

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID GARVEY, M.D., AN
INDIVIDUAL,

Petitioner,

vs.

THE FOURTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF ELKO; AND THE
HONORABLE KRISTON N. HILL,
DISTRICT JUDGE,

Respondents,

and

DIANE SCHWARTZ, INDIVIDUALLY
AND AS SPECIAL ADMINISTRATOR
OF THE ESTATE OF DOUGLAS R.
SCHWARTZ,

Real Party in Interest.

No. 83533
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Elizabeth A. Brown
Clerk of Supreme Court

***APPENDIX OF REAL PARTY IN INTEREST
VOLUME 1, (NOS. 1-16)***

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ELKO CO DISTRICT COURT

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9
10 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11 IN AND FOR THE COUNTY OF ELKO

12 DIANE SCHWARTZ, individually and as
13 Special Administrator of the Estate of
DOUGLAS R. SCHWARTZ, deceased;

14 Plaintiff,

15 vs.

16 DAVID GARVEY, M.D., an individual;
17 BARRY BARTLETT, an individual
(Formerly Identified as BARRY RN);
18 CRUM, STEFANKO, & JONES LTD, dba
Ruby Crest Emergency Medicine; PHC-
19 ELKO INC. dba NORTHEASTERN
NEVADA REGIONAL HOSPITAL, a
20 domestic corporation duly authorized to
conduct business in the State of Nevada;
21 REACH AIR MEDICAL SERVICES,
L.L.C.; DOES I through X; ROE
22 BUSINESS ENTITIES XI through XX,
inclusive,

23 Defendants.
24

CASE NO. CV-C-17-439
Dept. No.: 1

DEFENDANT DAVID GARVEY, M.D.'S
ANSWER TO PLAINTIFFS' SECOND
AMENDED COMPLAINT

25
26 Defendant, DAVID GARVEY, M.D. (hereinafter referred to as "Defendant" or
27 "Answering Defendant"), by and through his counsel of record, LEWIS BRISBOIS
28 BISGAARD & SMITH LLP, answers Plaintiffs' Second Amended Complaint as follows:

LEWIS
BRISBOIS
BISGAARD
& SMITH LLP
ATTORNEYS AT LAW

4821-2319-2162.1

1 1. This Answering Defendant is without sufficient knowledge or information to
2 form a belief as to the truth or falsity of the allegations contained in Paragraphs 1 and 2,
3 and therefore denies such allegations.

4 2. Answering Paragraph 3, this Answering Defendant admits that at all times
5 relevant, he was and is a medical doctor licensed in the State of Nevada.

6 3. This Answering Defendant is without sufficient knowledge or information to
7 form a belief as to the truth or falsity of the allegations contained in Paragraph 4, and
8 therefore denies such allegations.

9 4. The allegations in Paragraphs 5 through 8 contain legal conclusions that do
10 not call for a response from this Answering Defendant. To the extent that the allegations
11 in Paragraphs 5 through 8 call for a response from this Answering Defendant, this
12 Answering Defendant is without sufficient knowledge or information to form a belief as to
13 the truth or falsity of the allegations in Paragraphs 5 through 8, and therefore denies such
14 allegations.

15 5. This Answering Defendant is without sufficient knowledge or information to
16 form a belief as to the truth or falsity of the allegations contained in Paragraphs 9 and 10,
17 and therefore denies such allegations.

18 6. The allegations in Paragraph 11 contain legal conclusions that do not call
19 for a response from this Answering Defendant. To the extent that the allegations in
20 Paragraph 11 call for a response from this Answering Defendant, this Answering
21 Defendant is without sufficient knowledge or information to form a belief as to the truth or
22 falsity of the allegations in Paragraph 11, and therefore denies such allegations.

23 GENERAL ALLEGATIONS

24 1. Answering Paragraph 1 of the General Allegations, this Answering
25 Defendant repeats and realleges his responses to the preceding paragraphs and
26 incorporates the same by reference as though fully set forth therein.

27 2. This Answering Defendant is without sufficient knowledge or information to
28 form a belief as to the truth or falsity of the allegations contained in Paragraphs 2 through

1 22 of the General Allegations, and therefore denies such allegations.

2 FIRST CLAIM FOR RELIEF

3 (PROFESSIONAL NEGLIGENCE/WRONGFUL DEATH)

4 DR. DAVID GARVEY, BARRY BARTLETT, RUBY CREST, REACH AIR, AND NNRH

5 3. Answering Paragraph 23, this Answering Defendant repeats and realleges
6 his responses to the preceding paragraphs and incorporates the same by reference as
7 though fully set forth therein.

8 4. The allegations in Paragraph 24 contain legal conclusions that do not call
9 for a response from this Answering Defendant.

10 5. This Answering Defendant denies the allegations contained in Paragraphs
11 25 through 30.

12 6. The allegations in Paragraph 31 contain legal conclusions that do not call
13 for a response from this Answering Defendant. To the extent that the allegations in
14 Paragraph 31 call for a response from this Answering Defendant, this Answering
15 Defendant is without sufficient knowledge or information to form a belief as to the truth or
16 falsity of the allegations in Paragraph 31, and therefore denies such allegations.

17 7. This Answering Defendant denies the allegations contained in Paragraphs
18 32 through 35.

19 8. The allegations in Paragraphs 36 through 38 contain legal conclusions that
20 do not call for a response from this Answering Defendant. To the extent that the
21 allegations in Paragraphs 36 through 38 call for a response from this Answering
22 Defendant, this Answering Defendant is without sufficient knowledge or information to
23 form a belief as to the truth or falsity of the allegations in Paragraphs 36 through 38, and
24 therefore denies such allegations.

25 9. This Answering Defendant denies the allegations contained in Paragraphs
26 39 through 45.

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1 SECOND CLAIM FOR RELIEF

2 (Vicarious Liability, Corporate Negligence and Ostensible Agency)

3 Against Defendant NNRH, RUBY CREST, AND REACH AIR

4 10. Answering Paragraph 46, this Answering Defendant repeats and realleges
5 his responses to the preceding paragraphs and incorporates the same by reference as
6 though fully set forth therein.

7 11. The allegations in Paragraph 47 contain legal conclusions that do not call
8 for a response from this Answering Defendant.

9 12. This Answering Defendant denies the allegations contained in Paragraphs
10 48 through 56.

11 THIRD CLAIM FOR RELIEF

12 (Negligent Hiring, Training, and Supervision)

13 Against Defendant NNRH, RUBY CREST, AND REACH AIR

14 13. Answering Paragraph 57, this Answering Defendant repeats and realleges
15 his responses to the preceding paragraphs and incorporates the same by reference as
16 though fully set forth therein.

17 14. This Answering Defendant is without sufficient knowledge or information to
18 form a belief as to the truth or falsity of the allegations contained in Paragraph 58, and
19 therefore denies such allegations.

20 15. The allegations in Paragraph 59 contain legal conclusions that do not call
21 for a response from this Answering Defendant.

22 16. This Answering Defendant is without sufficient knowledge or information to
23 form a belief as to the truth or falsity of the allegations contained in Paragraph 60, and
24 therefore denies such allegations.

25 17. This Answering Defendant denies the allegations contained in Paragraphs
26 61 through 67.

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1 FOURTH CLAIM FOR RELIEF

2 (Lack of Informed Consent)

3 Against Defendant DAVID GARVEY, M.D.

4 18. Answering Paragraph 68, this Answering Defendant repeats and realleges
5 his responses to the preceding paragraphs and incorporates the same by reference as
6 though fully set forth therein.

7 19. The allegations in Paragraph 69 contain legal conclusions that do not call
8 for a response from this Answering Defendant. To the extent that the allegations in
9 Paragraph 69 call for a response from this Answering Defendant, this Answering
10 Defendant denies the allegations contained in Paragraph 69.

11 20. This Answering Defendant denies the allegations contained in Paragraphs
12 70 through 76.

13 FIFTH CLAIM FOR RELIEF

14 (Loss of Consortium)

15 DIANE SCHWARTZ's Claim Against All Defendants

16 21. Answering Paragraph 77, this Answering Defendant repeats and realleges
17 his responses to the preceding paragraphs and incorporates the same by reference as
18 though fully set forth therein.

19 22. This Answering Defendant is without sufficient knowledge or information to
20 form a belief as to the truth or falsity of the allegations contained in Paragraph 78, and
21 therefore denies such allegations.

22 23. This Answering Defendant denies the allegations contained in Paragraphs
23 79 through 82.

24 AFFIRMATIVE DEFENSES

25 FIRST AFFIRMATIVE DEFENSE

26 Plaintiff's Second Amended Complaint fails to state a claim on which relief may be
27 granted.

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SECOND AFFIRMATIVE DEFENSE

Plaintiff's damages, if any, were not proximately caused by this Answering Defendant's conduct.

THIRD AFFIRMATIVE DEFENSE

Plaintiff is comparatively at fault; Plaintiff's recovery, if any, should be reduced in proportion to Plaintiff's fault, or in the event Plaintiff's fault exceeds that of this Answering Defendant, Plaintiff is not entitled to any recovery.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's injuries and damages, if any, are the result of forces of nature over which this Answering Defendant has no control or responsibility.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff is barred from asserting any claims against this Answering Defendant because the alleged damages were the result of one or more unforeseeable intervening and superseding causes.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff is barred from bringing this action for failure to comply with applicable contractual remedies and requirements, including arbitration, if applicable. Plaintiff's failure to comply with the contractual remedies and requirements notwithstanding, this Answering Defendant reserves his right to enforce any applicable arbitration provision.

SEVENTH AFFIRMATIVE DEFENSE

The damages, if any, incurred by Plaintiff were not attributable to any act, conduct, or omission on the part of this Answering Defendant. This Answering Defendant denies that he was culpable in any matter or in any degree with respect to the matters set forth in Plaintiff's Second Amended Complaint.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred due to the applicable statute of limitations applicable to each cause of action, and/or the doctrines of estoppel, laches and/or unclean hands.

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NINTH AFFIRMATIVE DEFENSE

Plaintiff's damages, if any, were caused in whole or part by the negligence of third parties over which this Answering Defendant had no control.

TENTH AFFIRMATIVE DEFENSE

Plaintiff failed to take reasonable efforts to mitigate his or her damages, if any, and is therefore barred from recovering any damages from this Answering Defendant.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff's maladies and injuries, if any, were caused by inevitable disease processes and not by any act of this Answering Defendant.

TWELFTH AFFIRMATIVE DEFENSE

This Answering Defendant is entitled to all limitations, protections, and other provisions contained within NRS Chapter 41A and/or NRS 42.021.

THIRTEENTH AFFIRMATIVE DEFENSE

This Answering Defendant denies each and every allegation of Plaintiff's Second Amended Complaint not specifically admitted or otherwise pled herein.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to comply with NRS 41A.071.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff's non-economic damages, if any, may not exceed \$350,000, pursuant to NRS 41A.035.

SIXTEENTH AFFIRMATIVE DEFENSE

To the extent Plaintiff is entitled to recover any damages from this Answering Defendant, this Answering Defendant may be held severally liable only for that portion of any judgment which represents the percentage of negligence attributable this Answering Defendant, pursuant to NRS 41A.045 and NRS 41.141.

SEVENTEENTH AFFIRMATIVE DEFENSE

To the extent Plaintiff is entitled to recover any future damages from this Answering Defendant, this Answering Defendant may satisfy that amount through

1 periodic payments pursuant to NRS 42.021.

2 EIGHTEENTH AFFIRMATIVE DEFENSE

3 Plaintiff has failed to name an indispensable party whose presence is
4 indispensable to full relief.

5 NINETEENTH AFFIRMATIVE DEFENSE

6 Pursuant to N.R.C.P. 11, as amended, all affirmative defenses have not been
7 alleged herein insofar as sufficient facts are not available after reasonable inquiry upon
8 the filing of this Answering Defendant's Answer. This Answering Defendant reserves the
9 right to allege additional affirmative defenses subsequently, if investigation so warrants.

10 TWENTIETH AFFIRMATIVE DEFENSE

11 This Answering Defendant alleges that the injuries and damages, if any, suffered
12 by Plaintiff can and do occur in the absence of negligence.

13 TWENTY-FIRST AFFIRMATIVE DEFENSE

14 This Answering Defendant hereby incorporates by reference those affirmative
15 defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth
16 herein, for the specific purpose of not waiving any such defenses. In the event further
17 investigation or discovery reveals the applicability of any such defenses, or any other
18 affirmative defenses, this Answering Defendant reserves the right to seek leave of court
19 to amend this Answer to specifically assert any such defense.

20 WHEREFORE, this Answering Defendant prays for judgment as follows:

21 1. That Plaintiff take nothing by reason of her Second Amended Complaint on
22 file herein;

23 2. For all attorneys' fees incurred in the defense of this action;

24 3. For costs and disbursements incurred herein; and

25 4. For such other and further relief as the court may deem just and proper in
26 these premises.

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AFFIRMATION

PURSUANT TO NRS 239B.030

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

DATED this 17th day of April, 2018

LEWIS BRISBOIS BISGAARD & SMITH LLP

By 
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Attorneys for Defendant David Garvey, M.D.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP, and that on this 17th day of April, 2018, I did cause a true and correct copy of DEFENDANT DAVID GARVEY, M.D.'S ANSWER TO PLAINTIFFS' SECOND AMENDED COMPLAINT to be placed in the United States Mail, with first class postage prepaid thereon, and addressed as follows:

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By /s/ Johana Whitbeck
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP

AUTOPSY PROTOCOL

SCHWARTZ, Douglas

16-01938A-ELK


DATE OF DEATH: 6/22/16 11:56 PM
DATE OF AUTOPSY: 6/24/16 8:45 AM
CONSENT GRANTED BY: Elko County Sheriff/Coroner
AUTOPSY PERFORMED AT: Washoe County Medical Examiner's Office
INVESTIGATOR: Michael Bergman
PATHOLOGIST: Katherine Raven, M.D.

FINAL PATHOLOGICAL DIAGNOSES

- I. Blunt force injury of head and torso:
 - A. Cutaneous abrasion, right forehead.
 - B. Multifocal areas of subgaleal hemorrhage.
 - C. Acute rib fractures and focal subpleural hemorrhage of right lung, small pneumothorax (less than 10% per clinical record).
 - D. Bumper injury left hip.
 - E. Massive aspiration (per clinical report and residual at autopsy):
 1. Status post cricothyrotomy.
 2. Subcutaneous emphysema
- II. Blunt force injury of extremities.
 - a. Cutaneous abrasions.
- III. Cardiomegaly, mild (410 grams) and atherosclerotic cardiovascular disease.
- IV. Fatty liver, moderate

OPINION

This 58-year-old man was reportedly hit by a motor vehicle. He was taken to the emergency room in Elko where several CT scans were done. He was noted to have right-sided rib fractures, however, he was stable and talking. According to the medical record, he began experiencing difficulty breathing and the decision to sedate and intubate him was made. During the procedure, he reportedly suffered a massive aspiration of gastric contents. The cause of death is attributed to aspiration of gastric contents due to blunt force injury. The manner of death resides with the Elko County Sheriff's Office.


Katherine Raven, M.D.
Medical Examiner

3-1-17
Date Signed

AUTOPSY PROTOCOL

SCHWARTZ, Douglas

16-01938A-ELK

An autopsy is performed on the body of Douglas Schwartz, at the Washoe County Medical Examiner's Office, Reno, Nevada on the 24th day of June 2016, commencing at 8:45 AM.

EXTERNAL EXAMINATION

The body is that of a normally developed, well-nourished adult male appearing the recorded age of 58, who weighs 217 pounds, is 72 inches in height (BMI 29.4 kg/m²). The body is cold to touch and has been previously refrigerated; however, there is minimal warmth over the lower abdominal region. Rigor mortis is 4+ in the lower extremities and difficult to break. There is purple livor mortis predominantly over the posterior surfaces of the body and blanches slightly with firm pressure. The body is well preserved and not embalmed.

The body is received secured in a body bag with seal number 1791741.

The body is received clad in the following:

1. A hospital gown, and lower underwear/undergarment.
2. A pair of socks.

The body is cold to touch. Rigor is fully fixed in the extremities and jaw. Fixed purple livor extends over the posterior surfaces of the body, except in areas exposed to pressure. The scalp hair is covered by brown hair that measures up to 2.5 inches just over the top of the head and slightly shorter on the sides and posteriorly. The facial skeleton is palpable intact. There is blood on the face. The eyes are natural and the sclerae are white. The conjunctivae are clear without petechiae and the irides are brown. The ears and nose are normally formed. The mouth contains natural dentition in the upper and lower jaw. The oral mucosa is intact. The neck is unremarkable except for the below described medical therapy.

The chest is normally formed and the abdomen is protuberant and tense. The upper extremities are normally formed as are the hands. The nailbeds are pink to cyanotic and the nails are neatly trimmed. Nail clippings are taken for evidentiary purpose. The lower extremities are normally formed as are the feet. The soles of the feet are callused. The external genitalia is that of a normal male with the testes palpated in the scrotum. The back and the anus are normally formed.

Recent medical therapy:

1. There is a nasogastric tube in the left naris.
2. There are catheters inserted into the right interior and left interior chest walls.
3. An EKG monitor pad is seen on the left upper shoulder.

PAGE 2

SDT-ECC-000093

AUTOPSY PROTOCOL

SCHWARTZ, Douglas

16-01938A-ELK

4. There is a large plastic tubing inserted into an incision anterior neck. This is not sealed. In addition, there is significant subcutaneous emphysema palpated.
5. There is an intravascular catheter in the left dorsal hand and wrist.
6. EKG monitor pads on the torso.

There are no significant identifying marks, scars or tattoos seen on the body.

EXTERNAL EVIDENCE OF INJURIES

1. On the right upper forehead, at the hairline, is an area of abrasion which measures approximately 1 inch, and has focal surrounding contusion.
2. On the right upper arm, on the outer aspect, extending from just below the shoulder downward is an area of contusion, which mostly consists of small petechial hemorrhages. Overall this covers an area of 6 inches by approximately 3 inches. Overall these appear to be going in a somewhat horizontal fashion.
3. Just below the right elbow, on the dorsal aspect, is an additional area of confluent red brown abrasion that measures 1 inch. Adjacent to this also on the forearm, is a more linear abrasion with contusion that also measures 1 inch.
4. On the right knee is a red brown to yellow red 0.75 inch abrasion with skin tags adhered on the lateral margin. Directly below the knee on the anterior tibial plateau region extending laterally are three abrasions measuring 3/4 of an inch, 2 inches, and 2 inches. There are no palpable fractures.
5. On the left lateral proximal lower leg, below the knee, is a red-brown abrasion measuring 1/2 inch.
6. On the left lateral hip region is a faint area of a contusion that measures no more than 1 inch. This is incised and shows a large tissue pocket with crush injury of the soft tissue and a hemorrhagic pocket present. This is centered 36 inches above the left heel.
7. On the right lateral hip is a very faint small area of petechial hemorrhages that cover an area of 1 x 1 inch.
8. Just above the right lateral malleolus is a superficial yellow red to red brown abrasion that measures 1/4 inch with overlying skin tags.
9. On the dorsal right hand, at the 3rd and 4th proximal fingers, are red brown abrasions measuring approximately 1/8 inch.
10. On the left dorsal 3rd finger, at the middle phalanges, is a 1/8 inch red brown abrasion.

INTERNAL EVIDENCE OF INJURY

1. The scalp is reflected in the usual manner. There are three areas of subgaleal hemorrhage and include the right lateral parietal scalp that measures 4 x 3 inches. There is an additional subgaleal hemorrhage seen over the left posterior parietal scalp that extends down the occipital area and measures 4 x 1 inch. A

AUTOPSY PROTOCOL

SCHWARTZ, Douglas

16-01938A-ELK

- separate 2 inch subgaleal hemorrhage is seen in the inferior posterior parietal scalp, behind the ear.
2. There are right-sided rib fractures that include ribs 2 through 7 with a moderate to severe amount of surrounding hemorrhage with soft tissue swelling of the hemorrhage. Fractures of the left ribs 2 through 4 are present on the anterolateral ribs with minimal hemorrhage.
 3. On the right diaphragmatic surface of the lung are two extremely superficial subpleural hemorrhages.
 4. There is soft tissue hemorrhage of the anterior neck and extending down into the lower strap muscles. This however appears to be centered around the cricoid incision.

INTERNAL EXAMINATION (EXCLUDING INJURY)

The body is opened by the usual thoracoabdominal, Y-shaped incision and the chest plate is removed. No adhesions or abnormal collections of fluid are present in any of the body cavities. All body organs are present in the normal anatomical position. The subcutaneous fat layer of the abdominal wall is 1.5 inches thick.

HEAD (CENTRAL NERVOUS SYSTEM):

The scalp is reflected. The calvarium of the skull is partially removed. The dura mater and falx cerebri are intact. The brain weighs 1330 grams. The leptomeninges are thin and delicate. The cerebral hemispheres are symmetrical. The cerebellum is slightly softer than the cerebrum as is the brainstem. There are no focal lesions noted. The structures at the base of the brain, including cranial nerves and blood vessels, are intact. Coronal sections through the cerebral hemispheres reveal no lesions. Transverse sections through the brain stem and cerebellum are unremarkable. The spinal cord is removed demonstrating no evidence of hemorrhage or other abnormality.

NECK:

Examination of the soft tissues of the neck, including strap muscles and large vessels, reveals no abnormalities except for as described above. The hyoid bone and larynx are intact. The tongue contains no gross abnormalities.

CARDIOVASCULAR SYSTEM:

The heart weighs 410 grams. The pericardial surfaces are smooth, glistening and unremarkable; the pericardial sac is free of significant fluid or adhesions. The coronary arteries arise normally, a right dominant heart, the left two major coronary arteries are extremely small in caliber. The left anterior coronary artery shows mild atherosclerosis, the left circumflex is extremely and appears to show severe occlusion. The right coronary artery shows mild occlusion from atherosclerosis. There are no acute thrombi identified. The chambers and valves bear the usual size-position relationship and are

AUTOPSY PROTOCOL

SCHWARTZ, Douglas

16-01938A-ELK

unremarkable. The myocardium is dark red-brown, firm, and unremarkable; the atrial and ventricular septa are intact. The aorta and its major branches arise normally, follow the usual course and are widely patent, free of significant atherosclerosis and other abnormality. The vena cava and its major tributaries return to the heart in the usual distribution and are free of thrombi.

RESPIRATORY SYSTEM:

The right and left lungs weigh 380 and 450 grams, respectively. The upper airway is demonstrates copious amounts of gastric material extending distally. The pleural surfaces are smooth, glistening and unremarkable bilaterally, except as otherwise noted. The pulmonary parenchyma is dark red-purple exuding slight to moderate amounts of blood and frothy fluid; no focal lesions are noted. The pulmonary arteries are normally developed, patent, and without thrombus or embolus.

LIVER AND BILIARY SYSTEM:

The liver weighs 2070 grams. The hepatic capsule is smooth, glistening and intact, covering dark red-brown, moderately congested parenchyma, with no focal lesions noted. The gallbladder contains 10 cc of bile. The extrahepatic biliary tree is patent, without evidence of calculi.

ALIMENTARY TRACT:

The esophagus is lined by gray-white, smooth mucosa. The gastric mucosa is arranged in the usual rugal folds and the lumen contains 300 cc of partially digested food, which shows fragments of carrots. The small and large bowel are unremarkable. The appendix is not readily apparent, but there is a small remnant of fibrous tissue, which possibly may be appendix. No overlying scar is appreciated. The pancreas has a normal gray-white, lobulated appearance and the ducts are clear.

GENITOURINARY TRACT:

The right and left kidneys weigh 130 and 120 grams, respectively. The renal capsules are smooth and thin, semitransparent, and strip with ease from the underlying smooth, red-brown, slightly and superficially lobulated cortical surface. The cortex is slightly congested and is sharply delineated from the medullary pyramids, which are red-purple to tan and unremarkable. The calyces, pelves and ureters are unremarkable. The urinary bladder contains 210 cc of urine; the mucosa is gray-tan and smooth. The prostate and seminal vesicles are unremarkable for age.

RETICULOENDOTHELIAL SYSTEM:

The spleen weighs 160 grams and has a smooth, intact capsule covering red-purple, moderately firm parenchyma; the lymphoid follicles are unremarkable. The regional

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lymph nodes appear normal. The bone marrow is red-purple, homogeneous, without evidence of focal abnormality.

ENDOCRINE SYSTEM:

The pituitary, thyroid, and adrenal glands are unremarkable.

MUSCULOSKELETAL SYSTEM:

The bony framework is unremarkable. The supporting musculature and soft tissue are not unusual.

SPECIMENS RETAINED:

Peripheral blood, vitreous, urine, DNA card, tissue stock, evidence.

MICROSCOPIC EXAMINATION:

LUNG: Evidence of aspiration with early cellular reaction; congestion.

LIVER: moderate steatosis;

Heart, kidney: No diagnostic abnormalities.

TOXICOLOGY

BY: NMS LABS

Toxicology results are provided separately.

Fixed tissue specimens will be retained for 2 years after date of autopsy; routine toxicology and laboratory specimens will be retained for 2 years unless specifically requested otherwise.