

LAW OFFICE OF DANIEL MARKS
DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
NICOLE M. YOUNG, ESQ.
Nevada State Bar No. 12659
610 South Ninth Street
Las Vegas, Nevada 89101
E-Mail: office@danielmarks.net
Attorneys for Real Party in Interest
Choloe Green

Electronically Filed
Dec 13 2021 03:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALI KIA, M.D., and NEVADA
HOSPITALIST GROUP, LLP,

Case No. 83357

Petitioners,

v.

EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF CLARK, AND THE
HONORABLE JASMIN-LILLY-
SPELLS,

**SUPPLEMENTAL APPENDIX TO
ANSWER TO PETITION FOR
WRIT OF MANDAMUS**

Respondents,

and

CHOLOE GREEN, FRANK J. DELEE,
M.D., FRANK J. DELEE, P.C., and
SUNRISE HOSPITAL AND MEDICAL
CENTER, LLC.

Document

Page No.

Acceptance of Service for Defendant Ali Kia, M.D., Filed December 28, 2020	SUPP APP0078-0079
Acceptance of Service for Defendant Nevada Hospitalist Group, LLP, filed December 28, 2020	SUPP APP0080-0081
Notice of Entry of Order Denying Plaintiff's "Motion for Reconsideration" Regarding Denial of Additional Claims of "Ostensible Agency" and "Corporate Negligence/Negligent Supervision", Filed December 8, 2020	SUPP APP0066-0077
Notice of Entry of Order Denying, Without Prejudice, Third-Party Defendant Dr. Kia's Verified Memorandum of Costs and Disbursements, Filed December 4, 2020	SUPP APP0057-0065
Notice of Entry of Order from March 12, 2019 Hearing, Filed March 6, 2020	SUPP APP001-0005
Notice of Entry of Three (3) Part Order: (1) Granting Partial Summary Judgment Dismissing Ostensible Agency; (2) Denying Sanctions; and (3) Denying Plaintiff's Motion to Amend Complaint in Part With Prejudice, and In Part Without Prejudice	SUPP APP0036-0056
Reply in Support of Countermotion to Strike Sunrise's Renewed Motion, for Attorney's Fees, and Sanctions	SUPP APP006-0035

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the LAW OFFICE OF DANIEL MARKS, and that on the 13 day of December, 2021, I did serve by way of electronic filing, a true and correct copy of the above and foregoing

**SUPPLEMENTAL APPENDIX TO ANSWER TO PETITION FOR WRIT
OF MANDAMUS** on the following:

Eric K. Stryker, Esq.
Wilson, Elser, Moskowitz, Edelman & Dicker LLP
300 South 4th Street, 11th floor
Las Vegas, Nevada 89101
Attorneys for Frank J. Delee M.D. and Frank J. Delee P.C.

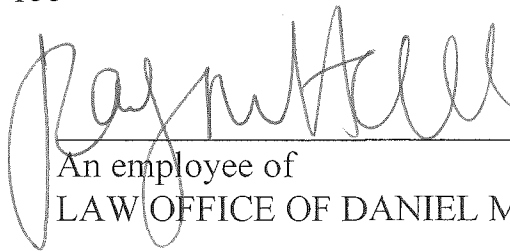
Tyson Dobbs, Esq.
Hall Prangle & Schoonveld, LLC
1160 N. Town Center Dr., Ste. 200
Las Vegas, Nevada 89144
Attorneys for Sunrise Hospital and Medical Center LLC

Patricia Daehnke, Esq.
Collinson, Daehnk, Inlow & Greco
2110 E. Flamingo Road, Suite 212
Las Vegas, Nevada 89119
Attorney for Ali Kia, M.D.

Erin Jordan, Esq.
Lewis Brisbois Bisgaard & Smith, LLP
6385 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Attorney for Nevada Hospitalist Group, LLP

I further certify that I did deposit in the U.S. Mail in Las Vegas, Nevada,
with first class postage fully prepaid thereon a true and correct copy of the
**SUPPLEMENTAL APPENDIX TO ANSWER TO PETITION FOR WRIT
OF MANDAMUS** to the addresses as follows:

The Honorable Jasmin Lilly-Spells
Eighth Judicial District Court
Department XXXIII
200 Lewis Avenue
Las Vegas, Nevada 89155



An employee of
LAW OFFICE OF DANIEL MARKS



LAW OFFICE OF DANIEL MARKS
DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
NICOLE M. YOUNG, ESQ.
Nevada State Bar No. 12659
610 South Ninth Street
Las Vegas, Nevada 89101
(702) 386-0536: Fax (702) 386-6812
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

CHOLOE GREEN, an individual,

Case No. A-17-757722-C
Dept. No. IX

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;
FRANK J. DELEE MD, PC, a Domestic
Professional Corporation, SUNRISE HOSPITAL
AND MEDICAL CENTER, LLC, a Foreign
Limited-Liability Company.

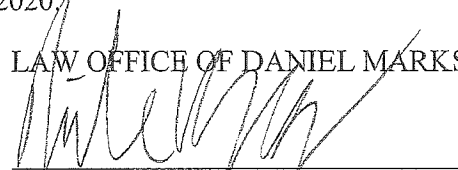
Defendants.

NOTICE OF ENTRY OF ORDER FROM MARCH 12, 2019 HEARING

PLEASE TAKE NOTICE that an order from March 12, 2019 hearing was entered in the above-entitled action on the 5th day of March, 2020, a copy of which is attached hereto.

DATED this 6 day of March, 2020.

LAW OFFICE OF DANIEL MARKS



DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
NICOLE M. YOUNG, ESQ.
Nevada State Bar No. 12659
610 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

1 **CERTIFICATE OF SERVICE BY ELECTRONIC FILING**

2 I hereby certify that I am an employee of the Law Office of Daniel Marks and that on the 6 day
3 of March, 2020, pursuant to NRCP 5(b) and Administrative Order 14-2, I electronically transmitted a true
4 and correct copy of the above and foregoing **NOTICE OF ENTRY OF ORDER FROM MARCH 12,**
5 **2019 HEARING** by way of Notice of Electronic Filing provided by the court mandated E-file & Serve
6 system, to the e-mail address on file for the following:

7 Erik Stryker
8 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
9 300 South 4th Street, 11th floor
 Las Vegas, Nevada 89101
 Attorneys for Frank J. Delee M.D. and Frank J. Delee P.C.

10 Tyson Dobbs, Esq.
11 HALL PRANGLE & SCHOONVELD, LLC.
12 1160 N. Town Center Dr., Ste. 200
 Las Vegas, Nevada 89144
 Attorneys for Sunrise Hospital and Medical Center LLC.

13
14
15 
16 An employee of the
 LAW OFFICE OF DANIEL MARKS



LAW OFFICE OF DANIEL MARKS
DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
NICOLE M. YOUNG, ESQ.
Nevada State Bar No. 12659
610 South Ninth Street
Las Vegas, Nevada 89101
(702) 386-0536; Fax (702) 386-6812
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

Please Note
Dept. Change

CHLOE GREEN, an individual,

Case No. A-17-757722-C

Dept. No. VIII IX

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;
FRANK J. DELEE MD, PC, a Domestic
Professional Corporation, SUNRISE HOSPITAL
AND MEDICAL CENTER, LLC, a Foreign
Limited-Liability Company.

Defendants.

ORDER FROM MARCH 12, 2019 HEARING

This matter having come on for hearing on the 12th day of March, 2019, at the hour of 8:00 a.m. on Defendant Sunrise Hospital and Medical Center, LLC's Motion for Partial Summary Judgment to Dismiss Any Claim of "Ostensible Agency" for Dr. Kia or Dr. Delee; Plaintiff appearing by and through her counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law Office of Daniel Marks; Defendants Frank J. Delee, M.D. and Frank J. Delee, M.D., P.C., appearing by and through its counsel, Alia A. Najjar, Esq., of Wilson Elser Moskowitz Edelman & Dicker, LLP; and Defendant Sunrise Hospital and Medical Center, LLC, appearing by and through its counsel, Sherman Mayor,

1 Esq., of Hall Prangle Schoonfeld, LLC; the Court having reviewed the papers and pleadings on file,
2 having heard the arguments of counsel and good appearing:

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Sunrise Hospital
4 and Medical Center, LLC's instant motion is GRANTED IN PART and DENIED IN PART, as
5 follows:

- 6 1. Defendant's motion is DENIED as it relates to Plaintiff's claims against the hospital for any
7 of Dr. Kia's actions under the theory of ostensible agency. As such, Plaintiff may argue that
8 Defendant Sunrise Hospital and Medical Center, LLC, is vicariously liable for Dr. Kia's
9 actions under the doctrine of ostensible agency. "Whether an ostensible agency relationship
10 exists is... a question of fact for the jury." *McCrosky v. Carson Tahoe Regional Medical*
11 *Center*, 133 Nev. Adv. Op. 115, 408 P.3d 149 (2017).
- 12 2. Defendant's motion is GRANTED as it relates to any claim that the hospital is vicariously
13 liable for Dr. Delee's actions. In addition, Plaintiff concedes that Defendant Sunrise
14 Hospital and Medical Center, LLC, is not liable for the actions of Dr. Delee.

15 ////

16 ////

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

23 ////

24 ////

25 ////

3. Defendant's motion is GRANTED as to all other claims against the hospital for vicarious liability, with the exception of the application of the ostensible agency doctrine of vicarious liability against the hospital for Dr. Kia's actions, as discussed above.

DATED this 4th day of ~~February~~ ^{March}, 2020.


DISTRICT COURT JUDGE

Respectfully Submitted:

Approved as to Form and Content:

DATED this 27 day of February, 2020.

DATED this 27 day of February, 2020.

LAW OFFICE OF DANIEL MARKS

HALL PRANGLE & SCHOONVELD, LLC

/s/ Nicole M. Young
DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
NICOLE M. YOUNG, ESQ.
Nevada State Bar No. 12659
610 South Ninth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

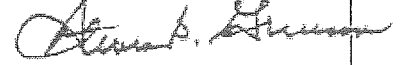
/s/ Sherman Mayor
SHERMAN MAYOR, ESQ.
Nevada State Bar No. 001491
1140 North Town Center Drive, Suite 350
Las Vegas, Nevada 89144
Attorney for Defendant Sunrise Hospital

Approved as to Form and Content:

DATED this _____ day of February, 2020.

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

/s/ Eric K. Stryker
ERIC K. STRYKER, ESQ.
Nevada State Bar No. 005793
300 South 4th Street, 11th floor
Las Vegas, Nevada 89101
Attorney for Defendant Frank DeLee, M.D. and
Defendant Frank DeLee, M.D., PC's



LAW OFFICE OF DANIEL MARKS
DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
610 South Ninth Street
Las Vegas, Nevada 89101
(702) 386-0536; Fax (702) 386-6812
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Plaintiff,

Case No. A-17-757722-C
Dept. No. IX

Date: June 23, 2020
Time: 8:30 a.m.

v.

FRANK J. DELEE, M.D., an individual;
FRANK J. DELEE MD, PC, a Domestic
Professional Corporation, SUNRISE HOSPITAL
AND MEDICAL CENTER, LLC, a Foreign
Limited-Liability Company.

ORAL ARGUMENT REQUESTED

Defendants.

**REPLY IN SUPPORT OF COUNTERMOTION TO STRIKE SUNRISE'S RENEWED
MOTION, FOR ATTORNEY'S FEES, AND SANCTIONS**

COMES NOW the Plaintiff Chloe Green, by and through her undersigned counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law Office of Daniel Marks, and hereby submits her Reply in Support of Countermotion to Strike Sunrise's Renewed Motion, for Attorney's Fees, and Sanctions. The grounds for Plaintiff's Reply are set forth in the following Memorandum of Points and Authorities.

DATED this 30th day of June, 2020.

LAW OFFICES OF DANIEL MARKS

/s/ Nicole M. Young

DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
NICOLE M. YOUNG, ESQ.
Nevada State Bar No. 12659
610 South Ninth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 Defendant Sunrise Hospital and Medical Center, LLC (“Sunrise”) fails to provide this Court with
4 any authority or new evidence that would allow it to reconsider its prior ruling on Sunrise’s original
5 motion for partial summary judgment relating to ostensible agency.

6 It is unknown why Sunrise thought it had to file a third-party complaint in this action. Sunrise
7 tries to argue that it did so to protect itself from some unknown claim. This argument flies in face of how
8 defendants in medical malpractice cases defend these suits. As John Cotton, Esq., testified before the
9 Nevada legislature regarding the revised several liability language of NRS 41A.045 in 2015, “I do not
10 have the burden of proving who was damaged or how much that person was damaged.” *See* Minutes of
11 the Senate Committee on Judiciary, 78th Session, at pp. 39-40 (May 26, 2015). Mr. Cotton provided that
12 response to a question of whether a doctor/hospital defendant would file a third-party complaint in a
13 malpractice suit as it relates to several liability.

14 The filing of the third-party complaint, and this court’s dismissal of that complaint, does not
15 affect this Court’s prior order denying Sunrise’s motion for partial summary judgment relating to
16 ostensible agency. Plaintiff Choloe Green’s (“Choloe”) ability to prove ostensible agency has not
17 changed since this Court first considered Sunrise’s original motion. Based on the evidence, the
18 ostensible agency between Dr. Kia and Sunrise is still an issue of fact for the jury.

19 II. LEGAL ARGUMENT

20 NRCP 12(f) allows this Court to strike redundant matters. A renewed motion is a redundant
21 matter if the moving party does not seek rehearing/reconsideration in accordance with EDCR 2.24 or
22 seek leave of this court. EDCR 2.24(a). Res judicata prevents litigants who are dissatisfied with a
23 decision from filing “serial motions until the right circumstances or the right judge allows them to
24 achieve a different result, based on essentially the same facts.” *Ellis v. Carucci*, 123 Nev. 145, 151, 161
25 P.3d 239, 243 (2007). “Filing serial motions seeking the same relief only delays [] resolution.”
26 *Warenback v. Neven*, 2018 WL 834607, *4 (D.Nev. Feb. 12, 2018). A serial motion is a redundant
27 matter that this Court must strike.

28 ////

1 In this case, Sunrise glosses over the year long delay it caused this case when it filed its third-
2 party complaint. It also ignores how the late filing of the “Order from March 12, 2019 Hearing” actually
3 did not start the clock for rehearing under EDCR 2.24 until March 19, 2020, which interestingly enough
4 is the same day former Third-Party Defendant NHG filed its Motion for Judgment on the Pleadings.

5 The instant motion does not provide any new information or evidence that would force a jury to
6 find no ostensible agency. In fact, Dr. Kia reported to the Medical Board of California that his medical
7 practice in Las Vegas is at Sunrise on nine different occasions. (*See Exhibit 1.*) No where in that
8 decision does the Board reference Dr. Kia reporting any affiliation with NHG or another hospital in Las
9 Vegas. (*See Exhibit 1.*) The Board also references a letter of recommendation provided by Prashant
10 Gundre, M.D., Chairman of Medicine at Sunrise Hospital, who commented Dr. Kia is “well-liked at the
11 hospital.” (*See Exhibit 1.*) The findings and evidence considered by the Board show Dr. Kia viewed his
12 role at Sunrise more akin to an employer/employee relationship rather than him being in private practice
13 as Sunrise would suggest.

14 Sunrise violated EDCR 2.24 when it filed the instant renewed motion. Presumably, the only
15 reason Sunrise renewed this motion is because this case now has a new judge.¹ EDCR 2.24(a), which is
16 based on the theory of res judicata, does not allow serial motions based on the same facts. This renewed
17 motion was brought based on the same facts, and as such, without reasonable ground. *See NRS*
18 *18.010(2)(b)*; and *see Ellis v. Carucci*, 123 Nev. 145, 151, 161 P.3d 239, 243 (2007). This frivolous
19 filing burdens this Court’s limited resources (especially given the current state of affairs surrounding
20 CoVid-19), hinders the timely resolution of this case, and unnecessarily increases the cost of litigation.
21 *See NRS 18.010(2)(b)*.

22 ////

23 ////

24 ////

25
26 ¹ Sunrise may argue this Court’s comments in the May 11, 2020, Minute Order allowed renewal of
27 the instant motion. Those comments, however, simply acknowledge the passing of the deadline to file a
28 motion for reconsideration and that Sunrise’s argument the prior decision was erroneous was not properly
before the court.

1 Because Sunrise failed to timely and properly seek rehearing/ reconsideration within the EDCR
2 2.24 deadline, and has provided no new evidence, this Court should strike the instant motion.
3 Accordingly, this Court should strike the instant motion, award Choloe attorney's fees, and impose
4 sanctions under NRCP 11. *See* 18.010(2)(b).

5 **III. CONCLUSION**

6 Based on the foregoing, this Court should strike Sunrise's renewed motion and sanction Sunrise
7 for bringing the instant motion in violation of the court rules, especially since it presented no new
8 evidence of such overwhelming force to take this issue out of a jury's hands.

9 DATED this 30th day of June, 2020.

10 LAW OFFICE OF DANIEL MARKS

11 /s/ Nicole M. Young

12 DANIEL MARKS, ESQ.
13 Nevada State Bar No. 002003
14 NICOLE M. YOUNG, ESQ.
15 Nevada State Bar No. 12659
16 610 South Ninth Street
17 Las Vegas, Nevada 89101
18 Attorneys for Plaintiff
19
20
21
22
23
24
25
26
27
28

1 CERTIFICATE OF SERVICE

2 I hereby certify that I am an employee of the Law Office of Daniel Marks and that on the 30th
3 day of June, 2020, pursuant to NRCP 5(b) and Administrative Order 14-2, I electronically transmitted a
4 true and correct copy of the above and foregoing **REPLY IN SUPPORT OF COUNTERMOTION**
5 **TO STRIKE SUNRISE'S RENEWED MOTION, FOR ATTORNEY'S FEES, AND SANCTIONS**
6 by way of Notice of Electronic Filing provided by the court mandated E-file & Serve System, as follows:
7 following:

8 Erik K. Stryker, Esq.
9 WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP
300 South 4th Street, 11th floor
Las Vegas, Nevada 89101
10 Attorneys for Frank J. Delee M.D. and Frank J. Delee P.C.

11 Sherman Mayor, Esq.
12 HALL PRANGLE & SCHOONVELD, LLC.
1160 N. Town Center Dr., Ste. 200
Las Vegas, Nevada 89144
13 Attorneys for Sunrise Hospital and Medical Center LLC.

14
15 /s/ Nicole M. Young
16 _____
An employee of the
17 LAW OFFICE OF DANIEL MARKS
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke)
Probation Against:)

ALI KIA, M.D.)

Case No. 800-2018-049798

Physician's and Surgeon's)
Certificate No. C145549)

OAH No. 2019061183

Respondent)
_____)

DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on January 3, 2020.

IT IS SO ORDERED: December 4, 2019.

MEDICAL BOARD OF CALIFORNIA



Ronald H. Lewis, M.D., Chair
Panel A

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Revoke Probation Against:

ALI KIA, M.D., Respondent.

Physician's and Surgeon's Certificate No. C 145549

Case No. 800-2018-049798

OAH No. 2019061183

PROPOSED DECISION

Administrative Law Judge Jill Schlichtmann, State of California, Office of Administrative Hearings, heard this matter on September 16, 2019, in Oakland, California.

Deputy Attorney General Lynne Dombrowski represented complainant Kimberly Kirchmeyer, Executive Director, Medical Board of California, Department of Consumer Affairs.

Linda Rurangirwa, Attorney at Law, represented respondent Ali Kia, M.D., who was present.

The record was held open for receipt of character references from respondent, and for a response thereto from complainant. Respondent timely submitted his

character references which were marked jointly as Exhibit B. Complainant filed an objection to the letters, which was marked as Exhibit 9 and considered. Exhibit B was received in evidence as administrative hearsay.

After the hearing, complainant requested that official notice be taken of a procedural change in the University of California, San Diego, Physician Assessment and Clinical Education Program (PACE), as described in a document printed from the PACE website. Respondent filed no objection to the request. The document was marked as Exhibit 10, and official notice is taken of the information contained therein.

The matter was submitted for decision on October 7, 2019.

FACTUAL FINDINGS

License History and Background

1. In a Decision and Order dated October 3, 2016, and effective October 10, 2016, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. C 145549 to Ali Kia, M.D. (respondent). The certificate was issued based on a Stipulation for a Probationary License signed by respondent on September 2, 2016. The parties agreed in the stipulation that respondent had failed to disclose required information in response to questions about his criminal history and medical education in the application for licensure.

2. The probationary license included the standard terms of probation and required respondent to complete a professionalism program (ethics course). The duration of probation was three years.

3. Condition No. 9 required respondent to practice for at least 40 hours per month in California. If he did not do so, his probation status would be tolled and would not apply to the reduction of the probationary term. During periods of non-practice, respondent was not required to comply with the terms of probation with the exception of obeying all laws, keeping the Board apprised of his contact information and travel plans, and filing Quarterly or Semi-Annual Reports.

Pursuant to Condition No. 9, if respondent failed to practice in California for at least 40 hours per month for 18 calendar months, he was required to complete a clinical training program prior to resuming the practice of medicine. A period of non-practice in California exceeding two years constituted a probation violation.

Respondent's Compliance with Probation Terms

4. While on probation, respondent has resided in Nevada. Respondent has been licensed to practice medicine in Nevada since completing his residency in internal medicine at the University of Nevada, Las Vegas (UNLV) School of Medicine, in 2006. Respondent is board certified in internal medicine.

5. Respondent and Inspector Cajetan Onu spoke over the telephone to discuss the terms of probation on October 21, 2016. On November 3, 2016, the case was reassigned to probation monitor Maggie Lee.

6. On January 4, 2017, Lee advised respondent that because he was residing and practicing in Nevada, his probation was in tolled status. Lee reminded respondent to advise her of any address changes in writing, and to notify her in writing at least 30 days before resuming practice in California.

7. On January 5, 2017, respondent filed a semi-annual declaration at Lee's direction. He reported he was practicing at Sunrise Hospital and Medical Center (Sunrise Hospital) in Las Vegas.

8. On June 9, 2017, Lee wrote to respondent, advising him that if he decided to practice medicine in California, he was required to notify her in writing at least 15 days before returning to practice. Lee reminded respondent of this requirement every quarter.

9. On July 5, 2017, respondent filed a quarterly declaration with the Board. He reported that he was continuing to practice at Sunrise Hospital. He also advised Lee that he had passed the American Board of Internal Medicine examination on April 26, 2017, but his board certification was being held up due to his California probation.

10. Respondent filed a quarterly declaration on October 16, 2017. Respondent expressed difficulty he was having while working long hours at Sunrise Hospital and looking for employment in California to satisfy Condition No. 9.

11. Respondent filed a quarterly declaration on January 8, 2018. He notified his probation monitor that in December 2017 he had passed the oral and written board examinations in functional/metabolic medicine given by the American Academy of Anti-Aging and Regenerative Medicine. Respondent continued to practice at Sunrise Hospital in Nevada.

12. Respondent filed a quarterly declaration on March 26, 2018. He advised his probation monitor that he continued to work at Sunrise Hospital in Nevada, and search for employment in California in order to comply with Condition No. 9.

13. On April 16, 2018, Lee wrote to respondent notifying him that his non-practice in California had exceeded 18 months. Lee further informed respondent that on October 10, 2018, his period of non-practice would exceed two years, constituting a probation violation. Lee inquired as to whether respondent had secured employment in California.

14. Respondent filed a quarterly declaration on July 5, 2018. He reported continuing to work at Sunrise Hospital while searching for employment in California.

15. Respondent filed a quarterly declaration on October 4, 2018. Respondent advised his probation monitor that in addition to working full time at Sunrise Hospital, he was working at the University Medical Center, at UNLV.

16. On October 12, 2018, Lee sent a non-compliance letter to respondent, advising him that he was in violation of Condition No. 9 of his probation because his period of non-practice in California had exceeded two years.

17. Respondent filed a quarterly declaration on January 7, 2019, in which he reported that he continued to work full time at Sunrise Hospital and at the University Medical Center at UNLV.

18. On January 30, 2019, the petition to revoke probation was filed.

19. In April 2019, respondent accepted a part-time position working at an urgent care clinic in Woodland Hills, California. Respondent notified Lee the day before he began working at the clinic. Respondent violated his probation terms by failing to complete a clinical training program before returning to practice in California after 18 months of non-practice in California had elapsed. Several days later, a Board representative instructed respondent to stop working at the clinic; he did so.

20. In May 2019, respondent began the application process to attend the clinical training program at PACE.

21. On July 3, 2019, respondent filed a quarterly report. He was continuing to work at Sunrise Hospital. He reported that he had completed the initial portion of the application to attend PACE and had paid the initial fee.

22. Respondent has not completed the ethics course or paid probation monitoring costs while his probation has been tolled.

Evidence of Rehabilitation

23. Respondent was originally placed on probation by the Board because he failed to disclose a speeding ticket he had received in 2002, and failed to disclose that in 2000 he had had to repeat a semester in medical school. Respondent graduated from Ross University School of Medicine in Dominica. Respondent repeated the semester due to his inability to complete work following a hurricane that flooded his apartment and caused damage throughout the island. Respondent graduated from medical school in 2002. Respondent reports that both occurrences had slipped his mind when he applied for licensure in California in 2016.

24. After explaining the basis for his probationary status in California, the American Board of Internal Medicine permitted him to retain his board certification. The Nevada Board issued a public reprimand and assessed a fine as a result of the disciplinary action taken by California. Respondent has paid the fine. His license in Nevada is unrestricted. His certificate in Functional/Metabolic Medicine is being withheld while he is on probation.

25. As of July 31, 2019, respondent completed the PACE application process (which included submitting 16 redacted patient charts for review) and was scheduled to attend the program September 24 through 27, 2019. Respondent has paid the full fee for the program, approximately \$15,000.

26. Respondent will complete an approved professionalism (ethics) course if allowed to remain on probation. He took an ethics course in Nevada, which did not meet the criteria for his California probation.

27. Respondent is originally from California and has family here. He would like to practice in this state. Respondent worked 65 to 75 hours per week in Las Vegas and was studying for the board examinations given by the American Board of Anti-Aging and Regenerative Medicine. Due to his busy schedule, he was unable to find the time to secure employment in California.

Respondent now has offers to practice part time at the Woodland Hills urgent care clinic, at Lompoc Hospital and at an outpatient clinic in Riverside County. Respondent is confident that he can work more than 40 hours per month in California after completing the PACE program if given the opportunity by the Board.

28. Respondent provided character references from four physicians with whom he has worked in Nevada. Prashant Gundre, M.D., is the Chairman of Medicine at Sunrise Hospital. Dr. Gundre wrote a letter dated September 18, 2019, for the Board's consideration. Dr. Gundre first met respondent in 2012. Dr. Gundre describes respondent as compassionate, dedicated to patient care, and well-liked at the hospital.

Esteban Hennings, M.D., has worked with respondent at Sunrise Hospital since 2009. Dr. Hennings commends respondent for his service to the community and his

involvement in hospital committees. Dr. Hennings considers respondent to be an asset to any organization.

Bashir Rashid, M.D., first met respondent in 1992 during their undergraduate studies at the University of California, Riverside. They also attended medical school together at Ross University School of Medicine. Dr. Rashid and respondent have worked together managing patients and covering on-call services at Sunrise Hospital since 2008. Dr. Rashid recommends respondent as a compassionate and caring hospitalist.

Ronald Shockley, M.D., met respondent during residency training between 2003 and 2006 at UNLV School of Medicine. Dr. Shockley served as respondent's attending physician on rotations in infectious diseases. Dr. Shockley has also worked with respondent at Sunrise Hospital. Dr. Shockley describes respondent as knowledgeable, skillful and humble, and commends him for serving as an adjunct professor of medicine at UNLV, to mentor medical students and residents.

LEGAL CONCLUSIONS

1. The burden of proof in this matter is on the Board and the standard of proof is a preponderance of the evidence. (*Sandarg v. Dental Bd. of California* (2010) 184 Cal.App.4th 1434, 1441; *Owen v. Sands* (2009) 176 Cal.App.4th 985.)

2. The purpose of the Medical Practice Act is to assure the high quality of medical practice; in other words, to keep unqualified persons and those guilty of unprofessional conduct out of the medical profession. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 574.) The purpose of physician discipline is to

protect the public and to aid in the rehabilitation of licensees. (Bus. & Prof. Code, § 2229.)

3. Complainant seeks to revoke respondent's certificate based on his failure to comply with Condition No. 9 of his probation. Complainant has established that respondent violated his probation by failing to practice in California for 40 hours per month within two years of being placed on probation. Respondent also violated Condition No. 9 by practicing in California after 18 months had elapsed without completing a clinical training program. (Factual Findings 16 and 19.) Cause to revoke respondent's probation exists.

4. Cause to revoke probation having been established, the issue is whether revocation is necessary to protect the public. Respondent has practiced successfully in Nevada since 2003. The circumstances underlying his probationary status in California involved forgetting to disclose a speeding ticket in 2002 and having had to repeat a semester of medical school due to a flood in 2000. Respondent was scheduled to complete the PACE program in September, and is committed to abiding by the terms of his probation in California. He has several offers of employment here, in his home state, near his family. Respondent is held in high regard by physicians with whom he has practiced in Nevada for over 10 years. Based on the totality of the circumstances, the evidence supports revoking and reinstating respondent's probation on the same terms and conditions. Because his probation has been tolled since it was imposed, it is unnecessary to extend the probationary period.

ORDER

The petition to revoke Physician's and Surgeon's Certificate No. C 145549, issued to respondent Ali Kia, is granted; however, the revocation is stayed and the probation is reinstated under the same terms and conditions.

DATE: October 31, 2019

DocuSigned by:

Jill Schlichtmann

00097D940B484D9...

JILL SCHLICHTMANN

Administrative Law Judge

Office of Administrative Hearings

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 LYNNE K. DOMBROWSKI
Deputy Attorney General
4 State Bar No. 128080
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3439
6 Facsimile: (415) 703-5480
E-mail: Lynne.Dombrowski@doj.ca.gov
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO JANUARY 30 20 19
BY: R. P. K. A. ANALYST

8 BEFORE THE
9 MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Petition to Revoke Probation Against:

13 ALI KIA, M.D.
3022 S. Durango Dr.
Las Vegas, NV 89117-4439

14 Physician's and Surgeon's Certificate No. C 145549

15 Respondent.

Case No. 800-2018-049798

PETITION TO REVOKE
PROBATION

16
17 Complainant alleges:

18 PARTIES

19 1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely
20 in her official capacity as the Executive Director of the Medical Board of California, Department
21 of Consumer Affairs.

22 2. On October 3, 2016, the Medical Board of California issued a Decision and Order in
23 a disciplinary action entitled "In the Matter of the Application of Ali Kia," Case No. 800-2016-
24 025954 (the "Decision"). The Decision, which became effective at 5:00 p.m. on October 10,
25 2016, adopted a stipulation for a probationary license in which Respondent was issued a
26 Physician's and Surgeon's Certificate that was placed on probation for a period of three (3) years
27 with certain terms and conditions. A copy of that Decision is attached as Exhibit A and is
28 incorporated herein by reference.

3. On October 11, 2016, the Medical Board of California issued a probationary license, Physician's and Surgeon's Certificate Number C 145549, to Ali Kia, M.D. (Respondent). The probationary license was in effect at all times relevant to the charges brought herein: Respondent's license certificate will expire on March 31, 2020, unless renewed.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
20

4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

15
16
17
18
19
20
21
22
23
24
25
26
27

17
18
19
20
21
22
23
24
25
26
27

18
19
20
21
22
23
24
25
26
27

19
20
21
22
23
24
25
26
27

21
22
23
24
25
26
27
28

1 medicine in another state of the United States or Federal jurisdiction while on probation
2 with the medical licensing authority of that state of jurisdiction shall not be considered non-
3 practice. A Board-ordered suspension of practice shall not be considered as a period of
4 non-practice.

5 In the event applicant's period of non-practice while on probation exceeds eighteen
6 (18) calendar months, applicant shall successfully complete a clinical training
7 program that meets the criteria of Condition 18 of the current version of the Board's
8 Manual of Model Disciplinary Orders and Disciplinary Guidelines prior to resuming
9 the practice of medicine.

10 Applicant's period of non-practice while on probation shall not exceed two (2) years.

11 Periods of non-practice will not apply to the reduction of the probationary term.

12 Periods of non-practice will relieve applicant of the responsibility to comply with the
13 probationary terms and conditions with the exception of this condition and the following
14 terms and conditions of probations: Obey All Laws; and General Probation Requirements."
15 (Emphasis added.)

16 8. At all times after October 10, 2016, the effective date of Respondent's probation,
17 Probation Condition No. 11 stated:

18 "Failure to fully comply with any term or condition of probation is a violation of probation.
19 If applicant violates probation in any respect, the Board, after giving applicant notice and
20 the opportunity to be heard, may revoke probation and terminate the probationary license.
21 If an Accusation or Petition to Revoke Probation is filed against applicant during probation,
22 the Board or its designee shall have continuing jurisdiction until the matter is final, and the
23 period of probation shall be extended until the matter is final."

24 9. Respondent's Physician's and Surgeon's Certificate No. C 145549 is subject to
25 revocation because Respondent has failed to comply with Probation Condition No. 9 in that his
26 period of non-practice exceeded two years as of October 11, 2018. The facts and circumstances
27 regarding this violation are as follows:

28 a. At all times during probation, Respondent has not practiced medicine in California.

- 1 b. At all times during probation, Respondent has resided in Nevada.
- 2 c. At all times during probation, Respondent has not been subject to a probation with
3 Nevada's, or any other state's, medical licensing authority.
- 4 d. On or about January 4, 2017, the Board's Probation Unit sent Respondent a letter
5 informing him that his probation was in a Non-Practice and Out-of-State (tolled) status, pursuant
6 to Probation Condition No. 9.
- 7 e. On or about January 5, 2017, the Board received Respondent's signed Semi-Annual
8 Declaration (Out-of-State Probationer) for the reporting period covering July through December
9 2016.
- 10 f. On or about January 8, 2018, the Board received Respondent's signed Fourth Quarter
11 Quarterly Declaration for the period of October through December 2017. In his Attachment
12 explaining his "No" response to Question #13: "Have you complied with each term and condition
13 of probation?", Respondent stated: "I have not worked the 40 hours per month as required by The
14 Medical Board of California due to scheduling conflicts with my current on-call schedules at
15 Sunrise Hospital & Medical Center"
- 16 g. On or about March 26, 2018 the Board received Respondent's signed First Quarter
17 Quarterly Declaration for the period of January through March, 2018. Respondent's non-practice
18 status remained unchanged.
- 19 h. On or about April 16, 2018, the Board's Probation Unit sent Respondent a letter that,
20 notified him that he exceeded 18 months of non-practice on April 10, 2018 and that, should he
21 resume the practice of medicine in California after that date, he would be required to successfully
22 complete a Board-approved Clinical Training Program. The letter also notified Respondent that,
23 on October 10, 2018, his period of non-practice while on probation will exceed two years and his
24 probationary license will be subject to revocation.
- 25 i. On or about July 5, 2018 the Board received Respondent's signed Second Quarter
26 Quarterly Declaration for the period of April through June, 2018. Respondent's non-practice
27 status remained unchanged.
- 28

1 j. On or about October 12, 2018, the Board's Probation Unit sent a "Non-Compliance
2 Letter" to Respondent that notified him of his violation of Probation Condition No. 9 in that he
3 had exceeded two years of non-practice on October 10, 2018.

4 10. As of October 11, 2018, Respondent's period of non-practice while on probation
5 exceeded two years and he continues to be in non-practice. Respondent, therefore, is in violation
6 of the terms of probation and cause exists for the carrying out of the disciplinary Decision and
7 Order, Probation Condition No. 11, which provides for a revocation of the probation and
8 termination of the probationary license for failure to fully comply with any term or condition of
9 probation, after giving applicant notice and the opportunity to be heard.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged
12 and that, following the hearing, the Medical Board of California issue a decision:

13 1. Revoking the probation that was granted by the Medical Board of California in Case
14 No. 800-2016-025954 and terminating the probationary license, Physician's and Surgeon's
15 Certificate No. C 145549 issued to Ali Kia, M.D.;

16 2. Revoking, suspending or denying approval of Ali Kia, M.D.'s authority to supervise
17 physician's assistants and advanced practice nurses;

18 3. Ordering Ali Kia, M.D., if placed on probation, to pay the Medical Board of
19 California the costs of probation monitoring; and,

20 4. Taking such other and further action as deemed necessary and proper.

21
22 DATED: January 30, 2019

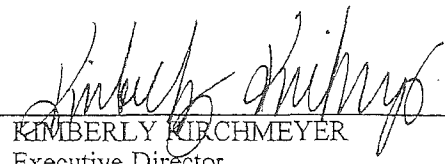

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

Exhibit A

Decision and Order

Medical Board of California Case No. 800-2016-025954

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Application of:)	Case No. 800-2016-025954
)	
ALI KIA)	
)	STIPULATION FOR A
)	PROBATIONARY LICENSE
For a Physician's and Surgeon's License))	
<hr/>		

1) Ali Kia, applicant for a physician's and surgeon's license (hereinafter "applicant"), and Curtis J. Worden, Chief of Licensing of the Medical Board of California (Board), hereby stipulate as follows:

2) Applicant is eligible for medical licensure in California upon meeting all licensure requirements.

3) On March 3, 2016, applicant submitted an application for a Physician's and Surgeon's License in the State of California. Applicant failed to disclose required information in response to the criminal record history and medical education questions on the Physician's and Surgeon's application.

4) Section 480(a) of the Business and Professions Code states that a board may deny a license on the grounds that the applicant has one of the following: Section 480(a)(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another; Section 480(a)(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license; and Section 480(d) of the Business and Professions Code states a board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license. Section 2234 of the Business and Professions Code states that the board may take action for unprofessional conduct including, but is not limited to the following: Section 2234(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

The above support a conclusion that grounds exist for denial pursuant to Sections 480(a)(2), 480(a)(3)(A), 480(d), 2234, and 2234(e) of the Business and Professions Code.

5) Under Section 2221 of the Business and Professions Code, the Board may deny a license to an applicant because of unprofessional conduct.

Alternatively, the Board has the discretionary authority to issue a probationary license with terms and conditions.

6) Applicant acknowledges he has a right to request a Statement of Issues and a hearing upon denial of license for cause. Applicant waives notice of hearing and judicial review in favor of this Stipulation for a Probationary License, which is subject to approval by the Board. If not approved, this Stipulation is null and void and may not be used for any purpose.

7) This Stipulation for a Probationary License shall be subject to approval by the Board. Applicant understands and agrees that counsel for the staff of the Board may communicate directly with the Board regarding this proposed Stipulation, without notice to or participation by applicant or his counsel. By signing the Stipulation, applicant understands and agrees that he may not withdraw this agreement or seek to rescind the Stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this Stipulation, the offer of a Stipulation for a Probationary License shall be of no force or effect; except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

The staff recommends to the Board that a Probationary License be issued as follows:

ORDER

IT IS ORDERED THAT ALI KIA, applicant, be issued a Physician's and Surgeon's License on a probationary basis, subject to the following terms and conditions:

1) Applicant is placed on probation for a period of three (3) years. Probation shall begin on the date the applicant is issued a probationary license.

2) PROFESSIONALISM PROGRAM (ETHICS COURSE). Within sixty (60) calendar days of the effective date of this decision, applicant shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Applicant shall participate in and successfully complete that program. Applicant shall provide any information and documents that the program may deem pertinent. Applicant shall successfully complete the classroom component of the program not later than (6) six months after applicant's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at applicant's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program taken after the acts that gave rise to the charges in the Decision, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision.

Applicant shall submit a certification of successful completion to the Board or its designee no later than fifteen (15) calendar days after successfully completing the program, or not later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

3) NOTIFICATION. Prior to engaging in the practice of medicine, applicant shall provide a true copy of the Stipulation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to applicant, at any other facility where applicant engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to applicant. Applicant shall submit proof of compliance to the Board or its designee within fifteen (15) calendar days.

4) SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, applicant is prohibited from supervising physician assistants.

5) OBEY ALL LAWS. Applicant shall obey all federal, state and local laws, and all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

6) QUARTERLY DECLARATIONS. Applicant shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation.

Applicant shall submit quarterly declarations not later than ten (10) calendar days after the end of the preceding quarter.

7) GENERAL PROBATION REQUIREMENTS. Applicant shall comply with the Board's probation unit and all terms and conditions of this decision.

Applicant shall, at all times, keep the Board informed of his business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code Section 2021(b).

Applicant shall not engage in the practice of medicine in applicant's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

Applicant shall maintain a current and renewed California physician's and surgeon's probationary license.

Applicant shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event applicant should leave the State of California to reside or to practice, applicant shall notify the Board or its designee in writing thirty (30) calendar days prior to the dates of departure and return.

8) INTERVIEW WITH BOARD OR ITS DESIGNEE. Applicant shall be available in person upon request for interviews either at applicant's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

9) NON-PRACTICE WHILE ON PROBATION. Applicant shall notify the Board or its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting more than thirty (30) calendar days and within fifteen (15) calendar days of applicant's return to practice. Non-practice is defined as any period of time applicant is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event applicant's period of non-practice while on probation exceeds eighteen (18) calendar months, applicant shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's Manual of Model Disciplinary Orders and Disciplinary Guidelines' prior to resuming the practice of medicine.

Applicant's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice will relieve applicant of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements.

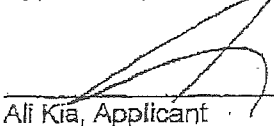
10) COMPLETION OF PROBATION. Applicant shall comply with all financial obligations (e.g. restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, applicant's certificate shall be fully restored.

11) VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If applicant violates probation in any respect, the Board, after giving applicant notice and the opportunity to be heard, may revoke probation and terminate the probationary license. If an Accusation or Petition to Revoke Probation is filed against applicant during probation, the Board or its designee shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

12) LICENSE SURRENDER. Following the effective date of this Stipulation, if applicant ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, applicant may request to surrender his or her license. The Board reserves the right to evaluate respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, applicant shall within fifteen (15) calendar days deliver applicant's wallet and wall certificate to the Board or its designee and applicant shall no longer practice medicine. Applicant will no longer be subject to the terms and conditions of probation. If respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

13) PROBATION MONITORING COSTS. Applicant shall pay all costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Board and delivered to the Board or its designee no later than January 31 of each calendar year.

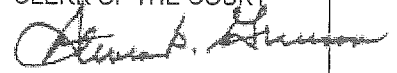
Applicant agrees to comply with the terms and conditions of the above Order.


Ali Kia, Applicant

9/2/16.
Date


Curtis J. Worden, Chief of Licensing

09/15/2016
Date



1 MICHAEL E. PRANGLE, ESQ.
Nevada Bar No. 8619
2 TYSON J. DOBBS, ESQ.
Nevada Bar No. 11953
3 SHERMAN B. MAYOR, ESQ.
Nevada Bar No. 1491
4 T. CHARLOTTE BUYS, ESQ.
Nevada Bar No. 14845
5 HALL PRANGLE & SCHOONVELD, LLC
1140 N. Town Center Dr., Ste. 350
6 Las Vegas, NV 89144
7 (702) 889-6400 – Office
8 (702) 384-6025 – Facsimile
9 efile@hpslaw.com
10 *Attorneys for Defendant*
Sunrise Hospital and Medical Center, LLC

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 CHOLOE GREEN, an individual,
14 Plaintiff,

15 vs.

16 FRANK J. DELEE, M.D., an individual;
17 FRANK J. DELEE MD, PC, a Domestic
18 Professional Corporation, SUNRISE
19 HOSPITAL AND MEDICAL CENTER,
LLC, a Foreign Limited-Liability Company,
20 Defendants.

CASE NO.: A-17-757722-C
DEPT NO.: IX

NOTICE OF ENTRY OF THREE (3)
PART ORDER: (1) GRANTING
PARTIAL SUMMARY JUDGMENT
DISMISSING OSTENSIBLE AGENCY;
(2) DENYING SANCTIONS; AND (3)
DENYING PLAINTIFF'S MOTION TO
AMEND COMPLAINT IN PART WITH
PREJUDICE, AND IN PART WITHOUT
PREJUDICE

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

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

1 PLEASE TAKE NOTICE that a Three Part Order: (1) Granting Partial Summary
2 Judgement Dismissing Ostensible Agency; (2) Denying Sanctions; and (3) Denying Plaintiff's
3 Motion to Amend Complaint in part with prejudice, and in part without prejudice was entered in
4 the above entitled matter on the 25th day of September, 2020, a copy of which is attached hereto.

5 DATED this 28th day of September, 2020.

6
7 HALL PRANGLE & SCHOONVELD, LLC

8 /s/ Charlotte Buys, Esq.
9 MICHAEL E. PRANGLE, ESQ.
10 Nevada Bar No. 8619
11 TYSON J. DOBBS, ESQ.
12 Nevada Bar No. 11953
13 SHERMAN B. MAYOR, ESQ.
14 Nevada Bar No. 1491
15 T. CHARLOTTE BUYS, ESQ.
16 Nevada Bar No. 14845
17 1140 N. Town Center Dr., Ste. 350
18 Las Vegas, NV 89144
19 *Attorneys for Defendant*
20 *Sunrise Hospital and Medical Center, LLC*
21
22
23
24
25
26
27
28

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 28th day of September, 2020, I served a true and correct copy of the foregoing NOTICE OF ENTRY OF THREE (3) PART ORDER: (1) GRANTING PARTIAL SUMMARY JUDGMENT DISMISSING OSTENSIBLE AGENCY; (2) DENYING SANCTIONS; AND (3) DENYING PLAINTIFF'S MOTION TO AMEND COMPLAINT IN PART WITH PREJUDICE, AND IN PART WITHOUT PREJUDICE 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:

DANIEL MARKS, ESQ.
Nevada Bar No. 2003
NICOLE M. YOUNG, ESQ.
Nevada Bar No. 12659
610 South Ninth Street
Las Vegas, NV 89101
Attorneys for Plaintiff

ERIC K. STRYKER, ESQ.
Nevada Bar No. 5793
BRIGETTE E. FOLEY, ESQ.
Nevada Bar No. 12965
300 S. 4th Street
Las Vegas, NV 89101
Attorneys for Defendants
Frank J. Deelee, M.D. and Frank J. Deelee,
M.D., PC

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

Alanna S. Simon
CLERK OF THE COURT

1 **ORDR**

2 MICHAEL E. PRANGLE, ESQ.
3 Nevada Bar No. 8619
4 TYSON J. DOBBS, ESQ.
5 Nevada Bar No. 11953
6 SHERMAN B. MAYOR, ESQ.
7 Nevada Bar No. 1491
8 T. CHARLOTTE BUYS, ESQ.
9 Nevada Bar No. 14845
10 HALL PRANGLE & SCHOONVELD, LLC
11 1140 N. Town Center Dr., Ste. 350
12 Las Vegas, NV 89144
13 (702) 889-6400 – Office
14 (702) 384-6025 – Facsimile
15 efile@hpslaw.com
16 *Attorneys for Defendant*
17 *Sunrise Hospital and Medical Center, LLC*

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

13 CHOLOE GREEN, an individual,
14
15 Plaintiff,

16 vs.

17 FRANK J. DELEE, M.D., an individual;
18 FRANK J. DELEE MD, PC, a Domestic
19 Professional Corporation, SUNRISE
20 HOSPITAL AND MEDICAL CENTER,
21 LLC, a Foreign Limited-Liability Company,
22
23 Defendants.

CASE NO.: A-17-757722-C
DEPT NO.: IX

THREE (3) PART ORDER: (1)
GRANTING PARTIAL SUMMARY
JUDGMENT DISMISSING
OSTENSIBLE AGENCY; (2) DENYING
SANCTIONS; AND (3) DENYING
PLAINTIFF'S MOTION TO AMEND
COMPLAINT IN PART WITH
PREJUDICE, AND IN PART WITHOUT
PREJUDICE

Date of Hearing: July 7, 2020
Time of Hearing: 9:00 A.M.

24
25 This cause having come on to be heard on July 7, 2020, upon Defendant, Sunrise Hospital
26 and Medical Center's ("Sunrise Hospital") "Renewed" Motion for Partial Summary Judgment
27 to Dismiss Any Claim of "Ostensible Agency" for Ali Kia, M.D; Plaintiff's Countermotion to
28 Strike Sunrise's Renewed Motion, for Attorney's Fees, and Sanctions; and Plaintiff's Motion to

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

1 Amend Complaint; and SUNRISE HOSPITAL being represented by SHERMAN BENNETT MAYOR,
2 ESQ. of the law firm HALL PRANGLE & SCHOONVELD, LLC; and PLAINTIFF being
3 represented by DANIEL MARKS, ESQ. and NICOLE M. YOUNG, ESQ. of the LAW OFFICE OF
4 DANIEL MARKS; and Defendants FRANK DELEE, M.D. and FRANK J. DELEE MD, PC being
5 represented by ERIC K. STRYKER, ESQ. the law firm of WILSON ELSEER MOSKOWITZ
6 EDELMAN & DICKER LLP; and the Court having reviewed the papers and pleadings on file
7 herein; and having heard argument of counsel; and being otherwise duly advised in the premises,
8 the Court makes the following Findings of Fact, Conclusions of Law and Orders:

9 I. DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

10 FINDINGS

11
12 1. Defendant Sunrise Hospital filed a "renewed" Motion for Partial Summary
13 Judgment seeking dismissal of any claim or potential claim by Plaintiff that non-party, Ali Kia,
14 M.D. is an ostensible agent of Sunrise Hospital.

15 2. Sunrise Hospital had previously filed a similar Partial Summary Judgment
16 Motion, which was denied by then District Court Judge Doug Smith (heard on March 12, 2019).
17 Following that decision, Sunrise Hospital was given Leave of Court by Judge Smith to file a
18 Third-Party Complaint to assert claims of contribution and indemnity against Dr. Kia and his
19 alleged employer, Nevada Hospitalist Group. That Third-Party Complaint was filed utilizing
20 Plaintiff's underlying Complaint and affidavit as exhibits to comply with any necessary
21 requirements to satisfy NRS § 41A.071.

22 3. Third-Party Defendants Ali Kia, M.D. and Nevada Hospitalist Group then moved
23 for Judgment on the Pleadings, per NRS § 41A.071, seeking dismissal of the Third-Party
24 Complaint. This Court (District Court Judge Cristina Silva) granted that Motion for Judgment on
25 the Pleadings on June 2, 2020. In granting that Motion, the Court found that there was no
26 reference (in Plaintiff Choloe Green's underlying Complaint and affidavit which were attached
27 as exhibits to the Third-Party Complaint) to Dr. Kia or Nevada Hospitalist Group. Nor did either
28 document identify any John Doe, "unknown" or "unidentified" potential defendants that could

1 arguably be Dr. Kia and/or Nevada Hospitalist Group. Further, there was no reference to any
2 agent or agency, or vicarious liability or ostensible agency.

3 4. Subsequent to Sunrise Hospital's Third-Party Complaint having been dismissed,
4 Sunrise Hospital then "renewed" its Motion for Partial Summary Judgment seeking dismissal of
5 any claim or potential claim of ostensible agency for Ali Kia, M.D., contending that no basis for
6 such claim could be found in Plaintiff's underlying Complaint or expert affidavit.

7 5. In reviewing Sunrise Hospital's "Renewed" Partial Summary Judgment Motion,
8 the Court also reviewed Plaintiff's Countermotion for Sanctions and Plaintiff's Motion to
9 Amend Complaint since all three motions were scheduled for hearing on the same date, July 7,
10 2020. In reviewing Plaintiff's Motion to Amend Complaint, the Court noted that the proposed
11 Amended Complaint and attached expert affidavit still made no direct reference to Ali Kia, M.D.
12 or reference to Dr. Kia via Doe/Roe or "unknown" defendant.

13 6. Without reference to an agent, Dr. Kia, or a theory or vicarious or ostensible
14 agency, the Court is obligated to grant Defendant's "renewed" Motion for Partial Summary
15 Judgment per NRCF Rule 56 and NRS § 41A.071. The Court, based upon the "Conclusions of
16 Law" set forth below, dismisses Plaintiffs' claim for ostensible agency, if any such claim be
17 made.

18 CONCLUSIONS OF LAW

19 7. The existence of an agency relationship is generally a question of fact for the jury
20 if facts showing the existence of agency are disputed, or if conflicting inferences can be drawn
21 from the facts. *See Schlotfeldt v. Charter Hosp. of Las Vegas*, 112 Nev. 42, 47, 910 P.2d 271,
22 274 (Nev. 1996) (citing *Latin American Shipping Co. Inc., v. Pan American Trading Corp.*, 363
23 So.2d 578, 5679 80 (Fla. Dist. Ct. App. 1978)).

24 8. However, the *Schlotfeldt* court went on to state that a question of law exists as to
25 whether there exists sufficient competent evidence to require that the agency question be
26 forwarded to a jury. *Id.* (citing *In Re Cliquot's Champagne*, 70 U.S. 114, 140, 18 L.Ed. 116
27 (1865) and 3 Am.Jur.2D Agency 362 (1986)).

28 . . .

1 9. Determining whether such an issue of fact exists for a jury to decide is similar to
2 determining whether a genuine issue of fact is present to preclude summary judgment. *See*
3 *Oehler v. Humana Inc.*, 103 Nev. 348, 775 P.2d 1271 (Nev. 1989).

4 10. Even liberally construing Plaintiff's underlying Complaint and expert affidavit of
5 Lisa Karamardian, M.D. per *Baxter v. Dignity Health*, 357 P.3d 927, 131 Nev. Adv. Rep. 76
6 (2015), there simply is no factual dispute here that can be forwarded to a jury. That is, there is
7 no reference to an agent, to Dr. Kia, or to a theory of vicarious or ostensible agency found in
8 Plaintiff Choloe Green's underlying Complaint and expert affidavit.

9 11. Sunrise Hospital is a statutory provider of healthcare per NRS § 41A.015. As a
10 statutory provider of healthcare, the Hospital is entitled to protections offered per NRS 41A.
11 One of such protections is the requirement that Plaintiff, in pursuing a professional negligence
12 action against the Hospital, comply with NRS § 41A.071. To comply, Plaintiff must have
13 provided an expert affidavit that identifies by name or describes by conduct, each provider of
14 healthcare who is alleged to be negligent, sets forth factually by a specific act or acts, separately,
15 in simple, concise and direct terms. Plaintiff's proposed Amended Complaint with the attached
16 expert affidavit of Lisa Karamardian, M.D., failed to satisfy such requirements with regard to a
17 claim that Dr. Ali Kia is an ostensible agent of Sunrise Hospital

18 12. Having failed to reference an agent, Dr. Kia, or a theory of vicarious or ostensible
19 agency in Plaintiff's underlying Complaint or expert affidavit attached thereto, Plaintiffs'
20 renewed Motion for Partial Summary Judgment per NRCP 56 is Granted dismissing Plaintiffs'
21 claim, if any, of ostensible agency regarding Ali Kia, M.D.

22 **II. DENIAL OF COUNTERMOTION FOR SANCTIONS**
23

24 13. Plaintiff, Choloe Green, in responding to Sunrise Hospital's "Renewed" Motion
25 for Partial Summary Judgment also filed a Countermotion for Sanctions. Plaintiff contended that
26 the "Renewed" Motion for Partial Summary Judgment filed by Sunrise Hospital constituted an
27 abusive litigation tactic.
28

1 14. However, given the Court's recent decision dismissing Sunrise Hospital's Third-
2 Party Complaint, and oral pronouncements made during the course of oral argument for same,
3 the Court declines to grant the Motion to Strike and the request for the imposition of sanctions.
4 Such decision is also consistent with this Court permitting a renewed hearing on Defendant
5 Sunrise Hospital's "renewed" Motion for Partial Summary Judgment and granting that "renewed"
6 Motion for Partial Summary Judgment.

7 **III. DENIAL OF PLAINTIFF'S MOTION TO AMEND COMPLAINT IN**
8 **PART WITH PREJUDICE, AND IN PART WITHOUT PREJUDICE.**

9 **FINDINGS**

10 15. Plaintiff Choloe Green filed a Motion to Amend Complaint, which was heard by
11 the Court at the same time as the aforementioned Motion for Partial Summary Judgment and
12 Counter-motion for Sanctions. In furtherance of Plaintiff's Motion to Amend Complaint, Plaintiff
13 enclosed a proposed Amended Complaint with attached expert affidavit.

14 16. The proposed Amended Complaint attached to Plaintiff's Motion to Amend
15 attached a single affidavit of Lisa Karamardian, M.D. as an exhibit. The affidavit was the same
16 affidavit from Dr. Karamardian that was provided with Plaintiff's original Complaint. Again, the
17 expert affidavit failed to identify by name "even as John or Jane Doe/Roe" the healthcare
18 professional that was negligent and fails to set forth the specific act or acts as to each Defendant.
19 Instead, the affidavit only identifies and discusses Dr. Delee and Sunrise Hospital.

20 17. In addition, in Plaintiff's proposed Amended Complaint, Plaintiff asserts a new
21 "Count III" which is entitled "Corporate Negligence – Against Defendant Sunrise Hospital." In
22 that new claim, Plaintiff newly asserts that Sunrise Hospital was negligent in its hiring, granting
23 and retention of privileges, and supervision of Frank Delee, M.D. and Ali Kia, M.D.

24 18. Plaintiff did not seek to add Ali Kia, M.D. as an additional party Defendant in her
25 proposed Amended Complaint provided with her Motion to Amend.

26 19. Defendant Sunrise Hospital, in opposition to Plaintiff's Motion to Amend
27 Complaint, contends, inter alia, that the Motion to Amend is untimely since the professional
28

1 negligence statute of limitations governing this medical malpractice action expired no later than
2 August 10, 2018 (or about 2 years ago).

3 20. In considering Plaintiff's Motion to Amend Complaint filed after the expiration
4 of the deadline for filing such motions, and after the expiration of the professional negligence
5 statute of limitations, the Court must first determine whether good cause exists for missing such
6 deadline under NRCP Rule 16(b) so the Court can consider the merits of the Motion under the
7 standard of NRCP 15(a).

8 21. As explained in the Conclusions of Law set forth below, the Court finds good
9 cause to allow for the filing of an amended Complaint to add potential Doe/Roe defendants and
10 to assert ostensible agency. But the Court does not find good cause to add a new cause of action
11 as described and set forth in Plaintiff's "Count III" for Corporate Negligence/Negligent
12 Supervision. Finally, and for the reasons described below, although the Court finds good cause
13 to allow Plaintiff to seek to amend her Complaint, the Court cannot grant the Motion to Amend
14 at this time because the proposed Amended Complaint and affidavit attached to the Motion to
15 Amend failed to comply with NRS § 41A.071.

16 CONCLUSIONS OF LAW

17
18 22. When a motion seeking leave to amend a pleading is filed after the expiration of
19 the deadline for filing such motions, the district court must first determine whether good cause
20 exists for missing the deadline under NRCP 16(b) before the court can consider the merits of the
21 motion under the standards of NRCP 15(a). *Nutton v. Sunset Station, Inc.*, 131 Nev. 279, 281,
22 357 P.3d 966, 968 (Nev. App. 2015).

23 23. Amended pleadings arising out of the same transaction or occurrence set forth in
24 the original pleadings may relate back to the date of the original filing. *See* NRCP 15(c). The
25 same remains true when an amended pleading adds a defendant that is filed after the statute of
26 limitations so long as the proper defendant (1) receives actual notice of the action; (2) knows
27 that it is the proper party; and (3) has not been misled to its prejudice by the amendment. *Echols*
28 *v. Summa Corp.*, 95 Nev. 720, 722, 601 P.2d 716, 717 (1979).

1 24. NRCF 15(c) is to be liberally construed to allow relation back of the amended
2 pleading where the opposing party will be put to no disadvantage. *See E.W. French & Sons, Inc.*
3 *v. General Portland Inc.*, 885 F.2d 1392, 1396 (9th Cir.1989) (discussing Federal Rule of Civil
4 Procedure 15).

5 25. As a threshold matter, the Court finds good cause to allow for the filing of an
6 amended complaint to allow for adding potential Doe/Roe defendants, and to assert ostensible
7 agency. As the Nevada Court of Appeals noted in *Nutton v. Sunset Station, Inc.*, the liberality
8 reflected in NRCF 15(a) recognizes that discovery is a fluid process through which unexpected
9 and surprising evidence is uncovered with regularity (particularly when important evidence was
10 solely in the possession of one party when the case was initiated), and parties should have some
11 ability to tailor their pleadings and reframe the case around what they might have learned after
12 the initial pleadings were filed. 131 Nev. 279, 284, 357 P.3d 966, 970 (Nev. App. 2015).

13 26. However, the Court does not find good cause to add a new cause of action set
14 forth in Plaintiff's "Count III" and described as Corporate Negligence/Negligent Supervision.
15 Unlike Rule 15(a)'s liberal amendment policy which focuses on the bad faith of the party
16 seeking to interpose an amendment and the prejudice to the opposing party, Rule 16(b)'s good
17 cause standard primarily considers the diligence of the party seeking the amendment. *Id.* at 286.
18 While discovery is not yet closed in this case, the pleadings fail to set forth good cause for
19 seeking to add a new cause of action three years after the original complaint was filed.

20 27. Despite finding good cause to amend the complaint as noted above, the Court
21 cannot grant the motion to amend at this time because the complaint and affidavit, when read
22 together, fail to comply with NRS § 41A.071. While the plaintiff has complied with NRS §
23 41A.071 in filing an affidavit along with the Amended Complaint, the affidavit does not meet
24 the four, specific affidavit requirements of the statute.

25 28. The affidavit attached to the proposed Amended Complaint must: (1) support the
26 allegations contained in the action; (2) be submitted by a medical expert who practices or has
27 practiced in an area that is substantially similar to the type of practice engaged in at the time of
28 the alleged professional negligence; (3) identify by name, or describes by conduct, each provider

HALL PRANGLE & SCHOONVELD, LLC

1140 NORTH TOWN CENTER DRIVE

SUITE 350

LAS VEGAS, NEVADA 89144

TELEPHONE: 702-389-6400 FACSIMILE: 702-384-6025

1 of health care who is alleged to be negligent; and (4) sets forth factually a specific act or acts of
2 alleged negligence separately as to each defendant in simple, concise and direct terms. *See* NRS
3 § 41A.071. The attached affidavit does not meet the third and fourth prongs of the affidavit
4 requirements. The affidavit fails to identify by name (even as John or Jane Doe/Roe) the
5 healthcare professional who was allegedly negligent, and fails to set forth the specific act or acts
6 of negligence as to each defendant. Instead, the affidavit only identifies and discusses Dr. Delee
7 and Sunrise Hospital. Accordingly, Plaintiff s Motion to Amend Complaint is denied without
8 prejudice in accordance with the Findings and Conclusions of Law set forth herein.

9
10
11
12 ...

13
14
15
16 ...

17
18
19
20 ...

21
22
23
24 ...

25
26
27
28 ...

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


Green v. Frank Delee, M.D., et al.
Case No. A-17-757722-C

ORDER

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED.

Dated this 25th day of September, 2020

DATED _____


DISTRICT COURT JUDGE EC

2C9 960 2BD5 FD72
Cristina D. Silva
District Court Judge

Respectfully Submitted by and
Approved as to Form and Content:

Approved as to Form and Content:

DATED this 18th day of September, 2020.

DATED this 18th day of September, 2020.

HALL PRANGLE & SCHOONVELD, LLC

LAW OFFICE OF DANIEL MARKS

/s/ Charlotte Buys, Esq.

/s/ Nicole Young, Esq.

MICHAEL E. PRANGLE, ESQ.

DANIEL MARKS, ESQ.

Nevada Bar No. 8619

Nevada Bar No. 2003

TYSON J. DOBBS, ESQ.

NICOLE M. YOUNG, ESQ.

Nevada Bar No. 11953

Nevada Bar No. 12659

SHERMAN B. MAYOR, ESQ.

610 South Ninth Street

Nevada Bar No. 1491

Las Vegas, NV 89101

T. CHARLOTTE BUYS, ESQ.

Attorneys for Plaintiff

Nevada Bar No. 14845

1140 N. Town Center Dr., Ste. 350

Las Vegas, NV 89144

Attorneys for Defendant

Sunrise Hospital and Medical Center, LLC

...

...

...

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

1 Approved as to Form and Content:

2 DATED this 18th day of September, 2020.

3 WILSON ELSEER MOSKOWITZ
4 EDELMAN & DICKER LLP

5 /s/ Eric Stryker, Esq.

6 ERIC K. STRYKER, ESQ.

7 Nevada Bar No. 5793

8 BRIGETTE E. FOLEY, ESQ.

9 Nevada Bar No. 12965

10 300 S. 4th Street

11 Las Vegas, NV 89101

12 *Attorneys for Defendants*

13 *Frank J. Deelee, M.D. and Frank J. Deelee,*

14 *M.D., PC*

Casey Henley

From: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>
Sent: Friday, September 18, 2020 2:51 PM
To: Nicole Young; Charlotte Buys; Casey Henley; Daniel Marks
Cc: Lord, Nicole N.; Sherman Mayor
Subject: RE: Green v. Sunrise Hospital et al.

[External Email] CAUTION!.

You may use my e-signature to submit to the court.

Have a good weekend,

Eric K. Stryker
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, NV 89119
702.727.1242 (Direct)
702.727.1400 (Main)
702.727.1401 (Fax)
eric.stryker@wilsonelser.com

From: Nicole Young [mailto:NYoung@danielmarks.net]
Sent: Friday, September 18, 2020 1:51 PM
To: Charlotte Buys <cbuys@HPSLAW.COM>; Casey Henley <CHenley@HPSLaw.com>; Daniel Marks <DMarks@danielmarks.net>; Stryker, Eric K. <Eric.Stryker@wilsonelser.com>
Cc: Lord, Nicole N. <Nicole.Lord@wilsonelser.com>; Sherman Mayor <smayor@HPSLAW.COM>
Subject: RE: Green v. Sunrise Hospital et al.

[EXTERNAL EMAIL]

Thank you! You may use my e-signature to submit to the court.

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536
Facsimile: (702) 386-6812

From: Charlotte Buys [mailto:cbuys@HPSLAW.COM]
Sent: Friday, September 18, 2020 11:52 AM
To: Nicole Young <NYoung@danielmarks.net>; Casey Henley <CHenley@HPSLaw.com>; Daniel Marks <DMarks@danielmarks.net>; Eric.Stryker@wilsonelser.com
Cc: Nicole.Lord@wilsonelser.com; Sherman Mayor <smayor@HPSLAW.COM>
Subject: RE: Green v. Sunrise Hospital et al.

Good Afternoon Counsel,

I just wanted to follow up on this matter as we intend to submit this Order to the Court today, September 18, 2020. Please advise if we may use your electronic signatures.

Very truly yours,

Charlotte Buys



Charlotte Buys
Associate
O: 702.212.1478
Email: cbuys@HPSLAW.COM

Legal Assistant: Casey Henley
O: 702.212.1449
Email: chenlev@hpslaw.com

NOTICE: The information contained in this electronic message is intended only for the personal and confidential use of the designated recipient(s) named above. This message may be attorney-client communication, and as such, is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone or return e-mail and permanently destroy all original messages. Thank you.

From: Charlotte Buys
Sent: Thursday, September 17, 2020 2:18 PM
To: Nicole Young <NYoung@danielmarks.net>; Casey Henley <CHenlev@HPSLaw.com>; Daniel Marks <DMarks@danielmarks.net>; Eric Stryker <Eric.Stryker@wilsonelser.com>
Cc: Nicole.Lord@wilsonelser.com; Sherman Mayor <smayor@HPSLAW.COM>
Subject: RE: Green v. Sunrise Hospital et al.

Dear Nicole,

We have attempted to address each of the proposed changes you have requested in the proposed Order as follows:

- We have referenced to NRCP 56 and NRS 41A.071 in the "Conclusions of Law" section in the granting of the "renewed" Motion for Partial Summary Judgment."
- We have placed language in the Countermotion section indicating that the Court permitted the hearing of the "renewed" Motion for Partial Summary Judgment and then granted it.
- Rather than delete sentence 2 in paragraph 15, we have chosen to delete the entire paragraph 15.

Enclosed please find the revised proposed Order. We would like to file this Order no later than tomorrow, as it may be overdue even now. Please advise if the recent revisions are acceptable.

Very truly yours,

Sherman B. Mayor and Charlotte Buys

From: Nicole Young <NYoung@danielmarks.net>

Sent: Wednesday, September 16, 2020 5:07 PM

To: Casey Henley <CHenley@HPSLaw.com>; Daniel Marks <DMarks@danielmarks.net>; Eric.Stryker@wilsonelser.com

Cc: Nicole.Lord@wilsonelser.com; Sherman Mayor <smayor@HPSLAW.COM>; Charlotte Buys <cbuys@HPSLAW.COM>

Subject: RE: Green v. Sunrise Hospital et al.

[External Email] CAUTION!.

Hi Casey:

Sorry for the delay. We have a few minor changes, as follows:

1. In the Conclusions of Law regarding the Partial MSJ, please add the affidavit requirement and statute as why the motion is granted.
2. In the Countermotion for Sanctions section, Dan and I were thinking it may be helpful to add the judge granted Sunrise reconsideration even though no formal motion granted.
3. Please delete sentence 2 of paragraph 15 on page 5.

Please let me know if you have any questions.

Thank you!

Nicole

Nicole M. Young, Esq.

Associate Attorney

Law Office of Daniel Marks

610 South Ninth Street

Las Vegas, Nevada 89101

Telephone: (702) 386-0536

Facsimile: (702) 386-6812

From: Casey Henley [<mailto:CHenley@HPSLaw.com>]

Sent: Tuesday, September 15, 2020 9:51 AM

To: Daniel Marks <DMarks@danielmarks.net>; Nicole Young <NYoung@danielmarks.net>; Eric.Stryker@wilsonelser.com

Cc: Nicole.Lord@wilsonelser.com; Sherman Mayor <smayor@HPSLAW.COM>; Charlotte Buys <cbuys@HPSLAW.COM>

Subject: RE: Green v. Sunrise Hospital et al.

Good Morning,

Just following up on the proposed Order below. We are hoping to get this filed today.

Thank you,

Casey Henley
Legal Assistant



O: 702.212.1449
Email: CHenley@HPSLaw.com

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

Legal Assistant to:
Charlotte Buys
Mari Schaan
Vanessa Turley

NOTICE: The information contained in this electronic message is intended only for the personal and confidential use of the designated recipient(s) named above. This message may be attorney-client communication, and as such, is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone or return e-mail and permanently destroy all original messages. Thank you.

From: Casey Henley

Sent: Wednesday, September 9, 2020 10:21 AM

To: DMarks@danielmarks.net; NYoung@danielmarks.net; Eric.Stryker@wilsonelser.com

Cc: Nicole.Lord@wilsonelser.com; Sherman Mayor <smayor@HPSLAW.COM>; Charlotte Buys <cbuys@HPSLAW.COM>

Subject: Green v. Sunrise Hospital et al.

Good Morning Counsel,

Enclosed please find the proposed Order regarding Judge Silva's Minute Order Decision. We would like to provide the proposed Order to the Court by Thursday, 09/10/2020. If you have any questions or proposed revisions, please text or call. However, the substance of the proposed Order was generally extracted by the Court's Minute Order. Otherwise, please advise if we may use your electronic signatures.

Very truly yours,

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

For further information about Wilson, Elser, Moskowitz, Edelman & Dicker LLP, please see our website at www.wilsonelser.com or refer to any of our offices.

Thank you.

Casey Henley

From: Nicole Young <NYoung@danielmarks.net>
Sent: Friday, September 18, 2020 1:51 PM
To: Charlotte Buys; Casey Henley; Daniel Marks; Eric.Stryker@wilsonelser.com
Cc: Nicole.Lord@wilsonelser.com; Sherman Mayor
Subject: RE: Green v. Sunrise Hospital et al.

[External Email] CAUTION!.

Thank you! You may use my e-signature to submit to the court.

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536
Facsimile: (702) 386-6812

From: Charlotte Buys [mailto:cbuys@HPSLAW.COM]
Sent: Friday, September 18, 2020 11:52 AM
To: Nicole Young <NYoung@danielmarks.net>; Casey Henley <CHenley@HPSLaw.com>; Daniel Marks <DMarks@danielmarks.net>; Eric.Stryker@wilsonelser.com
Cc: Nicole.Lord@wilsonelser.com; Sherman Mayor <smayor@HPSLAW.COM>
Subject: RE: Green v. Sunrise Hospital et al.

Good Afternoon Counsel,

I just wanted to follow up on this matter as we intend to submit this Order to the Court today, September 18, 2020. Please advise if we may use your electronic signatures.

Very truly yours,

Charlotte Buys



Charlotte Buys
Associate
O: 702.212.1478
Email: cbuys@HPSLAW.COM

Legal Assistant: Casey Henley
O: 702.212.1449
Email: chenley@hpslaw.com

CAUTION: The information contained in this electronic message is intended only for the personal and confidential use of the designated recipient(s) named above. This message may be attorney-client communication, and as such, is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone or return e-mail and permanently destroy all original messages. Thank you.

From: Charlotte Buys

Sent: Thursday, September 17, 2020 2:18 PM

To: Nicole Young <NYoung@danielmarks.net>; Casey Henley <CHenley@HPSLaw.com>; Daniel Marks <DMarks@danielmarks.net>; Eric Stryker <Eric.Stryker@wilsonelser.com>

Cc: Nicole.Lord@wilsonelser.com; Sherman Mayor <smayor@HPSLAW.COM>

Subject: RE: Green v. Sunrise Hospital et al.

Dear Nicole,

We have attempted to address each of the proposed changes you have requested in the proposed Order as follows:

- We have referenced to NRCP 56 and NRS 41A.071 in the "Conclusions of Law" section in the granting of the "renewed" Motion for Partial Summary Judgment."
- We have placed language in the Countermotion section indicating that the Court permitted the hearing of the "renewed" Motion for Partial Summary Judgment and then granted it.
- Rather than delete sentence 2 in paragraph 15, we have chosen to delete the entire paragraph 15.

Enclosed please find the revised proposed Order. We would like to file this Order no later than tomorrow, as it may be overdue even now. Please advise if the recent revisions are acceptable.

Very truly yours,

Sherman B. Mayor and Charlotte Buys

From: Nicole Young <NYoung@danielmarks.net>

Sent: Wednesday, September 16, 2020 5:07 PM

To: Casey Henley <CHenley@HPSLaw.com>; Daniel Marks <DMarks@danielmarks.net>; Eric Stryker <Eric.Stryker@wilsonelser.com>

Cc: Nicole.Lord@wilsonelser.com; Sherman Mayor <smayor@HPSLAW.COM>; Charlotte Buys <cbuys@HPSLAW.COM>

Subject: RE: Green v. Sunrise Hospital et al.

[External Email] CAUTION!.

Hi Casey:

Sorry for the delay. We have a few minor changes, as follows:

1. In the Conclusions of Law regarding the Partial MSJ, please add the affidavit requirement and statute as why the motion is granted.
2. In the Countermotion for Sanctions section, Dan and I were thinking it may be helpful to add the judge granted Sunrise reconsideration even though no formal motion granted.
3. Please delete sentence 2 of paragraph 15 on page 5.

Please let me know if you have any questions.

Thank you!
Nicole

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Choloe Green, Plaintiff(s)

CASE NO: A-17-757722-C

7 vs.

DEPT. NO. Department 9

8 Frank Delee, M.D., Defendant(s)
9

10 AUTOMATED CERTIFICATE OF SERVICE

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

14 Service Date: 9/25/2020

15 E-File Admin

efile@hpslaw.com

16 S. Vogel

brent.vogel@lewisbrisbois.com

17 Eric Stryker

eric.stryker@wilsonelser.com

18 Johana Whitbeck

johana.whitbeck@lewisbrisbois.com

19 Erin Jordan

erin.jordan@lewisbrisbois.com

20 Efile LasVegas

efilelasvegas@wilsonelser.com

21 Angela Clark

angela.clark@wilsonelser.com

22 Daniel Marks

office@danielmarks.net

23 Tyson Dobbs

tdobbs@hpslaw.com

24 Alia Najjar

alia.najjar@wilsonelser.com

25 Charlotte Buys

cbuys@hpslaw.com
26
27
28

1	Patricia Daehnke	patricia.daehnke@cdiglaw.com
2		
3	Nicolle Etienne	netienne@hpslaw.com
4	Sherman Mayor	smayor@hpslaw.com
5	Casey Henley	chenley@hpslaw.com
6	Nicole Lord	nicole.lord@wilsonelser.com
7	Linda Rurangirwa	linda.rurangirwa@cdiglaw.com
8	Amanda Rosenthal	amanda.rosenthal@cdiglaw.com
9	Laura Lucero	laura.lucero@cdiglaw.com
10	Nicole Young	nyoung@danielmarks.net
11		
12	Reina Claus	rclaus@hpslaw.com
13	Deborah Rocha	deborah.rocha@cdiglaw.com
14	Brigette Foley	Brigette.Foley@wilsonelser.com
15	Richean Martin	richean.martin@cdiglaw.com
16	Joshua Daor	joshua.daor@lewisbrisbois.com
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		



1 MICHAEL E. PRANGLE, ESQ.
Nevada Bar No. 8619
2 TYSON J. DOBBS, ESQ.
Nevada Bar No. 11953
3 SHERMAN B. MAYOR, ESQ.
Nevada Bar No. 1491
4 T. CHARLOTTE BUYS, ESQ.
Nevada Bar No. 14845
5 HALL PRANGLE & SCHOONVELD, LLC
6 1140 N. Town Center Dr., Ste. 350
Las Vegas, NV 89144
7 (702) 889-6400 – Office
8 (702) 384-6025 – Facsimile
efile@hpslaw.com
9 Attorneys for Defendant
10 Sunrise Hospital and Medical Center, LLC

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 CHOLOE GREEN, an individual,
14 Plaintiff,

15 vs.

16 FRANK J. DELEE, M.D., an individual;
17 FRANK J. DELEE MD, PC, a Domestic
18 Professional Corporation, SUNRISE
19 HOSPITAL AND MEDICAL CENTER,
LLC, a Foreign Limited-Liability Company,

20 Defendants.
21
22
23
24
25
26
27
28

CASE NO.: A-17-757722-C
DEPT NO.: IX

NOTICE OF ENTRY OF ORDER
DENYING, WITHOUT PREJUDICE,
THIRD-PARTY DEFENDANT DR.
KIA'S VERIFIED MEMORANDUM OF
COSTS AND DISBURSEMENTS

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

1 PLEASE TAKE NOTICE that the Order Denying, Without Prejudice, Third-Party
2 Defendant Dr. Kia's Verified Memorandum of Costs and Disbursements was entered in the
3 above entitled matter on the 3rd day of December, 2020, a copy of which is attached hereto.

4 DATED this 4th day of December, 2020.

6 HALL PRANGLE & SCHOONVELD, LLC

7 /s/ Charlotte Buys, Esq.

8 MICHAEL E. PRANGLE, ESQ.

9 Nevada Bar No. 8619

10 TYSON J. DOBBS, ESQ.

11 Nevada Bar No. 11953

12 SHERMAN B. MAYOR, ESQ.

13 Nevada Bar No. 1491

14 T. CHARLOTTE BUYS, ESQ.

15 Nevada Bar No. 14845

16 1140 N. Town Center Dr., Ste. 350

17 Las Vegas, NV 89144

18 *Attorneys for Defendant*

19 *Sunrise Hospital and Medical Center, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 4th day of December, 2020, I served a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER DENYING, WITHOUT PREJUDICE, THIRD-PARTY DEFENDANT DR. KIA'S VERIFIED MEMORANDUM OF COSTS AND DISBURSEMENTS 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;

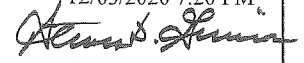
_____ Receipt of Copy at their last known address:

DANIEL MARKS, ESQ.
Nevada Bar No. 2003
NICOLE M. YOUNG, ESQ.
Nevada Bar No. 12659
610 South Ninth Street
Las Vegas, NV 89101
Attorneys for Plaintiff

ERIC K. STRYKER, ESQ.
Nevada Bar No. 5793
BRIGETTE E. FOLEY, ESQ.
Nevada Bar No. 12965
300 S. 4th Street
Las Vegas, NV 89101
Attorneys for Defendants
Frank J. Deelee, M.D. and Frank J. Deelee, M.D., PC

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

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


CLERK OF THE COURT

ORDR

MICHAEL E. PRANGLE, ESQ.
Nevada Bar No.: 8619
TYSON J. DOBBS, ESQ.
Nevada Bar No.: 11953
SHERMAN B. MAYOR, ESQ.
Nevada Bar No. 1491
T. CHARLOTTE BUYS, ESQ.
Nevada Bar No.: 14845
HALL PRANGLE & SCHOONVELD, LLC
1140 N. Town Center Dr., Ste. 350
Las Vegas, NV 89144
(702) 889-6400 – Office
(702) 384-6025 – Facsimile
efile@hpslaw.com
Attorneys for Defendant / Third-Party Plaintiff
Sunrise Hospital and Medical Center, LLC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CHLOE GREEN, an individual,

Plaintiff,

CASE NO.: A-17-757722-C
DEPT NO.: IX

vs.

FRANK J. DELEE, M.D., an individual;
FRANK J. DELEE MD, PC, a Domestic
Professional Corporation, SUNRISE
HOSPITAL AND MEDICAL CENTER,
LLC, a Foreign Limited-Liability Company,

Defendants.

**ORDER DENYING, WITHOUT
PREJUDICE, THIRD-PARTY
DEFENDANT DR. KIA'S VERIFIED
MEMORANDUM OF COSTS AND
DISBURSEMENTS**

**Hearing Date: November 17, 2020
Hearing Time: 9:00 a.m.**

This cause having come on to be heard on November 17, 2020, upon Defendant, Sunrise Hospital and Medical Center's ("Sunrise Hospital") Motion to Retax and/or Settle the Costs sought by Third-Party Defendant Ali Kia, M.D.'s Verified Memorandum of Costs and Disbursements; and SUNRISE HOSPITAL being represented by SHERMAN BENNETT MAYOR, ESQ. of the law firm HALL PRANGLE & SCHOONVELD, LLC; and Ali Kia, M.D. being represented by LINDA K. RURANGIRWA, ESQ. of the law firm of COLLINSON, DAEHNKE, INLOW & GRECO; and the Court having reviewed the papers and pleadings on file herein; and

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

1 having heard argument of counsel; and being otherwise duly advised in the premises, the Court
2 makes the following Findings of Fact and, based upon such Findings, issues the following
3 Decision:

4 FACTS/LAW

5 1. Judgment was rendered in favor of Ali Kia, M.D. dismissing him from this
6 litigation as a Third-Party Defendant on August 26, 2020.

7 2. As a result, and per NRS 18.020 *et seq.*, Dr. Kia filed a Memorandum of Costs
8 and Disbursements seeking reimbursement from Third-Party Plaintiff Sunrise Hospital.

9 3. Sunrise Hospital did not contest the amount of costs or reimbursements sought by
10 Dr. Kia's Memorandum. Rather, the Hospital contended that since there was a pending motion
11 by Plaintiff, Choloe Green, to bring Dr. Kia back into the litigation as a Defendant, that the
12 Memorandum of Costs and Disbursements was premature and should be deferred to determine
13 the status of Dr. Kia in this litigation.

14 4. Sunrise Hospital argued that if Plaintiff Choloe Green's Motion to Amend is
15 granted and Dr. Kia re-enters the litigation, then Dr. Kia's costs and disbursements, as described
16 in his Memorandum (including deposition transcripts), may be of value to him as a Defendant in
17 this litigation and therefore, he arguably suffered no loss of taxable costs or disbursements.

18 5. Per *Bobby Berosini, Ltd. v. People for the Ethical Treatment of Animals*, 114 Nev.
19 1348, 1352, 971 P.2d 383, 385 (Nev. 1998), an award of costs is within the sound discretion of
20 the trial Court. In exercising such discretion, this Court finds that the Memorandum of Costs and
21 Disbursements for the reasons stated herein, is premature and accordingly, such Memorandum of
22 Costs and Disbursements is DENIED, WITHOUT PREJUDICE.

23
24 ...

25
26 ...

27
28 ...

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

Green v. Frank Delee, M.D., et al.
Case No. A-17-757722-C

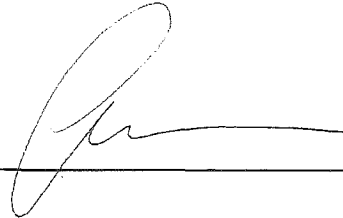
ORDER

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Third-Party Defendant Ali Kia, M.D.'s Memorandum of Costs and Disbursements is premature, and, therefore, DENIED, WITHOUT PREJUDICE,

2. Similarly, Sunrise Hospital's Motion to Retax and/or Settle Costs is premature and therefore DENIED, WITHOUT PREJUDICE, to be renewed pending a refiling, if any, of Dr. Kia's Memorandum of Costs and Disbursements.

Dated this 3rd day of December, 2020


EC

F39 17A 6A3C F938
Cristina D. Silva
District Court Judge

Respectfully Submitted by and
Approved as to Form and Content:
DATED this 2nd day of December, 2020.

Approved as to Form and Content:
DATED this 2nd day of December, 2020.

HALL PRANGLE & SCHOONVELD, LLC

COLLINSON, DAEHNKE, INLOW & GRECO

/s/ Charlotte Buys, Esq.
MICHAEL E. PRANGLE, ESQ.
Nevada Bar No. 8619
TYSON J. DOBBS, ESQ.
Nevada Bar No. 11953
SHERMAN B. MAYOR, ESQ.
Nevada Bar No. 1491
T. CHARLOTTE BUYS, ESQ.
Nevada Bar No. 14845
1140 N. Town Center Dr., Ste. 350
Las Vegas, NV 89144
Attorneys for Defendant
Sunrise Hospital and Medical Center, LLC

/s/ Linda K. Rurangirwa, Esq./
PATRICIA EGAN DAEHNKE, ESQ.
Nevada Bar No. 4976
LINDA K. RURANGIRWA, ESQ.
Nevada Bar No. 8843
2110 E. Flamingo Road, Suite 212
Las Vegas, NV, 89119
Attorneys for Third-Party Defendant Ali Kia,
M.D.

Casey Henley

From: Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>
Sent: Tuesday, December 1, 2020 5:49 PM
To: Charlotte Buys; Richean Martin
Cc: Mike Prangle; Tyson Dobbs; Sherman Mayor; Casey Henley
Subject: RE: Green v. DeLee, et al.; Proposed Order Denying Memorandum of Costs

[External Email] CAUTION!.

This is approved. You may use my electronic signature.

Thanks,

Linda K. Rurangirwa
Collinson, Daehnke, Inlow & Greco

From: Charlotte Buys <cbuys@HPSLAW.COM>
Sent: Tuesday, December 1, 2020 5:10 PM
To: Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Richean Martin <richean.martin@cdiglaw.com>
Cc: Mike Prangle <mprangle@HPSLAW.COM>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Sherman Mayor <smayor@HPSLAW.COM>; Casey Henley <CHenley@HPSLAW.com>
Subject: Green v. DeLee, et al.; Proposed Order Denying Memorandum of Costs

Dear Ms. Rurangirwa,

Enclosed please find Defendant Sunrise Hospital's proposed Order Denying, Without Prejudice, Third Party Defendant Dr. Kia's Verified Memorandum of Costs and Disbursements.

As you will see, the Order is only a few paragraphs in length and we ask that you provide us with approval of the Order or any proposed changes thereto by Thursday at 5:00 p.m., as it is our intention to provide the Court with the proposed Order by this Friday, December 6, 2020.

Very truly yours,

Sherman B. Mayor and Charlotte Buys



Charlotte Buys
Associate
O: 702.212.1478
Email: cbuys@HPSLAW.COM

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Choloe Green, Plaintiff(s)

CASE NO: A-17-757722-C

7 vs.

DEPT. NO. Department 9

8 Frank Delee, M.D., Defendant(s)

9
10 AUTOMATED CERTIFICATE OF SERVICE

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

14 Service Date: 12/3/2020

15 E-File Admin

efile@hpslaw.com

16 S. Vogel

brent.vogel@lewisbrisbois.com

17 Eric Stryker

eric.stryker@wilsonelser.com

18 Johana Whitbeck

johana.whitbeck@lewisbrisbois.com

19 Erin Jordan

erin.jordan@lewisbrisbois.com

20 Efile LasVegas

efilelasvegas@wilsonelser.com

21 Angela Clark

angela.clark@wilsonelser.com

22 Daniel Marks

office@danielmarks.net

23 Tyson Dobbs

tdobbs@hpslaw.com

24 Alia Najjar

alia.najjar@wilsonelser.com

25 Charlotte Buys

cbuys@hpslaw.com

1	Patricia Daehnke	patricia.daehnke@cdiglaw.com
2	Nicolle Etienne	netienne@hpslaw.com
3	Sherman Mayor	smayor@hpslaw.com
4	Casey Henley	chenley@hpslaw.com
5	Nicole Lord	nicole.lord@wilsonelser.com
6	Linda Rurangirwa	linda.rurangirwa@cdiglaw.com
7	Amanda Rosenthal	amanda.rosenthal@cdiglaw.com
8	Laura Lucero	laura.lucero@cdiglaw.com
9	Nicole Young	nyoung@danielmarks.net
10	Reina Claus	rclaus@hpslaw.com
11	Camie DeVoge	cdevoge@hpslaw.com
12	Deborah Rocha	deborah.rocha@cdiglaw.com
13	Brigette Foley	Brigette.Foley@wilsonelser.com
14	Richean Martin	richean.martin@cdiglaw.com
15	Joshua Daor	joshua.daor@lewisbrisbois.com
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

HALL PRANGLE & SCHOONVELD, LLC

1140 NORTH TOWN CENTER DRIVE

SUITE 350

LAS VEGAS, NEVADA 89144

TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

Electronically Filed
12/8/2020 10:13 AM
Steven D. Grierson
CLERK OF THE COURT



MICHAEL E. PRANGLE, ESQ.
Nevada Bar No. 8619
TYSON J. DOBBS, ESQ.
Nevada Bar No. 11953
SHERMAN B. MAYOR, ESQ.
Nevada Bar No. 1491
T. CHARLOTTE BUYS, ESQ.
Nevada Bar No. 14845
HALL PRANGLE & SCHOONVELD, LLC
1140 N. Town Center Dr., Ste. 350
Las Vegas, NV 89144
(702) 889-6400 – Office
(702) 384-6025 – Facsimile
efile@hpslaw.com
Attorneys for Defendant
Sunrise Hospital and Medical Center, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

CHOLOE GREEN, an individual,

Plaintiff,

vs.

FRANK J. DELEE, M.D., an individual;
FRANK J. DELEE MD, PC, a Domestic
Professional Corporation, SUNRISE
HOSPITAL AND MEDICAL CENTER,
LLC, a Foreign Limited-Liability Company,

Defendants.

CASE NO.: A-17-757722-C
DEPT NO.: IX

**NOTICE OF ENTRY OF ORDER
DENYING PLAINTIFF'S "MOTION
FOR RECONSIDERATION"
REGARDING DENIAL OF
ADDITIONAL CLAIMS OF
"OSTENSIBLE AGENCY" AND
"CORPORATE
NEGLIGENCE/NEGLIGENT
SUPERVISION"**

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

1 PLEASE TAKE NOTICE that the Order Denying, Plaintiff's Motion for Reconsideration
2 Regarding Denial of Additional Claims of Ostensible Agency and Corporate
3 Negligence/Negligent Supervision was entered in the above entitled matter on the 7th day of
4 December, 2020, a copy of which is attached hereto.

5 DATED this 8th day of December, 2020.

6
7 HALL PRANGLE & SCHOONVELD, LLC

8 /s/ Charlotte Buys, Esq.

9 MICHAEL E. PRANGLE, ESQ.

10 Nevada Bar No. 8619

11 TYSON J. DOBBS, ESQ.

12 Nevada Bar No. 11953

13 SHERMAN B. MAYOR, ESQ.

14 Nevada Bar No. 1491

15 T. CHARLOTTE BUYS, ESQ.

16 Nevada Bar No. 14845

17 1140 N. Town Center Dr., Ste. 350

18 Las Vegas, NV 89144

19 *Attorneys for Defendant*

20 *Sunrise Hospital and Medical Center, LLC*

HALL PRANGLE & SCHOONVELD, LLC

1140 NORTH TOWN CENTER DRIVE

SUITE 350

LAS VEGAS, NEVADA 89144

TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 8th day of December, 2020, I served a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S "MOTION FOR RECONSIDERATION" REGARDING DENIAL OF ADDITIONAL CLAIMS OF "OSTENSIBLE AGENCY" AND "CORPORATE NEGLIGENCE/NEGLIGENT SUPERVISION" 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:

DANIEL MARKS, ESQ.
Nevada Bar No. 2003
NICOLE M. YOUNG, ESQ.
Nevada Bar No. 12659
610 South Ninth Street
Las Vegas, NV 89101
Attorneys for Plaintiff

ERIC K. STRYKER, ESQ.
Nevada Bar No. 5793
BRIGETTE E. FOLEY, ESQ.
Nevada Bar No. 12965
300 S. 4th Street
Las Vegas, NV 89101
Attorneys for Defendants
Frank J. Deelee, M.D. and Frank J. Deelee,
M.D., PC

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


CLERK OF THE COURT

ORDR

MICHAEL E. PRANGLE, ESQ.
Nevada Bar No.: 8619
TYSON J. DOBBS, ESQ.
Nevada Bar No.: 11953
SHERMAN B. MAYOR, ESQ.
Nevada Bar No. 1491
T. CHARLOTTE BUYS, ESQ.
Nevada Bar No.: 14845
HALL PRANGLE & SCHOONVELD, LLC
1140 N. Town Center Dr., Ste. 350
Las Vegas, NV 89144
(702) 889-6400 – Office
(702) 384-6025 – Facsimile
efile@hpslaw.com
Attorneys for Defendant / Third-Party Plaintiff
Sunrise Hospital and Medical Center, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Plaintiff,

CASE NO.: A-17-757722-C
DEPT NO.: IX

vs.

FRANK J. DELEE, M.D., an individual;
FRANK J. DELEE MD, PC, a Domestic
Professional Corporation, SUNRISE
HOSPITAL AND MEDICAL CENTER,
LLC, a Foreign Limited-Liability Company,

Defendants.

ORDER DENYING PLAINTIFF'S
"MOTION FOR RECONSIDERATION"
REGARDING DENIAL OF
ADDITIONAL CLAIMS OF
"OSTENSIBLE AGENCY" AND
"CORPORATE
NEGLIGENCE/NEGLIGENT
SUPERVISION"

Hearing Date: November 17, 2020
Hearing Time: 9:00 a.m.

This cause having come on to be heard on November 17, 2020, upon Plaintiff's "Motion for Reconsideration" regarding denial of Plaintiff's proposed claims of ostensible agency and "corporate negligence/negligent supervision," and Defendant, SUNRISE HOSPITAL AND MEDICAL CENTER being represented by SHERMAN BENNETT MAYOR, ESQ. of the law firm HALL PRANGLE & SCHOONVELD, LLC; and PLAINTIFF being represented by DANIEL MARKS, ESQ.

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

1 and NICOLE M. YOUNG, ESQ. of the LAW OFFICE OF DANIEL MARKS; and Defendants
2 FRANK DELEE, M.D. and FRANK J. DELEE MD, PC being represented by ERIC K. STRYKER, ESQ.
3 the law firm of WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP; and the Court
4 having reviewed the papers and pleadings on file herein; and having heard argument of counsel;
5 and being otherwise duly advised in the premises, the Court finds as follows:

6
7 FINDINGS

8 PLAINTIFF HAS FAILED TO SATISFY THE REQUIREMENTS TO "RECONSIDER"
9 THIS COURT'S DECISION OF SEPTEMBER 25, 2020 DENYING PROPOSED
10 CLAIMS OF "OSTENSIBLE AGENCY" AND "CORPORATE
11 NEGLIGENCE/NEGLIGENT SUPERVISION"

12 1. Plaintiff filed a Motion for Reconsideration on October 12, 2020, seeking
13 reconsideration of this Court's September 25, 2020 Order denying proposed claims of
14 "ostensible agency" and "corporate negligence/negligent supervision."

15 2. In order to grant a Motion for Reconsideration, in Nevada, there must be "new
16 facts" or "new law" or a showing that the Court's decision was clearly erroneous. *See Moore v.*
17 *City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (Nev. 1976); *see also Masonry and Tile*
18 *Contractors Ass'n. of So. Nev. v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741 (Nev. 1997).

19 3. Applying the law to Plaintiff's Motion for Reconsideration, there is not sufficient
20 basis to "reconsider" and change this Court's September 25, 2020 Order denying Plaintiff's
21 request to add proposed theories of liability of "ostensible agency" and "corporate
22 negligence/negligent supervision."
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

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

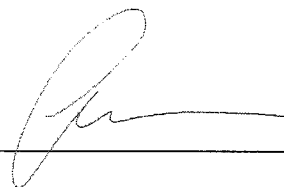
Green v. Frank Delee, M.D., et al.
Case No. A-17-757722-C

ORDER

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED,

1. That Plaintiff's Motion for Reconsideration of this Court's September 25, 2020 Order denying Plaintiff's proposed claims of "ostensible agency" and "corporate negligence/negligent supervision" is hereby DENIED.

Dated this 7th day of December, 2020



EC

ECB D85 D49D 1BCA
Cristina D. Silva
District Court Judge

Respectfully Submitted by and
Approved as to Form and Content:

Approved as to Form and Content:

DATED this 4th day of December, 2020.

DATED this 4th day of December, 2020.

HALL PRANGLE & SCHOONVELD, LLC

LAW OFFICE OF DANIEL MARKS

/s/ T. Charlotte Buys, Esq.

/s/ Nicole M. Young, Esq.

MICHAEL E. PRANGLE, ESQ.

DANIEL MARKS, ESQ.

Nevada Bar No. 8619

Nevada Bar No. 2003

TYSON J. DOBBS, ESQ.

NICOLE M. YOUNG, ESQ.

Nevada Bar No. 11953

Nevada Bar No. 12659

SHERMAN B. MAYOR, ESQ.

610 South Ninth Street

Nevada Bar No. 1491

Las Vegas, NV 89101

T. CHARLOTTE BUYS, ESQ.

Attorneys for Plaintiff

Nevada Bar No. 14845

1140 N. Town Center Dr., Ste. 350

Las Vegas, NV 89144

Attorneys for Defendant

Sunrise Hospital and Medical Center, LLC

...

...

...

HALL PRANGLE & SCHOONVELD, LLC

1140 NORTH TOWN CENTER DRIVE

SUITE 350

LAS VEGAS, NEVADA 89144

TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

1 Approved as to Form and Content:

2 DATED this 4th day of December, 2020.

3 WILSON ELSEER MOSKOWITZ
4 EDELMAN & DICKER LLP

5 /s/ Eric K. Stryker, Esq.

6 ERIC K. STRYKER, ESQ.

7 Nevada Bar No. 5793

8 BRIGETTE E. FOLEY, ESQ.

9 Nevada Bar No. 12965

10 300 S. 4th Street

11 Las Vegas, NV 89101

12 *Attorneys for Defendants*

13 *Frank J. Deelee, M.D. and Frank J. Deelee,*

14 *M.D., PC*

Casey Henley

From: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>
Sent: Friday, December 4, 2020 10:03 AM
To: Nicole Young; Charlotte Buys; Daniel Marks; Lord, Nicole N.
Cc: Sherman Mayor; Mike Prangle; Tyson Dobbs; Casey Henley
Subject: RE: Green v. DeLee, et al., Proposed Order Denying Motion for Reconsideration

[External Email] CAUTION!.

Yes you can e-sign if for me – thank you and have a good weekend!

Eric K. Stryker
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, NV 89119
702.727.1242 (Direct)
702.727.1400 (Main)
702.727.1401 (Fax)
eric.stryker@wilsonelser.com

From: Nicole Young [mailto:NYoung@danielmarks.net]
Sent: Friday, December 4, 2020 9:28 AM
To: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Charlotte Buys <cbyus@HPSLAW.COM>; Daniel Marks <DMarks@danielmarks.net>; Lord, Nicole N. <Nicole.Lord@wilsonelser.com>
Cc: Sherman Mayor <smayor@HPSLAW.COM>; Mike Prangle <mprangle@HPSLAW.COM>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Casey Henley <CHenley@HPSLaw.com>
Subject: RE: Green v. DeLee, et al., Proposed Order Denying Motion for Reconsideration

[EXTERNAL EMAIL]

Hi Charlotte:

You may use my e-signature to submit your proposed order to the court.

Hope you have a great weekend!
Nicole

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536
Facsimile: (702) 386-6812

From: Stryker, Eric K. [mailto:Eric.Stryker@wilsonelser.com]
Sent: Tuesday, December 01, 2020 5:41 PM

To: Charlotte Buys <cbuys@HPSLAW.COM>; Daniel Marks <DMarks@danielmarks.net>; Nicole Young <NYoung@danielmarks.net>; Lord, Nicole N. <Nicole.Lord@wilsonelser.com>
Cc: Sherman Mayor <smayor@HPSLAW.COM>; Mike Prangle <mprangle@HPSLAW.COM>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Casey Henley <CHenley@HPSLaw.com>
Subject: RE: Green v. DeLee, et al., Proposed Order Denying Motion for Reconsideration

Hi Charlotte,

You have my authority to e-sign the order for me as-is.

Thank you,

Eric K. Stryker
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, NV 89119
702.727.1242 (Direct)
702.727.1400 (Main)
702.727.1401 (Fax)
eric.stryker@wilsonelser.com

From: Charlotte Buys [<mailto:cbuys@HPSLAW.COM>]
Sent: Tuesday, December 1, 2020 5:05 PM
To: Daniel Marks <DMarks@danielmarks.net>; Nicole Young <NYoung@danielmarks.net>; Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Lord, Nicole N. <Nicole.Lord@wilsonelser.com>
Cc: Sherman Mayor <smayor@HPSLAW.COM>; Mike Prangle <mprangle@HPSLAW.COM>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Casey Henley <CHenley@HPSLaw.com>
Subject: Green v. DeLee, et al., Proposed Order Denying Motion for Reconsideration

[EXTERNAL EMAIL]

Dear Counsel,

Enclosed please find Defendant Sunrise Hospital's proposed Order denying Plaintiff's Motion for Reconsideration regarding denial of proposed claims of "ostensible agency" and "corporate negligence/negligent supervision."

As you will see, the Order is only a few paragraphs in length and we ask that you provide us with approval of the Order or any proposed changes thereto by Thursday at 5:00 p.m., as it is our intention to provide the Court with the proposed Order by this Friday, December 6, 2020.

Very truly yours,

Sherman B. Mayor and Charlotte Buys

Charlotte Buys
Associate



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

O: 702.212.1478
Email: cbuys@HPSLAW.COM

Legal Assistant: Casey Henley
O: 702.212.1449
Email: chenley@hpslaw.com

NOTICE: The information contained in this electronic message is intended only for the personal and confidential use of the designated recipient(s) named above. This message may be attorney-client communication, and as such, is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone or return e-mail and permanently destroy all original messages. Thank you.

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

For further information about Wilson, Elser, Moskowitz, Edelman & Dicker LLP, please see our website at www.wilsonelser.com or refer to any of our offices.

Thank you.

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

For further information about Wilson, Elser, Moskowitz, Edelman & Dicker LLP, please see our website at www.wilsonelser.com or refer to any of our offices.

Thank you.

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Choloe Green, Plaintiff(s) CASE NO: A-17-757722-C
7 vs. DEPT. NO. Department 9
8 Frank Delee, M.D., Defendant(s)
9

10 AUTOMATED CERTIFICATE OF SERVICE

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

14 Service Date: 12/7/2020

15 E-File Admin	efile@hpslaw.com
16 S. Vogel	brent.vogel@lewisbrisbois.com
17 Eric Stryker	eric.stryker@wilsonelser.com
18 Johana Whitbeck	johana.whitbeck@lewisbrisbois.com
19 Erin Jordan	erin.jordan@lewisbrisbois.com
20 Efile LasVegas	efilelasvegas@wilsonelser.com
21 Angela Clark	angela.clark@wilsonelser.com
22 Daniel Marks	office@danielmarks.net
23 Tyson Dobbs	tdobbs@hpslaw.com
24 Alia Najjar	alia.najjar@wilsonelser.com
25 Charlotte Buys	cbuys@hpslaw.com

26
27
28

1	Patricia Daehnke	patricia.daehnke@cdiglaw.com
2		
3	Nicolle Etienne	netienne@hpslaw.com
4	Sherman Mayor	smayor@hpslaw.com
5	Casey Henley	chenley@hpslaw.com
6	Nicole Lord	nicole.lord@wilsonelser.com
7	Linda Rurangirwa	linda.rurangirwa@cdiglaw.com
8	Amanda Rosenthal	amanda.rosenthal@cdiglaw.com
9	Laura Lucero	laura.lucero@cdiglaw.com
10	Nicole Young	nyoung@danielmarks.net
11		
12	Reina Claus	rclaus@hpslaw.com
13	Camie DeVoge	cdevoge@hpslaw.com
14	Deborah Rocha	deborah.rocha@cdiglaw.com
15	Brigette Foley	Brigette.Foley@wilsonelser.com
16	Richean Martin	richean.martin@cdiglaw.com
17	Joshua Daor	joshua.daor@lewisbrisbois.com
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		



1 COMP
2 LAW OFFICE OF DANIEL MARKS
3 DANIEL MARKS, ESQ.
4 Nevada State Bar No. 002003
5 NICOLE M. YOUNG, ESQ.
6 Nevada State Bar No. 12659
7 610 South Ninth Street
8 Las Vegas, Nevada 89101
9 (702) 386-0536; Fax (702) 386-6812
10 Attorneys for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 CHOLOE GREEN, an individual,

Case No. A-17-757722-C
Dept. No. IX

11 Plaintiff,

12 v.

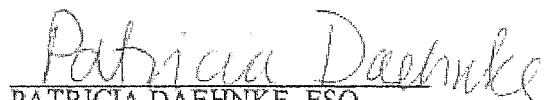
13 FRANK J. DELEE, M.D., an individual;
14 FRANK J. DELEE MD, PC, a Domestic
15 Professional Corporation, SUNRISE HOSPITAL
16 AND MEDICAL CENTER, LLC, a Foreign
17 Limited-Liability Company; ALI KIA, M.D. an
18 individual; and NEVADA HOSPITALIST
19 GROUP, LLP.

20 Defendants.

21 ACCEPTANCE OF SERVICE

22 COMES NOW the Defendant ALI KIA, M.D., by and through his counsel Patricia Daehnke, Esq.,
23 of Collinson, Daehnke, Inlow & Greco, and hereby accepts service of Plaintiff's Amended Complaint and
24 Summons, this 22nd day of December, 2020.

25 COLLINSON, DAEHNKE, INLOW & GRECO

26 
27 PATRICIA DAEHNKE, ESQ.
28 Nevada State Bar No. 004976
2110 E. Flamingo Road, Suite 212
Las Vegas, Nevada 89119
Counsel for Defendant Ali Kia, M.D.

District Court

CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No. A-17-757722-C

Dept. No. IX

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;
FRANK J. DELEE MD, PC, a Domestic
Professional Corporation, SUNRISE HOSPITAL
AND MEDICAL CENTER, LLC, a Foreign
Limited-Liability Company; ALI KIA, M.D. an
individual; and NEVADA HOSPITALIST
GROUP, LLP

Defendants.

SUMMONS

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD
UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

ALI KIA, M.D.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:
 - a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.
 - b. Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at direction of:

/s/ Nicole M. Young

NICOLE M. YOUNG, ESQ.
Nevada State Bar No. 12659
610 South Ninth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

STEVEN G. GRIERSON, CLERK OF COURT

By: Robyn Rodriguez 12/21/2020

Deputy Clerk Date
~~District Court - Family Division~~
~~601 North Pecos Road~~ 200 Lewis Ave.
Las Vegas, Nevada 89101

Robyn Rodriguez

NOTE: When service is by publication, add a brief statement of the object of the action.
See Rules of Civil Procedure, Rule 4(b).



LAW OFFICE OF DANIEL MARKS
DANIEL MARKS, ESQ.
Nevada State Bar No. 002003
NICOLE M. YOUNG, ESQ.
Nevada State Bar No. 12659
610 South Ninth Street
Las Vegas, Nevada 89101
(702) 386-0536; Fax (702) 386-6812
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No. A-17-757722-C
Dept. No. IX

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;
FRANK J. DELEE MD, PC, a Domestic
Professional Corporation, SUNRISE HOSPITAL
AND MEDICAL CENTER, LLC, a Foreign
Limited-Liability Company; ALI KIA, M.D. an
individual; and NEVADA HOSPITALIST
GROUP, LLP.

Defendants.

ACCEPTANCE OF SERVICE

COMES NOW the Defendant NEVADA HOSPITALIST GROUP, LLP, by and through its counsel
Erin E. Jordan, Esq., of Lewis Brisbois, and hereby accepts service of Plaintiff's Amended Complaint and
Summons, this 28th day of December, 2020.

LEWIS BRISBOIS



ERIN E. JORDAN, ESQ.
Nevada State Bar No. 010018
6385 S. Rainbow, Blvd., Suite 600
Las Vegas, Nevada 89118
Counsel for Defendant Nevada Hospitalist Group

District Court
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No. A-17-757722-C
Dept. No. IX

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;
FRANK J. DELEE MD, PC, a Domestic
Professional Corporation, SUNRISE HOSPITAL
AND MEDICAL CENTER, LLC, a Foreign
Limited-Liability Company; ALI KIA, M.D. an
individual; and NEVADA HOSPITALIST
GROUP, LLP

Defendants.

SUMMONS

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD
UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

NEVADA HOSPITALIST GROUP, LLP

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:
 - a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.
 - b. Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at direction of:

/s/ Nicole M. Young

NICOLE M. YOUNG, ESQ.
Nevada State Bar No. 12659
610 South Ninth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

STEVEN G. GRIERSON, CLERK OF COURT

By: Robyn Rodriguez 12/21/2020
Deputy Clerk Date
~~District Court Family Division~~
601 North Pecos Road 200 Lewis Ave.
Las Vegas, Nevada 89101
Robyn Rodriguez

NOTE: When service is by publication, add a brief statement of the object of the action.
See Rules of Civil Procedure, Rule 4(b).