

District Court Case Number: A=18=770532-C

Dept Number: 14

IN THE EIGHTH JUDICIAL COURT OF THE STATE OF NEVADA IN AND FOR COUNTY OF CLARK

Electronically Filed
May 14 2021 04:01 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

TERESA RENITA BURWELL)
)
 PLAINTIFF,)
VS.)
)
NEVADA ORTHOPEDIC AND)
SPINE CENTER, LLP, ARTHUR)
J. TAYLOR, M.D. TINA WELLS,)
ESQ.)
 DEFENDANT(S),)
_____)

NOTICE is hereby given that, Teresa Renita Burwell, the plaintiff above named, hereby appeals to the Supreme Court of Nevada from an erroneous and bias judgment entered on April 7, 2021, denying the Plaintiff's Motion for Summary Judgement, which was a good motion that provided sufficient evidence and exhibits whereby the motion should have been granted. However, considering the recent case that the Judge Escobar dismissed, and having had the Supreme Court remand in part the appeal, due to her error of dismissing the whole case under an umbrella of "being part of the defendant's care for the plaintiff" was not proper.

The plaintiff feels she has been bombarded and not provided her full right to have provided oral argument, while this may not be strictly necessary to make a judgement; the way the hearing was handled appears to be frivolous and unfair. The plaintiff will be following up with a request for reassignment of her case because her hopes of receiving a fair and unbiased trial is grim.

The plaintiff field her Plaintiff's Motion for Summary Judgement in Department 14, under the assignment of Judge Adriana Escobar. The plaintiff filed the motion on January 25, 2021, with a

hearing date set for February. However, the plaintiff's grandson passed, and the hearing was rescheduled for April 5, 2021, where a notice went out about a court clerk reporter not being available. But apparently the case had been decided off the record in chambers, which seemed a bit odd because I requested a hearing and was due that process. The plaintiff's motion for summary judgement was denied and an order entered on April 7. 2021.

Dated this 7th day of May 2021

Respectfully submitted by:

A handwritten signature in cursive script, reading "Teresa Renita Burwell", written over a horizontal line.

TERESA RENITA BURWELL

PLAINTIFF IN PROPER PERSON

CERTIFICATE OF SERVICE

I, **HEREBY CERTIFY THAT**, on MAY 8, 2021, a copy of the plaintiff's notice of appeal was mailed to the attorney on the record for the defendant and to clerk of the District Court, by placing a true and correct copy of the notice of appeal in an envelope, sealing it, and placing it in the U.S depository, with postage pre-paid to the following recipients:

McBride Hall

8329 W. Sunset Blvd #200

W NY 89113

Dept 14 - Judge Esbhar
Clark County Regional Justice Dept AND clerk
200 E Lewis Street The Court

W NY 89101

**AN ELECTRONIC COPY WAS ALSO SERVED UPON THE CLERK OF THE COURT AND
DEFENDANT(S) AND COUNSEL VIA THE DISTRICT COURT'S E-FILEING SYSTEM ON MAY 7, 2021.**

Teresa Renita Burwell

TERESA RENITA BURWELL

PLAINTIFF IN PROPER PERSON



1 ASTA

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5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 TERESA R. BURWELL ,

11 Plaintiff(s),

12 vs.

13 NEVADA ORTHOPEDIC AND SPINE CENTER,
14 LLP; ARTHUR TAYLOR, MD; TINA WELLS,
ESQ.,

15 Defendant(s),
16
17

Case No: A-18-770532-C

Dept No: XIV

18 **CASE APPEAL STATEMENT**

19 1. Appellant(s): Teresa Renita Burwell

20 2. Judge: Adriana Escobar

21 3. Appellant(s): Teresa Renita Burwell

22 Counsel:

23 Teresa Renita Burwell
24 9344 Vista Waters Lane
25 Las Vegas, NV 89178

26 4. Respondent (s): Nevada Orthopedic and Spine Center; Arthur Taylor, MD

27 Counsel:

28 Robert C. McBride, Esq.

8329 W. Sunset Rd., Ste 260
Las Vegas, NV 89113

Respondent (s): Tina Wells, Esq.

Counsel:

Tina Wells, Esq.
8861 W. Sahara Ave., Ste 220
Las Vegas, NV 89117

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, March 6, 2018
***Expires 1 year from date filed* Expired
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

9. Date Commenced in District Court: March 6, 2018

10. Brief Description of the Nature of the Action: Unknown

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 76958

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 11 day of May 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Teresa Renita Burwell

CASE SUMMARY**CASE NO. A-18-770532-C**

Teresa Burwell, Plaintiff(s)
vs.
Nevada Orthopedic And Spine Center LLP, Defendant
(s)

§
§
§
§
§
§

Location: **Department 14**
 Judicial Officer: **Escobar, Adriana**
 Filed on: **03/06/2018**
 Case Number History:
 Cross-Reference Case Number: **A770532**
 Supreme Court No.: **76958**

CASE INFORMATION**Statistical Closures**

09/10/2018 Motion to Dismiss by the Defendant(s)

Case Type: **Other Civil Matters**

Case Status: **10/08/2020 Reactivated**


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


Case Number A-18-770532-C
 Court Department 14
 Date Assigned 06/14/2018
 Judicial Officer Escobar, Adriana


PARTY INFORMATION


		<i>Lead Attorneys</i>
Plaintiff	Burwell, Teresa R	Pro Se 702-628-4927(H)
Defendant	Nevada Orthopedic And Spine Center LLP	McBride, Robert C. <i>Retained</i> 702-792-5855(W)
	Taylor, Arthur, M.D.	McBride, Robert C. <i>Retained</i> 702-792-5855(W)
	Wells, Tina, ESQ Removed: 09/10/2018 Dismissed	

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

02/09/2018  Application to Proceed in Forma Pauperis
 Filed By: Plaintiff Burwell, Teresa R
Application to Proceed in Forma Pauperis (Confidential)

03/06/2018  Order to Proceed In Forma Pauperis
 Granted for: Plaintiff Burwell, Teresa R
Order to Proceed In Forma Pauperis (Confidential)

03/06/2018  Complaint
 Filed By: Plaintiff Burwell, Teresa R

04/26/2018  Affidavit of Service
 Filed By: Plaintiff Burwell, Teresa R

CASE SUMMARY

CASE NO. A-18-770532-C

04/30/2018	 Initial Appearance Fee Disclosure Filed By: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D. <i>Defendants, Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Initial Appearance Fee Disclosure</i>
04/30/2018	 Motion to Dismiss Filed By: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D. <i>Defendants Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071</i>
05/25/2018	 Opposition Filed By: Plaintiff Burwell, Teresa R <i>Plaintiff's Opposition to Defendants' Motion to Dismiss Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071</i>
05/29/2018	 Reply Filed by: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D. <i>Defendants Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Reply in Support of Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071</i>
06/14/2018	 Notice of Department Reassignment
06/25/2018	 Notice of Motion <i>Notice of Motion Hearing and Notice of Department Reassignment</i>
08/06/2018	 Motion for Summary Judgment Filed By: Plaintiff Burwell, Teresa R
09/10/2018	 Notice of Appeal
09/10/2018	 Order Granting Motion <i>Order Granting Defendants Nevada Orthopedic & Spine Center, LLP And Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 And NRS 41A.071</i>
09/11/2018	 Notice of Entry <i>Notice of Entry of Order Granting Defendants Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41a.097 and NRS 41a.071</i>
09/12/2018	 Case Appeal Statement Filed By: Plaintiff Burwell, Teresa R
11/08/2019	 Order <i>Order Setting Further Proceedings re: Nevada Court of Appeals Affirming in Part, Reversing in Part and Remanding</i>
11/08/2019	 Motion to Dismiss Filed By: Defendant Nevada Orthopedic And Spine Center LLP <i>Defendants Nevada Orthopedic & Spine Center, Llp And Arthur Taylor, M.D. S Motion To Dismiss Plaintiff s Complaint Pursuant To Nrs 11.190</i>

CASE SUMMARY

CASE NO. A-18-770532-C

11/12/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/21/2019	 NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed in Part, Reversed in Part and Remand</i>
11/22/2019	 Opposition to Motion to Dismiss Filed By: Plaintiff Burwell, Teresa R <i>Plaintiff's Opposition to Defendant's Motion to Dismiss Pursuant to NRS 11.190</i>
11/22/2019	 Amended Certificate of Service Party: Plaintiff Burwell, Teresa R <i>Amended Certificate of Service</i>
12/09/2019	 Reply in Support <i>Defendants Nevada Orthopedic & Spine Center LLP And Arthur Taylor MD's Reply In Support Of Motion To Dismiss Plaintiff's Complaint Pursuant To NRS 11.190</i>
03/04/2020	 Filing Filed By: Plaintiff Burwell, Teresa R <i>Request For Trial Setting</i>
03/09/2020	 Order Scheduling Status Check <i>Order Setting Hearing RE: Request for Trial Setting and Further Proceedings</i>
03/31/2020	 Order Denying Motion Filed By: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D. <i>Order Denying Without Prejudice Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to NRS 11.190</i>
04/08/2020	 Substitution of Attorney <i>Substitution of Attorney</i>
04/20/2020	 Answer to Complaint Filed by: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D. <i>Defendants Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'S Answer to Plaintiff's Complaint</i>
04/20/2020	 Demand for Jury Trial Filed By: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D. <i>Demand For Jury Trial</i>
04/29/2020	 Order Denying Motion Filed By: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D. <i>Order Denying Without Prejudice Defendants Motion To Dismiss Plaintiff's Complaint Pursuant To Nrs 11.190</i>
04/30/2020	 Notice of Entry of Order Filed By: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur,

CASE SUMMARY

CASE NO. A-18-770532-C

M.D.

Notice Of Entry Of Order Denying Without Prejudice Defendants Motion To Dismiss Plaintiff's Complaint Pursuant To Nrs 11.190

05/18/2020



Mandatory Pretrial Disclosure

Party: Plaintiff Burwell, Teresa R

PLAINTIFF'S INITIAL DISCLOSURE STATEMENT

05/18/2020



Mandatory Pretrial Disclosure

Party: Plaintiff Burwell, Teresa R

PLAINTIFF'S INITIAL DISCLOSURE STATEMENT

05/18/2020



Mandatory Pretrial Disclosure

Party: Plaintiff Burwell, Teresa R

PLAINTIFF'S INITIAL DISCLOSURE STATEMENT

05/24/2020



Mandatory Pretrial Disclosure

Party: Plaintiff Burwell, Teresa R

plaintiff's amendment to initial disclosure statement front page to include additional defendant, proper case number, and dept

06/15/2020



Joint Case Conference Report

Filed By: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D.

Joint Case Conference Report

10/28/2020



Scheduling and Trial Order

SCHEDULING ORDER AND ORDER SETTING CIVIL JURY TRIAL

12/11/2020



Reply

Filed by: Plaintiff Burwell, Teresa R

Plaintiff's Reply to Defendant's Offer of Judgment

01/25/2021



Exhibits

Filed By: Plaintiff Burwell, Teresa R

Plaintiff's Exhibits 11-17 In Support Of Motion for Summary Judgement

01/25/2021



Exhibits

Filed By: Plaintiff Burwell, Teresa R

Plaintiff's Exhibits 1-10 in support of Motion for Summary Judgement

01/25/2021



Motion

Filed By: Plaintiff Burwell, Teresa R

PLAINTIFF'S MOTION FOR SUMMARY JUDGEMENT

01/25/2021



Motion

Filed By: Plaintiff Burwell, Teresa R

PLAINTIFF'S MOTION FOR SUMMARY JUDGEMENT

01/29/2021



Clerk's Notice of Hearing

Notice of Hearing

02/08/2021



Opposition to Motion For Summary Judgment

Filed By: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur,

CASE SUMMARY

CASE NO. A-18-770532-C

M.D.

Defendants' Opposition to Plaintiff's Motion for Summary Judgment

02/22/2021



Reply to Opposition

Filed by: Plaintiff Burwell, Teresa R

Plaintiff's Reply to the Defendant's Opposition to Her Motion for Summary Judgment

03/24/2021



Affidavit of Service

Affidavit of Service - Elite Investigations

04/06/2021



Order Denying

Order Denying Plaintiff's Motion for Summary Judgment

04/07/2021



Notice

Filed By: Plaintiff Burwell, Teresa R

Plaintiff's Notice of Intent to File Motion to Recuse District Court Judge Adriana Escobar and Have Case Reassigned To Another District Court Judge Due to Bias, Prejudice, Partiality, and Retaliatory Rulings Previously and Presently

05/03/2021



Stipulation and Order to Extend Discovery Deadlines

Filed By: Defendant Nevada Orthopedic And Spine Center LLP; Defendant Taylor, Arthur, M.D.

Stipulation and Order to Extend Discovery Deadlines (First Request)

05/07/2021



Notice of Appeal

Filed By: Plaintiff Burwell, Teresa R

Plaintiff's Notice of Appeal for Judgment Rendered on her Motion for Summary Judgment

05/11/2021

Case Appeal Statement

Filed By: Plaintiff Burwell, Teresa R

Case Appeal Statement

DISPOSITIONS

09/10/2018

Order of Dismissal (Judicial Officer: Escobar, Adriana)

Debtors: Teresa R Burwell (Plaintiff)

Creditors: Nevada Orthopedic And Spine Center LLP (Defendant), Arthur Taylor, MD. (Defendant), Tina Wells, ESQ. (Defendant)

Judgment: 09/10/2018, Docketed: 09/11/2018

11/21/2019

Clerk's Certificate (Judicial Officer: Escobar, Adriana)

Debtors: Teresa R Burwell (Plaintiff)

Creditors: Nevada Orthopedic And Spine Center LLP (Defendant), Arthur Taylor, MD. (Defendant)

Judgment: 11/21/2019, Docketed: 11/25/2019

Comment: Supreme Court No. 76958 Appeal Affirmed

HEARINGS

06/05/2018



Motion to Dismiss (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Defendants Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071

Recused; Defendants Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071

Journal Entry Details:

Plaintiff, Teresa Burwell, appearing telephonically. This is the time set for hearing on Defendants Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071.

CASE SUMMARY**CASE NO. A-18-770532-C**

Court called case and inquired as to why Ms. Burwell could not be personally present. Ms. Burwell stated that she has health issues and has a doctor's appointment; she is going to have surgery. Ms. Burwell represented that she contacted this Court's staff yesterday and requested a continuance but the Court denied her request. Court noted that Ms. Burwell was supposed to retain an attorney; she stated that she was still in the process of trying to find one. Court then informed the parties that Dr Taylor performed his hand surgery three (3) years ago. Although this Court is comfortable fairly adjudicating the merits of this case if either side wants the Court to recuse itself it will. Ms. Burwell stated she would like this matter to be reassigned. Therefore, in order to avoid the appearance of impropriety and implied bias and pursuant to Rule 2.11 of the Nevada Code of Judicial Conduct, this Court RECUSES itself and ORDERS, this case referred to Master Calendar and REASSIGNED at random. ;

08/07/2018

**Motion to Dismiss** (9:30 AM) (Judicial Officer: Escobar, Adriana)

Defendants Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071
Granted;

Journal Entry Details:

Defendants motion to dismiss came on for a hearing before Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on August 7, 2018. After considering the pleadings and argument of the parties, the Court GRANTS Defendants motion. The Court finds that the entirety of Plaintiff's complaint sounds in professional negligence of a medical professional, as all acts of the Defendants were alleged to be committed in the process of rendering medical services and involve medical diagnosis, treatment, and judgment. NRS 41A.015. While not all allegations of unlawful conduct are necessarily professional negligence merely because they are committed by a healthcare provider, Plaintiff does not allege any wrongdoing by Defendants that occurred during performance of nonmedical services, and thus this complaint sounds in professional negligence. See Szyzborski v. Spring Mountain Treatment Ctr., 403 P.3d 1280, 1284 85 (Nev. 2017). Because the complaint alleges only professional negligence under NRS Chapter 41A, the requirements of NRS 41A.071 and NRS 41A.097 apply to the entire complaint. NRS 41A.097(2) states that an action for professional negligence must be filed no more than three years after the date of injury or one year after the Plaintiff discovers the injury, whichever occurs first. Plaintiff admits in her complaint, and reiterated at the hearing, that she was aware of the injury caused by the alleged negligence of Dr. Taylor on or about February 2016. Thus, under NRS 41A.097(2), the one-year limitations period is applicable because it would expire before the three-year limitations period, in February 2017. For statute of limitations purposes, the complaint is considered filed upon receipt by the court, which was on February 9, 2018, with Plaintiff's application to proceed in forma pauperis. Because February 9, 2018 was more than one year after Plaintiff discovered the injury, the claim is time-barred under NRS 41A.097(2), and thus must be dismissed with prejudice. Additionally, because NRS 41A.071 applies, the complaint was void ab initio for lack of a concurrently filed medical expert affidavit, and the complaint must be automatically dismissed. Washoe Med. Ctr. v. Second Judicial Dist. Ct., 122 Nev. 1298, 1304 (2006). Counsel for Defendant is directed to prepare a proposed order including detailed findings of fact and conclusions of law, which is to be submitted to chambers in Microsoft word format, by email to dept14lc@clarkcountycourts.us. CLERK'S NOTE: Parties notified as follows: Teresa R. Burwell, via USPS to: 1015 Timberline Court, Henderson, Nevada 89015 Robert C. McBride, Esq. @ rcmcbride@ctfmlaw.com Heather S. Hall, Esq. @ hshall@ctfmlaw.com ;

09/06/2018

CANCELED Motion for Summary Judgment (9:30 AM) (Judicial Officer: Escobar, Adriana)
Vacated

01/28/2020

Hearing (9:30 AM) (Judicial Officer: Thompson, Charles)

Per Nevada Court of Appeals Order Affirming in Part, Reversing in Part and Remanding
Matter Heard;

01/28/2020

Motion to Dismiss (9:30 AM) (Judicial Officer: Thompson, Charles)

Defendants Nevada Orthopedic & Spine Center, Llp And Arthur Taylor, M.D. S Motion To Dismiss Plaintiff's Complaint Pursuant To Nrs 11.190
Denied;

01/28/2020

**All Pending Motions** (9:30 AM) (Judicial Officer: Thompson, Charles)

Denied;

Journal Entry Details:

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE No. A-18-770532-C

DEFENDANTS NEVADA ORTHOPEDIC & SPINE CENTER, LIP AND ARTHUR TAYLOR, MD'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO NRS 11.190...PER NEVADA COURT OF APPEALS ORDER AFFIRMING IN PART, REVERSING IN PART AND REMANDING Ms. Hall stated the motion should be dismissed as it is untimely. The Court noted Ms. Burwell submitted the application on 2/9/18, but was not signed by the Chief Judge until 3/6/18. COURT ORDERED, motion DENIED.;

04/16/2020



Further Proceedings (9:30 AM) (Judicial Officer: Escobar, Adriana)

Matter Heard;

Journal Entry Details:

Parties have not settled. COURT ORDERED, parties are INSTRUCTED to conduct an Early Case Conference within the next 30 days and submit a case conference report accordingly within 30 days of that Early Case Conference. The Court will issue a new date for status check regarding settlement be set at the Rule 16 hearing. CLERK'S NOTED: Parties noticed: Teresa Burwell 1015 Timberline Ct. Henderson, NV 89105 Robert McBride (rcmcbride@mcbriehall.com) ;

10/22/2020



Mandatory Rule 16 Conference (2:00 PM) (Judicial Officer: Escobar, Adriana)

Trial Date Set;

Journal Entry Details:

Court reviewed deadlines and daily trial schedule with the parties and confirmed they would need 5-7 days for trial. Ms. Burwell stated initially this was a professional negligence claim; however, it was dismissed and reopened on the basis of libel. Court encouraged Plaintiff to try and find counsel. Upon Court's inquiry regarding deadlines, Mr. Murphy stated this just came back down from the Supreme Court so the Joint Case Conference Report was just filed and discovery just opened. Mrs. Burwell stated she was no longer treating, COURT ORDERED, deadlines extended as follows: Discovery Cut-Off, 9/1/21; Amend Pleadings & Add Parties, 5/28/21; Initial Disclosures, 5/28/21; Rebuttal Disclosures, 6/28/21; Dispositive Motions, 10/1/21 and Trial Ready Date, 12/6/21. COURT ORDERED, matter SET for trial, and Status Check SET. Parties to provide the Court with information regarding when and where the settlement conference/dispute resolution will take place. Court will issue a trial/scheduling order. 6/8/21 9:30 AM STATUS CHECK: SETTLEMENT PROGRESS 12/16/21 9:30 AM CALENDAR CALL 1/3/22 9:30 AM JURY TRIAL;

04/05/2021

CANCELED Minute Order (3:00 AM) (Judicial Officer: Escobar, Adriana)

Vacated - On In Error

04/05/2021

CANCELED Minute Order (1:11 PM) (Judicial Officer: Escobar, Adriana)

Vacated

04/06/2021



Motion for Summary Judgment (9:30 AM) (Judicial Officer: Escobar, Adriana)

Per Minute Order emailed 4/5/2021 and to be issued on 4/6/2021

Minute Order - No Hearing Held;

Journal Entry Details:

See filed order.;

06/08/2021

Status Check (10:00 AM) (Judicial Officer: Escobar, Adriana)

Status Check: Settlement Progress

12/16/2021

Calendar Call (2:00 PM) (Judicial Officer: Escobar, Adriana)

01/03/2022

Jury Trial (9:30 AM) (Judicial Officer: Escobar, Adriana)

DATE

FINANCIAL INFORMATION

Defendant Nevada Orthopedic And Spine Center LLP

Total Charges

253.00

Total Payments and Credits

253.00

Balance Due as of 5/11/2021

0.00

A-18-770532-C
VIII

DISTRICT COURT CIVIL COVER SHEET

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):

Kresa R Brunell
1015 Timberline Court
Henderson, NV 89015

Defendant(s) (name/address/phone):

Nevada Orthopedic and Spine Center
Dr. Arthur Taylor, MD TIA MUKES
220 W Sahara Ave
Las Vegas NV 89107

Attorney (name/address/phone):

Attorney (name/address/phone):

8801 W Sahara Suite 220
Las Vegas NV 89117

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

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort B
Probate (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 Estate Value <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	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <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	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <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		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

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

Date

Signature of initiating party or representative

See other side for family-related case filings.

A-18-770532-C
CCS
Civil Cover Sheet
4726783



FEB 12 2018

FEB 09 2018

RECEIVED

1/7/18

1 ODM

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5 TERESA R. BURWELL,)

6 Plaintiff(s),)

7 v.)

8 NEVADA ORTHOPEDIC AND SPINE)
9 CENTER, LLP; ARTHUR TAYLOR,)
10 M.D.; TINA WELLS, ESQ.)

CASE NO.: A-18-770532-C
DEPT. NO.: XIV (14)

11 **ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

12 Plaintiff's Motion for Summary Judgment (Motion) was scheduled for hearing before
13 Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar
14 presiding, on April 6, 2021. Pursuant to Administrative Order 21-03 and preceding
15 administrative orders, this matter may be decided after a hearing, decided on the pleadings, or
16 continued. In an effort to comply with Covid-19 restrictions, and to avoid the need for hearings
17 when possible, this Court has determined that it would be appropriate to decide this matter
18 based on the pleadings submitted. Upon thorough review of the pleadings, this Court issues the
19 following order:

20 Summary judgment is proper when there is no genuine issue of material fact and the
21 movant is entitled to judgment as a matter of law. NRCP 56(c).

22 "Summary judgment is appropriate . . . when the pleadings, depositions, answers to
23 interrogatories, admissions, and affidavits, if any, that are properly before the court demonstrate
24 that no genuine issue of material fact exists, and that the moving party is entitled to judgment as
25 a matter of law." *Wood v. Safeway, Inc.*, 121 Nev. 724, 731 (2005).

1 “The substantive law controls which factual disputes are material and will preclude summary
2 judgment; other factual disputes are irrelevant.” *Id.*

3 Material facts are those that may affect the outcome of the case. *Anderson v. Liberty*
4 *Lobby, Inc.*, 477 U.S. 242, 248 (1986).

5 A factual dispute is genuine when the evidence is such that a rational trier of fact could
6 return a verdict for the nonmoving party. *Wood*, 121 Nev. 724, 731.

7 The nonmoving party “must, by affidavit or otherwise, set forth specific facts
8 demonstrating the existence of a genuine issue for trial or have summary judgment entered
9 against him.” *Id.* at 732.

10 Here, the only claim remaining in this case is Plaintiff’s claim against Defendants for
11 defamation. Plaintiff seeks summary on this claim.

12 On September 11, 2015, Plaintiff injured her right hand while working as a room stylist
13 for the Cosmopolitan of Las Vegas. After various treatments and visits with different medical
14 providers, Plaintiff was placed on light duty work restrictions.

15 On December 14, 2015, Plaintiff had her first visit with Dr. Arthur Taylor at Nevada
16 Orthopedics, where Dr. Taylor diagnosed Plaintiff with a “healed right hand contusional
17 injury.”

18 In Dr. Taylor’s orthopedic evaluation for this visit, he states that based on his evaluation
19 of Plaintiff and her past medical records, Plaintiff’s complaints of pain and weakness in her
20 right hand did not comport with physical findings. (Defendants’ Opposition, Ex. D). Dr. Taylor
21 opined that physical therapy would be the best approach toward rehabilitating Plaintiff’s use of
22 her hand, including motion and grip strengthening exercises.

23 A portion of the orthopedic evaluation from the December 14, 2015, visit provides:
24 This patient comes to my office with a history of a crush contusional injury to
25 the right hand at the level of the metacarpals and the Injury occurred September
26 11 of this year and she was Initially seen in an occupational medical clinic and
then subsequently had one visit to a hand surgeon who recommended hand
therapy and she had requested transfer of care and now comes to my office with
recurrent symptoms consisting of weakness of grip and most of her pain Is

centered over the dorsum of the right long digit up to the level of the PIP joint and she has tingling on the dorsum of the right hand. In the past she underwent left carpal tunnel release in the face of normal nerve studies and feels as though the carpal tunnel release helped her and this was an unrelated problem and Injury that predates her current complaints of right hand contusional crush injury. She has not been able to return to regular work duties since this injury and currently is on full work leave due to lack of ability for light duty to be provided at this time.

On physical exam she has a fairly normal-appearing right hand there is no erythema or signs of swelling or infection and she has near full total active motion with a lack of full flexion of approximately 5-10° at the MCP joint of the right long digit and no gross neuromotor function remains intact aside from complaints of tingling along the dorsum of the metacarpal region and her skin is intact and she has no visible deformities.

X-rays right hand: No posttraumatic changes are noted and mild PIP joint osteoarthritis is noted in long and ring digits

With careful review of the patient's past medical records and physical findings today which from an objective standpoint are normal on left with the patient to have this complaints of pain and weakness of the right hand but no objective abnormal physical findings to support abnormality in the right hand in relationship to a contusional injury that occurred 3 months ago.

I explained to the patient that I agree actually with the first hand surgeon's opinion that hand therapy would be the best approach towards rehabilitating the use of her right hand and that at home she should work on more aggressive range of motion and grip strengthening exercises as well.

Diagnosis: Healed right hand contusional injury

Plan:

I feel it is important to encourage this patient to normalize the use of her hand both at home and with work duties as I don't see any objective findings to indicate needs for any surgical Interventions other than recommending therapy for rehabilitation of grip strength of the right hand.

On January 6, 2016, Plaintiff returned to Dr. Taylor for a follow-up orthopedic evaluation, wherein Dr. Taylor recommended a course of treatment that Plaintiff did not agree with. In his medical report for this visit, Dr. Taylor states the following:

This patient comes to my office after undergoing an initial examination for complaints of pain and reduced range of motion of her right hand after a contusional injury and upon entering the room this patient for proximally 10 min. stated to me why she had disagreements with my diagnosis and plan of treatment and she voiced basically a lack of desire to continue with my care. She had questions of my review of the x-ray and I did go back over the review of the x-ray of her right hand which I felt showed minimal abnormalities and at the PIP level of the long and ring digits I felt that there was a mild presentation of arthritic changes but not of great significance. I also asked the patient whether

1 she had attended hand therapy and she stated she only went for 1 visit of hand
2 therapy and so she was clearly noncompliant with my recommendations and
treatment.

3 I discussed with this patient that It would be best at this point for her to seek care
4 with a different hand specialist given that she has some much disagreement and
5 noncompliance with my diagnosis and treatment recommendations and that I
would facilitate this transfer of care through her nurse case manager at the
Worker's Compensation Insurance OFFICE.

6 On physical exam I find very little objective evidence to support the significant
7 complaints of pain and lack of motion and complaints of numbness in
8 relationship to what I have seen visually and palpated on this patient through her
examinations in my office as well as the description of the original Injury.

9 An final because of her belligerence and discontent as a patient in my office
today I feel it's best for her to have a transfer of care and I will do whatever is
10 possible we needed to facilitate that transfer such as alerting her nurse case
manager and making phone calls to facilitate that transfer.

11 Diagnosis: Right hand contusion with a multitude of symptomatic complaints not
12 well supported by objective evidence from either physical exam or x-rays.

13 Plan:
Patient is welcome to followup in my office during the process of transferring
14 care if there is any emergent needs for further evaluation and treatment.

15 Unbeknownst to Dr. Taylor, Plaintiff recorded a portion of this visit on her cell phone.

16 On January 25, 2016, Dr. Taylor authored the following report:

17 This patient was last seen In my office on January 6 year 2016 and at that time I
18 evaluated her right hand and wrist where this patient complained of severe pain
19 dating back to a contusional Injury to her wrist September 11, 2015 which did
20 not cause or produce any lacerations or fractures or any evidence of deep
21 structural involvement. She had been noncompliant with my recommendations
for therapy and when I discussed with her that I felt it would be safe to release
her to full use of her hands bilaterally for the work as well as activities of daily
living she became very belligerent and voiced discontent with my opinion.

22 I learned subsequently that she was seen by another hand surgeon in Las Vegas
after my last appointment with this patient basically concurred with my opinion
23 and felt that therapy would be helpful if she chose to be compliant with that
24 recommendation. Evidently she acted out in a belligerent fashion in his office as
well and is now showing a pattern of noncompliance and lack of cooperation
with multiple hand surgical providers.

25 I then have been presented with a videotape of this patient monitored on
26 December 14, 2015 which included an appointment made at my office on the
same date and on all of her appointments she showed significant deficits of

1 motion and grip and complained of pain with any types of gripping and lifting
2 and stated to me that she was unable to carry out her normal work duties due to
3 that problem. It's clear me on the videotape that she uses her right and left hands
4 without any guarding or difficulties with normal ranges of motion handling of
5 the cell phone opening and closing of the car doors as well as fairly forcefully
6 turning the steering wheel in her car with turning and twisting motions. I feel that
7 this video gives enough objective evidence to show that she has normal functions
8 of right hand and wrist motions and grip that is inconsistent with her claim of
9 disability of the right hand and wrist usage.

10 At this point I feel it would be appropriate for her to be released back to full
11 work duties and I don't see any further Interventions on a hand surgical level that
12 are Indicated based upon the review of this recently reviewed videotape.

13 Based on Dr. Taylor's January 25, 2016, report, which stated that he released Plaintiff
14 back to work, Plaintiff's employer called Plaintiff on February 2, 2016, and informed her of its
15 expectations that she return to work on February 4, 2016. Plaintiff informed her employer that
16 because she was out of town, she would not be able to return to Las Vegas until later that
17 month. Plaintiff was terminated for her failure to return to work after being released from leave.

18 Regarding Dr. Taylor's January 26, 2016, report, Plaintiff argues that Defendant
19 (Plaintiff does not specify which Defendant), is guilty of publishing a falsified medical report.
20 Plaintiff contends that Defendant falsely states she became belligerent after Dr. Taylor released
21 her back to work. Plaintiff further contends that Defendant (Plaintiff does not specify which
22 Defendant), committed the act of libel by stating that (1) Plaintiff requested a transfer of care
23 and (2) Dr. Taylor provided Plaintiff with information regarding her blood pressure being
24 highly elevated. Plaintiff argues that Defendant (Plaintiff does not specify which Defendant)
25 caused Plaintiff's "character to be tainted; which as a result caused the plaintiff to be wrongfully
26 terminated from the job she enjoyed performing, she lost her medical and financial benefits she
27 was entitled through worker compensation, she was blocked from requesting a PPD rating
because of the lies and mischaracterization of the plaintiff and her injuries, and she had to
endure legal battles with the division of unemployment and the appeals division for injured
workers." (Motion, 13:8-13).

1 Additionally, Plaintiff argues that at her January 6, 2016, visit, Dr. Taylor did not release
2 her back to work, nor did he provide any information regarding her blood pressure.

3 Defendants deny that Plaintiff was not properly examined at her December 14, 2015
4 visit. Defendants maintain that the examination and evaluation on December 14, 2015, along
5 with the January 6, 2016, visit and review of the investigatory video showing Ms. Burwell using
6 her right hand freely all served as the basis for Dr. Taylor's medical opinion that she had normal
7 function of her right hand.

8 Defendants further assert that all of the statements in that report are true and
9 representative of Dr. Taylor's true medical opinion about Plaintiff's condition at the time of his
10 treatment of her. Defendants argue that truth is an absolute defense to any claim of defamation;
11 any opinions are not actionable. Defendants contend that Dr. Taylor's opinion that she acted
12 belligerent is not an actionable statement, nor did it serve as the basis for closing her worker's
13 compensation claim.

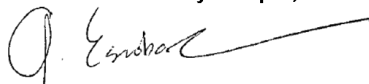
14 Defendants argue that a question of fact exists as to whether (1) Dr. Taylor's January 25,
15 2016, is subject to a conditional privilege protecting against litigation, (2) Dr. Taylor's
16 Statements were true, and (3) Dr. Taylor's statements are opinions, and therefore, not
17 actionable.

18 Accordingly,

19 **IT IS ORDERED** that Plaintiff's Motion for Summary Judgment is **DENIED**. For this
20 reason, this Court denies Defendants' request for NRCP 56(d) relief.

21 **IT IS SO ORDERED.**

22 Dated this 6th day of April, 2021

23 

24 **THE HON. ADRIANA ESCOBAR**
25 **DISTRICT COURT JUDGE**

26 C09 E98 9E62 B9C6
27 Adriana Escobar
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Teresa Burwell, Plaintiff(s)

CASE NO: A-18-770532-C

7 vs.

DEPT. NO. Department 14

8 Nevada Orthopedic And Spine
9 Center LLP, 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 Denying 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: 4/6/2021

15 Kellie Piet	kpiet@mcbridehall.com
16 Heather Hall	hshall@mcbridehall.com
17 Robert McBride	rcmcbride@mcbridehall.com
18 Michelle Newquist	mnewquist@mcbridehall.com
19 Teresa Burwell	wecleanup17@gmail.com
20 Candace Cullina	ccullina@mcbridehall.com
21 Tiffane Safar	tsafar@mcbridehall.com
22 Teresa Burwell	msburwell83@gmail.com
23 Penny Williams	pwilliams@mcbridehall.com
24 JJ Kashnow	jkashnow@mcbridehall.com
25 Timothy Evans	tevens@mcbridehall.com

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

June 05, 2018

A-18-770532-C	Teresa Burwell, Plaintiff(s) vs. Nevada Orthopedic And Spine Center LLP, Defendant(s)
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June 05, 2018	8:00 AM	Motion to Dismiss	Defendants Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D's Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071
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HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES**

PRESENT:	Burwell, Teresa R	Plaintiff
	Plumadore, Dustin J.	Attorney

JOURNAL ENTRIES

- Plaintiff, Teresa Burwell, appearing telephonically.

This is the time set for hearing on Defendants Nevada Orthopedic & Spine Center, LLP and Arthur Taylor, M.D.'s Motion to Dismiss Plaintiff's Complaint for Failure to Comply with NRS 41A.097 and NRS 41A.071. Court called case and inquired as to why Ms. Burwell could not be personally present. Ms. Burwell stated that she has health issues and has a doctor's appointment; she is going to have surgery. Ms. Burwell represented that she contacted this Court's staff yesterday and requested a continuance but the Court denied her request. Court noted that Ms. Burwell was supposed to retain an attorney; she stated that she was still in the process of trying to find one.

Court then informed the parties that Dr Taylor performed his hand surgery three (3) years ago. Although this Court is comfortable fairly adjudicating the merits of this case if either side wants the Court to recuse itself it will. Ms. Burwell stated she would like this matter to be reassigned. Therefore, in order to avoid the appearance of impropriety and implied bias and pursuant to Rule 2.11 of the Nevada Code of Judicial Conduct, this Court RECUSES itself and ORDERS, this case referred to Master Calendar and REASSIGNED at random.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

August 07, 2018

A-18-770532-C	Teresa Burwell, Plaintiff(s)
	vs.
	Nevada Orthopedic And Spine Center LLP, Defendant(s)

August 07, 2018 9:30 AM Motion to Dismiss

HEARD BY: Escobar, Adriana **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

PARTIES

PRESENT:	Burwell, Teresa R	Plaintiff
	Plumadore, Dustin J.	Attorney

JOURNAL ENTRIES

- Defendants motion to dismiss came on for a hearing before Department XIV of the Eighth Judicial District Court, the Honorable Adriana Escobar presiding, on August 7, 2018.

After considering the pleadings and argument of the parties, the Court GRANTS Defendants motion. The Court finds that the entirety of Plaintiff s complaint sounds in professional negligence of a medical professional, as all acts of the Defendants were alleged to be committed in the process of rendering medical services and involve medical diagnosis, treatment, and judgment. NRS 41A.015. While not all allegations of unlawful conduct are necessarily professional negligence merely because they are committed by a healthcare provider, Plaintiff does not allege any wrongdoing by Defendants that occurred during performance of nonmedical services, and thus this complaint sounds in professional negligence. See Szymborski v. Spring Mountain Treatment Ctr., 403 P.3d 1280, 1284 85 (Nev. 2017).

Because the complaint alleges only professional negligence under NRS Chapter 41A, the requirements of NRS 41A.071 and NRS 41A.097 apply to the entire complaint. NRS 41A.097(2) states that an action for professional negligence must be filed no more than three years after the date of injury or one year after the Plaintiff discovers the injury, whichever occurs first. Plaintiff admits in

her complaint, and reiterated at the hearing, that she was aware of the injury caused by the alleged negligence of Dr. Taylor on or about February 2016. Thus, under NRS 41A.097(2), the one-year limitations period is applicable because it would expire before the three-year limitations period, in February 2017. For statute of limitations purposes, the complaint is considered filed upon receipt by the court, which was on February 9, 2018, with Plaintiff's application to proceed in forma pauperis. Because February 9, 2018 was more than one year after Plaintiff discovered the injury, the claim is time-barred under NRS 41A.097(2), and thus must be dismissed with prejudice.

Additionally, because NRS 41A.071 applies, the complaint was void ab initio for lack of a concurrently filed medical expert affidavit, and the complaint must be automatically dismissed. *Washoe Med. Ctr. v. Second Judicial Dist. Ct.*, 122 Nev. 1298, 1304 (2006).

Counsel for Defendant is directed to prepare a proposed order including detailed findings of fact and conclusions of law, which is to be submitted to chambers in Microsoft word format, by email to dept14lc@clarkcountycourts.us.

CLERK'S NOTE: Parties notified as follows:

Teresa R. Burwell, via USPS to: 1015 Timberline Court, Henderson, Nevada 89015
Robert C. McBride, Esq. @ rcmcbride@cktfmlaw.com
Heather S. Hall, Esq. @ hshall@cktfmlaw.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 28, 2020

A-18-770532-C	Teresa Burwell, Plaintiff(s) vs. Nevada Orthopedic And Spine Center LLP, Defendant(s)
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January 28, 2020 9:30 AM All Pending Motions

HEARD BY: Thompson, Charles **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Denise Husted

RECORDER: Sandra Anderson

REPORTER:

PARTIES

PRESENT:	Burwell, Teresa R	Plaintiff
	McBride, Robert C.	Attorney

JOURNAL ENTRIES

- DEFENDANTS NEVADA ORTHOPEDIC & SPINE CENTER, LIP AND ARTHUR TAYLOR, MD'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO NRS 11.190...PER NEVADA COURT OF APPEALS ORDER AFFIRMING IN PART, REVERSING IN PART AND REMANDING

Ms. Hall stated the motion should be dismissed as it is untimely. The Court noted Ms. Burwell submitted the application on 2/9/18, but was not signed by the Chief Judge until 3/6/18. COURT ORDERED, motion DENIED.

April 16, 2020

Minutes Date: June 05, 2018

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

October 22, 2020

A-18-770532-C	Teresa Burwell, Plaintiff(s)
	vs.
	Nevada Orthopedic And Spine Center LLP, Defendant(s)

October 22, 2020	2:00 PM	Mandatory Rule 16 Conference
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HEARD BY: Escobar, Adriana	COURTROOM: RJC Courtroom 14C
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COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

PARTIES

PRESENT:	Burwell, Teresa R	Plaintiff
	Murphy, Eleanor D.	Attorney

JOURNAL ENTRIES

- Court reviewed deadlines and daily trial schedule with the parties and confirmed they would need 5-7 days for trial. Ms. Burwell stated initially this was a professional negligence claim; however, it was dismissed and reopened on the basis of libel. Court encouraged Plaintiff to try and find counsel. Upon Court's inquiry regarding deadlines, Mr. Murphy stated this just came back down from the Supreme Court so the Joint Case Conference Report was just filed and discovery just opened. Mrs. Burwell stated she was no longer treating,

COURT ORDERED, deadlines extended as follows: Discovery Cut-Off, 9/1/21; Amend Pleadings & Add Parties, 5/28/21; Initial Disclosures, 5/28/21; Rebuttal Disclosures, 6/28/21; Dispositive Motions, 10/1/21 and Trial Ready Date, 12/6/21. COURT ORDERED, matter SET for trial, and Status Check SET. Parties to provide the Court with information regarding when and where the settlement conference/dispute resolution will take place. Court will issue a trial/scheduling order.

6/8/21 9:30 AM STATUS CHECK: SETTLEMENT PROGRESS

12/16/21 9:30 AM CALENDAR CALL

PRINT DATE: 05/11/2021

Page 7 of 9

Minutes Date: June 05, 2018

1/3/22 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

April 06, 2021

A-18-770532-C Teresa Burwell, Plaintiff(s)
vs.
Nevada Orthopedic And Spine Center LLP, Defendant(s)

**April 06, 2021 9:30 AM Motion for Summary
Judgment**

HEARD BY: Escobar, Adriana

COURTROOM: RJC Courtroom 14C

COURT CLERK:

RECORDER: Sandra Anderson

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- See filed order.



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

TERESA RENITA BURWELL
9344 VISTA WATERS LANE
LAS VEGAS, NV 89178

DATE: May 11, 2021
CASE: A-18-770532-C

RE CASE: TERESA R. BURWELL vs. NEVADA ORTHOPEDIC AND SPINE CENTER, LLP; ARTHUR TAYLOR, MD; TINA WELLS, ESQ.

NOTICE OF APPEAL FILED: May 7, 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):

SUPREME COURT OF NEVADA NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

TERESA R. BURWELL ,

Plaintiff(s),

vs.

NEVADA ORTHOPEDIC AND SPINE
CENTER, LLP; ARTHUR TAYLOR, MD;
TINA WELLS, ESQ.,

Defendant(s),

Case No: A-18-770532-C

Dept No: XIV

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 11 day of May 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

