defendant McAllister's April 28, 2020 dismissal Motion of Plaintiffs' Hearing Request and /or Consideration of Refutes/ Clarifications In Liu of, it is noted:

2a. That Plaintiffs' Pleadings consist of Relevant New/Reiterated Important Refutes and/or Clarifications of Defendant's erroneous information – So Stated in their Pleadings;

2b. It is also noted that the two counsel firms representing three of the five Defendants mentioned, who

2/20

responded to Plaintiffs' Summons/Complaint, provided dismissal Motions and Replies that consist of similar  
redundancy as Plaintiffs' yet with *erroneous* information – **Refuted** by Plaintiffs' **meritous** pleadings and  
 herein, such as: Contrary to Defendant McAllister's false assertions otherwise, said Defendant's actions  
 are clearly **mentioned and/or inferred** in Plaintiffs' Complaint and Pleadings by the fact in said documents this  
 Defendant followed the **NON Medical** acts of hospital Protocol and own NON Communication, as per Below:  
 2c. The reason why Plaintiffs' provide for Reiterated along with New Refutes (as disclosed herein again)  
 is to facilitate the Court's review of Plaintiffs' **meritous** pleadings in Support of **All** their Complaint claims  
Without having to keep Referring Back to Prior Pleadings - with the Court's discretion to consider same  
as per Defendant McAllister's own statement "the Court has inherent authority to administer its own  
procedures and manage its own affairs"  
 2d. It is also noted, Per Defendants' Tiffany Coury (*replaced Tammy Evans*) / Prem Reddy's own dismissal  
 motion and their April 20, 2020 **DELINQUENT** Reply, same entities have solicited for a Hearing as  
well if needbe, "*any oral argument allowed at the time of the hearing of this matter, if any*" and "*which*  
*may be adduced at the time of the Hearing on said Motion*", Respectively. Such delineation supports  
 Plaintiffs' request for same if necessary to further support what they have already substantiated to  
 Uphold their Complaint per same document and the **Refutes in their Opposition, Hearing Request and**  
**Herein (Refuting Defendants' DELINQUENT/ERRONEOUS REPRESENTATION Reply assertions also).**  
 3. Of significance, Defendant McAllister's April 28, 2020 dismissal motion of Plaintiffs' Hearing  
Request also supports Plaintiffs' affirmation that the Court does indeed have discretion to interpret how she  
will rule on the word terminology of "*shall*" in that Defendant states "*the Court has inherent authority to*  
*administer its own procedures and manage its own affairs*"  
 4. Defendants now with **Bad Faith and malice** in their Replies call the Plaintiffs' pleadings "*criminal*"  
 and "*fugitive*" in nature – which indeed is **refuted** herein and in their other Pleadings with **meritous**  
 arguments the Defendants cannot escape from  
 5. See Further Addresses Below AND in Plaintiffs' other Filings  
**III STATEMENT OF FACTS and LEGAL ARGUMENTS /REFUTES**  
 A. It is noted that the two counsel firms representing three of the five Defendants mentioned, who responded to  
Plaintiffs' Summons/Complaint, provided dismissal Motions and Replies that consist of Similar Redundancy

3/20

as Plaintiffs' yet with *erroneous* information – **Refuted** by Plaintiffs' **meritous** pleadings and herein, **such as:**

**A/1. Contrary** to Defendant McAllister's **false** assertions otherwise, said Defendant's actions are clearly

mentioned and/or inferred in Plaintiffs' Complaint and Pleadings by the fact in said documents this

Defendant followed the **NON Medical** acts of **hospital Protocol and own NON Communication:**

" 1c. Plaintiffs **Clarified in their Opposition** in support of their Civil Complaint and in **Refute** of Defendants'

**dismissal motions** that their **Complaint indeed has NON Medical provisions** (*not added as Defendants falsely*

*claim*) in addition to the medical aspects of their Complaint, such as: **Defendant Protocol and Lack of**

**Communication by ALL Defendants with Beverly M. Brown's Primary Cardiovascular Specialist, Dr.**

**Devang Desai, WHO WORKS FOR Defendant St. Mary's Regional Medical Center.**

Id. Said **Gross, Simple, Ordinary NON MEDICAL Negligence in the Protocol and Lack of communication**

**(NOT associated with NRS 41A.071) by Defendants with this patient's Primary Cardiovascular Specialist**

**WHO WORKS FOR Defendant St Mary's Regional Medical Center, even with Plaintiffs' urgency of said**

**contact, resulted in the health deterioration of Beverly M. Brown's condition from December 2018 through**

**her death on March 5, 2019 –All asserted, inferred, etc in Plaintiffs' Complaint, Clarified in their Opposition"**

**A/2. DISMISSAL OF DEFENDANTS** Tiffany Coury (*replaced Tammy Evans*) Prem Reddy, MD **REPLY FOR**

**DELINQUENCY AND INVALID REPRESENTATION (See PLAINTIFFS' OTHER DISMISSAL ACTION)**

1a. Defendants *Tammy Evans*/Prem Reddy, MD's **April 20, 2020 DELINQUENT** Reply to Plaintiffs' April 9, 2020

Opposition **Filed by the Court on April 13, 2020**. Pursuant to Nevada Revised Statutes, any Reply **MUST** be filed

**within five (5) days** of an Opposition. Defendants **FAILED TO TIMELY FILE** their Reply and **same must be**

**DISMISSED FOR DELINQUENCY**. Defendants are **NOT** Exempt from Electronic Filing and Receive / Submit

Court Filings **instantly** once same Pleadings/Orders are Filed by the Court. Defendants have **NO excuse for**

**submitting Delinquent Filings and their Reply MUST BE DISMISSED for said reasoning.**

1b. Plaintiffs are **Exempt** from Electronic Filing and Service in this Matter. Thus Plaintiffs do not submit/receive

electronic and must rely on in person/mailings (*thus delays*); **Defendants have access to ALL Filings with**

**attachments via Electronic means** while Plaintiffs do **NOT**. Plaintiffs mailed these respective Filings to the

Court as the Court's Filing Office is closed due to the *Coronavirus Quarantine*, with mailing or in person service

to Defendants as noted in their Certificate of Service.

1c. **CONCLUSION:** Defendants' Tiffany Coury (*replaced Tammy Evans*) Prem Reddy, MD Reply **MUST Be**

4/20

**DISMISSED for DELINQUENCY And ALL Assertions therein VOIDED.**

2a. Also, Defendant Counsel is also **NOT authorized to Represent Tiffany Coury** - who replaced Tammy Evans as a Defendant in this matter. Such is **because of Two (2) Deficiencies in Defendant's Substitution of Attorney** forms that **make same Invalid** (See Exhibit 1 of Defendant's Reply):

2b. Defendants' counsel filed a Substitution of Counsel form for **"Tammy Evans", signed by "Tammy Evans"**, who is **NOT a Defendant** in this matter. Plaintiffs' clearly specified they changed and served Defendant Tiffany Coury, **NOT Tammy Evans**, who no longer worked for St. Mary's Regional Medical Center at the time of Plaintiffs' filing

2c. Defendants' counsel filed a Substitution of Counsel form for **"Tammy Evans", signed by "Tammy Evans"**, who is **NOT a Defendant** in this matter; Yet there is **NO signature** for **Helen Peltekci, Esq** as an **Authorized Representative**. **Such make said Representation by same counsel of Tiffany Coury VOID.**

2d. **CONCLUSION:** Defendants' April 20, 2020 Reply for Tammy Evans **MUST be VOIDED / DISMISSED** in its ENTIRETY for **INVALID REPRESENTATION of same Defendant.**

3. **CONCLUSION:** Defendants Filing is **DELINQUENT with ERRONEOUS/DEFICIENT information delineated in their Representation/Title facts - (Tiffany Coury replaced Tammy Evans) - and therefore MUST be VOIDED / DISMISSED in its ENTIRETY**

**B/C. CLARIFICATIONS OF AFOREMENTION REPLY ASSERTIONS TO JUSTIFY HEARING AND UPHOLD PLAINTIFFS' COMPLAINT CLAIMS**

Plaintiffs Request that the Court **consider the meritous** Refutes/Clarifications/Amendments contained in their Opposition and Hearing Request nexused to their Complaint, as well as **SUPPORTING** Arguments Herein to **UPHOLD** their Civil Action Claims

**B. DIRECT REFUTES And / Or CLARIFICATIONS**

1. Plaintiffs **DO NOT REPRESENT** "Beverley's" "estate" (Defendant Reply pg 7). There is **NO estate**

2. Plaintiffs **Represent THEMSELVES** (simply noting that they and their father had power of attorney regarding their mother and vice-versa if needbe/ simple terminology, Complaint pgs 1,2, etc)

See Exh 1. 4/2019 St Mary's disclosure form for Beverly Brown (Marilee, Marilou Brown personal representatives noted)

as Specified, Inferred, Etc in their Complaint and Clarified in their Opposition,

Hearing Request/Herein - **with Laws, Causes of Action / Claims for Relief / Prayer for Relief noting**

1 Plaintiffs' Damages - "Emotional Anguish to her family" (Complaint pgs 2, 3, 4, 5, 12, 14, 15, 16, etc)

2 - Laws / NON Medical issues clarifications such as: Protocol, Non communication, Age Discrimination

3 Jeopardy to Safety, Etc (Complaint pgs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, etc)

4 See Exh 2. 5/2019 Renown Palliative care ("bad experience at St. Mary's") and Exh 3. 3/5/19 Fax cover  
 5 pg from St Mary's to Renown/Death Excerpt (Negligent fax - contributing to lack of communication  
 6 and patient's death)

6 For The:

7 2a. Deterioration, Suffering and Loss of their mother Plaintiffs EXPERIENCED Emotionally as much as

8 their mother did, Caused by the Gross, Simple, Ordinary NON MEDICAL Negligence by Defendants

9 through their Protocol and Lack of communication (NOT associated with NRS 41A.071) by Defendants

10 with this patient's Primary Cardiovascular Specialist WHO WORKS FOR Defendant, even with

11 Plaintiffs' urgency of said contact; And

12 - Complaint Background information by Plaintiffs of Defendant Protocol to Admit as many patients as

13 possible to the Hospital for money (Complaint pgs 6, 7, etc) - jeopardizing patient's life/causing

14 injury to Patient and causing Emotional, etc Anguish to Plaintiffs/Patient's family for which they are

15 authorized relief and compensation - representing themselves; And

16 - Jeopardy to their mother's and Plaintiffs'/Plaintiffs' family's lives by placing Plaintiffs' mother and

17 nexusing them/their visiting family to same jeopardy by placing their mother in a room/floor with a known

18 infected patient(s) that were thereafter quarantine;

19 Etc - All as addressed in Plaintiffs' Complaint and Pleadings;

20 b. All of which Resulted in the health deterioration of Beverly M. Brown's condition from December 2018

21 through her death on March 5, 2019, causing significant Emotional Anguish, etc to Plaintiffs and their family

22 - All Asserted, Inferred, etc throughout Plaintiffs' Complaint (Ex pgs 2-5, 9, 12, 14, 15, 16, etc) and clarified in

23 their Opposition, Request For a Hearing and Herein.

24 3a Plaintiffs' Factual Allegations noted throughout their Complaint, clarified in their Opposition, Request for

25 a Hearing, Herein - State, Infer and Imply medical and NON medical Issues of Breach of Duty, Simple,

26 Ordinary and Gross Negligence Based on And governed by Statutes, laws, etc - OTHER THAN that

27 requiring medical expert Affidavit

6/20

3b. Thus Plaintiffs seek said damages FOR THEMSELVES AND REPRESENT THEMSELVES for the  
 aforementioned/below mentioned reiterated Damages and Loss under the Statutes noted in their Complaint,  
 any Others yet Unknown Statutes as stated in their Complaint and Other Filings - which Defendants asserted  
 Plaintiffs are authorized to do per their Reply Pg 7: "Plaintiffs may represent themselves" and "Plaintiffs  
 may recover damages in a wrongful death action" - which Plaintiffs clarify herein they DO REPRESENT  
THEMSELVES, NOT AN ESTATE.

4. To Clarify, Plaintiffs use of their term as "representatives, heirs", etc are terms simply to designate their  
 connection to Beverly M. Brown (See Exh 1. 4/2019 St Mary's disclosure form for Beverly Brown (Marilee,  
 Marilou Brown personal representatives noted) as per NON lawyer/pro se/lay person interpretation of the  
 Statutes and legal terminology used (It is noted that the Court state - "Pleadings of a pro per litigant  
 (Plaintiff - non lawyer) are held to a less stringent standard than formal pleading drafted by lawyers  
 (Defendant) (caselaw)".

5. In addition, Plaintiffs have sought to add their brother Gregory J. Brown as a Party who has likewise  
suffered the Wrongful Loss of his mother; and Reserve the right to add Beverly M. Brown's husband and  
any other family member if needbe so they may also Personally Represent themselves in this matter for their  
Similar Loss. Of note, Beverly M. Brown's husband, Charles Brown, has health issues than impede mobility  
and thus reserves his right to be included/added as a Party to this matter Pro Se, in ABSENTEE because of  
his health/mobility condition at eighty eight (88) years of age.

6. As per Defendant's Reply, Gross Miscarriage of Justice to Mandate Plaintiffs secure counsel at \$300+  
dollars an hour (which they would eagerly do but financially CANNOT AFFORD); when they are clearly  
 Plaintiffs in this matter REPRESENTING THEMSELVES in their own Suffering and Loss of their mother unlike  
 her own because of the NON MEDICAL Gross, Ordinary, Simple, Etc Negligence of Defendants simply  
 affiliated with medical institutions and acts of Defendants:  
The Nevada Supreme Court Affirms - Implications, Inference and Direct statements of Breach of Duty,  
Simple,  
Ordinary and Gross Negligent claims by Plaintiffs in their Civil Action Complaints WITHOUT the necessity  
of medical expert affidavits Survive any dismissal motion by Defendants, as Plaintiffs do in their Civil Action:  
"Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each claim, rather

7/20

than its form, must be examined...the Court held the following: "a claim is *not* for medical malpractice if it is not related to medical diagnosis, judgment, treatment"

- It is duly noted that a Court or Jury can properly evaluate Plaintiffs' claims despite any inaccurate titling depiction of same, and derive said claims as involving Ordinary, Simple and Gross Negligence by Defendants or Defendants' twisting of the facts - allegations that are based on NON medical functions in which same acts were discerned as a set of duties and facts based on Gross, Simple, Ordinary Negligence; Breach of Duty, etc" - Such as illustrated in Plaintiffs factual allegations and amended, clarified laws, etc addressed throughout their Complaint, Clarified in their Opposition, Request for a Hearing and Herein.

7. Plaintiffs could NEVER AFFORD said representation, and the Courts of Nevada have apparently made it unfeasible in their requisites for many meritorious Plaintiffs to obtain counsel or medical testimony willing to represent these matters because of limited financial gain for attorneys; and damage to reputation for medical experts - all clearly asserted, inferred, etc in Plaintiffs pleadings - regardless of terminology Plaintiffs used in their pleadings *(It is noted that the Court state - "Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than formal pleading drafted by lawyers (Defendant)(caselaw).*

8. In addition, Plaintiffs' do NOT KNOW nor do they REPRESENT any "BEVERLEY depicted by Defendants Tiffany Court/Prem Reddy, MD's Counsel - thus Defendants' Reply FALSELY asserting Plaintiffs represent "BEVERLEY" IS ERRONEOUS and MUST BE VOIDED AND DISMISSED IN ITS ENTIRETY.

9a. Defendants' Counsel's terminology of asserting Plaintiffs are CRIMINAL in Defendant's ERRONEOUS assertion that Plaintiffs are representing "Beverley's estate" is ABSURD

9b. Defendants' Counsel COMPLETELY DISREGARDS the SUFFERING, DEATH and family (PLAINTIFFS')

ANGUISH CAUSED by Defendants' NON MEDICAL Simple, Gross, Ordinary Negligent Acts, PROTOCOL, Etc by simply affiliated with medical aspects, all NOTED THROUGHOUT PLAINTIFFS' COMPLAINT (Pgs 2 - 16); And DISREGARDS the APPLICABLE LAWS and STATUTES referenced throughout Plaintiffs' Complaint and Clarified in their Filings that do NOT require any medical Affidavit; Yet Admitted PLAINTIFFS' ARE ENTITLED TO COMPENSATION for said acts.

10a. In addition to the fact that Defendants' Delinquently Filed, Deficient Reply erroneously twists Plaintiffs' examples and verbiage they used to express Defendant's medical negligent issues to falsely assert that the

8/20



message of Plaintiffs' entire Complaint ~~ORIGINAL~~ only to Professional Negligence -when it is NOT; VS. Gross,

Simple, Ordinary NON Medical Acts (noted throughout Plaintiffs' Complaint Pgs 2 -16, ETC) of Negligence  
as clarified in Plaintiffs' Filings.

10b/1. One example is where Defendant falsely delineates in his Delinquent Reply medical verbiage, "*foot wound, afib, improper amputation, low oxygen levels, pulmonary injury*" to intentionally Confuse the Court and

Distort the facts. Said issues relate to a *Continuing Violation Theory* by Defendants, but Plaintiffs were using  
same as background to address Defendants' NON MEDICAL PROTOCOL of Admitting as many patients as  
possible to the Hospital To Make Money (Complaint Pgs 6, 7). Defendant's act of admitting this patient at that  
time pursuant to this NON MEDICAL PROTOCOL of Admitting as many patients as possible to the  
Hospital

To Make Money that indeed jeopardized this patient's life, did cause injury to this patient's limb resulting in  
amputation, etc; but Defendants' NON MEDICAL PROTOCOL of Admitting as many patients as possible to  
the Hospital To Make Money is SEPARATE and DISTINCT from any medical care for the sole purpose  
of Defendants' Financial Gain.

10b/2. Contrary to Defendants' false assertions of splitting hairs to erroneously confuse the Court to have  
all claims dismissed, Plaintiffs VALIDATE their NON MEDICAL claims through the Nevada Supreme Court's  
own rulings that hold claims NOT specifically affiliated with medical treatment - such as Defendants' NON  
MEDICAL PROTOCOL of Admitting as many patients as possible to the Hospital to make money (that

*caused such personal injury and emotional anguish to the patient Plaintiffs and their family); NO*  
*CONTACT WITH CHRONICALLY ILL PATIENT'S PRIMARY SPECIALISTS AND NON*  
*COMMUNICATION WITH FAMILY, ETC; PLACING PATIENTS/PERSONS AROUND KNOWN*  
*INFECTIOUS PATIENTS; AGE DISCRIMINATION"SHES OLD"/ELDERLY ABUSE OF DNR*  
*EMPHASIS; DELINQUENT FAXING OF MEDICAL DOCUMENTS; ETC - as Meritous*  
WITHOUT a medical expert Affidavit:

"Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each  
claim, rather than its form, must be examined...the Court held the following: "a claim is not for  
medical malpractice if it is not related to medical diagnosis, judgment, treatment"

10c. This Defendant deceptively OMITS all this in his Fraudulent, Deceptive argument.

9/20

10d. Plaintiffs damages relate to the significant Emotional Anguish, etc to themselves and their family which is afforded as a personal claim by Plaintiffs representing themselves and for the loss of their mother in this case afforded under noted/Other Unknown Laws, Statutes than the ONE dictated by Defendants, caused by Defendants' NON medical Gross, Ordinary, Simple Negligence of Defendants' NON MEDICAL PROTOCOL of Admitting as many patients as possible to the Hospital to make money.

C. REITERATED REFUTES And/Or CLARIFICATIONS to UPHOLD this Civil Action:

(IN ADDITION to the DIRECT Addresses Above)

1a. Again, Plaintiffs Provided for (NOT just ADD as Defendant FALSELY states) in their Filings (OPPOSITION esp.):

NON medical issues:

"It is Affirmed that Plaintiffs' Civil Complaint focuses on medical but primary the NON-Medical Issues (including that noted as Et AL) regardless of medical nexus that are Stated, Implied and Inferred throughout Plaintiffs' Complaint:

(1) Non Medical Judgment Decisions, Administrative Protocol (Complaint Pg 3, 4, 7, 8, 9, 10, 11, 14 and throughout), that Defendants' staff must follow per Defendant St. Mary Regional Medical Center Defendants (CEO Tiffany Coury & Risk Mgmt Staff; Prem Reddy, Etc);

To wit: Ex 1 - As per Plaintiffs' Complaint, Defendant Non-Medical Administrative Decision / Protocol Physicians to admit as many patients as possible For Money (Complaint Pg 7) which caused jeopardy to Beverly M. Brown's life / well being and lack of proper cardiovascular treatment when she should have been transported directly to UC Davis and resulted in her leg amputation from infection (Complaint Pg 6-7); Ex 2 - to include Defendant Administrative NON Medical Protocol / Lack of communication of No Contact from 12/18 - 3/5/19 by individual Defendants with the Patient's Primary Cardiovascular Specialist Dr Devang Desai WHO WORKS WITH Defendant (Complaint Pg 3, 4, 8, 9, 10, 11 and throughout), and would not have allowed for continued reduced dosage of Beverly M. Brown's medication or any procedure that would have impacted her jeopardized her health as he as guarded against in the past.

(2) Lack of Communication, Non Medical Judgment Decisions/Administrative Protocol per Defendants;

(a) Note: On 3/3/2020, St Mary's Nurse Risk Mgmt Response was sent on 3/5/2020 - after deadline for Plaintiffs' Filing of any Complaint had passed and before Service upon Defendants (Exhibits 2, 3 Letters from St Mary Regional Medical Center Kathy Millard; and Nurses Curtis Roth/Lisa Pistone, respectively). \*There was No investigation, just summary cover-up that excluded any mention of

10/20

1 patient placed among infectious diseased patients; or other issues addressed in Plaintiffs' Complaint;

2 (b) to include No Contact by individual Defendants from 12/18 – 3/5/19 with the Patient's Primary

3 Care Cardiovascular Specialist WHO WORK FOR Defendant St Mary's Regional Medical Center

4 (Complaint Pg 3, 4, 5, 6, 8, 10, 11, 14 and throughout), and would not have allowed for continued  
 5 reduced dosage of Beverly M. Brown's medication or any procedure that would have impacted her  
 6 jeopardized her health as he as guarded against in the past.

7 (3) Age/Other Discrimination, Jeopardy, Negligence to elderly patients -Non Medical Judgment Decisions

8 such as that exhibited by Defendant Hospitalist, Palliative Care personnel, Et Al (Complaint Pgs 4,8, 9,  
 9 and throughout) (See Exh 2. 5/2019 Renown Palliative care ("bad experience at St. Mary's");

10 and

11 (4) Non Medical Judgment Decisions, such as placement of Patients including Beverly M. Brown with or

12 nexus /exposed to other infected, later quarantined patients (Complaint pgs 5,10,11,12, 13, 14 and  
 13 throughout) (which Defendants attempted to cover up (See Plaintiffs' Complaint; Attachments 2/3 in their Brief); And

14 (5) Failed to Timely FAX vital medical documentation to Renown from March 3-5, 2019 (Complaint Pgs 5,11,12

15 and throughout) See Exh 3. 3/5/19 Fax cover pg from St Mary's to Renown /Death Excerpt (Negligent  
 16 fax - contributing to lack of communication and patient's death)

17 – ALL jeopardizing the Safety, Well Being of Patients/Anguish to Family; and inconsistent with how the nation,

18 Presidential directives and the world are contending with saving human lives, especially the chronically ill

19 and elderly with regards to the current corona virus Pandemic; clearly addressed throughout Plaintiffs' Complaint"

20 AND a Variety of Laws, Statutes, ETC in their Complaint;

21 b/2. Plaintiffs requested in their Civil Complaint that same could be Amended to include the

22 aforementioned/below mentioned changes, et al corresponding - to include NON Medical issue

23 clarifications, etc (as redundantly addressed in this Opposition); Additional/corrected laws,

clarifications, etc (Complaint Pgs 2,3,14,15,16,etc):

Statute, Law Clarification/Amendments in Support of Case Laws, ETC

(with Leave to Submit Other Statutes/laws Still Yet Unknown to Plaintiffs In

Support of Plaintiffs' Factual allegations):

24 A. NRS 11.310: Plaintiffs (and for Beverly M. Brown's family), with Legal Power of Attorney as  
 25 representatives of Beverly Brown), And

26 B. NRS 41.085: (2) Plaintiffs as Heirs or Personal Representatives (for Beverly M. Brown's) may maintain

27 action – when the death of any person is caused by the wrongful act or neglect (See 1-5 non medical acts

28 described in this Opposition) of another, the heirs of the decedent and personal representatives of the

29 decedent may each maintain an action for damages against any person who caused/contributed to the injury.

11/20

1 death by wrongful act or neglect; if any other person is responsible for the wrongful act or neglect, or if  
 2 wrongdoer is employed by another person who is responsible for wrongdoer's conduct, the action may be  
 3 maintained against that other person (*Defendant St Mary's Regional Medical Center – including*  
 4 *Administrative Protocols set forth by this Defendant directing other Defendants' conduct*) (See 1-5  
 5 *Non medical acts described in this Opposition*); Court or Jury may award pecuniary damages for  
 6 person's grief, sorrow, loss of probable support, companionship, society, consortium; pain and suffering  
 7 of the decedent; Penalties including but not limited to Exemplary. Punitive (*NRS 41 Actions and*  
 8 *Proceedings in Particular Cases Concerning Persons / ACTIONS FOR DEATH BY WRONGFUL /*  
 9 *ACT OR NEGLIGENCE*), Etc;

10 Leading to / In Support of Valid Law/Claims meeting Requisites for Case Continuation (Such  
 11 damages include the medical and Non medical References Asserted in Plaintiffs' Complaint and  
 12 (Redundantly) Clarified in this Opposition:

13 NRS 41 Actions and Proceedings in Particular Cases Concerning Persons -

14 ACTIONS FOR PERSONAL INJURIES OR DEATH BY WRONGFUL ACT, NEGLIGENCE OR DEFAULT:

15 C. NRS 41.130: Liability for Personal Injury – Except under NRS 41.745, whenever a person suffers personal  
 16 injury by a wrongful act, neglect, default of another, the person causing the injury is liable to the person injured  
 17 for damages; And where the person causing the injury is employed by another person or corporation responsible  
 18 for the conduct of the person causing the injury, that other person or corporation is liable to the person injured for  
 19 damages (*TO Wit: Defendant St Mary's Regional Medical Center, Individual Defendants employed with same,*  
 20 *and Yet Unnamed/unknown/Unidentified Defendants contributing to the injury, death such as: Following*  
 21 *Defendant Non medical Protocol instructions and Failing to communicate messages by Plaintiffs to Beverly*  
 22 *M. Brown's Primary Care Cardiovascular Specialist WORKING FOR Defendant when same communication*  
 23 *was VITAL; Yet unidentified Defendant placing Beverly M. Brown in proximity with infected persons, etc)*  
 (*See 1-5 non medical acts described in this Opposition*);

D. NRS 41.1395: Action for Damages for Injury or loss suffered by an OLDER (over 60 yrs), vulnerable  
persons from abuse, neglect (failure of a person or organization, To Wit: Defendants - that has assumed  
legal responsibility or contractual obligation for caring for an older person or who has voluntarily  
assumed responsibility for that person's care, to include services within the scope of the person's or o  
organization's responsibility or obligation, which is necessary to maintain the physical or mental  
health of the older person - only to the extent that the person has expressly acknowledged the  
person's responsibility to provide such care) exploitation: double damages, attorney fees/costs:

(-) if an older, vulnerable person suffers a personal injury or death that is caused by abuse or neglect, etc the  
 person who caused the injury, death or loss is liable to the older, vulnerable person for 2 X the actual  
 damages incurred by the older or vulnerable person,

(-) a person who is liable for damages when acted with recklessness, etc, the court shall order that person to pay fees, costs, etc of persons who initiated lawsuit;

E. **Plaintiffs' Request to Amend their Complaint to include Age/Other Discrimination**, as per addresses in said Complaint asserting stated Patient Beverly M Brown was **"OLD", pushing DNR when she was NOT a hospice case** (similar to another elderly witness for this case who asserted Defendant pushed hospice care when to date she is recovered from ailments and well) - **AMENDMENT REQUESTED TO ADD AS A CAUSE OF ACTION / FOR RELIEF: DISCRIMINATION BASED ON DISABILITY (amputee), AGE (OVER 40)/Other, ETC - ALL PURSUANT TO THE CIVIL RIGHTS ACT OF 1964, 42 USC 2000e, et seq REHABILITATION ACT OF 1973, 29 USC 794; AGE DISCRIMINATION ACT OF 1967, 29 USC 633a(b); Other as Yet To Be Determined, Et, Seq**

F. **NRS 41A** - Again, simply noted because Defendant St. Mary's Medical Group is a professional business, Plaintiffs annotated as one of their laws, 41A - and for no other reason as clarified in this **Opposition**. Plaintiff Requests of the Court that the **TOLLING aspect of this Statute applies for Relief for Plaintiffs To Obtain a medical Affidavit if required by the Court (shall means Judicial discretion and Does NOT mean must contrary to Defendants' false assertions see No 1 addresses above) due to Defendants' Concealment (1-3/2020 - Exh 2, 3)**

**And Clarified** their use of NRS 41A.071 in their Filings (**OPPOSITION esp.**) - which was **NOT** the sole or priority law addressed; with a relevant use of **"shall"**: The fact is the Court has **judicial discretion on its interpretation of how he/she interprets shall** - affirming the Court in its **own discretion** is **NOT** required to dismiss **All** of Plaintiffs' action even if only this law was used, which it was not, or at least allow time for Plaintiffs to obtain a medical Affidavit if needbe:

**RE "Shall":**

- the only word of obligation is **must** - **NOT shall, will or may**. All others, including **shall** are **legally debatable**;
- Must** is a term to impose requirements while **shall is ambiguous**; **shall** often is interpreted as **conveying offers, suggestions, requests, direction; interpreted as should - non obligatory** (Deborah Hopkins, Federal law/ Other references/others as per below).
- the term **shall** is so confusing that the Federal Codes/Rules of Civil Procedure **don't use shall**;
- the term **shall** is often interpreted to mean **should or may (which NRS 41A.071 used to use - may)**
- **The U.S. Supreme Court interprets shall as may**;
- The term **shall** Actions against government **are construed as may**
- **Attorneys MISUSE shall (as Defendant did) to only means obligation, which has no meaning: shall breeds litigation and no one uses it** (Joe Kimble, Thomas Cooley law school)
- It is a **Gross inaccuracy to state shall is mandatory**; it often means **may** (Bryan Garner, legal writing)

13120

1 - Judicial Discretion of shall - may be construed as imperative but also construed as permissive or directory such  
 2 as the term may to carry out legislative intentions (which NRS 41A.071 used to use - may) (The law dictionary)

3 It is also Noted that the Courts State:

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

8 "the Court must construe the complaint in the light most favorable to Plaintiff and accept as true the

9 factual allegations of the complaint(caselaw)" - INCLUDING PLAINTIFFS' Joint AFFIDAVIT WITHIN

10 THIS OPPOSITION IN SUPPORT OF THIS CASE, A CASE MADE ON BEHALF OF THE TREATMENT

11 FOR OTHER CHRONICALLY ILL PATIENTS AS WELL AS THIS ONE

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

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

16 1c. Plaintiffs Clarified in their Opposition in support of their Civil Complaint and in Refute of Defendants'  
 17 dismissal motions that their Complaint indeed has NON Medical provisions (not added as Defendants

18 falsely claims) in addition to the medical aspects of their Complaint, such as: Defendant Protocol and

19 Lack of Communication by ALL Defendants with Beverly M. Brown's Primary Cardiovascular  
 20 Specialist, Dr. Devang Desai, WHO WORKS FOR Defendant St. Mary's Regional Medical Center.

21 1d. Said Gross, Simple, Ordinary NON MEDICAL Negligence in the Protocol, Lack of communication (NOT  
 22 associated with NRS 41A.071) by ALL Defendants with this patient's Primary Cardiovascular Specialist

23 WHO WORKS FOR Defendant, even with Plaintiffs' urgency of said contact, Resulted in the health

24 deterioration of Beverly M. Brown's condition from December 2018 through her death on March 5, 2019;

And causing anguish to her family - All asserted, inferred, etc in Plaintiffs' Complaint and clarified in  
their Opposition, Request for Hearing, Herein.

1e. Plaintiffs' Factual Allegations noted throughout their Complaint, clarified in their Opposition, State, Infer  
and Impley medical and Non medical Issues of Breach of Duty, Simple, Ordinary and Gross Negligence, ETC  
governed by Statutes, laws, etc OTHER THAN that requiring medical expert Affidavit (noted as Et AL)

by ALL Defendants, Etc. - specifically related to NON medical issues - with simple nexus to the term

"medical" because that is Defendants' professional business.

14/20

1 - Plaintiffs annotated one of their NRS Statutes in their Complaint was "41A" regarding Professional  
2 Negligence simply because Defendant St. Mary Regional Medical Center is a professional businesses  
3 establishment. Plaintiffs annotated other relevant Statutes as well in addressing their Claims For Relief,  
4 with Request to Amendment same to clarify, add others as addressed further below. Plaintiffs Refer to  
5 the Arguments in their Opposition in Specific Refute/Clarification of this medical Affidavit issue  
6 If, Again, Plaintiffs' in Good Faith Clarify their verbiage in their Complaint (It is noted that the Court state  
7 - "Pleadings of a pro per litigant (Plaintiff - non lawyer) are held to a less stringent standard than formal  
8 pleading drafted by lawyers(Defendant)(caselaw)" in that most of the issues in their Totale relate to NON  
9 medical functions by Defendant despite nexus to this medical business Defendant and /or issues; Etc this in their  
10 Opposition Brief, and in Good Faith Request of the Court Time to obtain a medical expert Affidavit in furtherance  
11 of the medical issues of their Complaint -- that Can be given at the Court's Discretion; though clearly  
12 Discovery Rule 16 asserts Plaintiffs can provide medical expert documentation, etc in furtherance of said  
13 claims - (Court has clear discretion on Expert Affidavit submission -- see Rule 16 provisions for same)  
14 2a. Because of Defendant's sole reason of a medical expert Affidavit for medical claims, Defendant is **wrongfully**  
15 demanding the Court dismiss all of Plaintiffs' Complaint claims - **including the NON medical claims** Reiterated  
16 / Clarified throughout Plaintiffs' Complaint as clarified in their Opposition. Yet Defendants admit the Nevada  
17 Supreme Court reversed the District Court's decision in another medical referenced case (see below).  
18 2b. Defendants affirm in their dismissal Motion that the Nevada Supreme Court Affirm: those Implications,  
19 Inference and Direct statements of Breach of Duty, Simple, Ordinary and Gross Negligent claims by  
20 Plaintiffs in their Civil Action Complaints WITHOUT the necessity of medical expert affidavits Survive any  
21 dismissal motion by Defendants, as Plaintiffs do in their Civil Action:  
22 "Reversing the district court in part, the Nevada Supreme Court held that the gravamen of each claim,  
23 rather than its form, must be examined...the Court held the following: "a claim is not for medical  
24 malpractice if it is not related to medical diagnosis, judgment, treatment"  
25 2c. It is duly noted that a Court or Jury can properly evaluate Plaintiffs' claims despite any inaccurate titling  
26 depiction of same, and derive said claims as involving Ordinary, Simple and Gross Negligence by  
Defendants ....factual allegations that are based on NON medical functions in which same acts were  
discerned as a set of duties and facts based on Gross, Simple, Ordinary Negligence; Breach of Duty, etc"

1 - Such as illustrated in Plaintiffs factual allegations and amended, clarified laws, etc addressed  
 2 throughout their Complaint and Clarified in their Opposition, Hearing Request, Herein.

3 2d. However again, Plaintiffs do seek additional time from the Court to obtain any medical expert Affidavit

4 should such be required in support of any technical, procedural requisite; Such is clearly authorized as

5 Defendants state that Plaintiffs' Complaint could be dismissed WITHOUT PREJUDICE – which means same

6 Complaint could be filed at another time detailing other Relevant Statutes for Claims of Relief. Given the fact

7 that the Statute of Limitations would have expired for any Medical issue Filing, such 3. Again, an erroneous

8 dismissal of All claims would be prejudicial to Plaintiffs' Complaint as they would not be able to Re-File

9 any medical issues of their case due to the Time limitation expiration for said claims.

10 2e. What Plaintiffs have supported in this Instant case are governed by Applicable Statutes, Laws, Etc OTHER

11 THAN that requiring medical expert Affidavit (noted as Et AL) ; And addressing the Breach of Duty, Simple,

12 Ordinary, Gross Negligence, ETC related to Defendants' acts of NON-medical issues: (1) Protocol, including

13 admitting patients for money which caused jeopardy; non communication with chronically ill patients'

14 primary specialists (2) Lack of communication, (3) Age/Other Discrimination/jeopardy to elderly, (4)

15 Negligence jeopardizing patients/others safety related to infectious persons, (5) failure to expedite

16 medical documentation that jeopardized this patient's , case, Etc, - All Throughout Plaintiffs'

17 Complaint: Pgs 2-16, ETC). along with medical issues; And

18 2f. Some laws which are already addressed in Plaintiffs' and Others to be Amended, Clarified, Corrected,

19 Added, Etc as so stated in Plaintiffs' Complaint ("to include additional/corrected laws, corrections,

20 clarifications, etc (Complaint Pgs 2, 3, 14, 15, 16, etc).

21 3a. In addition to the fact that Defendant in this Delinquently Filed, Deficient Reply erroneously twists Plaintiffs'

22 examples and verbiage they used to express Defendant's medical negligent issues to falsely assert that the

23 message of Plaintiffs' entire Complaint relates only to Professional Negligence -when it is NOT; VS. Gross,

24 Simple, Ordinary NON Medical Acts (noted throughout Plaintiffs' Complaint Pgs 2 -16, ETC) of Negligence

as clarified in Plaintiffs' Filings.

3b. One example is where Defendant falsely delineates in his Delinquent Reply medical verbiage, "foot wound,

afib, improper amputation, low oxygen levels, pulmonary injury" to intentionally Confuse the Court and

Distort the facts. Said issues relate to a Continuing Violation Theory by Defendants, but Plaintiffs were using



1 same as background to address Defendants' NON MEDICAL PROTOCOL of Admitting as many patients as  
 2 possible to the Hospital To Make Money (Complaint Pgs 6, 7). Defendant's act of admitting this patient at that  
 3 time pursuant to this NON MEDICAL PROTOCOL of Admitting as many patients as possible to the  
 4 Hospital  
 5 To Make Money that indeed jeopardized this patient's life, did cause injury to this patient's limb resulting in  
 6 amputation, etc; but Defendants' NON MEDICAL PROTOCOL of Admitting as many patients as possible to  
 7 the Hospital To Make Money is SEPARATE and DISTINCT from any medical care for the sole purpose  
 8 of Defendants' Financial Gain.

9 3c. This Defendant deceptively OMITS all this in his Fraudulent, Deceptive argument.

10 4a. Plaintiffs clearly Stated in their Complaint that they Request to be able to Amend their Complaint with  
 11 other applicable laws, statutes, etc to include additional/corrected laws, corrections, clarifications, etc  
 12 (Complaint Pgs 2, 3, 14, 15, 16, etc) WITHOUT HAVING ALL THEIR NON MEDICAL MERITOUS  
 13 CLAIMS DISMISSED (noted throughout Plaintiffs' Complaint Pgs 2 -16, ETC) AS SUCH WOULD  
 14 CAUSE SIGNIFICANT FINANCIAL AND OTHER HARDSHIP – thus their request of the Court time to  
 15 obtain any medical expert Affidavit in support of the medical issues addressed therein.

16 4b. Plaintiffs Complaint issues are Valid in that they relate to NON-medical issues (noted throughout  
Plaintiffs' Complaint Pgs 2 -16, ETC) nexused to the medical aspect of this situation;

17 D. IN CONCLUSION:



18 1. When the Court Reviews Plaintiffs' Civil Action Complaint, along with the Meritous Refuting  
 19 Arguments of their Opposition, Request For a Hearing and Herein in its Totale - containing  
 20 Corrections, Additions, Clarifications, Amendments, Valid Time Request to Seek medical expert Affidavit  
 21 if needed (Court has clear discretion on Expert Affidavit submission--see Rule 16 provisions),  
 22 valid Refuting Arguments ETC in Support of Maintaining Plaintiffs Complaint pursuant to LAWS  
 23 and ARGUMENTS thoroughly addressed NOT AFFILIATED WITH 41A.071 that correspond with  
 24 Defendants Gross, Simple, Ordinary Negligence which clearly supports Plaintiffs have meritous,  
 25 NON-medical claims (simply nexused to ALL Defendants' medical establishment / acts – such as  
 26 Protocol, lack of communication, Age/Other Discrimination/elderly neglect/abuses, Decisions  
jeopardizing patients' / others' health and safety such As placement with infected patients, Failure to

17/20

1 timely fax vital medical documents, Etc), along with clear medical nexus claims **that Validate**  
 2 their Civil Action to Continue (All of which are likewise subject to Medical Board Review, Media  
 3 attention, U.S. Department of Health and Human Resource Reviews, ETC in addition to this Legal  
 4 Nexus). Plaintiffs Filings are **On Behalf Of and For the Voice of other chronically ill, elderly patients**  
 5 who need Proper Care from Medical Establishments from NON MEDICAL and medical decision;  
 6 and the family subjected to **EMOTIONAL/OTHER ANGUISH** because of such Gross, Simple,  
 7 Ordinary Negligence under described laws asserted by Plaintiffs OTHER THAN NRS 41A.071.  
 8  
 9 2. Plaintiffs Affirm per the aforementioned meritous arguments and those in their pleadings that the Court:  
 10 A. **DISMISS** DEFENDANTS' Tammy Evans (replaced with Tiffany Coury from onset) )/ Prem Reddy,  
 11 MD's REPLY in ITS ENTIRETY and ANY ARGUMENTS THEREIN BE VOIDED - FOR  
 12 DELINQUENCY  
 13 AND INVALID REPRESENTATION OF TAMMY EVANS (Tiffany Coury); AND,  
 14 B. **UPHOLD** Plaintiffs' Complaint and Pleadings pursuant to their **meritous** Factual Allegations, a. especially  
 15 Plaintiffs law addresses **UNRELATED** to 41A.071 that **support the Simple, Ordinary, Gross negligence of**  
 16 Defendants as related to the **meritous NON-Medical issues of their Complaint – to include their noted**  
 17 applicable Laws and Statutes addressing the **Breach of Duty, Simple, Ordinary, Gross Negligence, ETC**  
 18 related to **ALL** Defendants' acts of **Non-medical issues: (1) Protocol, (2) Lack of communication,**  
 19 (3) Age / Other Discrimination/jeopardy to elderly, (4) Negligence and jeopardizing this patient's /  
 20 others' safety related needlessly admitting patients for money; placing patients/others with/near  
 21 infectious patients, etc (5) failure to expedite medical documentation that jeopardized this patient's  
 22 case, Etc; simply with medical affiliation of said Complaint issues and Defendants; and  
 23 b. Plaintiffs' Refuting Arguments to Defendants' dismissal actions in that:  
 24 Plaintiffs' **Factual Allegations** noted throughout their Complaint, clarified in their Opposition, Request for a  
 25 Hearing. Herein: **State, Infer, Imply** medical **And NON** medical Issues **of Breach of Duty, Simple, Ordinary,**  
**Gross Negligence, ETC** governed by Statutes, laws, etc - **OTHER THAN** that requiring medical expert Affidavit.  
c. Again, Plaintiffs **Clarified in their Opposition** in support of their Civil Complaint and in **Refute** of  
Defendants' dismissal motions that their **Complaint indeed has NON Medical provisions (not added as**

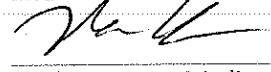
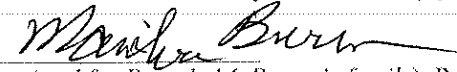

18620

Defendants falsely claims) in addition to the medical aspects of their Complaint, such as: Defendant  
Protocol and Lack of Communication by ALL Defendants with Beverly Brown's Primary Cardiovascular  
Specialist, Dr. Devang Desai, WHO WORKS FOR Defendant St. Mary's Regional Medical Center.  
 Said Gross, Simple, Ordinary NON MEDICAL Negligence in the Protocol and Lack of communication  
(NOT associated with NRS 41A.071) by ALL Defendants with this patient's Primary Cardiovascular  
Specialist WHO WORKS FOR Defendant, even with Plaintiffs' urgency of said contact, Resulted in  
the health deterioration of Beverly M. Brown's condition from December 2018 through her Death on  
March 5, 2019; And causing Emotional, Etc Anguish to her family – All Asserted, Inferred, Etc in  
Plaintiffs' Complaint and Clarified in their Opposition, Request for Hearing, Herein and Other Filings.  
 d. Plaintiffs seek said damages FOR THEMSELVES AND REPRESENT THEMSELVES for the  
aforementioned / below mentioned reiterated Damages and Loss under the Statutes noted in their  
Complaint, any Others yet Unknown Statutes as stated in their Complaint and Other Filings - which  
Defendants asserted Plaintiffs are authorized to do per their Reply Pg 7: "Plaintiffs may represent  
themselves" and "Plaintiffs may recover damages in a wrongful death action" – which Plaintiffs  
clarify herein they DO REPRESENT THEMSELVES, NOT AN ESTATE.

  
 Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
 Gregory J. Brown /  Others Reserved  
 45 Nives Court  
 Sparks, NV 89441  
 Telephone: (775) 425-4216  
 Date: May 5, 2020

#### AFFIRMATION

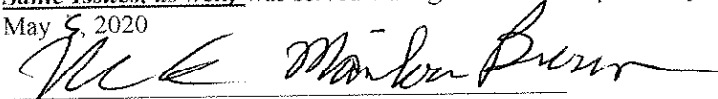
The undersigned do hereby affirm that the preceding document, PLAINTIFFS' AMENDED  
PLEADING / SUPPLEMENTAL BRIEF REQUEST IN SUPPORT OF THEIR HEARING REQUEST  
/INFO CONSIDERATION IN LIU OF; CLARIFICATION OF DEFENDANTS' ERRONEOUS  
INFORMATION WITHIN SAID PLEADINGS (Plaintiffs' DIRECT And REITERATED  
REFUTES) IN SUPPORT OF THE COURT JUSTIFIABLY UPHOLDING PLAINTIFFS'  
COMPLAINT ISSUES (See Separate Opposition/Motion Filings on Same Issues, as well)  
 filed in this matter does not contain the Social Security Number of any person.

   
 Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
 Gregory J. Brown /  Others Reserved  
 Nives Court  
 Sparks, NV 89441  
 Telephone: (775) 425-4216  
 Date: May 5, 2020

19/20

CERTIFICATE OF SERVICE

The undersigned do hereby affirm that **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)** was served via regular mail or in person by Plaintiffs to Defendants' Counsels on May 5, 2020



Marilee Brown, Marilou Brown, Pro Se Plaintiffs  
 Gregory J. Brown / Others Reserved  
 Nives Court  
 Sparks, NV 89441  
 775-425-4216  
 Date: May 5, 2020

Exhibits (Other Evidence Available)

Exh 1. 4/2019 St Mary's disclosure form for Beverly Brown (*Marilee, Marilou Brown personal representatives noted*) 2 pgs

Exh 2. 5/2019 Renown Palliative care ("*bad experience at St. Mary's*") 1 pg

Exh 3. 3/5/19 Fax cover pg from St Mary's to Renown/Death excerpt (*Negligent fax - contributing to lack of communication and patient's death*) 1 pg

20/20

Exhibit 1

Exhibit 1

07

V8P69493

# AUTHORIZATION FOR USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION

Please print clearly.

Patient Name: Beverly M. Brown

Phone #: 775-425-4216

Other Names Used:

Patient Address: 45 Nives Court  
Sparks, NV 89441

Date of Birth: 1/12/1932

Social Security #: 533-113

Medical Record #: \_\_\_\_\_

Saint Mary's Facility: 235 West 6th St, Reno, NV 89503 (SMRMC)

Completion of this document authorizes the disclosure and/or use of health information about you. Failure to provide all information requested may invalidate this authorization.

I AUTHORIZE: Saint Mary's Regional Medical Center PH# 775-770-3033 / Fax# 775-770-3678

(Facility or other provider)

TO DISCLOSE TO:

Marlow Brown

(Persons / organizations authorized to receive the information)

at the following address:

45 Nives Court, Sparks, NV 89441

(Street address)

OR MAIL TO:

(City, state and zip code)

the following information (check box and initial applicable lines below):



☒ Mental health (excludes "psychotherapy notes")

☒ Substance abuse treatment records

☒ Genetic testing information

SCANNED

☒ THE FOLLOWING RECORDS, specific types of health information, or records for the date(s) of treatment as specified [check applicable box(es)]:



☒ Billing Records

☒ Consultation Reports

☒ Discharge Summary

☒ Emergency Room

☒ History and Physical

☒ Laboratory Tests

☒ Procedure Reports

☒ Progress Notes

☒ X-ray Reports

☒ Imaging



☒ Date(s): \_\_\_\_\_

☒ Other(s): \_\_\_\_\_

SCANNED

☒ ALL RECORDS regarding my treatment, hospitalization, and outpatient care.

A separate authorization is required for the use or disclosure of psychotherapy notes or research health information.

PLEASE CONTINUE ON NEXT PAGE →



2 HIMROI

PATIENT ID

AUTHORIZATION FOR USE OR DISCLOSURE OF  
PROTECTED HEALTH INFORMATION

PHSI-280-014-SMRMC (07/12) ORIGINAL - CHART COPY - PATIENT PAGE 1 OF 2

117

**PURPOSE:** The purpose and limitations (if any) of the requested use or disclosure is:

☒ At the request of the patient or personal representative; **OR**

☒ Other: Family

**EXPIRATION:** This authorization will automatically expire one (1) year from the date of execution unless a different event or end date is specified: \_\_\_\_\_

(Insert date or event)

**MY RIGHTS:**

- ♦ I may refuse to sign this authorization. My refusal will not affect my ability to obtain treatment or payment or eligibility for benefits.
- ♦ I may revoke this authorization at any time, but I must do so in writing and submit it to the following address:  
Saint Mary's, 235 West Sixth Street, Reno, Nevada 89503, Department: Health Information Dept., Release of Information.  
My revocation will take effect upon receipt, except to the extent that others have acted in reliance upon this authorization.

Information disclosed pursuant to this authorization could be re-disclosed by the recipient. Such re-disclosure may no longer be protected by federal confidentiality law (HIPAA). If this authorization is for the disclosure of substance abuse information, the recipient may be prohibited from disclosing the information under 42 C.F.R. part 2.

SIGNATURE: \_\_\_\_\_

*Charles Beckman*

Patient or personal representative

Date: 3-2-15

**PURPOSE:** The purpose and limitations (if any) of the requested use or disclosure is:

☒ At the request of the patient or personal representative; **OR**

☐ Other: \_\_\_\_\_

**EXPIRATION:** This authorization will automatically expire one (1) year from the date of execution unless a different event or end date is specified: \_\_\_\_\_

(Insert date or event)

**MY RIGHTS:**

- ♦ I may refuse to sign this authorization. My refusal will not affect my ability to obtain treatment or payment or eligibility for benefits.
- ♦ I may revoke this authorization at any time, but I must do so in writing and submit it to the following address:  
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SIGNATURE: \_\_\_\_\_

(Patient or personal representative)

Date: \_\_\_\_\_

4-16-19

Exhibit 2

Exhibit 2





1155 MILL STREET  
RENO NV 89502-1576

Brown, Beverly Morris  
MRN: 0891340, DOB: 11/12/1932, Sex: F

**Palliative Performance Scale:** 30%

**Advance Directive:** None-

**DPOA:** No-

**POLST:** No-

**Code Status:** Full-

**Outcome:**

Met with Mariee Brown (daughter) at 14:00 pm. Introduced myself and explained the role of palliative care.

Consults by Harmony L Brown at 3/4/2019 2:31 PM (continued)

or her sister about these conversations, and that she would attempt to pull records from home with completed documents. She believes that the AD and other paperwork has already been completed, however she did take a blank AD to review and possibly complete if she is unable to find one at home. Educated daughter about importance of her mother designating a healthcare agent, in the event that she is unable to voice her own wishes regarding her medical treatment. Daughter indicated that they previously "had a negative experience" with the PC team at St. Mary's, during her mother's most recent hospitalization.

Although the daughter did not wish for us to speak with her mother, the patient, she was interested to hear about other services that may be provided by the palliative care team. With further discussion, she was open to a visit from the Chaplain and/or pet therapy in the hospital.

Provided therapeutic communication including open-ended questions, reflective listening, respecting, exploration of feelings and understanding throughout encounter. Provided business card with palliative care contact information and encouraged Marilee Brown to call with any questions or needs.

**Plan:**

Chaplain consult

Pet visit request

Blank AD forms were left with daughter along with business card. She was instructed to call with further questions or assistance.

Exhibit 3

R.App.169  
FILED  
Electronically  
CV20-00422  
2020-05-06 03:20:32 PM  
Jacqueline Bryant  
Clerk of the Court  
Transaction # 7865178 : yvloria

Exhibit 3

**To:** Renown  
**Company:**  
**Fax:** 775-982-8151  
**Phone:**

**From:** AMaderaboina  
**Fax:**  
**Phone:**

**NOTES:** RE: Brown, Beverly

**STATEMENT OF CONFIDENTIALITY:** The information contained in this facsimile message is a client privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message IS NOT the intended recipient, you are hereby notified that any dissemination distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the US Postal Service. Thank you.

**Date and time of transmission: Tuesday, March 5, 2019**

Policy/Certificate Number 7278166		Name of Insured Beverly Morris Brown	
Date of Birth (mm/dd/yyyy) 11/12/1932	Date of Death (mm/dd/yyyy) 03/05/2019		Social Security Number 530-18-8892

Ench 3

Pg 11  
R.App.170

ORIGINAL

CODE: 3795

2020 MAY 14 AM 11:55

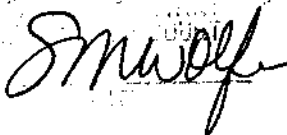
NAME: Marilee Brown, Marilou Brown (*and for Beverly M. Brown's family*)

BAR NUMBER: N/A (Pro Se litigants)

ADDRESS: 45 Nives Court

Sparks, NV 89441

Telephone: (775) 425-4216



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

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

VS

Case No: CV20-00422

Dept No: 1

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

Mark McAllister, MD (St. Mary's Interventional Radiologist)

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

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

DOES 1 through X inclusive; ROES Businesses 1 through X inclusive, Defendants,

**PLAINTIFFS' REPLY (OPPOSITION) TO DEFENDANT MCALLISTER'S May 7, 2020 OPPOSITION ("REPLY") REQUESTING TO STRIKE PLAINTIFFS' MAY 6, 2020 AMENDED PLEADING/ SUPPLEMENTAL BRIEF**

I

**INTRODUCTION**

1. On May 11, 2020, Plaintiffs received Defendant McAllister, MD's "Reply" to their May 6, 2020 Opposition of Defendant McAllister's Motion to Strike Plaintiffs' April 24, 2020 Hearing Request (*Filed by the Court on April 28, 2020*); and assert in Same document same as an Opposition/Request to Strike Plaintiffs' May 6, 2020 Amended Pleading/Supplemental Brief.

1b. Plaintiffs have not received any Opposition to their May 6, 2020 Amended Pleading/Supplemental Brief from Defendants Tiffany Coury (*replaced Tammy Evans*) / Prem Reddy's on same matter and reserve the right to provide a Reply to same if any is received.

2. Plaintiffs provide this **REPLY (OPPOSITION)** To Defendant McAllister's May 7, 2020 **(OPPOSITION)** **REPLY** through which Defendant McAllister inappropriately requests to strike PLAINTIFFS' MAY 6, 2020 AMENDED PLEADING/ SUPPLEMENTAL BRIEF

3. Plaintiffs' May 6, 2020 ~~May 6, 2020~~ <sup>June</sup> "Amended Pleading/Supplemental Brief," (Pursuant to Rule 15)" is a Separate and Distinct document from their May 6, 2020 Opposition to Defendant McAllister's Motion to

1/5

Strike Plaintiffs Hearing Request. Yet Defendant McAllister incorrectly requests to Strike said document in his May 7, 2020 Reply to Plaintiffs' May 6, 2020 Opposition

4. Therefore Plaintiffs consider Defendant McAllister's May 7, 2020 Reply as an **Opposition** to their May 6, 2020 AMENDED PLEADING/SUPPLEMENTAL BRIEF in Refute and/or Clarification of the *erroneous* information contained in Defendant McAllister's Opposition ("Reply") assertions that are **Redundant Themselves** and composed of **erroneous** information; with Plaintiffs Supporting their Hearing Request if needbe or in Refute/Clarification of Defendants' erroneous pleadings To: JUSTIFIABLY UPHOLD their COMPLAINT ISSUES - Law MUST be based on Merit/Justice, such as the factual/meritous arguments of Plaintiffs' Complaint and Filings: NOT based on the frivolous dismissal reasonings by Defendant.

## **II. MEMORANDUM OF POINTS AND AUTHORITIES (Redundant Points for Important Relevancy)**

### **A. INTRODUCTORY REFUTE**

1. Per Defendant's own assertion in their April 16, 2020 Motion To Dismiss Plaintiff's Complaint Reply, Defendants cannot file a Request to Strike Plaintiffs' May 6, 2020 AMENDED PLEADING/SUPPLEMENTAL BRIEF with Defendant's May 7, 2020 Motion to Strike Plaintiffs' Hearing Request Reply on grounds that it violates WDCR 10(3). Said documents are separate and district filings.

2. In addition, Defendant McAllister incorrectly filed a Request for Submission related to their Request to Strike Plaintiffs' May 6, 2020 AMENDED PLEADING/SUPPLEMENTAL BRIEF without allowing for Plaintiffs to Reply to what is clearly Defendant McAllister's Opposition to Plaintiffs' May 6, 2020 AMENDED PLEADING / SUPPLEMENTAL BRIEF.

3. For the above reasons, Plaintiffs' **Request the Court consider** Defendant McAllister's (incorrectly annotated May 7, 2020 Reply) **as their Opposition** to Plaintiffs' May 6, 2020 AMENDED PLEADING / SUPPLEMENTAL BRIEF - for which Plaintiffs' provide this **Reply to same:**

Or consider this Brief as an **Opposition** to Defendant McAllister's *erroneous* assertions annotated in their Reply that **Correspond to their titled "Request to Strike Plaintiffs' May 6, 2020 AMENDED PLEADING / SUPPLEMENTAL BRIEF"**

**B. DIRECT REFUTES:** to Defendant McAllister's May 7, 2020 **Opposition (Reply)** to Plaintiffs' May 6, 2020 AMENDED PLEADING/SUPPLEMENTAL BRIEF:

1. As per the above and in their Filings, Plaintiffs' May 6, 2020 AMENDED Brief, with REQUEST of the Court that Same Be Considered as SUPPLEMENT to their meritous pleadings pursuant to Rule 15 (a-d) / Other applicable Statutes/Laws, etc yet unknown to Plaintiffs - (Filing known as "Plaintiffs' May 6, 2020 AMENDED PLEADING / SUPPLEMENTAL BRIEF") is in Support Plaintiffs' Request for any Hearing for clarification if needed; and further Refute of Defendants' dismissal pleadings of Plaintiffs' meritous Complaint issues.
2. In Refute of Defendant McAllister's May 7, 2020 Opposition (Reply) to Plaintiffs' May 6, 2020 AMENDED PLEADING / SUPPLEMENTAL BRIEF, it is noted Plaintiffs' provided in their May 6, 2020 Opposition to Defendant's Motion to Strike Plaintiffs' Request for a Hearing, et al Relevant New / Reiterated Important Refutes and/or Clarifications of Defendant McAllister's erroneous information.
3. It is also noted that the two counsel firms representing three of the five Defendants mentioned, who responded to Plaintiffs' Summons/Complaint, provided dismissal Motions and Replies that consist of similar redundancy as Plaintiffs' yet with erroneous information - Refuted by Plaintiffs' meritous pleadings and herein, such as: Contrary to Defendant McAllister's false assertions otherwise, said Defendant's actions are clearly mentioned and/or inferred in Plaintiffs' Complaint and Pleadings by the fact in said documents this Defendant followed the NON Medical acts of hospital Protocol and own NON Communication, as per Below:
4. The reason why Plaintiffs' provide for Reiterated along with New Refutes (as disclosed herein again) is to facilitate the Court's review of Plaintiffs' meritous pleadings in Support of All their Complaint claims. Without having to keep Referring Back to Prior Pleadings- with the Court's discretion to consider same as per Defendant McAllister's own statement "the Court has inherent authority to administer its own procedures and manage its own affairs"
5. Defendant McAllister has Direct Access to the Court's Filings through electronic means for which they can download all documents they have been provided duplicates with. Plaintiffs do not have access to same as they are Electronically Exempt from said filings. Although Defendants' may be directly served with same Filings as the Court but of different color, smaller font, etc because of Plaintiffs' printer issues/whatnot, Defendants are able to obtain clearer copies by downloading same from the Court's electronic system. Therefore, Defendant McAllister's frivolous complaining on this topic is MOOT.
- 6a. Defendant falsely states Plaintiffs did not address Defendant McAllister's arguments and therefore

8 March 2020  
May 2020

Defendants' St  
Protocol

Mary's staff protesting on issues of poor  
communication by Management  
3/5

Plaintiffs' Opposition "*should be construed as an admission...court granting motion to dismiss which plaintiff failed to respond*" This statement is a **BLATANT LIE**

6b. The Court Filings Support Plaintiffs **DID RESPOND WITH A FULL OPPOSITION And Other Filings** - through which Plaintiffs **Fully and Directly addressed All of Defendant's arguments** in Details - to the point Defendant McAllister **complains** about Plaintiffs' redundancy (See Addresses in Plaintiffs' Opposition /Other Filings.

7. Defendant McAllister, as stated before, with **Bad Faith and Malice** in their Replies call the Plaintiffs' pleadings "*criminal*" and "*fugitive*" in nature - which indeed is **Refuted** herein and in their other Pleadings with **meritous** arguments the Defendants cannot escape from. Defenant is simply **TWISTING FACTS** to Support his **false** Arguments to the Court which are **Irrevocably Refuted** by Plaintiffs' Filings.

### III. **CONCLUSION**

1. Plaintiffs' May 6, 2020 "Amended Pleading/Supplemental Brief" (*Pursuant to Rule 15*)" is a **Separate and Distinct document** from their May 6, 2020 Opposition to Defendant McAllister's Motion to Strike Plaintiffs Hearing Request. Therefore, Plaintiffs consider Defendant McAllister's May 7, 2020 *Reply* **as an Opposition** to their May 6, 2020 AMENDED PLEADING/SUPLEMNTAL BRIEF and **Provide this Reply to same.**

2. Plaintiffs therefore as per the arguments Above and as supported in their Court Filings, Request the Court:

a. **DENY** Defendant's *erroneously* Request to Strike Plaintiffs May 6, 2020 "Amended Pleading/Supplemental Brief," (*Pursuant to Rule 15*)"; AND

b. **In Refute and/or Clarification** of the *erroneous* information contained in Defendant McAllister's May 7, 2020 Opposition (*Reply*)/Other filings that are **Redundant Themselves** and composed of **erroneous** information, with Plaintiffs Supporting their Hearing Request if needbe or in **Refute/Clarification** of Defendants' *erroneous* pleadings.

c. That the Court **JUSTIFIABLY UPHOLD Plaintiffs' COMPLAINT ISSUES – IN THAT Law MUST be based on Merit/Justice, such as the factual/meritous arguments of Plaintiffs' Complaint and Other Court Filings; NOT based on the frivolous dismissal reasonings given by Defendants - WHO TO THIS DATE CANNOT EVEN, GET THE CASE TITLE CAPTION CORRECT.**

u.s.

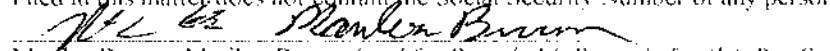


Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
 Gregory J. Brown / Others Reserved  
 45 Nives Court, Sparks, NV 89441  
 Telephone: (775) 425-4216  
 Date: May 14, 2020

AFFIRMATION Pursuant to NRS 239B.030

The undersigned do hereby affirm that the preceding document, PLAINTIFFS' REPLY (OPPOSITION) TO DEFENDANT MCALLISTER'S May 7, 2020 OPPOSITION ("REPLY") REQUEST TO STRIKE PLAINTIFFS' MAY 6, 2020 AMENDED PLEADING/ SUPPLEMENTAL BRIEF

Filed in this matter does not contain the Social Security Number of any person.

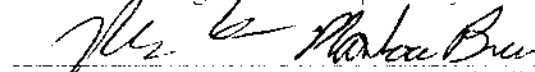


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 Gregory J. Brown / Others Reserved  
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 Telephone: (775) 425-4216  
 Date: May 14, 2020

CERTIFICATE OF SERVICE

The undersigned do hereby affirm that PLAINTIFFS' REPLY (OPPOSITION) TO DEFENDANT MCALLISTER'S May 7, 2020 OPPOSITION ("REPLY") REQUEST TO STRIKE PLAINTIFFS' MAY 6, 2020 AMENDED PLEADING/ SUPPLEMENTAL BRIEF

was served via regular mail or in person by Plaintiffs to Defendants' Counsels on May 14, 2020



Marilee Brown, Marilou Brown, Pro Se Plaintiffs  
 Gregory J. Brown / Others Reserved  
 Nives Court, Sparks, NV 89441  
 775-425-4216  
 Date: May 14, 2020



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

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

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

Plaintiffs,

vs.

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

Defendants.

CASE NO. CV20-00422  
DEPT NO. I

**ERRATA TO DEFENDANTS ST.  
MARY'S REGIONAL MEDICAL  
CENTER, TAMMY EVANS, AND PREM  
REDDY M.D.'S REPLY IN SUPPORT  
OF MOTION TO DISMISS**

COMES NOW, Defendants, ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY  
EVANS (erroneously named as Tami Evans) PREM REDDY, M.D., TANZEEL ISLAM, M.D.  
and SRI CHALLAPALLI, M.D (hereafter "St. Mary's Defendants") by and through its counsel

of record, HALL PRANGLE & SCHOONVELD, LLC, and hereby provides this Errata to its Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071.

On May 15, 2020, Tanzeel Islam, M.D. and Sri Challapalli, M.D. entered their initial appearance. They are represented by their counsel of record, HALL PRANGLE & SCHOONVELD, LLC. St. Mary's Regional Medical Center, Tammy Evans, and Prem Reddy, M.D. previously filed and fully briefed a Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071.

Had Tanzeel Islam, M.D. and Sri Challapalli, M.D. been properly served they would have also brought the aforementioned motion. In the interests of judicial economy, the St. Mary's Defendants request that Tanzeel Islam, M.D. and Sri Challapalli, M.D. be added to the pleadings related to the aforementioned Motion to Dismiss Plaintiffs' Complaint for Failure to Comply with NRS 41A.071 and that for purposes of hearing the motion this Court consider the motion brought by the five parties referenced in this Errata.

DATED this 15<sup>th</sup> day of May 2020.

HALL PRANGLE & SCHOONVELD, LLC

By: /s/ Richard D. De Jong

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

RICHARD D. DEJONG, ESQ

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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.*

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

The undersigned does affirm that the preceding document does not contain the Social Security Number of any person.

DATED this 15<sup>th</sup> day of May, 2020.

HALL PRANGLE & SCHOONVELD, LLC

/s/ Richard De Jong

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

RICHARD D. DEJONG, ESQ

Nevada Bar No. 15207

1140 North Town Center Drive, Suite 350

Las Vegas, NV 89144

*Attorneys for Defendant St. Mary's Regional  
Medical Center, Tammy Evans (erroneously named  
as Tami Evans), 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 15<sup>th</sup> day of May, 2020, I served a true and correct copy of the foregoing **ERRATA TO DEFENDANTS ST. MARY'S REGIONAL MEDICAL CENTER, TAMMY EVANS, AND PREM REDDY M.D.'S REPLY IN SUPPORT OF MOTION TO DISMISS**

via:

  X   E-Flex Electronic Service;

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

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

Edward J. Lemons, Esq.  
Alice Campos Mercado, Esq.  
Lemons, Grundy & Eisenberg  
6005 Plumas street, 3<sup>rd</sup> Floor  
Reno, NV 89519  
*Attorneys for Defendant Mark McAllister,  
M.D.*

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

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 REQUEST TO ADD GREGORY J. BROWN AS PARTY**

Currently before the Court is Plaintiffs Marilee Brown, Marilou Brown (for Beverly M. Brown's family) ("Plaintiffs") *Request to Add Gregory Brown as Party (Motion to Proceed Informa Pauperis filed Separately)* ("Request") filed April 28, 2020 and submitted to the Court on April 28, 2020 and May 14, 2020.<sup>1</sup> D.C.R. 13(3) provides "[f]ailure of the opposing party to serve and file his written opposition may be construed as an admission that the motion is meritorious and a consent to

<sup>1</sup> On May 5, 2020, this Court issued an *Order Vacating Submission* which vacated the April 28, 2020 submission of the Request as premature.

granting the same.” The timeframe for Defendants to respond has passed and Defendants have not filed a response to the Request. Accordingly, this Court finds good cause to grant Plaintiffs’ request.<sup>2</sup>

Based upon the foregoing and good cause appearing,

IT IS HEREBY ORDERED that Plaintiffs’ *Request to Add Gregory Brown as Party* is GRANTED. Mr. Brown is required to adhere to all rules that govern participating as a party before the Second Judicial District Court including making court appearances in person unless otherwise approved by the Court and filing and signing all pleadings or joint pleadings that name him as a moving party.

IT IS SO ORDERED.

DATED this 26<sup>th</sup> day of May, 2020.

  
KATHLEEN DRAKULICH  
DISTRICT JUDGE

<sup>2</sup> While Plaintiffs’ Request does not specify whether they want to add Gregory J. Brown as a Plaintiff or Defendant, this Court has reviewed the documents on file herein and on April 28, 2020, an *Affidavit of Poverty in Support of Motion to Proceed Informa Pauperis* was filed signed by Gregory J. Brown indicating “I am the Plaintiff/Petitioner....” Therefore, this Court can deduce that Plaintiffs desire to add Gregory J. Brown as a Plaintiff.

**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 26<sup>th</sup> day of May, 2020, I electronically filed the **ORDER GRANTING REQUEST TO ADD GREGORY J. BROWN AS PARTY** with the Clerk of the Court by using the ECF system.

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

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

EDWARD LEMONS, ESQ. for MARK MCALLISTER

ALICE CAMPOS MERCADO, ESQ. for MARK MCALLISTER

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

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

MARILEE BROWN  
45 NIVES COURT  
SPARKS, NV 89441

MARILOU BROWN  
45 NIVES COURT  
SPARKS, NV 89441

GREGORY J BROWN  
45 NIVES COURT  
SPARKS, NV 89441

  
Danielle Redmond  
Department 1 Judicial Assistant

ORIGINAL

CODE:

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

BAR NUMBER: N/A (Pro Se litigants)

ADDRESS: 45 Nives Court

Sparks, NV 89441

Telephone: (775) 425-4216

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

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

VS

Case No: CV20-00422

Dept No: 1

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

Mark McAllister, MD (St. Mary's Interventional Radiologist)

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

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

DOES I through X inclusive; ROES Businesses I through X inclusive. Defendants,

**PLAINTIFFS' (a): OPPOSITION TO DEFENDANTS TAMMY EVANS' (Tiffany Coury) / PREM REDDY MD's 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 Filings)**

**INTRODUCTION**

On May 21, 2020, Plaintiffs received Defendants Tiffany Coury's (*replaced Tammy Evans*)/Prem Reddy, MD's May 15, 2020 ERRATA (*Defendants mailed same to Plaintiffs on May 18, 2020*) and provide this Opposition to Same under "**MEMORANDUM OF POINTS & AUTHORITIES (Redundant Points for Important Relevancy)**"

**II STATEMENT OF FACTS and LEGAL ARGUMENTS /REFUTES****A. BACKGROUND SUMMARY**

1. Plaintiffs' Pleadings consist of Relevant **New/Reiterated Important Refutes and/or Clarifications** of Defendants' **erroneous** information – So Stated in their Pleadings.
2. It is Noted that **the two counsel firms representing three (3) of the five (5) Defendants** mentioned, who Responded to Plaintiffs' Summons/Complaint, provided Pleadings that **consist of similar Redundancy** as Plaintiffs', yet with **erroneous** information - **Refuted** by Plaintiffs' **meritous** Pleadings and Herein
3. The reason why Plaintiffs' provide for Reiterated along with **New Refutes** (*as disclosed herein again*) is to

1/17



1 facilitate the Court's review of Plaintiffs' meritous pleadings in Support of All their Complaint claims Without  
 2 having to keep Referring Back to Prior Pleadings. - with the Court's discretion to consider same as per

3 Defendant McAllister's own statement "*the Court has inherent authority to administer its own procedures*  
 4 *and manage its own affairs*"

5 4. Contrary to Defendant McAllister's Hearing Oppositions, it is noted by Defendants Tiffany Coury (*replaced*  
 6 *Tammy Evans*)/Prem Reddy's own dismissal Motion; April 20, 2020 **DELINQUENT/ERRONEOUS**  
 7 **REPRESENTATION** Reply, and their May 15, 2020 ERRATA containing FALSE assertions, that same entities  
 8 solicited for a Hearing as well if need be: "*any oral argument allowed at the time of the hearing of this*  
 9 *matter, if any*" and "*which may be adduced at the time of the Hearing on said Motion*" and "*that for*  
 10 *purposes of hearing the motion..*", Respectively. Such delineations Support Plaintiffs' request for same if  
 11 necessary to further support what they have already substantiated to **UPHOLD** their Complaint per same  
 12 document and the **Refutes** in their Opposition, Hearing Request, Other Filings and Herein.

13 **B** **BACKGROUND AND SUBMISSION REQUESTS**

14 1a. On May 6, 2020, Plaintiffs Filed a "**MOTION TO DISMISS of Defendants'** Tiffany Coury (*replaced Tammy*  
 15 *Evans*)/Prem Reddy's April 20, 2020 **DELINQUENT/ERRONEOUS REPRESENTATION Reply**" to their  
 16 April 9, 2020 Opposition (*Filed by the Court on April 13, 2020*). Plaintiffs received said document on April 27,  
 17 2020

18 1b. To date, May 28, 2020, Plaintiffs' have **NOT** received any opposing Response from same Defendant on this  
 19 Filing. Plaintiffs to date have only received said Defendants' May 15, 2020 ERRATA to Plaintiffs' May 14, 2020  
 20 Default Application Brief Submission regarding Defendants Tanzeel Islam and Sridevi Challapalli (*Plaintiffs'*  
 21 *Opposition Filed May 28, 2020 to Same*).

22 1c. Plaintiffs therefore Request their May 6, 2020 "**MOTION TO DISMISS of Defendants'** Defendants Tiffany  
 23 Coury (*replaced Tammy Evans*)/Prem Reddy's April 20, 2020 **DELINQUENT / ERRONEOUS**  
 24 **REPRESENTATION Reply**" Be SUBMITTED TO THE COURT for DECISION (*Separate REQUEST FOR*  
 25 *SUBMISSION Filing*).

26 2a. On May 6, 2020, Plaintiffs Filed "**PLAINTIFFS' AMENDED PLEADING / SUPPLEMENTAL BRIEF**  
 27 **REQUEST IN SUPPORT OF THEIR HEARING REQUEST/INFO CONSIDERATION IN LIO OF:**  
 28 **CLARIFICATION OF DEFENDANTS' ERRONEOUS INFORMATION WITHIN SAID PLEADINGS,**

2/17

(Plaintiffs' DIRECT And REITERATED REFUTES) IN SUPPORT OF THE COURT JUSTIFIABLY  
UPHOLDING PLAINTIFFS' COMPLAINT ISSUES

2b. To date, May 28, 2020, Plaintiffs' have NOT received any specific Response from any Defendant on the  
 aforementioned Filing and therefore Request this document Be SUBMITTED TO THE COURT FOR DECISION  
*(Separate REQUEST FOR SUBMISSION Filing).*

3a. On May 14, 2020, Plaintiff's Filed PLAINTIFFS' REPLY (OPPOSITION) TO DEFENDANT  
MCALLISTER'S May 7, 2020 OPPOSITION ("REPLY") REQUESTING TO STRIKE PLAINTIFFS'  
MAY 6, 2020 AMENDED PLEADING/ SUPPLEMENTAL BRIEF

3b. To date, May 28, 2020, Plaintiffs have NOT received any further Response from Defendant McAllister.  
 MD or any other Defendant regarding this and the aforementioned Filings.

3c/1. Therefore, Plaintiffs REQUEST FOR SUBMISSION All Three (3) Plaintiffs' May 6 & May 14, 2020  
 documents Be SUBMITTED TO THE COURT FOR DECISION *(Separate REQUEST FOR SUBMISSION*  
*Filing).*

3c/2. NOTE: Pursuant to Defendant McAllister's May 7, 2020 (Opposition (Reply) Filing, it is Affirmed to the  
effect, that Per: DCR 13(3)(Failure of the opposing party to serve and file his written opposition may be  
construed as an admission that the motion is meritorious and consent to granting same"); see also Walls  
vs. Brewster, 112 Nev.175, 912P2d261(1996) (court affirmed granting motion (application)...when there  
is a failure to respond)

3c/3. With same verbiage addressed in the Summons and Nevada Rules of Civil Procedure language,  
verbiage Delineated in this Brief

- ALL SUPPORTING DEFAULT JUDGMENT AGAINST THESE TWO (2) DEFENDANTS -

4. On April 13, 2020, Plaintiffs Filed a Detailed Court Brief "Amendment to Civil Complaint/Return Service  
 of SUMMONS" Document that was Vacated by the Court for Early submission on April 17, 2020. Plaintiffs  
Now Resubmit to the Court For Decision. on May 28, 2020, this Return Service Document with Supporting  
Attachments Affirming Proper Service, including Additional March 17, 2020 Exhibit Attached Herein.  
ALL REFUTING Defendant counsels FALSE STATEMENT in their ERRATA of alleged improper service)  
*(Separate REQUEST FOR SUBMISSION Filing).*

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

STATEMENT OF FACTS and LEGAL ARGUMENTS /REFUTES

3/17

1 A. See Plaintiffs' abovementioned MOTION TO DISMISS Filing of Defendants Tiffany Coury (replaced  
2 *Tammy Evans*) / Prem Reddy, MD's April 20, 2020 DELINQUENT/ERRONEOUS REPRESENTATION Reply  
3 to their April 9, 2020 Opposition (Court Filed ON April 13, 2020) And Other Filings Noted for Submission  
4 to the Court For Decision; See Facts Legal Addresses Above as well

5 B. Plaintiffs' DIRECT REFUTE of Defendant Tiffany Coury(replaced Tammy Evans)/Prem Reddy, MD's May  
6 15, 2020 ERRATA in Support of Plaintiffs' DEFAULT JUDGMENT against Defendants Tanzeel Islam, MD  
7 and Sridevi Challapalli, MD for NON Response (See Plaintiffs' May 14, 2020 and Prior Filings on same):

8 I. Counsels DeJong, Prangle's *Sole, False, Indirect* reasoning in their ERRATA appears to be that Plaintiffs  
9 purportedly "did not properly serve Defendants Tanzeel Islam and "Sri" (misspelled by Counsels) Challapalli  
10 Said assertion is a BLATANT LIE TO THE COURT and REFUTED Herein:

11 I/a. The Plaintiffs' provided a Return Service Brief of their Service of ALL Defendants, along with a Request for  
12 Submission, labeled "Amendment to Civil Complaint/Return Service of Summons" that was Filed by the Court  
13 on April 13, 2020 after receipt by mail from Plaintiffs. The Court VACATED Submission of same on April 17,  
14 2020 for early submission of said document to the Court for Decision: which Plaintiffs now ReSubmit again for  
15 Court Decision as Court Requisite Time Response has now lapsed. :

16 I/b. This document, Plaintiffs' "Amendment to Civil Complaint/Return Service of Summons" provided  
17 Details and Supporting Documents of Plaintiffs' VALID Service on ALL Defendants, including Tanzeel  
18 Islam and Sridevi Challapalli, on March 17, 2020, reiterated below. Plaintiffs provide an additional Exhibit  
19 Supporting Proof Cardiologist Sridevi Challapalli WAS Properly Served, further addressed below

20 I/c. In addition, Plaintiffs Supported in their Other Pleadings and Herein Refutes Reiterating the above Facts:  
21 Plaintiffs followed correct Civil Procedure as addressed in the Return Service Document relaying Proper  
22 Service to ALL Defendants via their Official Representatives, in addition to following the instructions of  
23 Defendants' Representatives themselves, who instructed Plaintiffs to provide any documentation to said  
24 officials for delivery to the appropriate Defendants. Proper Service was done by same means,

25 Plaintiffs Properly served ALL Defendants despite the Corona virus Pandemic Protocol causing challenges to  
26 make same Service - which was successfully executed. For Example, Full, Proper Service was executed by  
27 Plaintiffs, per the Details of Plaintiffs April 13, 2020 Court Filed Return Service Document - now,

4/17

ReSubmitted to the Court For Decision, with the reiterated facts of Plaintiffs' Other Pleadings that:

- Tanzeel Islam was served the Complaint/Summons package via Tiffany Coury's assistant as Both work in the Same Building. Same documents were given to this Assistant per the instructions of Tiffany Coury's Risk Mgmt. Department, at the hospital emergency room (ER) entrance on March 17, 2020 (the only available entrance) by Plaintiffs' Independent Server, Gary Orr; witnessed by Plaintiffs.

Defendants Tiffany Coury/Prem Reddy Responded to the Properly Served Complaint/Summons through their Counsel, while Defendant Tanzeel Islam FAILED To Respond At All.

Note: Plaintiffs even contacted the ER Department and advised them of the crowded conditions at the ER entrance for COVID 19 screening - wherein the ER manager opened up a 2<sup>nd</sup> entrance for screening a few days later

- Cardiologist Sridevi Challapalli Works in the Same Building as Defendant McAllister, Both served on the Same Date - March 17, 2020. Plaintiffs' Complaint/Summons were served on Both Defendants' Assistants for delivery to Defendants, per the instructions of Defendants' assistants, on March 17, 2020 by Plaintiffs' Independent Server, Gary Orr; witnessed by Plaintiffs. Defendant McAllister responded to the Properly Served Complaint/Summons through his Counsel, while Defendant Sridevi Challapalli FAILED To Respond At all

- (See Additional Evidence of service noted Below and Attached, also Addressed in Detail in Plaintiffs April 13, 2020 Amendment to Civil Complaint/Return Service of Summons Filing, ETC:

" AMENDMENT TO CIVIL COMPLAINT / RETURN SERVICE OF SUMMONS (Information)

During the Service Process, Plaintiffs were notified that Defendant Tammy (Tami) Evans no longer

works with St. Mary's Regional Medical Center and CEO Tiffany Coury replaced this Defendant.

Plaintiffs Request this change, Addition of Gregory J. Brown as a Plaintiff (Informa Pauperis) Be

Reflected in this Civil Action with the Courts (See Plaintiff's Opposition to Defendant's Dism Motion):

2. Per the Affidavit of Service (Attachment 1), the following Defendants were served through an

authorized agent for same by a person who is not a party to this action, Mr. Gary R. Orr, at the

locations addressed in Mr. R. Orr's Affidavit as reflected below. The undersigned do hereby affirm that

Plaintiffs' Civil Complaint and Summons (Attachment 1), with a Settlement Notice that went ignored

by Defendants, were served on each Defendant via their authorized agents by Mr. Gary R. Orr on

March 17, 2020; cc excerpt to Prem Reddy, MD (Prime HealthCare) via regular mail to (Prime HealthCare

@ 3480 E. Guasti Road, Ontario, CA 91761; 909-235-4400)

a. Mary's Regional Medical Center CEO Tiffany Coury/cc excerpt to Prem Reddy, MD via regular mail; &

b. Tanzeel Islam, MD (St. Mary's Hospitalist) at Mary's Regional Medical Center through CEO Tiffany Coury's assistant "Cheryl" (LNU) at the emergency entrance of St. Mary's hospital at 235 West 6<sup>th</sup> Street, Reno, NV 89503 (Coronavirus Quarantine)

c. Mark McAllister, MD (St. Mary's Interventional Radiologist) through his assistant "Marcie" (LNU) via front desk Radiology "Jessica" (LNU) at St Mary's Regional Medical Center Group, 645 N. Arlington Ave, #250, 2. Reno, NV 89503 (Coronavirus Quarantine)

5/17

1. d. Sridevi Challapalli, MD (St. Mary's Cardiologist) through Cardiology via front desk "Pamola(sp?)" (LNU)  
 2. at St Mary's Regional Medical Center Group, 645 N. Arlington Ave, #555, Reno, NV 89503 (Coronavirus  
 3. Quarantine)

4. Of Note: Plaintiffs are Exempt from Electronic Filing and Service in this Matter thus send/receive filings  
 5. often delayed. Plaintiffs mailed these Filings due to Court's Filing Office closure (Coronavirus Quarantine)

6. Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
 7. 45 Nives Court, Sparks, NV 89441  
 8. Telephone: (775) 425-4216  
 9. Date: April 9, 2020 "

10. I/d. EVIDENCE SUPPORTING SAID SERVICE:

11. - See Plaintiffs' April 13, 2020 Service Brief (reiterated address above) and the Affidavit by Plaintiffs'

12. Independent Server, Mr. Gary Orr; attached to same (Plaintiffs' April 13, 2020 Amendment to Civil

13. Complaint/Return Service of Summons Filing, ETC) ; Again Herein;

14. - See Attached March 17, 2020 document Supporting Proper Service of Defendant Sridevi Challapalli at the

15. Cardiology Department by Plaintiffs' Independent Server, Mr. Gary Orr;

16. Summary: The Above Brief and Related Documents Support Valid Service was made upon Defendants.

17. Tanzeel Islam and Cardiologist Sridevi Challapalli, on March 17, 2020. (Rereence agasint to Plaintiffs'

18. April 13, 2020 Amendment to Civil Complaint/Return Service of Summons Filing, ETC) and Herein .

19. I/e. Plaintiffs' Return Service documents, among Plaintiffs' and the Court's Filings, clearly show ALL

20. Defendants, including Defendants Tanzeel Islam and Sridevi Challapalli, in the TITLES. Such support

21. Defendants' counsels were well aware of these two (2) Defendants in Plaintiffs' Civil action - Reiterated in

22. ALL of Plaintiffs' and the Court's Filings, Said Counsels Still did NOT argue mproper service NOR did they

23. Seek to Represent same two (2) Defendants, Tanzeel Islam and Sridevi Challapalli Until Plaintiffs' May 14,

24. 2020 Final Default Submissions against these two (2) Defendants - TWO (2) months after they were served,

25. multiple chances for said Defendants or counsels to Reply or Claim Said Representation, yet they did NOT.

26. I/f. Again, ALL of Plaintiffs' and the Courts TITLES have Consistently Noted these two (2) Defendants,

27. Such as The Court's Orders of:

28. Granting Plaintiffs' Electronic Filing Exemption, dated March 3, 2020;

29. VACATE Order of Return Service Submission Request, dated April 17, 2020 (Resubmitted 5/27/20)

VACATE Order of Party Submission Request, dated May 5, 2020 (Resubmitted 5/14/20)

6/17

Said Documents Clearly Show ALL Defendants, including Tanzeel Islam and Sridevi Challapalli, in the Court  
 TITLES: And show Defendants Counsels Never Solicited to or Represented these two (2) Defendants; Nor did  
they claim Improper Service Despite same Counsels being well aware of these two (2) Defendants in Plaintiffs'  
 Civil Action; And Same Defendants were also noted in ALL of Plaintiffs aforementioned Default Filings  
against these two (2) Defendants - with NO response by either of the two (2) Defendants or counsel to  
 replewnt same.

2/a. Again, On April 17, 2020, the Court Vacated same document (Plaintiffs' Amendment of Civil Complaint/  
 Return Service of Summons) due to preliminary submission pursuant to Defendants' Counsels' protest of  
 preliminary submission - Now Resubmitted for Decision as Appropriate time has lapsed for said  
Submission.

2/b. These Counsels are well aware of said two (2) Defendants as they have received/accessed all these  
 Filings electronically and by mail (*with often expedited responses upon viewing same electronically,*  
*as noted*) and said Counsel did NOT include same Defendants in their Representation Nor did they  
Address any Improper Service of same: UNTIL Plaintiffs' May 14, 2020 Latest Meritous Default  
Judgment Submission against these two (2) Defendants AFTER WHICH SAID COUNSEL SUBMITTED  
THEIR MAY 15, 2020 ERRATA with FALSE ACCUSATIONS to DECEIVE the Court into allowing  
representation so as to counter Plaintiffs' JUSTIFIED DEFAULT JUDGMENT AGAINST THESE  
TWO (2) Defendants;

2/c. Likewise, Defendants Counsels also did NOT argue Improper Service, Nor did they Seek to  
Represent these Ywo (2) Defendants AT ANY Time Until their May 15, 2020 ERRATA to Plaintiffs'  
Additional May 14, 2020 Default Judgment and Request for Submission of same. Again, Said Counsels'  
 ERRATA contained FALSE assertions of Plaintiffs' purported improper service - **REFUTED HEREIN.**

3. Defendants' Counsels DeJong, Prangle ONLY NOW Attempt to include Defendants' Tanzeel Islam and  
 "Sri" (*misspelled by counsel*) Challapalli in their purported False Representation of same because these  
 Two (2) Defendants Failed to Respond to Plaintiffs' Civil Action and Default Applications;

3a/1: As REQUIRED BY SUMMONS' VERBIAGE;

3a/2: And AFORDED BY the Nevada Rules of Civil Procedure;

(With Said verbiage addressed in the Summons and Nevada Rules of Civil Procedure language  
 delineated in this Brief)

7/17

1 3a/3: Pursuant to Defendant McAllister's May 7, 2020 (Opposition (Reply) Filing, it is Affirmed to the  
 2 effect, that Per: DCR 13(3)(Failure of the opposing party to serve and file his written opposition may be  
 3 construed as an admission that the motion is meritorious and consent to granting same"); see also  
 4 Walls vs. Brewster, 112 Nev.175, 912P2d261(1996) (court affirmed granting motion (application)...  
 5 when there is a failure to respond)

6 3b. All addressed in Plaintiffs' Default Application for MULTIPLE NON RESPONSES by these two (2)  
 7 Defendants (Plaintiffs' May 14, 2020 and Other Default Judgment Submissions). In said Applications, the  
 8 Plaintiffs' have made REASONABLE and JUSTIFIABLY Requests of the Court regarding these two (2)  
 9 Defendants, especially given the significant amount of time and opportunity for these two (2) Defendants  
 10 to Respond – and they did NOT.

11 3c/1. It would be behooving for these two (2) Defendants to directly address these Counsel regarding this  
 12 matter for reconciliation between them; but it is NOT justified for the Defendant to ask the Court to grant  
 13 this Errata for the FALSE reasons given by same for their and Defendants' negligent FAILURE TO  
 14 ANSWER Plaintiffs' Summons and Default Application Filings – an Answer which was NOT done until  
 15 Plaintiffs Filed their last May 14, 2020 Default Judgment Request – received by said Counsel electronically  
 16 with immediate response by these counsel because they realized their or Defendants' Negligence in NOT  
 17 Responding; thereafter COVERING UP SAME NEGLIGENCE with BLATANT LIES to the Court.

18 3c/2. Therefore, For the reasons given in their Filings and Herein, Plaintiffs make the JUSTIFIED AND  
 19 REASONABLE REQUEST OF THE COURT that Same GRANT their DEFAULT MOTION against these  
 20 two (2) Defendants for multiple NON Responses as noted in their Filings, and DENY counsels ERRATA.

21 3d. Defendants' Counsels FALSE assertions are Simply Designed to DECEPTIVELY AVOID DEFAULT  
 22 JUDGMENT against these two (2) Defendants. Tanzeel Islam and Sridevi Challapalli.

23 3e. Plaintiffs' Respectfully Request the Court DENY Counsel's ERRATA pursuant to these FACTS,  
 24 SUPPORTED BY THE EVIDENCE, ADDRESSED HEREIN AND IN PLAINTIFFS' FILINGS.

25 4a. It is ALSO noted that Counsel Hall have NOT corrected the erroneous Representation documents for  
 26 their purported client Tiffany Coury which they continue to designate and who signed under Tammy  
 27 Evans. As stated in Plaintiffs' Motion to Dismiss and in all of Plaintiffs' Filings, Tammy Evans was  
 28 replaced by Tiffany Coury and no longer works for Defendant St. Mary's Regional Medical Center.  
 29 Defendant Counsel has NOT corrected their erroneous representation in their Delinquent, Erroneous  
Reply and Justifies the Plaintiffs Request for Dismissal of Defendant's Delinquent, Erroneous Reply.

4b. Likewise, Counsels DeJong and Prangle - in their May 15, 2020 ERRATA - have Failed to provide any Representation signatures for the Two (2) Default Defendants, Tanzeel Islam and Sridevi Challapalli in their Expedited May 15, 2020 Electronic Response to Plaintiffs' May 14, 2020 LEGITIMATE Default Filing (along with prior Default Filings) against these Two (2) Defendants; Just as same Counsel Failed to provide any Corrected Named Representation of Tiffany Coury; - Further INVALIDATING any legitimate representation of Defendants "Sri" (misspelled by said Counsel) Challapalli and Tanzeel Islam.

### III. CONCLUSION AND SUMMARY ARGUMENTS

I. Plaintiffs' Filings and Herein SUPPORT Defendants' varied NON RESPONSES to their Filings Affirm that Plaintiffs' Pleadings are True, Factual, Accurate (per their own verbiage);

a. "Pursuant to Defendant McAllister's May 7, 2020 (Opposition (Reply) Filing, it is Affirmed to the effect, Per: DCR 13(3)(Failure of the opposing party to serve and file his written opposition may be construed as an admission that the motion is meritorious and consent to granting same"); see also Walls v. Brewster, 112 Nev. 175, 912 P2d 261 (1996) (court affirmed granting motion (application) when there is a failure to respond)"

b. "Pursuant to 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 And Thus Supports Default Judgment against these Two (2) Defendants"

- As REQUIRED BY SUMMONS' VERBIAGE;

- And AFORDED BY the Nevada Rules of Civil Procedure;

(With Said verbiage addressed in the Summons and Nevada Rules of Civil Procedure language delineated in this Brief)

2a. Court's DISMISSAL of Defendants McAllister and Tiffany Coury (replaced Tammy Evans) / Prem Reddy's April 20, 2020 DELINQUENT/ERRONEOUS REPRESENTATION Replies;

2b. Court's DENIAL of Defendant McAllister's April 28, 2020 dismissal request of Plaintiffs'

April 24, 2020 Hearing Request/Consideration of Plaintiffs' meritous information containing New and

Reiterated Clarifications therein of Defendants' erroneous information; A Hearing if needbe which even

Defendant Tiffany Coury (replaced Tammy Evans) / Prem Reddy consistently Solicit for;

2c. Per Plaintiffs May 28, 2020 Opposition Herein: Court's DENIAL of Defendants Tiffany Coury (replaced Tammy Evans) / Prem Reddy's May 15, 2020 ERRATA (mailed by Defendants on May 18, 2020 and received by Plaintiffs on May 21, 2020) containing FALSE REASONINGS for INVALID REPRESENTATION and GRANITING OF PLAINTIFFS' DEFAULT APPLICATION against Defendants Tanzeel Islam and Sridevi

9/17



1 Challapalli, pursuant to the aforementioned/below mentioned Requests; with Separate Request For  
2 Submission Filings.

3 **2d. Summary:** Plaintiffs Request the aforementioned Filings be submitted to the Court for Decision. **Except for**  
4 **this Brief** (*See Introductory/Background Addresses Above And Separate REQUEST FOR SUBMISSION*  
5 *Filings on Same Issues, as well*)

6 **3a/1.** Counsels DeJong and Prangle's False assertions are Simply Designed To DECEPTIVELY AVOID  
7 DEFAULT JUDGMENT against same two (2) Defendants; and same ERRATA must be DENIED Pursuant  
8 to Plaintiffs' FACUAL REFUTES HEREIN, SUPPORTED BY THE EVIDENCE ADDRESSED HEREIN  
9 AND IN PLAINTIFFS' OTHER FILINGS.SUPPORTING DEFAULT JUDGMENT AGAINST Defendants  
10 Sridevi Challapalli and Tanzeel Islam.

11 **3a/2.** For the aforementioned reasons, Plaintiffs' Request the Court DENY Defendants Tammy Evans/Prem  
12 Reddy, MD's May 15, 2020 ERRATA in Support of Plaintiffs' DEFAULT JUDGMENT against  
13 Defendants' Tanzeel Islam, MD and Sri Challapalli, MD for NON Responses.

14 **3b/1.** Defendants' Counsels DeJong, Prangle ONLY NOW Attempt to include Defendants' Tanzeel Islam and  
15 "Sri" (misspelled by counsel) Challapalli in their purported False Representation of same because these  
16 Two (2) Defendants Failed to Respond to Plaintiffs' Civil Action and Default Applications as REQUIRED by  
17 the SUMMONS' VERBIAGE and AFORDED BY the Nevada Rules of Civil Procedure Addressed Above and  
18 in Plaintiffs' Default Application FOR MULTIPLE NON RESPONSE by these two (2) Defendants  
19 ( Plaintiffs' May 14, 2020 and Other Default Judgment Submissions).

20 **3b/2.** In said Applications, the Plaintiffs' have made REASONABLE and JUSTIFIABLE Requests of the Court  
21 Regarding these two (2) Defendants, especially given the significant amount of time and opportunity for these  
22 Two (2) Defendants to Respond – and they did NOT.

23 **3c.** Again, It would be behooving for these two (2) Defendants to directly address these Counsel regarding  
24 this matter for reconciliation between them; but it is NOT justified for same to request the Court grant their  
25 for the FALSE reasons given for their or Defendants' negligent actions of FAILING to answer Plaintiffs'  
26 Summons and Default Application Filings – an Answer which was not done until Plaintiffs Filed their last  
27 May 14, 2020 Default Judgment Request – received by said Counsel electronically with immediate  
28 response because they realized their or Defendants' negligence in responding.

10/17

3d. For the reasons given in their Filings, Herein, Plaintiffs make the JUSTIFIED and REASONABLE REQUEST OF THE COURT that Same GRANT their DEFAULT MOTION and as Noted in their Filings:

- 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

- As REQUIRED BY SUMMONS' VERBIAGE:

- And AFORDED BY the Nevada Rules of Civil Procedure:

*(With Said verbiage addressed in the Summons and Nevada Rules of Civil Procedure language delineated in this Brief)*

3e/1. On April 24, 2020. Plaintiffs Filed their APPLICATION FOR DEFAULT JUDGMENT PURSUANT TO RULE 54 /55/Other against Defendants Tanzeel Islam, MD and Sridevi Challapalli, MD for NO Answer /Response to Plaintiffs' March 3, 2020 Civil Complaint/Summons served upon them on March 17, 2020.

Only Defendants Tiffany Coury (*replaced Tommy Evans*) and Prem Reddy, MD, through their counsel; And Mark McAllister, MD, through his counsel, Responded to Plaintiffs' Summons/Complaint served upon All Defendants on March 17, 2020

3e/2. Plaintiffs Request the Court Grant Default Judgment to Plaintiffs against Defendants Tanzeel Islam, MD (*St. Mary's Hospitalist*) and Sridevi Challapalli, MD (*St. Mary's Cardiologist*) For

- Failure to Answer their March 3, 2020 Summons/Civil Complaint served upon them on March 17, 2020; And

- Failure to Respond to their April 24, 2020 Motion for Default Judgment (*filed by Court on April 28, 2020*).

3e/3. Pursuant to the Court Summons PROPERLY served upon ALL Defendants:

"THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND

IN WRITING, WITHIN 21 DAYS."...."If you intend to defend this lawsuit, you must do the following within 21 days after service of this summons (March 17, 2020) – File with the Clerk a formal written answer in accordance with the rules of the Court" and serve a copy on plaintiffs"

"Unless you (Defendants) respond, a Default WILL be entered upon application of the Plaintiffs and this Court may enter a judgment against you for the relief demanded in the Complaint"

3e/4 Pursuant to Defendant McAllister's May 7, 2020 (Opposition (Reply) Filing, it is Affirmed to the effect, that Per:

DCR 13(3)(Failure of the opposing party to serve and file his written opposition may be construed as an admission that the motion is meritorious and consent to granting same"); see also Walls v. Brewster, 112 Nev.175, 912P2d261(1996) (court affirmed granting motion (*application*)...when there is a failure to respond)

3e/5. 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

3f. In said April 24, 2020 Application For Default Judgment, Plaintiffs Simply Request of these Two (2) Defendants, Tanzeel Islam, MD and Sridevi Challapalli, MD: the Following Justified and Reasonable Relief:

11/17

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

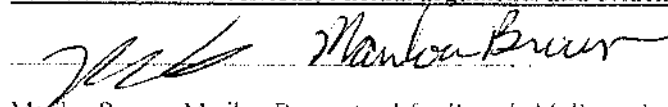
And

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

4a. Defendant counsel assert this ERRATA is based on justice and economics. Yet where was same criteria afforded to Plaintiffs, their family and their mother wherein Defendants committed medical and NON medical negligent acts that contributed to the suffering and death of their mother, and therefore the physical and emotional suffering, anguish and other compensatory loss clearly delineated in Plaintiffs' Filings – for which they seek Reasonable Compensation that will never compensate them for the way their loss occurred (?).

4b. Plaintiffs Request the Court Justifiably DENY Defendant counsels' ERRATA for Reasonable Justice and Economics Afforded to Plaintiffs as Deemed Appropriate by the Court pursuant to what they addressed in their Filings and Default Application/Submitted Motions

5. As well as For the Court to UPHOLD Plaintiffs' meritorious Civil Complaint against Defendant McAllister and Defendants Tiffany Coury (*Replaced Tammy Evans*) / Prem Reddy, MD and for Continued Proceedings Pursuant to their Meritorious, Factual arguments and evidence provided in their Pleadings.

  
Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
Gregory J. Brown  
45 Nives Court  
Sparks, NV 89441  
Telephone: (775) 425-4216  
Date: May 28, 2020

Exhibits

(Evidence Supporting said Service)


1. March 17, 2020 Affidavit by Plaintiffs' Independent Server, Mr. Gary Orr; Attached to Plaintiffs' April 13, 2020 Amendment to Civil Complaint/Return Service of Summons Filing, ETC
2. March 17, 2020 document Supporting Proper Service of Defendant Sridevi Challapalli at the Cardiology Dept by Plaintiffs' Independent Server, Mr. Gary Orr – same building as Defendant McAllister:

AFFIRMATION Pursuant to NRS 239B.030

The undersigned do hereby affirm that the preceding document in this matter, PLAINTIFFS' (a):

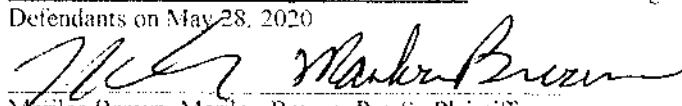
12/17

**OPPOSITION TO DEFENDANTS TAMMY EVANS' (Tiffany Coury) / PREM REDDY MD's 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 Filings)** does not contain the Social Security Number of any person.

  
 Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
 Gregory J. Brown  
 45 Nives Court  
 Sparks, NV 89441  
 Telephone: (775) 425-4216  
 Date: May 28, 2020

### CERTIFICATE OF SERVICE

The undersigned do hereby affirm that **PLAINTIFFS' (a) OPPOSITION TO DEFENDANTS TAMMY EVANS' (Tiffany Coury) / PREM REDDY MD's 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 Filings)** was served via regular mail and in person by Plaintiff's to Defendants on May 28, 2020

  
 Marilee Brown, Marilou Brown, Pro Se Plaintiff's  
 Gregory J. Brown  
 45 Nives Court  
 Sparks, NV 89441  
 775-425-4216  
 Date: May 28, 2020

13/17

ORIGINAL

FILED

CODE: 1020

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

BAR NUMBER: N/A (Pro Se litigants)

ADDRESS: 45 Nives Court  
Sparks, NV 89441

Telephone: (775) 425-4216

JACQUELINE DAVANT  
CLERK OF THE COURTIN THE SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

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

Case No: CV20-00422

Dept No: 1

VS

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

Mark McAllister, MD (St. Mary's Interventional Radiologist)

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

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

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

**PLAINTIFFS' ADDENDUM TO THEIR MAY 28, 2020 OPPOSITION TO DEFENDANTS TAMMY EVANS' (Tiffany Coury) / PREM REDDY MD's MAY 15, 2020 ERRATA - NEXUSED TO PLAINTIFFS' April 28(24)2020 & May 14, 2020 DEFAULT FILINGS AGAINST DEFENDANTS TANZEEL ISLAM AND SRIDEVI CHALLAPALLI, (Etc)**

**INTRODUCTION**

A. On June 1, 2020, Plaintiffs received the Court's May 26, 2020 Order Vacating their May 14, 2020

Default Judgment Request (that supported their April 28(24), 2020 Application To The Court for

Default Judgment against the two (2) named Defendants). The Court mailed this May 26, 2020 Order

on May 28, 2020, which was received by Plaintiffs on June 1, 2020.

B. This Addendum is in furtherance of Plaintiffs' May 28, 2020 Opposition (No Reply yet received by

Defendants to Plaintiffs' Opposition) Nexused to Plaintiffs' April 28(24), 2020 and May 14, 2020

Default Judgment Applications and for Reconsideration of Justified Default Judgment by the Court.

**II STATEMENT OF FACTS and LEGAL ARGUMENTS /REFUTES****A. BACKGROUND SUMMARY**

1. The Court asserts a May 5, 2020 Order Denying Plaintiffs' Application for Default pursuant to two (2) technicality issues related to NRCP 55 and WDCR 26. The Court asserts Plaintiffs, to the affect, "have

1/4

1 *done nothing to remedy these issues...again submitted another application after the Court entered*  
 2 *a ruling....and thus vacated Plaintiffs' May 14, 2020 submission for Default Judgment...".*

3 2. Plaintiffs submit this Addendum to their aforementioned May 28, 2020 Opposition for in Support of their  
 4 May 28, 2020 Opposition Nexused to their Default Judgment Requests, with the meritous arguments noted:

5 **B** **.STATEMENT OF FACTS and LEGAL ARGUMENTS**

6 1. Plaintiffs Filed their April 28(24), 2020 and May 14, 2020 Default Judgments; And May 28, 2020 nexused  
 7 Opposition to same with **meritous** arguments - for the Court to Consider for Granting Plaintiffs' Default  
 8 Judgments and Opposition. Plaintiffs will a File Motion For Reconsideration to the Court's May 26, 2020  
 9 Order with same/more details to Support their Default Motion and May 28, 2020 Opposition, if required.

10 2. **NO RECEIPT OF THE COURT'S MAY 5, 2020 ORDER:**

11 a/1. Plaintiffs **NEVER RECEIVED the Court's May 5, 2020 Order.** The Court's assistant ONLY sent the May 5,  
 12 2020 Order NOTED in their May 28, 2020 Opposition; Else they would have addressed said Order immediately  
 13 (as Plaintiffs historically have).

14 a/2. **Nor have any of the Defendants mentioned said Order in any of their defenses,** including Defendants'  
 15 **ERRATA that Plaintiffs Oppose for which this Addendum relates.** Such would have alerted Plaintiffs that  
 16 such an Order existed on their Default Judgment Application/Requests and they would have addressed  
 17 such an Order immediately.

18 b/1. Plaintiffs are **electronically exempt and only get the Court's and Defendants' Filings by mail. They have**  
 19 **NO access to Court Filings except by Direct mailed receipt from the Court or Defendants.**

20 b/2.**Of Note,** Plaintiffs' receipt of the Court's mailings are delayed by a minimum of five plus (5+) days because  
 21 the Court mailings consistently sit in the Court mailing system for two days before they are sent out and  
 22 received three or so days beyond; similar to delayed mailings by Defendants.

23 c/1. Plaintiffs received **BOTH** of the Court's May 26, 2020 two (2) of the Court's Orders **in one (1) envelope**  
 24 **- which did NOT happen on May 5, 2020.** The Court's Assistant **only put one (1) of the Court's two (2)**  
 25 **Orders in the May 5, 2020 Filing envelope** (the **VACATE Order of Party Submission Request, dated May**  
 26 **5, 2020 - which was NOT the May 5, 2020 Order Denying Plaintiffs' Default Judgment Request/Application).**

27 c/2. Plaintiffs had named in their May 28, 2020 Opposition the aforementioned May 5, 2020 Order, which was one  
 28 of three (3) they received from the Court in this litigation matter – **None of which were the May 5, 2020 Order**

214

Denying Plaintiffs' Default Judgment Request/Application.

**3. MERITOUS Arguments for DEFAULT JUDGMENT Nexused to Plaintiffs' May 28, 2020 OPPOSITION:**

Plaintiffs Filed their April 28, 2020, May 14, 2020 Default Judgments and May 28, 2020 nexused Opposition to same with **meritous** arguments; Plaintiffs provide the following meritous arguments as well::

a. NRCP 55 (a) ENTRY allows for Request for Default Judgment FACTS to be made by Affidavit or otherwise against those who have failed to defend, *"that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default"*

b/1. NRCP 55 (b)(2) allows for Judgment by Default to be made by the Court – which is what Plaintiffs did or intention was - which appeared **NOT** to need any application through the Clerk *(contrary to the May 5, 2020 Order asserted).*

b/2. NRCP (b)(1) is through application for Entry by the Clerk, which appears NOT to be required as addressed in b/1 Above.

c. It is noted that As of and prior to May 5, 2020, the Court has been CLOSED FOR any dealings for the public with the Clerks – who are **NOT** available as they work from home *due to the Corona virus*. Thus Plaintiffs now mail or stamp file their Filings ABSENT of any Clerks and followed the Application process for Entry by the Court vs. by the Clerk as best understood.

4a. Regardless of any Entry technicality issues, which Plaintiffs now address since being aware of same per the Court's May 26, 2020 Order, the Facts Supporting their Default Judgment Requests Remain and their Request for Reasonable Relief JUSTIFIED - as addressed in their two (2) Default Judgment Filings, Supported further in their May 28, 2020 Opposition.

4b. Plaintiffs provide their *(Separately Filed Affidavit - Nexused to their Opposition Addendum)* Jointly signed Affidavit In Support of their Meritous, Justified Default Judgment Application/Request against two (2) Defendants – in compliance with Court Rules; An Affidavit which simply **REITERATES** the SAME Facts asserted in their two (2) Default Judgment Filings, Supported further in their May 28, 2020 Opposition (in compliance with WDCR 26 and NRCP 55 (if needed); **ALL TO SUPPORT the Court GRANTING Plaintiffs' Default Judgment Request/Application** and **DENY** Defendant's May 15, ]

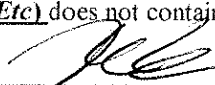
2020 ERRATA

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

1 45 Nives Court  
 2 Sparks, NV 89441  
 3 Telephone: (775) 425-4216  
 4 Date: June 5, 2020


5 AFFIRMATION Pursuant to NRS 239B.030

6 The undersigned do hereby affirm that the preceding document in this matter, PLAINTIFFS' ADDENDUM  
 7 TO THEIR MAY 28, 2020 OPPOSITION TO DEFENDANTS TAMMY EVANS' (Tiffany Coury) / PREM  
 8 REDDY MD's MAY 15, 2020 ERRATA - NEXUSED TO PLAINTIFFS' April 28(24), 2020 & May 14,  
 9 2020 DEFAULT FILINGS AGAINST DEFENDANTS TANZEEL ISLAM AND SRIDEVI CHALLAPALLI  
 10 (Etc) does not contain the Social Security Number of any person.

11   
 12 Marilee Brown, Marilou Brown (and for Beverly M. Brown's family), Pro Se  
 13 Gregory J. Brown  
 14 45 Nives Court  
 15 Sparks, NV 89441  
 16 Telephone: (775) 425-4216  
 17 Date: June 5, 2020

18 CERTIFICATE OF SERVICE

19 The undersigned do hereby affirm that PLAINTIFFS' ADDENDUM TO THEIR MAY 28, 2020  
 20 OPPOSITION TO DEFENDANTS TAMMY EVANS' (Tiffany Coury) / PREM REDDY MD's MAY 15,  
 21 2020 ERRATA - NEXUSED TO PLAINTIFFS' April 28(24), 2020 & May 14, 2020 DEFAULT  
 22 FILINGS AGAINST DEFENDANTS TANZEEL ISLAM AND SRIDEVI CHALLAPALLI, (Etc)  
 23 was served via regular mail and in person by Plaintiffs to Defendants on June 5, 2020

24   
 25 Marilee Brown, Marilou Brown, Pro Se Plaintiffs  
 26 Gregory J. Brown  
 27 45 Nives Court  
 28 Sparks, NV 89441  
 29 775-425-4216  
 30 Date: June 5, 2020



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

consideration. On May 15, 2020, Defendants Saint Mary's filed an *Errata to Defendants St. Mary's Regional Medical Center, Tammy Evans, and Prem Reddy M.D.'s Reply in Support of Motion to Dismiss*. Plaintiffs filed *Plaintiffs' (a) Opposition to Defendant Tammy Evans' (Tiffany Coury) / Prem Reddy MD's May 15, 2020 Errata Related to Plaintiffs' May 14, 2020 (& Prior) Default Motions Against Defendants Tanzeel Islam and Sridevi Chapallapalli; (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 Filings)* on May 28, 2020.

### **I. Background**

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

### **II. Relevant Legal Authority**

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

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

NRS 41A.071 provides:

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

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

The Nevada Supreme Court has held that pursuant to NRS 41A.071 “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.” *Washoe Med. Ctr. v. Second Judicial Dist. Court of State of Nev. ex rel. Cty. of Washoe*, 122 Nev. 1298, 1301–02, 148 P.3d 790, 792 (2006). The court went on to state that the “shall” in NRS 41A.071 “is mandatory and does not denote judicial discretion.” *Id.* at 1303 (citations omitted).

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

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

### III. Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Based upon the foregoing and good cause appearing,

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

IT IS SO ORDERED.

DATED this 8<sup>th</sup> day of June, 2020.



---

KATHLEEN DRAKULICH  
DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

CASE NO. CV20-00422

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

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

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

EDWARD LEMONS, ESQ. for MARK MCALLISTER

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

ALICE CAMPOS MERCADO, ESQ for MARK MCALLISTER

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

MARILEE BROWN  
45 NIVES COURT  
SPARKS, NV 89441

MARILOU BROWN  
45 NIVES COURT  
SPARKS, NV 89441

GREGORY J BROWN  
45 NIVES COURT  
SPARKS, NV 89441

  
Danielle Redmond  
Department 1 Judicial Assistant

MICHAEL E. PRANGLE, ESQ.  
Nevada Bar No. 8619  
RICHARD D. DEJONG, ESQ  
Nevada Bar No. 15207  
HALL PRANGLE & SCHOONVELD, LLC  
1140 North Town Center Drive, Ste. 350  
Las Vegas, Nevada 89144  
Phone: 702-889-6400  
Facsimile: 702-384-6025  
[efile@hpslaw.com](mailto:efile@hpslaw.com)  
*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 8<sup>th</sup> day of June 2020.

A copy of the Order is attached hereto.

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///

///

**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 8<sup>th</sup> 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 8<sup>th</sup> 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  
 Marilou Brown  
 45 Nives Court  
 Sparks, NV 89441  
*Plaintiff in Pro Per*

Edward J. Lemons, Esq.  
 Alice Campos Mercado, Esq.  
 Lemons, Grundy & Eisenberg  
 6005 Plumas street, 3<sup>rd</sup> Floor  
 Reno, NV 89519  
*Attorneys for Defendant Mark McAllister,  
 M.D.*

/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,  
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ISLAM, M.D.; SRIDEVI CHALLAPALLI,  
M.D., and DOES I through X, inclusive; ROE  
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Defendants.

/

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FOR FAILURE TO COMPLY WITH NRS 41A.071**

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

The Nevada Supreme Court has held that pursuant to NRS 41A.071 “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.” *Washoe Med. Ctr. v. Second Judicial Dist. Court of State of Nev. ex rel. Cty. of Washoe*, 122 Nev. 1298, 1301–02, 148 P.3d 790, 792 (2006). The court went on to state that the “shall” in NRS 41A.071 “is mandatory and does not denote judicial discretion.” *Id.* at 1303 (citations omitted).

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



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

### III. Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Based upon the foregoing and good cause appearing,

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

IT IS SO ORDERED.

DATED this 8<sup>th</sup> day of June, 2020.

A handwritten signature in cursive script, appearing to read 'K. Drakulich', is written over a horizontal line.

KATHLEEN DRAKULICH  
DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

CASE NO. CV20-00422

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

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

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

EDWARD LEMONS, ESQ. for MARK MCALLISTER

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

ALICE CAMPOS MERCADO, ESQ for MARK MCALLISTER

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

MARILEE BROWN  
45 NIVES COURT  
SPARKS, NV 89441

MARILOU BROWN  
45 NIVES COURT  
SPARKS, NV 89441

GREGORY J BROWN  
45 NIVES COURT  
SPARKS, NV 89441

  
Danielle Redmond  
Department 1 Judicial Assistant

Original

Case No: CV 20-00422

2020 JUN 26 AM 11:52

CODE: 2515

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 (Elbany County), Prem Reddy, MD  
Unzeel Islam, MD, Mark McAllister, MD, Sri Devi 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 (case law) - as addressed in Defendants' and Plaintiffs' Appellants' District Court Filings - to be further addressed in Plaintiffs'/Appellants' Informal Appeal Brief later.

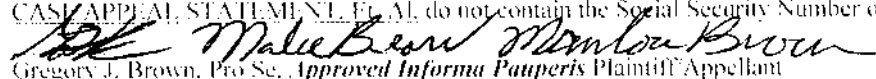
Respectfully Submitted,



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.

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.



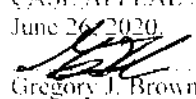
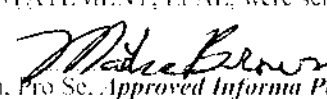

Gregory J. Brown, Pro Se, *Approved Informa Pauperis* Plaintiff Appellant  
Marilee Brown, Pro Se, Plaintiff Appellant  
Marilou Brown, Pro Se, Plaintiff Appellant  
45 Nives Court  
Sparks, NV 89441  
Telephone: (775) 425-4216  
Date: June 26, 2020

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

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