

Electronically Filed  
Apr 09 2021 11:21 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

COGBURN LAW  
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*Attorneys for Plaintiff*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

LYNN YAFCHAK, Statutory Heir and Special  
Administrator to the ESTATE OF JOAN  
YAFCHAK, Deceased,

Plaintiff,

vs.

LIFE CARE CENTERS OF AMERICA, A  
FOREIGN CORPORATION, D/B/A LIFE  
CARE CENTER OF SOUTH LAS VEGAS;  
AND DOES 1-10, INCLUSIVE,

Defendant.

Case No.: A-20-822688-C  
Dept. No.: 19

**PLAINTIFF'S NOTICE OF APPEAL**

Plaintiff LYNN YAFCHAK, Statutory Heir and Special Administrator to the ESTATE OF JOAN YAFCHAK, Deceased, through counsel of record, JAMIE S. COGBURN, ESQ., and JOSEPH J. TROIANO, ESQ., hereby gives notice of appealing to the Nevada Supreme Court the March 10, 2021, Order Granting Defendant Life Care Center of South Las Vegas's Motion to Dismiss Plaintiffs' Complaint. Notice of Entry of Order on the Order Granting Defendant Life Care Center of South Las Vegas's Motion to Dismiss Plaintiffs' Complaint was entered on March 11, 2021, attached hereto as Exhibit 1, with said Order constituting the final order in the case.

Dated this 5<sup>th</sup> day of April, 2021.

COGBURN LAW

By: /s/Joseph J. Troiano

Jamie S. Cogburn, Esq.  
Nevada Bar No. 8409  
Joseph J. Troiano, Esq.  
Nevada Bar No. 12505  
2580 St. Rose Parkway, Suite 330  
Henderson, Nevada 89074  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

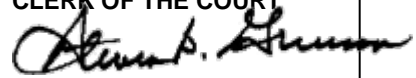
I hereby certify that the foregoing **PLAINTIFF’S NOTICE OF APPEAL** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 5<sup>th</sup> day of April, 2021.

I further certify that I served a true and correct copy of the foregoing document as follows:

☒ Pursuant to NEFCR 9 & EDCR 8.05(a), electronic service of the foregoing document shall be made in accordance with the CM/ECF E-Service List as follows:

E-File Admin	<a href="mailto:efile@hpslaw.com">efile@hpslaw.com</a>
Reina Claus	<a href="mailto:relaus@hpslaw.com">relaus@hpslaw.com</a>
Nicolle Etienne	<a href="mailto:netienne@hpslaw.com">netienne@hpslaw.com</a>

/s/Noel Raleigh  
An employee of Cogburn Law



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Jamie S. Cogburn, Esq.  
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Joseph J. Troiano, Esq.  
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Telephone: (702) 748-7777  
Facsimile: (702) 966-3880  
*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LYNN YAFCHAK, Statutory Heir and Special  
Administrator to the ESTATE OF JOAN  
YAFCHAK, Deceased,

Plaintiff,

vs.

LIFE CARE CENTERS OF AMERICA, A  
FOREIGN CORPORATION, D/B/A LIFE  
CARE CENTER OF SOUTH LAS VEGAS;  
AND DOES 1-10, INCLUSIVE,

Defendant.

Case No.: A-20-822688-C  
Dept. No.: 19

**PLAINTIFF'S CASE APPEAL  
STATEMENT**

**CASE APPEAL STATEMENT**

Pursuant to NRAP 3(a) (1), Plaintiff, LYNN YAFCHAK, Statutory Heir and Special Administrator to the ESTATE OF JOAN YAFCHAK, Deceased, by and through her attorneys, Jamie S. Cogburn, Esq. and Joseph J. Troiano, Esq. of Cogburn Law Offices, hereby provides the following Case Appeal Statement:

**1. Name of appellant filing this case appeal statement:**

Lynn Yakchak, Statutory Heir and Special Administrator to the Estate of Joan Yafchak,  
Deceased.

1       **2. Identify the judge issuing the decision, judgment, or order appealed from:**

2           The Honorable Crystal Eller, District Judge, Eighth Judicial District Court of the State of  
3 Nevada, Department XIX.

4       **3. Identify each appellant and the name and address of counsel for each appellant:**

- 5           a. Lynn Yafchak, Statutory Heir and Special Administrator to the Estate of Joan  
6           Yafchak, Deceased  
7           c/o Jamie S. Cogburn, Esq., and Joseph J. Troiano, Esq.  
8           2580 St. Rose Parkway, Suite 330  
9           Henderson, Nevada 89074  
10          (702) 748-7777

11       **4. Identify each respondent and the name and address of appellate counsel, if known,  
12       for each respondent (if the name of a respondent's appellate counsel is unknown,  
13       indicate as much and provide the name and address of that respondent's trial  
14       counsel):**

- 15           a. South Las Vegas Medical Investors, LLC d/b/a Life Care Center of South Las  
16           Vegas, erroneously named as Life Care Centers of America  
17           c/o Casey W. Tyler, Esq., and Zachary J. Thompson, Esq.  
18           HALL PRANGLE & SCHOONVELD, LLC  
19           1140 North Town Center Drive, Ste. 350  
20           Las Vegas, Nevada 89144  
21           (702) 889-6400

22       **5. Indicate whether any attorney identified above in response to question 3 or 4 is not  
23       licensed to practice law in Nevada and, if so, whether the district court order granting  
24       such permission):**

25           None.

26       **6. Indicate whether appellant was represented by appointed or retained counsel in the  
27       district court:**

28           Appellant was represented by retained counsel Jamie S. Cogburn, Esq., and Joseph J.  
29 Troiano, Esq., in District Court.

30       **7. Indicate whether appellant is represented by appointed or retained counsel on  
31       appeal:**

32           Appellant is represented by retained counsel Jamie S. Cogburn, Esq., and Joseph J.  
33 Troiano, Esq., of Cogburn Law.

1 **8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the**  
2 **date of entry of the district court order granting such leave:**

3 No.

4 **9. Indicate the date the proceedings commenced in the district court (e.g., date**  
5 **complaint, indictment, information, or petition was filed):**

6 Appellant's Complaint was filed in the District Court on October 8, 2020.

7 **10. Provide a brief description of the nature of the action and result in the district court,**  
8 **including the type of judgment or order being appealed and the relief granted by the**  
9 **district court:**

10 This matter involves an order granting a motion to dismiss Plaintiff's complaint. Plaintiff  
11 filed her complaint on October 8, 2020 and alleged the following causes of action: (1)  
12 Abuse/Neglect of an Older Person; (2) Negligence; (3) Wrongful Death; and (4) Survival Action.  
13 Defendant filed a motion to dismiss arguing that NRS 41A.071 mandates dismissal of the  
14 Company because it sounds in professional negligence. Defendant relied upon the *Estate of Curtis*  
15 *v. S. Las Vegas Med. Inv'rs, LLC*, 136 Adv. Op. 39 (2020) decision in support of its position.  
16 Defendant also argued that because NRS 41A.071 mandates dismissal of the complaint for its  
17 failure to include an affidavit of merit, NRS 41A.071 also mandates dismissal because the  
18 complaint was filed outside of NRS 41A.0972(2)'s one-year statute of limitations. In reliance  
19 upon the legislature history of both the elder abuse/neglect statute and the medical malpractice  
20 statute, Plaintiff argued that this case did not fall under NRS 41A.071. The District Court agreed  
21 with Defendant and granted its motion to dismiss in an order that was entered on March 10, 2021.  
22 Notice of entry of this order was entered the next day on March 11, 2021.

23 **11. Indicate whether the case has previously been the subject of an appeal to or original**  
24 **writ proceeding in the Supreme Court and if so, the caption and Supreme Court**  
25 **docket number of the prior proceeding:**

No

**12. Indicate whether this appeal involves child custody or visitation:**

The appeal does not involve child custody or visitation.

1 **13. If this is a civil case indicate whether this appeal involves the possibility of settlement:**

2 Appellant asserts there is a possibility of settlement

3 Dated this 5<sup>th</sup> day of April, 2021.

4 COGBURN LAW

5 By: /s/Joseph J. Troiano  
6 Jamie S. Cogburn, Esq.  
7 Nevada Bar No. 8409  
8 Joseph J. Troiano, Esq.  
9 Nevada Bar No. 12505  
10 2580 St. Rose Parkway, Suite 330  
11 Henderson, Nevada 89074  
12 *Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **CASE APPEAL STATEMENT** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 5<sup>th</sup> day of April, 2021.

I further certify that I served a true and correct copy of the foregoing document as follows:

☒ Pursuant to NEFCR 9 & EDCR 8.05(a), electronic service of the foregoing document shall be made in accordance with the CM/ECF E-Service List as follows:

E-File Admin	<a href="mailto:efile@hpslaw.com">efile@hpslaw.com</a>
Reina Claus	<a href="mailto:reclus@hpslaw.com">reclus@hpslaw.com</a>
Nicolle Etienne	<a href="mailto:netienne@hpslaw.com">netienne@hpslaw.com</a>

/s/Noel Raleigh  
An employee of Cogburn Law

**CASE SUMMARY****CASE NO. A-20-822688-C****Lynn Yafchak, Plaintiff(s)****vs.****Life Care Centers of America, Defendant(s)**§  
§  
§  
§  
§

Location: **Department 19**  
 Judicial Officer: **Eller, Crystal**  
 Filed on: **10/08/2020**  
 Case Number History:  
 Cross-Reference Case Number: **A822688**

**CASE INFORMATION****Statistical Closures**

03/10/2021 Motion to Dismiss by the Defendant(s)

Case Type: **Negligence - Other Negligence**

Case Status: **03/10/2021 Dismissed**

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

Case Number A-20-822688-C  
 Court Department 19  
 Date Assigned 01/04/2021  
 Judicial Officer Eller, Crystal

**PARTY INFORMATION****Plaintiff****Estate of Joan Yafchak***Lead Attorneys*

**Cogburn, Jamie S.**  
*Retained*  
 702-748-7777(W)

**Yafchak, Lynn M**

**Cogburn, Jamie S.**  
*Retained*  
 702-748-7777(W)

**Defendant****Life Care Centers of America**

**Tyler, Casey W.**  
*Retained*  
 702-889-6400(W)

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

10/08/2020

**Complaint**

Filed By: Plaintiff Yafchak, Lynn M  
*Complaint*

10/08/2020

**Initial Appearance Fee Disclosure**

Filed By: Plaintiff Yafchak, Lynn M  
*Initial Appearance Fee Disclosure*

10/08/2020

**Summons Electronically Issued - Service Pending**

Party: Plaintiff Yafchak, Lynn M  
*Summons*

12/03/2020

**Affidavit of Service**

Filed By: Plaintiff Yafchak, Lynn M  
*Affidavit of Service of Life Care Centers of America*

12/22/2020

**Motion to Dismiss**



# CASE SUMMARY

CASE NO. A-20-822688-C

*Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiffs' Complaint*

12/22/2020



Initial Appearance Fee Disclosure

Filed By: Defendant Life Care Centers of America

*Defendant Life Care Center of South Las Vegas' Initial Appearance Fee Disclosure*

12/23/2020



Clerk's Notice of Hearing

*Clerk's Notice of Hearing*

01/04/2021

Case Reassigned to Department 19

*Judicial Reassignment to Judge Crystal Eller*

01/11/2021



Opposition and Countermotion

Filed By: Plaintiff Yafchak, Lynn M

*Plaintiff's Opposition to Defendant Life Care Center of South Las Vegas' Motion to Dismiss*

*Plaintiff's Complaint and Countermotion to Amend Complaint*

01/20/2021



Reply in Support

*Defendant Life Care Center of South Las Vegas' Reply in Support of Its Motion to Dismiss*

*Plaintiffs' Complaint*

01/26/2021



Memorandum

*Blue Jeans Hearing Information for Department 19*

02/01/2021



Recorders Transcript of Hearing

Party: Plaintiff Yafchak, Lynn M

*Recorders Transcript of Hearing Re: Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiff's Complaint and Plaintiff's Opposition to Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiff's Complaint and Countermotion to Amend Complaint 1.27.21*

03/10/2021



Order Granting Motion

***ORDER GRANTING DEFENDANT LIFE CARE CENTER OF SOUTH LAS VEGAS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT***

03/11/2021



Notice of Entry of Decision and Order

***NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT LIFE CARE CENTER OF SOUTH LAS VEGAS MOTION TO DISMISS PLAINTIFFS COMPLAINT***

04/05/2021



Case Appeal Statement

Filed By: Plaintiff Yafchak, Lynn M

*Plaintiff's Case Appeal Statement*

04/05/2021



Notice of Appeal

Filed By: Plaintiff Yafchak, Lynn M

*Plaintiff's Notice of Appeal*

## **DISPOSITIONS**

03/10/2021

**Order of Dismissal With Prejudice** (Judicial Officer: Eller, Crystal)

Debtors: Lynn M Yafchak (Plaintiff), Estate of Joan Yafchak (Plaintiff)

Creditors: Life Care Centers of America (Defendant)

Judgment: 03/10/2021, Docketed: 03/11/2021

## **HEARINGS**


01/27/2021

**Motion to Dismiss** (9:00 AM) (Judicial Officer: Eller, Crystal)

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-20-822688-C**

	<i>Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiffs' Complaint</i> Granted;
01/27/2021	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Eller, Crystal) <i>Plaintiff's Opposition to Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiff's Complaint and Countermotion to Amend Complaint</i> Denied;
01/27/2021	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Eller, Crystal) Matter Heard; Journal Entry Details: <i>DEFENDANT LIFE CARE CENTER OF SOUTH LAS VEGAS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT... PLAINTIFF'S OPPOSITION TO DEFENDANT LIFE CARE CENTER OF SOUTH LAS VEGAS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT AND COUNTERMOTION TO AMEND COMPLAINT</i> Mr. Thompson argued for the Plaintiff's compalint to be dismissed pursuant to NRS 41 A.071. Mr. Troiano argumed facts supoort that the elder abuse and neglect cause of action stands. Mr. Thompson argued that the Plaintiff's needed an expert opinion. COURT stated its FINDINGS and COURT ORDERED Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiff's Complaint GRANTED. Mr. Thompson to draft the order.;

**DATE**

**FINANCIAL INFORMATION**

<b>Defendant</b> Life Care Centers of America	
Total Charges	223.00
Total Payments and Credits	223.00
<b>Balance Due as of 4/7/2021</b>	<b>0.00</b>
 <b>Plaintiff</b> Yafchak, Lynn M	
Total Charges	294.00
Total Payments and Credits	294.00
<b>Balance Due as of 4/7/2021</b>	<b>0.00</b>

**DISTRICT COURT CIVIL COVER SHEET** **CASE NO: A-20-822688-C**  
**Department 2**

Clark County, Nevada

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): Lynn Yafchak, Statutory Heir and Special Administrator to the Estate of Joan Yafchak, Deceased,  Attorney (name/address/phone): Joseph J. Troiano, Esq. (NV Bar No. 12505) Cogburn Law 2580 St. Rose Parkway, Suite 330 Henderson, NV 89074 (702) 748-7777	Defendant(s) (name/address/phone): Life Care Centers of America, a Foreign Corporation, d/b/a Life Care Center of South Las Vegas; and DOES 1-10, Inclusive,  Attorney (name/address/phone): unknown
---	--

**II. Nature of Controversy** (Please select the one most applicable filing type below)

**Civil Case Filing Types**

Real Property	Torts	
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input checked="" type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort

Probate	Construction Defect & Contract	Judicial Review/Appeal
<b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal

Civil Writ	Other Civil Filing
<b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

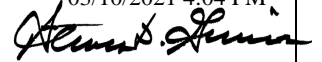
*Business Court filings should be filed using the Business Court civil coversheet.*

10/8/2020

Date

/s/Joseph J. Troiano, Esq.

Signature of initiating party or representative

  
CLERK OF THE COURT

**ORDR**

CASEY W. TYLER, ESQ.  
Nevada Bar No. 9706  
ZACHARY J. THOMPSON, ESQ.  
Nevada Bar No. 11001  
HALL PRANGLE & SCHOONVELD, LLC  
1140 North Town Center Drive, Ste. 350  
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Phone: 702-889-6400  
Facsimile: 702-384-6025  
[efile@hpslaw.com](mailto:efile@hpslaw.com)

*Attorneys for Defendant  
South Las Vegas Medical Investors, LLC  
d/b/a Life Care Center of South Las Vegas,  
erroneously named as Life Care Centers of  
America*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

LYNN YAFCHAK, Statutory Heir and Special  
Administrator to the ESTATE OF JOAN  
YAFCHAK, Deceased,

Plaintiff,

vs.

LIFE CARE CENTERS OF AMERICA, A  
FOREIGN CORPORATION, D/B/A LIFE CARE  
CENTER OF SOUTH LAS VEGAS; AND DOES  
1-10, INCLUSIVE,

Defendants.

CASE NO. A-20-822688-C

DEPT NO. 19

**ORDER GRANTING DEFENDANT  
LIFE CARE CENTER OF SOUTH  
LAS VEGAS' MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT**

Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiffs' Complaint came on for hearing in Department 19 on January 27, 2021. Zachary J. Thompson, Esq., of HALL PRANGLE & SCHOONVELD, LLC, appeared on behalf of Defendant South Las Vegas Medical Investors, LLC d/b/a Life Care Center of South Las Vegas, erroneously named as Life Care Centers of America (hereinafter referred to as "Life Care Center of South Las Vegas"). Joseph Troiano, Esq. of COGBURN LAW, appeared on behalf of Plaintiff LYNN YAFCHAK, Statutory Heir and Special Administrator to the ESTATE OF JOAN YAFCHAK, Deceased (hereinafter referred to as "Plaintiff"). Having considered the pleadings on file in the

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

above-referenced matter and after entertaining oral argument of counsel, the Court hereby finds, concludes, and orders as follows:

**FINDINGS AND CONCLUSIONS OF LAW**

1. NRS 41A.071 mandates dismissal of a complaint sounding in professional negligence unless a plaintiff files an affidavit or declaration of merit.

2. NRS 41A.071 applies to Life Care Center of South Las Vegas where the alleged injury was caused by the alleged professional negligence of that entity's providers of health care, such as nurses and doctors. *See Estate of Curtis v. S. Las Vegas Med. Inv'rs, LLC*, 136 Nev. Adv. Op. 39, 466 P.3d 1263 (2020).

3. "Professional negligence" under NRS 41A.015 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. This definition includes more than simply medical malpractice, which is a subset of professional negligence.

4. To determine whether a cause of action sounds in "professional negligence" or ordinary negligence, the court must consider the following: (1) whether the claim pertains to an action that occurred within the course of a professional relationship; and (2) whether the claim raises questions of medical judgment beyond the realm of common knowledge and experience. If both these questions are answered in the affirmative, the action is subject to the procedural and substantive requirements that govern professional negligence actions. *Estate of Curtis v. S. Las Vegas Med. Inv'rs, LLC*, 136 Nev. Adv. Op. 39, 466 P.3d 1263, 1268 (2020).

5. "If the alleged breach involves 'medical judgment, diagnosis, or treatment,' it is likely a claim for medical malpractice." *Estate of Curtis v. S. Las Vegas Med. Inv'rs, LLC*, 136

1 Nev. Adv. Op. 39, 466 P.3d 1263, 1267 (2020) (quoting *Szymborski v. Spring Mountain*  
2 *Treatment Ctr.*, 133 Nev. 638, 642, 403 P.3d 1280, 1284 (Nev. 2017)).

3 6. In conducting this evaluation, the Court should look to the gravamen of the claim  
4 or substantial point of essence of the claim to determine the character of the action, not the form  
5 of the pleadings. *Estate of Curtis v. S. Las Vegas Med. Inv'rs, LLC*, 136 Nev. Adv. Op. 39, 466  
6 P.3d 1263, 1266 (2020); *Szymborski v. Spring Mountain Treatment Ctr.*, 133 Nev. 638, 643, 403  
7 P.3d 1280, 1285 (Nev. 2017).

8  
9 7. The Court finds that the gravamen or substantial point of essence of Plaintiffs'  
10 Complaint is "professional negligence" under NRS 41A.015 as to Life Care Center of South Las  
11 Vegas' nursing and/or medical staff. Plaintiffs' claims for Abuse/Neglect of an Older Person,  
12 Negligence, Wrongful Death, and a Survival Action, despite their labels, each sound in the  
13 alleged professional negligence of Life Care Center of South Las Vegas' nursing or medical  
14 staff, who are providers of health care, during the course of their professional relationship with  
15 their patient.  
16

17 8. Since Plaintiffs' alleged acts or omissions sounded in professional negligence of  
18 Life Care Center of South Las Vegas' nursing or other medical staff during the course of their  
19 professional relationship with the resident, Plaintiffs were required to submit an affidavit or  
20 declaration of merit to support their allegations in accordance with NRS 41A.071.  
21

22 9. Plaintiffs did not file or submit an affidavit or declaration of merit with their  
23 Complaint.  
24

25 10. Since Plaintiffs did not file an affidavit or declaration of merit with their  
26 Complaint, the Court holds that the Complaint is void ab initio and must be dismissed without  
27  
28

1 prejudice. *See Washoe Med. Ctr. v. Second Judicial Dist. Court of State of Nev. ex rel. Cty. of*  
2 *Washoe*, 122 Nev. 1298, 1306, 148 P.3d 790, 795 (2006).

3 11. Alternatively, the Court holds that Plaintiffs' Complaint should be dismissed with  
4 prejudice because the Complaint was not filed within the statute of limitations set forth in NRS  
5 41A.097(2).

6 12. Since Plaintiffs' claims against LCCSLV sound in professional negligence, they  
7 are also subject to the statute of limitations set forth in NRS 41A.097(2).

8 13. Pursuant to NRS 41A.097(2), an action for injury or death against a provider of  
9 health care may not be commenced more than one year after the plaintiff discovers or through  
10 the use of reasonable diligence should have discovered the injury of a person based upon alleged  
11 professional negligence and/or from an error or omission by a provider of health care. *See* NRS  
12 41A.097(2). A plaintiff "discovers" his injury, for purposes of that statute, when he/she knows  
13 or, through the use of reasonable diligence, should have known of facts that would put a  
14 reasonable person on "inquiry notice" of a cause of action. A plaintiff is placed on such  
15 "inquiry notice" when he/she should have known of facts that would lead an ordinarily prudent  
16 person to investigate the matter further into whether the injury may have been caused by  
17 someone's negligence. In order to be placed on "inquiry notice," the plaintiff does not have to  
18 discover the precise facts pertaining to his or her legal theory; rather, plaintiff only has to have  
19 had facts before him/her that would have led an ordinarily prudent person to investigate further  
20 into whether the injury was caused by someone's negligence.

21 14. The Court finds that NRS 41A.071's one-year statute of limitations began to run  
22 on the date of Ms. Yafchak's death, which was May 17, 2019.  
23  
24  
25  
26  
27  
28

15. The Court finds that the statute of limitations period expired on or about May 17, 2020, and expired prior to the filing of the Complaint on October 8, 2020.

16. The Court holds that Plaintiffs' claim shall be dismissed with prejudice for failure to timely file the Complaint within the statute of limitations set forth in NRS 41A.097(2).

## ORDER

**IT IS ORDERED, ADJUDGED, AND DECREED** that Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiffs' Complaint is granted in its entirety.

**IT IS SO ORDERED.**

Dated this 10th day of March, 2021

Crystal Eller

E48 E64 4A9A 7EC7  
Crystal Eller  
District Court Judge

Respectfully Submitted by:

Approved as to Form and Content:

/s/ Zachary J. Thompson, Esq.

/s/ Joseph J. Troiano, Esq.

**CASEY W. TYLER, ESQ.**  
Nevada Bar No. 9706  
**ZACHARY J. THOMPSON, ESQ.**  
Nevada Bar No. 11001  
**HALL PRANGLE & SCHOONVELD, LLC**  
1140 North Town Center Drive, Ste. 350  
Las Vegas, Nevada 89144  
*Attorneys for Defendant*  
*South Las Vegas Medical Investors, LLC*  
*d/b/a Life Care Center of South Las Vegas,*  
*erroneously named as Life Care Centers of*  
*America*

JAMIE S. COGBURN, ESQ  
Nevada Bar No. 8409  
JOSEPH TROIANO, ESQ.  
Nevada Bar No. 12505  
COGBURN LAW  
2580 St. Rose Parkway, Ste. 330  
Las Vegas, NV 89074  
*Attorneys for Plaintiffs`*



## Casey Henley

---

**From:** Joseph J. Troiano <JJT@cogburncares.com>  
**Sent:** Wednesday, March 10, 2021 11:24 AM  
**To:** Zachary Thompson  
**Cc:** Casey Henley  
**Subject:** RE: Yafchak order

[External Email] CAUTION!.

You can affix my e-signature to the proposed order.

### Joseph J. Troiano

Attorney

2580 St. Rose Parkway, Suite 330  
Henderson, NV 89074

Ph. (702) 748-7777

Fax (702) 966-3880

[www.CogburnCares.com](http://www.CogburnCares.com)

**COGBURN**  
— LAW —

---

**From:** Zachary Thompson <zthompson@HPSLAW.COM>

**Sent:** Wednesday, March 3, 2021 12:31 PM

**To:** Joseph J. Troiano <JJT@cogburncares.com>

**Cc:** Casey Henley <CHenley@HPSLaw.com>

**Subject:** RE: Yafchak order

No problem at all and no rush.



1140 North Town Center  
Suite 350  
Las Vegas, NV 89144  
F: 702.384.6025

### Zachary Thompson

*Partner*

O: 702.212.1448

Email: [zthompson@HPSLAW.COM](mailto:zthompson@HPSLAW.COM)

### Legal Assistant: Reina Claus

O: 702.212.1475

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**Subject:** Yafchak order

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**COGBURN**  
— LAW —

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Lynn Yafchak, Plaintiff(s)

CASE NO: A-20-822688-C

7 vs.

DEPT. NO. Department 19

8 Life Care Centers of America,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Order was served via the court's electronic eFile system to all  
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 3/10/2021

15 E-File Admin

efile@hpslaw.com

16 Joseph Troiano

jjt@cogburncares.com

17  
18 Nicolle Etienne

netienne@hpslaw.com

19 File Clerk

efile@cogburncares.com

20 Reina Claus

rclaus@hpslaw.com

21 Noel Raleigh

ncr@cogburncares.com

22 Sarah Wilder

scw@cogburncares.com

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NEO  
CASEY W. TYLER, ESQ.  
Nevada Bar No. 9706  
ZACHARY J. THOMPSON, ESQ.  
Nevada Bar No. 11001  
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Facsimile: 702-384-6025  
[efile@hpslaw.com](mailto:efile@hpslaw.com)  
*Attorneys for Defendant*  
*South Las Vegas Medical Investors, LLC*  
*d/b/a Life Care Center of South Las Vegas,*  
*erroneously named as Life Care Centers of*  
*America*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

LYNN YAFCHAK, Statutory Heir and Special  
Administrator to the ESTATE OF JOAN  
YAFCHAK, Deceased,

Plaintiff,

vs.

LIFE CARE CENTERS OF AMERICA, A  
FOREIGN CORPORATION, D/B/A LIFE CARE  
CENTER OF SOUTH LAS VEGAS; AND DOES  
1-10, INCLUSIVE,

Defendants.

CASE NO. A-20-822688-C

DEPT NO. 19

**NOTICE OF ENTRY OF ORDER  
GRANTING DEFENDANT LIFE  
CARE CENTER OF SOUTH LAS  
VEGAS' MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT**

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

PLEASE TAKE NOTICE that an Order Granting Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiffs' Complaint was entered in the above entitled matter on the 10<sup>th</sup> day of March, 2021, a copy of which is attached hereto.

DATED this 11<sup>th</sup> day of March, 2021.

HALL PRANGLE & SCHOONVELD, LLC

By: /s/ Zachary Thompson  
CASEY W. TYLER, ESQ.  
Nevada Bar No. 9706  
ZACHARY J. THOMPSON, ESQ.  
Nevada Bar No. 11001  
HALL PRANGLE & SCHOONVELD, LLC  
1140 North Town Center Drive, Ste. 350  
Las Vegas, Nevada 89144  
*Attorneys for Defendant*  
*South Las Vegas Medical Investors, LLC*  
*d/b/a Life Care Center of South Las Vegas*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 11<sup>th</sup> day of March, 2021, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT LIFE CARE CENTER OF SOUTH LAS VEGAS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT** as follows:

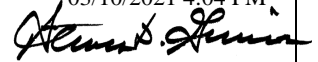
X the E-Service Master List for the above referenced matter in the Eighth Judicial District Court e-filing System in accordance with the electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules;

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

\_\_\_\_\_ Receipt of Copy at their last known address:

Jamie Cogburn, Esq.  
Joseph Troiano, Esq.  
COGBURN LAW  
2580 St. Rose Parkway, Suite 330  
Henderson, NV 89074  
*Attorney for Plaintiff*

/s/ Casey Henley  
An employee of HALL PRANGLE & SCHOONVELD, LL

  
CLERK OF THE COURT

**ORDR**

CASEY W. TYLER, ESQ.  
Nevada Bar No. 9706  
ZACHARY J. THOMPSON, ESQ.  
Nevada Bar No. 11001  
HALL PRANGLE & SCHOONVELD, LLC  
1140 North Town Center Drive, Ste. 350  
Las Vegas, Nevada 89144  
Phone: 702-889-6400  
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[efile@hpslaw.com](mailto:efile@hpslaw.com)  
*Attorneys for Defendant*  
*South Las Vegas Medical Investors, LLC*  
*d/b/a Life Care Center of South Las Vegas,*  
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*America*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

LYNN YAFCHAK, Statutory Heir and Special  
Administrator to the ESTATE OF JOAN  
YAFCHAK, Deceased,

Plaintiff,

vs.

LIFE CARE CENTERS OF AMERICA, A  
FOREIGN CORPORATION, D/B/A LIFE CARE  
CENTER OF SOUTH LAS VEGAS; AND DOES  
1-10, INCLUSIVE,

Defendants.

CASE NO. A-20-822688-C

DEPT NO. 19

**ORDER GRANTING DEFENDANT  
LIFE CARE CENTER OF SOUTH  
LAS VEGAS' MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT**

Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiffs' Complaint came on for hearing in Department 19 on January 27, 2021. Zachary J. Thompson, Esq., of HALL PRANGLE & SCHOONVELD, LLC, appeared on behalf of Defendant South Las Vegas Medical Investors, LLC d/b/a Life Care Center of South Las Vegas, erroneously named as Life Care Centers of America (hereinafter referred to as "Life Care Center of South Las Vegas"). Joseph Troiano, Esq. of COGBURN LAW, appeared on behalf of Plaintiff LYNN YAFCHAK, Statutory Heir and Special Administrator to the ESTATE OF JOAN YAFCHAK, Deceased (hereinafter referred to as "Plaintiff"). Having considered the pleadings on file in the

1 above-referenced matter and after entertaining oral argument of counsel, the Court hereby finds,  
2 concludes, and orders as follows:

3 **FINDINGS AND CONCLUSIONS OF LAW**

4 1. NRS 41A.071 mandates dismissal of a complaint sounding in professional  
5 negligence unless a plaintiff files an affidavit or declaration of merit.  
6

7 2. NRS 41A.071 applies to Life Care Center of South Las Vegas where the alleged  
8 injury was caused by the alleged professional negligence of that entity's providers of health care,  
9 such as nurses and doctors. *See Estate of Curtis v. S. Las Vegas Med. Inv'rs, LLC*, 136 Nev.  
10 Adv. Op. 39, 466 P.3d 1263 (2020).

11 3. "Professional negligence" under NRS 41A.015 is defined as the failure of a  
12 provider of health care, in rendering services, to use the reasonable care, skill or knowledge  
13 ordinarily used under similar circumstances by similarly trained and experienced providers of  
14 health care. This definition includes more than simply medical malpractice, which is a subset of  
15 professional negligence.  
16

17 4. To determine whether a cause of action sounds in "professional negligence" or  
18 ordinary negligence, the court must consider the following: (1) whether the claim pertains to an  
19 action that occurred within the course of a professional relationship; and (2) whether the claim  
20 raises questions of medical judgment beyond the realm of common knowledge and experience.  
21 If both these questions are answered in the affirmative, the action is subject to the procedural  
22 and substantive requirements that govern professional negligence actions. *Estate of Curtis v. S.*  
23 *Las Vegas Med. Inv'rs, LLC*, 136 Nev. Adv. Op. 39, 466 P.3d 1263, 1268 (2020).  
24

25 5. "If the alleged breach involves 'medical judgment, diagnosis, or treatment,' it is  
26 likely a claim for medical malpractice." *Estate of Curtis v. S. Las Vegas Med. Inv'rs, LLC*, 136  
27  
28



1 Nev. Adv. Op. 39, 466 P.3d 1263, 1267 (2020) (quoting *Szymborski v. Spring Mountain*  
2 *Treatment Ctr.*, 133 Nev. 638, 642, 403 P.3d 1280, 1284 (Nev. 2017)).

3 6. In conducting this evaluation, the Court should look to the gravamen of the claim  
4 or substantial point of essence of the claim to determine the character of the action, not the form  
5 of the pleadings. *Estate of Curtis v. S. Las Vegas Med. Inv'rs, LLC*, 136 Nev. Adv. Op. 39, 466  
6 P.3d 1263, 1266 (2020); *Szymborski v. Spring Mountain Treatment Ctr.*, 133 Nev. 638, 643, 403  
7 P.3d 1280, 1285 (Nev. 2017).

8  
9 7. The Court finds that the gravamen or substantial point of essence of Plaintiffs'  
10 Complaint is "professional negligence" under NRS 41A.015 as to Life Care Center of South Las  
11 Vegas' nursing and/or medical staff. Plaintiffs' claims for Abuse/Neglect of an Older Person,  
12 Negligence, Wrongful Death, and a Survival Action, despite their labels, each sound in the  
13 alleged professional negligence of Life Care Center of South Las Vegas' nursing or medical  
14 staff, who are providers of health care, during the course of their professional relationship with  
15 their patient.  
16

17 8. Since Plaintiffs' alleged acts or omissions sounded in professional negligence of  
18 Life Care Center of South Las Vegas' nursing or other medical staff during the course of their  
19 professional relationship with the resident, Plaintiffs were required to submit an affidavit or  
20 declaration of merit to support their allegations in accordance with NRS 41A.071.  
21

22 9. Plaintiffs did not file or submit an affidavit or declaration of merit with their  
23 Complaint.  
24

25 10. Since Plaintiffs did not file an affidavit or declaration of merit with their  
26 Complaint, the Court holds that the Complaint is void ab initio and must be dismissed without  
27  
28

1 prejudice. *See Washoe Med. Ctr. v. Second Judicial Dist. Court of State of Nev. ex rel. Cty. of*  
2 *Washoe*, 122 Nev. 1298, 1306, 148 P.3d 790, 795 (2006).

3 11. Alternatively, the Court holds that Plaintiffs' Complaint should be dismissed with  
4 prejudice because the Complaint was not filed within the statute of limitations set forth in NRS  
5 41A.097(2).

6 12. Since Plaintiffs' claims against LCCSLV sound in professional negligence, they  
7 are also subject to the statute of limitations set forth in NRS 41A.097(2).

8 13. Pursuant to NRS 41A.097(2), an action for injury or death against a provider of  
9 health care may not be commenced more than one year after the plaintiff discovers or through  
10 the use of reasonable diligence should have discovered the injury of a person based upon alleged  
11 professional negligence and/or from an error or omission by a provider of health care. *See* NRS  
12 41A.097(2). A plaintiff "discovers" his injury, for purposes of that statute, when he/she knows  
13 or, through the use of reasonable diligence, should have known of facts that would put a  
14 reasonable person on "inquiry notice" of a cause of action. A plaintiff is placed on such  
15 "inquiry notice" when he/she should have known of facts that would lead an ordinarily prudent  
16 person to investigate the matter further into whether the injury may have been caused by  
17 someone's negligence. In order to be placed on "inquiry notice," the plaintiff does not have to  
18 discover the precise facts pertaining to his or her legal theory; rather, plaintiff only has to have  
19 had facts before him/her that would have led an ordinarily prudent person to investigate further  
20 into whether the injury was caused by someone's negligence.

21 14. The Court finds that NRS 41A.071's one-year statute of limitations began to run  
22 on the date of Ms. Yafchak's death, which was May 17, 2019.  
23  
24  
25  
26  
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28

15. The Court finds that the statute of limitations period expired on or about May 17, 2020, and expired prior to the filing of the Complaint on October 8, 2020.

16. The Court holds that Plaintiffs' claim shall be dismissed with prejudice for failure to timely file the Complaint within the statute of limitations set forth in NRS 41A.097(2).

## ORDER

**IT IS ORDERED, ADJUDGED, AND DECREED** that Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiffs' Complaint is granted in its entirety.

**IT IS SO ORDERED.**

Dated this 10th day of March, 2021

Crystal Eller

E48 E64 4A9A 7EC7  
Crystal Eller  
District Court Judge

Respectfully Submitted by:

Approved as to Form and Content:

/s/ Zachary J. Thompson, Esq.

/s/ Joseph J. Troiano, Esq.

**CASEY W. TYLER, ESQ.**  
Nevada Bar No. 9706  
**ZACHARY J. THOMPSON, ESQ.**  
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*Attorneys for Plaintiffs`*

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*Partner*

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Email: [zthompson@HPSLAW.COM](mailto:zthompson@HPSLAW.COM)

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Email: [rclaus@hpslaw.com](mailto:rclaus@hpslaw.com)

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**COGBURN**  
— LAW —

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Lynn Yafchak, Plaintiff(s)

CASE NO: A-20-822688-C

7 vs.

DEPT. NO. Department 19

8 Life Care Centers of America,  
9 Defendant(s)

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jjt@cogburncares.com

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19 File Clerk

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21 Noel Raleigh

ncr@cogburncares.com

22 Sarah Wilder

scw@cogburncares.com

23  
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A-20-822688-C      Lynn Yafchak, Plaintiff(s)  
vs.  
Life Care Centers of America, Defendant(s)

---

January 27, 2021      09:00 AM      All Pending Motions

HEARD BY:      Eller, Crystal      COURTROOM: RJC Courtroom 03B

COURT CLERK: Simpson, Dauriana

RECORDER:      Amoroso, Brittany

REPORTER:

PARTIES PRESENT:

Joseph J. Troiano      Attorney for Plaintiff

Zachary J. Thompson      Attorney for Defendant

### JOURNAL ENTRIES

DEFENDANT LIFE CARE CENTER OF SOUTH LAS VEGAS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT... PLAINTIFF'S OPPOSITION TO DEFENDANT LIFE CARE CENTER OF SOUTH LAS VEGAS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT AND COUNTERMOTION TO AMEND COMPLAINT

Mr. Thompson argued for the Plaintiff's complaint to be dismissed pursuant to NRS 41 A.071. Mr. Troiano argued facts support that the elder abuse and neglect cause of action stands. Mr. Thompson argued that the Plaintiff's needed an expert opinion. COURT stated its FINDINGS and COURT ORDERED Defendant Life Care Center of South Las Vegas' Motion to Dismiss Plaintiff's Complaint GRANTED. Mr. Thompson to draft the order.



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

**JAMIE S. COGBURN, ESQ.**  
**2580 ST. ROSE PKWY., SUITE 330**  
**HENDERSON, NV 89074**

**DATE: April 7, 2021**  
**CASE: A-20-822688-C**

**RE CASE:** LYNN YAFCHAK, Statutory Heir and Special Administrator to the ESTATE OF JOAN YAFCHAK,  
Deceased vs. LIFE CARE CENTERS OF AMERICA dba LIFE CARE CENTER OF SOUTH LAS VEGAS

NOTICE OF APPEAL FILED: April 5, 2021

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

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

---

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

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

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

---

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



# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

PLAINTIFF'S NOTICE OF APPEAL; PLAINTIFF'S CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT LIFE CARE CENTER OF SOUTH LAS VEGAS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT LIFE CARE CENTER OF SOUTH LAS VEGAS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

LYNN YAFCHAK, Statutory Heir and Special  
Administrator to the ESTATE OF JOAN  
YAFCHAK, Deceased,

Plaintiff(s),

vs.

LIFE CARE CENTERS OF AMERICA dba  
LIFE CARE CENTER OF SOUTH LAS  
VEGAS,

Defendant(s),

Case No: A-20-822688-C

Dept No: XIX

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 7 day of April 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk