

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARELL L. MOORE; AND CHARLENE)
A. MOORE, INDIVIDUALLY AND AS)
HUSBAND AND WIFE,)
Appellants,)
vs.)
JASON LASRY, M.D. INDIVIDUAL;)
AND TERRY BARTIMUS, RN, APRN,)
Respondents.)

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Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No. 81659

APPEAL

From the Eighth Judicial District Court, Clark County
The Honorable Kathleen E. Delaney, District Judge
District Court Case No.: A-17-766426-C

APPELLANT'S APPENDIX VOLUME III

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Attorney for Appellant Darrell Moore and Charlene Moore

INDEX TO APPELLANT'S APPENDIX

VOLUME	DOCUMENT	BATES NUMBER
I	Complaint dated December 18, 2017	AA00001- AA00024
I	Amended Complaint dated December 20, 2017	AA00025- AA00048
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I	Dignity Health's Answer to Complaint dated January 17, 2018	AA00050- AA00059
I	Proof of Service of Amended Complaint upon Dignity Health dated January 17, 2018	AA00060
I	Proof of Service of Amended Complaint upon Jason Lasry dated January 31, 2018	AA00061
I	Proof of Service of Amended Complaint upon Terry Bartmus dated January 31, 2018	AA00062
I	Fremont Emergency Services and Terry Bartmus's Answer to Complaint dated February 9, 2018	AA00063- AA00072
I	Jason Lasry's Answer to Complaint dated February 12, 2018	AA00073- AA00081
I	Scheduling Order dated May 4, 2018	AA00082- AA00084
I	Stipulation and Order to Dismiss Dignity Health dated May 4, 2018	AA00085- AA00089
I	Notice of Entry of Order re Stipulation and Order to Dismiss Dignity Health dated June 28, 2018	AA00090- AA00098
I	Proof of Service of Deposition Subpoena Duces Tecum, Notice of Taking Deposition and Notice of Service of Subpoena Duces Tecum dated March 22, 2019	AA00099
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I	Notice of Entry of Stipulation and Order re Expert Disclosures dated October 7, 2019	AA00107- AA00114

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I	Order Allowing Plaintiff to amend their Complaint to remove Dignity Health dated October 16, 2019	AA00124-AA00125
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I	Second Amended Complaint dated October 29, 2019	AA00134-AA00157
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II	Joint Pre-Trial Memorandum dated December 16, 2019	AA00176-AA00208
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II	Notice of Entry of Stipulation and Order to Dismiss Fremont Emergency Service dated December 18, 2019	AA00215-AA00223
II	Jason Lasry's Pretrial Disclosures dated December 27, 2019	AA00224-AA00238
II	Plaintiffs' Pretrial Disclosures dated December 27, 2019	AA00239-AA00249
II	Terry Bartmus's Pretrial Disclosures dated December 27, 2019	AA00250-AA00267
II	Jason Lasry's First Supplement to Pretrial Disclosures dated January 2, 2020	AA00268-AA00285

II	Jason Lasry's Second Supplement to Pretrial Disclosures dated January 9, 2020	AA00286-AA00303
III	Terry Bartmus's First Supplement to Pretrial Disclosures dated January 10, 2020	AA00304-AA00322
III	Jason Lasry's Third Supplement to Pretrial Disclosures dated January 15, 2020	AA00323-AA00340
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VIII	Trial Transcript for January 28, 2020	AA01030- AA01221
IX	Trial Transcript for January 29, 2020	AA01222- AA01378
X	Trial Transcript for January 30, 2020	AA01379- AA01558
XI	Trial Transcript for January 31, 2020	AA01559- AA01708
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XI	Trial Transcript for January 31, 2020	AA01559- AA01708
XIX	Trial Transcripts for February 12, 2020, February 13, 2020 and June 11, 2020	AA02986- AA03225

CERTIFICATE OF SERVICE

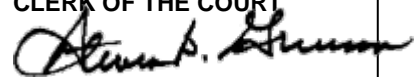
Pursuant to NRAP 25(b), I certify that I am an employee of the law firm and that on this 21st day of July, 2021, I served a true and correct copy of the foregoing **APPELLANT'S APPENDIX VOLUME III** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☐ to be sent via facsimile (as a courtesy only); and/or
- ☐ to be hand-delivered to the attorneys at the address listed below:
- ☒ to be submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

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Keith A. Weaver, Esq.
Lewis Brisbois Bisgaard & Smith, LLP
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By: /s/ E. Breen Arntz
An employee of E. Breen Arntz, Chtd.



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13 *Attorneys for Terry Bartmus, A.P.R.N.*

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

11 DARELL L. MOORE and CHARLENE A.
12 MOORE, individually and as husband and
13 wife,;

14 Plaintiffs,

15 vs.

16 DIGNITY HEALTH d/b/a ST. ROSE
17 DOMINICAN HOSPITAL-SAN MARTIN
18 CAMPUS; JASON LASRY, M.D.,
19 individually; FREMONT EMERGENCY
20 SERVICES (MANDAVIA), LTD.; TERRY
21 BARTMUS, A.P.R.N.; and DOES I through
X, inclusive; and ROE CORPORATIONS I
through V, inclusive,;

22 Defendants.

CASE NO. A-17-766426-C
Dept. No.: XXV

DEFENDANT TERRY BARTMUS,
A.P.R.N.'S FIRST SUPPLEMENTAL
PRE-TRIAL DISCLOSURE PURSUANT
TO NRCP 16.1 (a)(3)

22 Defendant TERRY BARTMUS, A.P.R.N., by and through her attorneys, LEWIS
23 BRISBOIS BISGAARD & SMITH LLP, hereby submits the following Supplemental Pretrial
24 Disclosures pursuant to NRCP 16.1(a)(3), as follows:

25 ///

26 ///

27 ///

28 ///

I.

DEFENDANT'S WITNESSES

A. Witnesses Defendant Expects to Present.

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c/o Keith A. Weaver, Esq.
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10 **B. Witnesses Defendant May Call if the Need Arises.**

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19 Address unknown
- 20 21. Amee Kuchinsky, R.N.
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14 28. Person(s) Most Knowledgeable and/
15 or Custodian of Records at
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29 30. Person(s) Most Knowledgeable/
30 Custodian of Records
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36 32. Person(s) Most Knowledgeable and/
37 or Custodian of Records at
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43 33. Person(s) Most Knowledgeable and/
44 or Custodian of Records at
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- 18 38. Person(s) Most Knowledgeable/
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- 1 43. Person(s) Most Knowledgeable/
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Custodian of Records
Charles McPherson, M.D.
3121 S. Maryland Parkway, Suite 502
Las Vegas, NV 89109
(208) 415-5795
48. Person(s) Most Knowledgeable/
Custodian of Records
Salvador Borrromeo III, M.D.
3009 W. Charleston Blvd.
Las Vegas, NV 89102
(702) 589-2750
49. Person(s) Most Knowledgeable/
Custodian of Records
Karyn Harries, M.D.
5320 S. Rainbow Blvd., Suite 150
Las Vegas, NV 89118
(702) 944-7105

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50. Person(s) Most Knowledgeable/
Custodian of Records
Nauman Tahir, M.D.
500 S. Rancho Drive, Suite 12
Las Vegas, NV 89106
(702) 877-1887
51. Person(s) Most Knowledgeable/
Custodian of Records
Ida Washington, M.D.
1000 S. Rainbow Blvd.
Las Vegas, NV 89145
(702) 259-0088
- First Supplement**
52. Judy Cearlock, M.D.
2850 S. Maryland Pkwy.
Las Vegas, Nevada 89109
53. Person(s) Most Knowledgeable and/or Custodian of Records
Steinberg Diagnostic Medical Imaging Center
2950 S. Maryland Pkwy.
Las Vegas, Nevada 89109
(702) 732-6000
54. Person(s) Most Knowledgeable and/or Custodian of Records
Radiology Associates
5495 S. Rainbow Blvd., Suite 203
Las Vegas, Nevada 89118
(702) 707-9706
55. Person(s) Most Knowledgeable and/or Custodian of Records
Shadow Emergency Physicians
620 Shadow Lane
Las Vegas, Nevada 89106
(800) 355-2470
56. Oscar Rago, M.D.
DMS-EMCARE
500 N. Rainbow Blvd., Ste. 203
Las Vegas, Nevada 89107
(702) 259-1228
57. Irfana Razzaq, M.D.
6273 Narrow Isthmus Ave.
Las Vegas, Nevada 89139
(702) 243-8767

///

- 1 58. Shannon Berry, M.D.
2 295 Posada Lane
3 Templeton, California 93465
- 4 59. C. Edward Yee
5 2980 S. Jones Blvd., Ste. A
6 Las Vegas, Nevada 89146
7 (702) 362-3937
- 8 60. Mark Barney, M.D.
9 2820 W. Washington Blvd., Ste. 33
10 Las Vegas, Nevada 89102
11 (702) 880-1558
- 12 61. Person(s) Most Knowledgeable/Custodian of Records
13 OptumCare Cancer Center
14 6190 S. Fort Apache Road
15 Las Vegas, Nevada 89179
16 (702) 724-8787
- 17 62. Person(s) Most Knowledgeable and/or Custodian of Records
18 Nevada Orthopedic and Spine Center
19 7455 W. Washington, Ste. 160
20 Las Vegas, Nevada 89128
21 (702) 258-3773
- 22 63. Person(s) Most Knowledgeable and/or Custodian of Records
23 Kindred Transitional Care and Rehabilitation
24 5650 S. Rainbow Blvd.
25 Las Vegas, Nevada 89118
26 (702) 470-1102
- 27 64. Ashok Gupta, M.D.
28 Desert Radiology
2020 Palomino Lane, #100
Las Vegas, Nevada 89106
(702) 759-8600

C. Witnesses Who Have Been Subpoenaed for Trial.

As of this date, Defendant has not served any trial subpoenas. Defendant reserves the right to serve a trial subpoena upon any and all of the witnesses identified in Part I above.

///

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1 II.

2 DEFENDANT'S EXHIBITS

3 A. Documents Defendant Intends to Offer.

4 Defendant expects to offer the following documents:

5 1. Medical Records from Advanced Prosthetics and Orthotics for Darell L.
6 Moore (Bates APO 00001-00020);

7 2. Billing Records from Advanced Prosthetics and Orthotics (APAO 00002-
8 00003);

9 3. Medical and Billing Records from Sang Tran, M.D. (STM 00001-00028);

10 4. Billing Records from Desert Radiologists for Darell L. Moore (Bates DRB
11 00001-00005);

12 5. Medical Records from Desert Radiologists for Darell L. Moore (Bates DRI
13 00001-00017);

14 6. Billing Records from Radiology Associates of Nevada for Darell L. Moore
15 (Bates RAN 00001-00011);

16 7. Medical and Billing Records from Shadow Emergency Physicians for Darell
17 L. Moore (Bates SEP 00001-00033);

18 8. Medical Records from Spring Valley Hospital for Darell L. Moore (Bates
19 SVHMR 00001-00260);

20 9. Billing Records from St. Rose Dominican Hospital - San Martin for Darell L.
21 Moore (Bates SRDSMB 00001-00041);

22 10. Fremont Emergency Services Billing Records (Bates PLF 001501),
23 produced by Plaintiff;

24 11. Radiology Associates of Nevada's Billing Records (Bates PLF 001502-
25 001511), produced by Plaintiff;

26 12. Medical Records from St. Rose Dominican Hospital - San Martin (Bates
27 SRDSMMR 000001-002865);

28 13. Films from St Rose Dominican Hospital;

- 1 14. Billing Records from Antonio Flores Erazo, M.D. for Darell L. Moore (Bates
2 AFEMD-0001-0006);
- 3 15. Medical Records from Irwin Simon, M.D. for Darell L. Moore (Bates ISMD-
4 0001-0042);
- 5 16. Medical and Billing Records from Nevada Comprehensive Pain Center for
6 Darell L. Moore (Bates NCPC-0001-0314);
- 7 17. Medical Records from Scott Greaves, M.D. for Darell L. Moore (Bates
8 SGMD-0001-0021);
- 9 18. Billing Records from Scott Greaves, M.D. (Bates SGM 00013-00015);
- 10 19. Billing Records from Spring Valley Hospital for Darell L. Moore (Bates
11 SVHMCB-0001-0012);
- 12 20. Films from Spring Valley Hospital;
- 13 21. Films from Desert Radiologists;
- 14 22. Billing Records from John F. Pinto, M.D. for Darell L. Moore (Bates JPMD-
15 0001-0002);
- 16 23. Medical Records from Noel L. Shaw, D.C. for Darell L. Moore (Bates NSDC-
17 0001-0008).
- 18 24. Billing Records from St. Rose Dominican Hospital - Siena (Bates SDSB
19 000001-000068);
- 20 25. Medical Records from St. Rose Dominican Hospital - San Martin (Bates
21 SRDSMMR 000001-002865);
- 22 26. Medical Records from St. Rose Dominican Hospital - Siena (Bates
23 SRDSMR-0001-0771);
- 24 27. Medical Records from Kindred Rehabilitation (Bates LVHR-0001-0238);
- 25 28. Billing Records from St. Rose Dominican Hospital - San Martin (Bates
26 SRDSMB-0001-0054);
- 27 29. Medical Records from Jonathan Riegler, M.D. (Bates JRMD-0001-0005);
- 28 30. Medical Records from Procure Medical Center (Bates PCMC-0001-0067);

- 1 31. Medical and Billing Records from St. Rose Stanford Clinic (Bates SRSC-
2 0001-0088);
- 3 32. Medical Records from Nevada Ortho & Spine Center (Bates NOSC-0001-
4 0020);
- 5 33. American College of Surgeons Expert Witness Affirmation;
- 6 34. American College of Surgeons Statement on the Physician Acting as an
7 Expert Witness;
- 8 35. David Barcay, M.D., reports, curriculum vitae and fee schedule;
- 9 36. Samuel Wilson, M.D., reports, curriculum vitae and fee schedule;
- 10 37. John Janzen, Ph.D., CRC's reports, curriculum vitae and fee schedule;
- 11 38. Karl Erik Volk, M.A.'s reports, curriculum vitae and fee schedule;
- 12 39. Darell Moore's Answers to Defendant Jason Lasry, M.D.'s Interrogatories;
- 13 40. Darell Moore's Answers to Defendant Jason Lasry, M.D.'s Requests for
14 Production of Documents;
- 15 41. Darell Moore's Answers to Defendant Terry Bartmus, APRN's First Set of
16 Interrogatories;
- 17 42. Darell Moore's Answers to Defendant Terry Bartmus, APRN's First Set of
18 Requests for Production of Documents;
- 19 43. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's First Set
20 of Interrogatories;
- 21 44. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's First Set
22 of Requests for Production of Documents;
- 23 45. Plaintiffs' Answers to Defendant Fremont Emergency Services' First Set of
24 Interrogatories;
- 25 46. Plaintiffs' Answers to Defendant Fremont Emergency Services' First Set of
26 Requests for Production of Documents;
- 27 47. Plaintiffs' Answers to Defendant Fremont Emergency Services' First Set of
28 Requests for Admission;

- 1 48. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's First Set
2 of Requests for Admission;
- 3 49. Darell Moore's Answers to Defendant Terry Bartmus, APRN's First Set of
4 Requests for Admission;
- 5 50. Darell Moore's Answers to Defendant Terry Bartmus, APRN's Second Set
6 of Interrogatories;
- 7 51. Darell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's
8 Second Set of Interrogatories;
- 9 52. Charlene Moore's Supplemental Answers to Defendant Terry Bartmus,
10 APRN's First Set of Requests for Admission;
- 11 53. Darell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's
12 First Set of Requests for Admission;
- 13 54. Darell Moore's Responses to Defendant Fremont Emergency Services'
14 Second Set of Requests for Production of Documents;
- 15 55. Deposition transcript of Defendant Terry Bartmus, APRN, taken February
16 26, 2019, and exhibits attached thereto;
- 17 56. Deposition transcript of Ruth Camack, taken April 30, 2019, with exhibits
18 attached thereto;
- 19 57. Deposition transcript of Terrence Clauretie, Ph.D., taken October 25, 2019,
20 with exhibits attached thereto;
- 21 58. Deposition transcript of David Fish, M.D., taken October 8, 2019, with
22 exhibits attached thereto;
- 23 59. Deposition transcript of Jason Lasry M.D., taken February 6, 2019, with
24 exhibits attached thereto;
- 25 60. Deposition transcript of Alexander Marmureanu, M.D., taken October 2,
26 2019, with exhibits attached thereto;
- 27 61. Deposition transcript of Charlene Moore, taken August 15, 2018, with
28 exhibits attached thereto;

62. Deposition transcript of Darell Moore, taken August 15, 2018, with exhibits attached thereto;

63. Deposition transcript of Christopher Moore, taken February 5, 2019, with exhibits attached thereto;

64. Deposition of R. Scott Jacobs, M.D., taken December 7, 2019, with exhibits attached thereto;

65. Plaintiffs' Photographs (Bates PLF 001574-001575).

First Supplement

66. Billing records from Steinberg Diagnostic Medical Imaging (SDMIC 00003).

67. Medical records from Dignity Health Clinic (DHC 00001-00139).

68. Medical records from Steinberg Diagnostic (CTA abdomen with runoff).

Defendant reserves the right to offer and rely upon all of the documents disclosed by any party to this action, including without limitation the documents/tangible items disclosed/produced by any other party to this action, including but not limited to those appearing in Pretrial Disclosures Pursuant to NRCP16.1(a)(3), any and all documents disclosed in any and all original and supplemental NRCP 16.1 disclosures and written discovery responses made by any and all parties to this action, whether or not such party remains a party at the time of trial.

Defendant also reserves the right to amend or supplement this list of documents as discovery progresses. Further, Defendant in no way waives her rights to object to the authenticity or admissibility of any documents or tangible items produced by any party and specifically reserves the right to lodge such objection within a reasonable time after the production of items determined by Defendant to be objectionable.

B. Documents Which Defendant May Offer If The Need Arises.

1. Job files of any party's expert witnesses;
2. Exhibits attached to deposition transcripts;
3. Demonstrative exhibits as necessary;
4. Documents necessary for rebuttal or impeachment purposes;

5. Deposition transcripts and exhibits as necessary;
6. Any evidence of collateral benefits or other insurance benefits provided to Plaintiffs for the purpose of determining the amount of any offset to damages pursuant to NRS 42.021;
7. All records produced by Plaintiffs in response to requests for production;
8. Any party's experts' files, curricula vitae, billing statements, models, charts, diagrams, literature discussed at an expert's deposition, or referenced in an expert's report, and/or other items utilized by or relied upon by the expert;
9. All medical literature listed on the curricula vitae of all parties' experts;
10. Any previous deposition testimony by any party's experts;
11. General medical treatises and texts, including but not limited to:
 - a. Dorland's Illustrated Medical Dictionary, 29th Ed., W.B. Saunders Co., Philadelphia (2007);
 - b. Taber's Cyclopedia Medical Dictionary, F.A. Davis Co.;
 - c. The American Medical Association Encyclopedia of Medicine, Clayman, C.B., M.D., Random House New York (1989);
 - d. Gray's Anatomy, Lea & Febiger, Philadelphia;
 - e. Bakerman's ABC's of Interpretive Laboratory Data, 4th Ed., Bakerman S., Interpretive Laboratory Data, Inc. (2002);
 - f. Basic Pathophysiology, 3rd Ed., Groër, R.N., PhD, Shekleton, M., R.N., C.V. Mosby Co. (1989);
 - g. Textbook of Medical Physiology, 10th Ed., Guyton, A., M.D., Hall, J., PhD, W.B. Saunders Co., (2000);
 - h. Diagnostic and Statistical Manual of Mental Disorders (DSM-IV), 4th Ed., American Psychiatric Association (2000);
 - i. Physicians' Desk Reference, 2005 Edition, Thomson PDR;
12. Any and all exhibits listed by any other party regardless of whether that party attempts to de-list the exhibit or fails to use it at the time of trial.

1 **C. Demonstrative Exhibits.**

2 Defendant may offer at trial certain exhibits for demonstrative purposes, including
3 but not limited to the following:

- 4 1. Power point images, blowups and transparencies of exhibits.
- 5 2. Models of various parts of the human body as needed.

6 Defendant reserves the right to introduce demonstrative exhibits such as enlarged
7 copies of medical records and exemplars from medical texts and treatises as necessary
8 to educate the jury on various aspects of the medical terminology involved in this case.

9 Defendant reserves the right to amend and/or supplement this list as trial strategy
10 evolves. Defendant reserves the right to use any and all other parties' exhibits at the time
11 of trial.

12 **D. Objections to Plaintiffs' Pre-Trial Disclosures.**

13 Defendant has not yet fully reviewed Plaintiffs' Pre-Trial Disclosures. Accordingly,
14 Defendant reserves the right to object to any exhibits offered by Plaintiffs on substantive
15 or other grounds.

16 DATED this 10th day of January, 2020

17 LEWIS BRISBOIS BISGAARD & SMITH LLP

18
19 By /s/ Alissa N. Bestick

20 KEITH A. WEAVER

21 Nevada Bar No. 10271

22 ALISSA N. BESTICK

23 Nevada Bar No. 14979C

24 6385 S. Rainbow Boulevard, Suite 600

25 Las Vegas, Nevada 89118

26 *Attorneys for Terry Bartmus, A.P.R.N.*

1 CERTIFICATE OF SERVICE

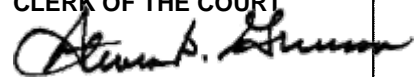
2 I hereby certify that on this 10th day of January, 2020, a true and correct copy
3 of DEFENDANT TERRY BARTMUS, A.P.R.N.'S FIRST SUPPLEMENTAL PRE-TRIAL
4 DISCLOSURE PURSUANT TO NRCP 16.1 (a)(3) was served electronically with the
5 Clerk of the Court using the Wiznet Electronic Service system and serving all parties with
6 an email-address on record, who have agreed to receive Electronic Service in this action.

7 Matthew W. Hoffman, Esq.
8 ATKINSON WATKINS & HOFFMAN, LLP
9 10789 W. Twain Avenue, Ste. 100
10 Las Vegas, NV 89135
11 Tel: 702-562-6000
12 Fax: 702-562-6066
13 Email: mhoffmann@awhlawyers.com
14 *Attorneys for Plaintiffs*

15 Breen Arntz, Esq.
16 5545 Mountain Vista, Suite E
17 Las Vegas, NV 89120
18 Tel: 702-384-8000
19 Fax: 702-446-8164
20 Email: breen@breen.com
21 *Attorneys for Plaintiffs*

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Chelsea R. Hueth, Esq.
CARROLL, KELLY, TROTTER,
FRANZEN, MCBRIDE & PEABODY
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Las Vegas, NV 89113
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Fax: 702-796-5855
Email: rcmcbride@cktfmlaw.com
Email: crhueth@cktfmlaw.com
Attorneys for Defendant, Jason Lasry, M.D.

22 By /s/ Michelle Krestyn
23 An Employee of
24 LEWIS BRISBOIS BISGAARD & SMITH LLP
25
26
27
28



1 **PTD**

2 ROBERT C. McBRIDE, ESQ.
3 Nevada Bar No. 7082
4 CHELSEA R. HUETH, ESQ.
5 Nevada Bar No. 10904
6 CARROLL, KELLY, TROTTER,
7 FRANZEN & McBRIDE
8 8329 W. Sunset Road, Suite 260
9 Las Vegas, Nevada 89113
10 Telephone No. (702) 792-5855
11 Facsimile No. (702) 796-5855
12 E-mail: rcmcbride@cktfmlaw.com
13 E-mail: crhueth@cktfmlaw.com
14 Attorneys for Defendant
15 *Jason Lasry, M.D.*

DISTRICT COURT
CLARK COUNTY, NEVADA

12 DARELL L. MOORE and CHARLENE A.
13 MOORE, individually and as husband and
14 wife;

Plaintiffs,

15 v.

16 JASON LASRY, M.D., individually;
17 FREMONT EMERGENCY SERVICES
18 (MANDAVIA), LTD.; TERRY BARTMUS,
19 RN, APRN; and DOES I through X, inclusive;
and ROE CORPORATIONS I through V,
inclusive;

Defendant.

CASE NO.: A-17-766426-C
DEPT: XXV

DEFENDANT JASON LASRY, M.D.'S 3RD
SUPPLEMENT TO HIS PRETRIAL
DISCLOSURES

21 COMES NOW, Defendant, JASON LASRY, M.D., by and through his counsel of record,
22 ROBERT C. McBRIDE, ESQ. and CHELSEA R. HUETH, ESQ. of the law firm of CARROLL,
23 KELLY, TROTTER, FRANZEN & McBRIDE, and hereby submits his Supplement to his Pretrial
24 Disclosures pursuant to NRCP 16.1(a)(3) as follows. **Supplement indicated in bold.**

25 ///

26 ///

27 ///

I.

LIST OF WITNESSES

A. Witnesses Defendant Anticipates Calling at Trial

1. Jason Lasry, M.D., Defendant
c/o Robert C. McBride, Esq.
Chelsea R. Hueth, Esq.
CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
(702) 792-5855
2. Darrell L. Moore, Plaintiff
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
3. Charlene A. Moore, Plaintiff
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
4. Terry Bartmus, RN, APRN
c/o Keith A. Weaver, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
5. R. Scott Jacobs M.D., FAAEM
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
6. Irwin Simon, M.D.
2450 W. Horizon Ridge Pkwy, Ste. 100
Henderson, Nevada 89052
(702) 341-7608
7. Robert Wiencek, M.D.
7190 S. Cimarron Road
Las Vegas, Nevada 89113
(702) 490-9954

- 1 8. Noel L. Shaw, D.C.
2 1101 North Wilmot Road, Suite 229
3 Tucson, Arizona 85712
4 (520) 721-9331
- 5 9. Sang Tran, M.D.
6 6870 S. Rainbow Blvd., Suite 106
7 Las Vegas, Nevada 89118
8 (702) 396-6000
- 9 10. Patrick Frank, M.D.
10 3001 St. Rose Parkway
11 Henderson, Nevada 89052
12 (702) 651-5000
- 13 11. John Oh, M.D.
14 Radiology Associates
15 5495 S. Rainbow Blvd., Suite 203
16 Las Vegas, Nevada 89118
17 (702) 7077-9706
- 18 12. Stephen A. Gephardt, M.D.
19 7220 S. Cimarron Road, Suite 270
20 Las Vegas, Nevada 89113
21 (702) 912-4100
- 22 13. Colin Rock, M.D.
23 Nevada Comprehensive Pain Center
24 1569 E. Flamingo Road
25 Las Vegas, Nevada 89119
26 (702) 476-9999
- 27 14. John Henner, D.O.
28 8670 W. Cheyenne Ave.
Las Vegas, Nevada 89129
(702) 576-9608
15. Charles McPherson, M.D.
3121 S. Maryland Parkway, Suite 502
Las Vegas, Nevada 89109
(208) 415-5795
16. Salvador Borromeo III, M.D.
3009 W. Charleston Blvd.
Las Vegas, Nevada 89102
(702) 589-2750

- 1 17. Karyn Harries, M.D.
2 5320 S. Rainbow Blvd., Suite 150
3 Las Vegas, Nevada 89118
4 (702) 944-7105
- 5 18. Nauman Tahir, M.D.
6 500 S. Rancho Drive, Suite 12
7 Las Vegas, Nevada 89106
8 (702) 877-1887
- 9 19. Ida Washington, M.D.
10 1000 S. Rainbow Blvd.
11 Las Vegas, Nevada 89145
12 (702) 259-0088
- 13 20. Jeffrey Germain, R.N.
14 Address unknown
- 15 21. Amee Kuchinsky, R.N.
16 Address unknown
- 17 22. Lauren Eastham, R.N.
18 Address unknown
- 19 23. Danny Eisenberg, M.D.
20 9 Hawk Ridge Drive
21 Las Vegas NV 89135
- 22 24. Alexander R. Marmureanu, M.D.
23 c/o Matthew W. Hoffmann, Esq.
24 ATKINSON WATKINS, & HOFFMANN, LLP
25 10789 W. Twain Avenue, Suite 100
26 Las Vegas, NV 89135
- 27 25. David Fish, M.D.
28 c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135
26. Terrence Clauretie, Ph.D.
c/o Matthew W. Hoffmann, Esq.
ATKINSON WATKINS, & HOFFMANN, LLP
10789 W. Twain Avenue, Suite 100
Las Vegas, NV 89135

- 1 27. Christopher Owen Moore
2 c/o Matthew W. Hoffmann, Esq.
3 Atkinson Watkins & Hoffmann, LLP
4 10789 W. Twain Avenue, Suite 100
5 Las Vegas, NV 89135
- 6 28. Holman Chan, M.D.
7 1505 Wigwam Parkway, Suite 340
8 Henderson, NV 89074
9 (702) 260-0467
- 10 29. Kent Shoji, M.D., F.A.C.E.P.
11 c/o Robert C. McBride, Esq.
12 Chelsea R. Hueth, Esq.
13 CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
14 8329 W. Sunset Road, Suite 260
15 Las Vegas, NV 89113
16 (702) 792-5855
- 17 30. Samuel Wilson, M.D.
18 c/o Robert C. McBride, Esq.
19 Chelsea R. Hueth, Esq.
20 CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
21 8329 W. Sunset Road, Suite 260
22 Las Vegas, NV 89113
23 (702) 792-5855
- 24 31. John Janzen, Ed.D., CRC
25 c/o Robert C. McBride, Esq.
26 Chelsea R. Hueth, Esq.
27 CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
28 8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
(702) 792-5855
32. Karl Erik Volk, M.A.
c/o Robert C. McBride, Esq.
Chelsea R. Hueth, Esq.
CARROLL, KELLY, TROTTER, FRANZEN & McBRIDE
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
(702) 792-5855

///

///

///

1 First Supplement

2 33. David Barcay, M.D.
3 c/o Keith A. Weaver, Esq.
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
5 6385 S. Rainbow Boulevard, Suite 600
6 Las Vegas, Nevada 89118

7 **B. Witnesses Defendant May Call at Trial**

- 8 1. Logan Sondrup, M.D.
9 8280 W. Warm Springs Road
10 Las Vegas, Nevada 89113
11 (702) 492-8000
- 12 2. Person(s) Most Knowledgeable and/or Custodian of Records at
13 Dignity Health d/b/a St. Rose Dominican Hospital – San Martin Campus
14 c/o Michael Prangle, Esq.
15 HALL PRANGLE & SCHOONVELD, LLC
16 1140 North Town Center Drive, Ste. 350
17 Las Vegas, Nevada 89144
- 18 3. Person(s) Most Knowledgeable and/or Custodian of Records at
19 Fremont Emergency Services, (Mandavia) Ltd.
20 c/o Keith A. Weaver, Esq.
21 LEWIS BRISBOIS BISGAARD & SMITH LLP
22 6385 S. Rainbow Boulevard, Suite 600
23 Las Vegas, Nevada 89118
- 24 4. Antonio Flores Erazo, M.D.
25 7674 W. Lake Mead Blvd., Suite 215
26 Las Vegas, Nevada 89128
- 27 5. James Hayes, M.D.
28 3001 St. Rose Parkway
 Henderson, Nevada 89052
 (702) 651-5000
6. Scott Greaves, M.D.
 2120 Golden Hill Road, Suite 102
 Paso Robles, California 93446
 (805) 434-2900
7. Johnathan Riegler, M.D.
 1255 Las Tables Road, Suite 201
 Templeton, California 93465
 (805) 226-4106

- 1 8. John Pinto, M.D.
2 1701 N. Green Valley Parkway
3 Henderson, Nevada 89074
4 (702) 734-2292
- 5 9. Person(s) Most Knowledgeable and/or Custodian of Records at
6 Advanced Prosthetics and Orthotics
7 7455 W. Washington St., Suite 215
8 Las Vegas, Nevada 89128
- 9 10. Person(s) Most Knowledgeable and/or Custodian of Records at
10 Desert Radiologists
11 3930 S. Eastern Avenue
12 Las Vegas, Nevada 89119
- 13 11. Person(s) Most Knowledgeable and/or Custodian of Records at
14 Irwin Simon, M.D.
15 2450 W. Horizon Ridge Parkway, Suite 101
16 Henderson, Nevada 89052
- 17 12. Person(s) Most Knowledgeable and/or Custodian of Records at
18 Jonathan Riegler, M.D.
19 1255 Las Tables Road, Suite 201
20 Tempton, California 93465
- 21 13. Person(s) Most Knowledgeable and/or Custodian of Records at
22 Antonio Flores Erazo, M.D.
23 7674 W. Lake Mead Blvd., Suite 215
24 Las Vegas, Nevada 89128
- 25 14. Person(s) Most Knowledgeable and/or Custodian of Records at
26 Procure Medical Group
27 6870 S. Rainbow Blvd., Suite 106
28 Las Vegas, Nevada 89118
15. Person(s) Most Knowledgeable and/or Custodian of Records at
Los Tables Medical Group
2120 Golden Hill Road, Suite 102
Paso Robles, California 93446
16. Person(s) Most Knowledgeable and/or Custodian of Records at
Spring Valley Hospital
5400 S. Rainbow Blvd.
Las Vegas, Nevada 89118

- 1 17. Person(s) Most Knowledgeable and/or Custodian of Records at
2 Armour Christensen, Chtd
3 2450 W. Horizon Ridge Parkway, Suite 100
4 Henderson, Nevada 89052
5 (702) 735-2305
6
7 18. Person(s) Most Knowledgeable and/or Custodian of Records at
8 Paul Wiesner and Associates d/b/a Radiology Associates
9 2400 S. Cimarron Road, Suite 100
10 Las Vegas, Nevada 89117
11 (702) 477-0772
12

13 First Supplement

- 14 19. Christopher Mercado, M.D.
15 8205 W Warm Springs Rd., Ste. 210
16 Las Vegas, Nevada 89113
17 (702) 616-7660
18
19 20. Jody Cearlock, M.D.
20 2850 S. Maryland Pkwy.
21 Las Vegas, Nevada 89109
22 (702) 732-6000
23
24 21. Person(s) Most Knowledgeable and/or Custodian of Records at
25 Steinberg Diagnostic Medical Imaging Center
26 2950 S. Maryland Parkway
27 Las Vegas, Nevada 89109
28 (702) 732-6000
29
30 22. Person(s) Most Knowledgeable and/or Custodian of Records at
31 Radiology Associates
32 5495 S. Rainbow Blvd., Suite 203
33 Las Vegas, Nevada 89118
34 (702) 707-9706
35
36 23. Person(s) Most Knowledgeable and/or Custodian of Records at
37 Shadow Emergency Physicians
38 620 Shadow Lane
39 Las Vegas, Nevada 89106
40 (800) 355-2470
41
42 24. Oscar Rago, M.D.
43 DMS-EMCARE
44 500 N Rainbow Blvd., Ste. 203
45 Las Vegas, Nevada 89107
46 (702) 259-1228

- 1 25. Irfana Razzaq, M.D.
2 6273 Narrow Isthmus Ave.
3 Las Vegas, Nevada 89139-6410
(702) 243-8767
- 4 26. Shannon Berry, M.D.
5 295 Posada Lane
6 Templeton, California 93465
(802) 494-9900
- 7 27. C. Edward Yee, M.D.
8 2980 S. Jones Blvd., Ste. A
9 Las Vegas, Nevada 89146
(702) 362-3937
- 10 28. Mark Barney, M.D.
11 2820 W. Washington Blvd., Ste. 33
12 Las Vegas, Nevada 89102
(702) 8880-1558
- 13 29. Person(s) Most Knowledgeable and/or Custodian of Records at
14 OptumCare Cancer Care
15 6190 S. Fort Apache Road
Las Vegas, Nevada 89179
(702) 724-8787
- 16 30. Charina Toste, APRN
17 OptumCare Cancer Care
18 6190 S. Fort Apache Road
Las Vegas, Nevada 89179
(702) 724-8787
- 19 31. Person(s) Most Knowledgeable and/or Custodian of Records at
20 Nevada Orthopedic and Spine Center
21 7455 W. Washington, Ste. 160
22 Las Vegas, Nevada 89128
(702) 258-3773
- 23 32. Person(s) Most Knowledgeable and/or Custodian of Records at
24 Kindred Transitional Care and Rehabilitation
25 5650 S. Rainbow Blvd.
Las Vegas, Nevada 89118
(702) 470-1102
- 26
27
28

1 33. Ashok Gupta, M.D.
2 Desert Radiology
3 2020 Palomino Lane, #100
4 Las Vegas, Nevada 89106
(702) 759-8600

5 **C. Witnesses Who Have Been Subpoenaed**

6 None at this time.

7 **D. Witnesses Whose Testimony May Be Presented by Deposition**

8 None at this time.

9 Defendant reserves the right to call any and all treating, examining and consulting
10 physicians of the plaintiff regarding treatment and observations of the injuries alleged as a result
11 of this incident.

12 Defendant reserves the right to call any witnesses and expert witnesses named by any other
13 party of this case.

14 Defendant reserves the right to call any witnesses as may be necessary for the purpose of
15 rebuttal or impeachment.

16 Defendant reserves the right to call any and all other witnesses who may be disclosed by
17 any party.

18
19 **II.**

20 **LIST OF DOCUMENTS**

21 **A. Documents Defendant Anticipates Using at Trial**

- 22 1. Spring Valley Hospital (SVHMC MR 00001-00260)
23 2. St. Rose Hospital, San Martin Campus (SRDSMMR 000001-002865)
24 3. St. Rose Hospital, Siena Campus (SRDSMR 0001-0771)
25 4. Radiological imaging from Spring Valley Hospital
26 02/05/17 TTE w/ Doppler
27 02/05/17 U/S LE Venous Duplex Bilateral
28 02/04/17 CT Angio Chest w/w/out Contras

- 1 02/04/17 XR Chest
- 2 5. Radiological imaging from Desert Radiologists
- 3 03/27/15 CT LS SP w/out Contrast
- 4 03/27/15 CT Cervical Spine w/out Contrast
- 5 02/07/15 XR Ankle Complete, Bilateral
- 6 6. Radiological imaging from St. Rose Hospital
- 7 01/04/17 U/S Ext Lt Ext Venous Doppler
- 8 01/04/17 U/S Ext Bil Venous Doppler
- 9 01/03/17 XR Chest 1 View
- 10 12/30/16 U/S Ext Non Vasc Comp. Rt
- 11 12/29/16 IR Thrombolysis Art/Vein Sub. Day
- 12 12/28/16 IR Angio Ext Lt
- 13 12/28/16 U/S Lowe Ext Art Duplex Lt
- 14 12/25/16 U/S Ext Venous Duplex Lt
- 15 06/28/15 Fluoroscopy of Lower Extremity
- 16 06/27/15 XR Chest
- 17 06/27/15 U/S Lower Ext Art Duplex Lt
- 18 06/27/15 U/S Ext Venous Duplex Lt
- 19 06/27/15 Fluoroscopy of Lower Extremity
- 20 12/13/14 Fluoroscopy of Lower Extremity
- 21 12/12/14 Fluoroscopy of Lower Extremity
- 22 12/11/14 U/S Lower Ext Art Duplex Lt
- 23 12/11/14 U/S Ext Venous Duplex Lt
- 24 12/11/14 Fluoroscopy of Lower Extremity
- 25 7. Advanced Prosthetics and Orthotics (APAP 00001, 00004-00020)
- 26 8. Desert Radiologists (DRI 00001-00017)
- 27 9. Irwin Simon, M.D. (ISMD 0001-0042)
- 28 10. Jonathan Riegler, M.D. (JRM 00001-00003)
11. Sang Tran, M.D. (STM 00001-00002, 00005-00028)
12. Scott Greaves, M.D. (SGM 00001-00012, 00016)
13. Shadow Emergency Physicians (SEP 00001-00031)
14. Noel Shaw, D.C. (NSD 00001-00007)
15. St. Rose Stanford Clinic (SRSC 00001-00085, 00089)
16. Nevada Comprehensive Pain Center (NCPC 00001-00237, 00246-00253, 00255-

- 1 00314)
- 2 17. Kindred Rehabilitation (LVHR 00001-00238)
- 3 18. Procare Medical Center (PCMC 00001-00002, 00005-00067)
- 4 19. Nevada Ortho & Spine Center (NOSC 00001-00003, 00008-0020)
- 5 20. American College of Surgeons Expert Witness Affirmation
- 6 21. American College of Surgeons Statement on the Physician Acting as an Expert
- 7 Witness
- 8
- 9 22. Kent Shoji, M.D., F.A.C.E.P., reporst, curriculum vitae, and fee schedule
- 10 23. Samuel Wilson, M.D.'s curriculum vitae, testimonial history, and reports
- 11 24. John Janzen, Ph.D., CRC's, curriculum vitae, fee schedule, reports
- 12 25. Karl Erik Volk, M.A.'s reports, curriculum vitae, fee schedule, testimonial history
- 13 26. Darrell Moore's Answers to Defendant Jason Lasry's Interrogatories
- 14 27. Darrell Moore's Answers to Defendant Jason Lasry's Request for Production
- 15 28. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of
- 16 Interrogatories
- 17
- 18 29. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request
- 19 for Productions
- 20 30. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of
- 21 Interrogatories
- 22
- 23 31. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of
- 24 Request for Productions
- 25 32. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of
- 26 Interrogatories
- 27 33. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Request
- 28

- 1 for Productions
- 2 34. Plaintiffs' Answers to Defendant Fremont Emergency Services' 1st Set of Requests
- 3 for Admissions
- 4 35. Charlene Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of
- 5 Requests for Admissions
- 6 36. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 1st Set of Request
- 7 for Admissions
- 8 37. Darrell Moore's Answers to Defendant Terry Bartmus, APRN's 2nd Set of
- 9 Interrogatories
- 10 38. Darrell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 2nd
- 11 Set of Interrogatories
- 12 39. Charlene Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's
- 13 1st Set of Requests for Admissions
- 14 40. Darrell Moore's Supplemental Answers to Defendant Terry Bartmus, APRN's 1st
- 15 Set of Request for Admissions
- 16 41. Darrell Moore's Responses to Defendant Fremont Emergency Services' 2nd Set of
- 17 Request for Production of Documents
- 18 42. Deposition transcript of Terry Bartmus, APRN, taken on February 26, 2019, with
- 19 exhibit attached thereto.
- 20 43. Deposition transcript of Ruth Camack, taken on April 30, 2019, with exhibit
- 21 attached thereto.
- 22 44. Deposition transcript of Terrence Clauretie, Ph.D., taken on October 25, 2019, with
- 23 exhibit attached thereto.
- 24 45. Deposition transcript of David Fish, M.D., taken on October 8, 2019, with exhibit
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- 1 attached thereto.
- 2 46. Deposition transcript of Jason Lasry, M.D., taken on February 6, 2019, with exhibit
- 3 attached thereto.
- 4 47. Deposition transcript of Alexander Marmureanu, M.D., taken on October 2, 2019,
- 5 with exhibit attached thereto.
- 6
- 7 48. Deposition transcript of Charlene Moore, taken on October 24, 2019, with exhibit
- 8 attached thereto.
- 9 49. Deposition transcript of Christopher Moore, taken on February 5, 2019, with
- 10 exhibit attached thereto.
- 11 50. Deposition transcript of Darrell Moore, taken on August 15, 2018, with exhibit
- 12 attached thereto.
- 13
- 14 51. Deposition transcript of R. Scott Jacobs, taken on December 7, 2018, with exhibit
- 15 attached thereto.
- 16 52. Fremont Emergency Services Dignity Call Schedule for December 2016
- 17 (FES DECEMBER SCHEDULE 000001).

18 First Supplement

- 19 53. Medical records from Steinberg Diagnostic Medical Imaging Center
- 20 (SDMIC 00001-00002, SDMIC 00004-00013).
- 21

22 Second Supplement

- 23 54. Medical records from Dignity Health Clinic (DHC 00001-00139).
- 24 55. Radiological imaging from Steinberg Diagnostic (CTA Abd. w/ runoff).
- 25

26 Third Supplement

- 27 56. Walgreen Pharmacy (WALGREEN 000001-000063).
- 28

B. Documents Defendant May Use at Trial

1. Billing records from Advanced Prosthetics and Orthotics (APAO 0002-00003).
2. Billing from Antonio Flores Erazo, M.D. (AMFEM 00001-00006).
3. Billing from Desert Radiologists (DRIB 00001-00005).
4. Billing from Radiology Associates of Nevada (RAONCM 00001-00007).
5. Billing records from Sang Tran, M.D. (STM 00003-00004).
6. Billing records from Scott Greaves, M.D. (SGM 00013-00015).
7. Billing records from Spring Valley Hospital (SVHMCB 00001-00012).
8. Billing records from John Pinto, M.D. (JFPM 00001-00002).
9. Billing records from Shadow Emergency Physicians (SEP 00032-00033).
10. Billing records from St. Rose Stanford Clinic (SRSC 00086-00088).
11. Billing records from Nevada Comprehensive Pain Center (NCPC 00238-00251;
00254).
12. Plaintiff's Photographs (PLF 001574-001575)
13. Billing Records from St. Rose Hospital, Siena (SDSB 000001-000068)
14. Billing Records from St. Rose Hospital, San Martin (SRDSMB 0001-0054)
15. Billing Records from Nevada Ortho & Spine Center (NOSC 00004-00007).
16. Billing records from Nevada Comprehensive Pain Center (NCPC 00252-0000254).

First Supplement

17. Billing records from Steinberg Diagnostic Medical Imaging Center
(SDMIC 00003).
18. Records from Walgreens Pharmacy, previously requested and will be supplemented
upon receipt.
19. Records from Dignity Health Clinic, previously requested and will be

supplemented upon receipt.

20. Radiological imaging from Steinberg Diagnostic Medical Imaging Center, previously requested and will be supplemented upon receipt.

21. Deposition of Alexander Marmureanu, M.D. taken on October 3, 2017.

Defendant reserves the right to utilize any exhibits and/or documents identified and listed by any other party.

Defendant further anticipates relying on the pertinent medical records which have been provided by Plaintiff's counsel, and anticipates that such exhibits will be submitted jointly by the parties once counsel has had an opportunity to exchange and review.

III.

DEFENDANT'S DEMONSTRATIVE EXHIBITS

Defendant will offer at trial, certain Exhibits for demonstrative purposes, including but not limited to, the following:

1. Actual diagnostic studies and computer digitized diagnostic studies
2. Samples of tools used in the surgical procedures involved in Plaintiff's care
3. Diagrams and videos demonstrating the surgical procedures involved
4. Timeline of events
5. Computer re-enactments
6. Models of the human body related to Plaintiff's alleged injuries
7. Surgical instrumentation

IV.

OBJECTIONS TO PLAINTIFFS' PRE-TRIAL DISCLOSURES

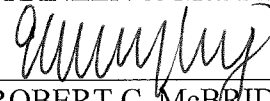
Defendant has not yet had an opportunity to fully review Plaintiff's exhibits or list of witnesses. As such, Defendant reserves the right to object to any exhibits offered by Plaintiff on substantive or other grounds.

Defendant reserves the right to introduce demonstrative exhibits such as enlarged duplicates of medical records and exemplars from medical texts and treatises as needed to educate

1 the jury on various aspects of the medical terminology involved in the case. Defendant reserves
2 the right to supplement this list as trial strategy evolves. Defendant further reserves the right to
3 use any and all of any other parties' exhibits, including Plaintiff, at the time of trial of this matter.
4

5 DATED this 5th day of January, 2020.

CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE

 #15071 for

ROBERT C. McBRIDE, ESQ.

Nevada Bar No.: 7082

CHELSEA R. HUETH, ESQ.

Nevada Bar No.: 10904

8329 W. Sunset Road, Suite 260

Las Vegas, Nevada 89113

Attorneys for Defendant

Jason Lasry, M.D.

1 **CERTIFICATE OF SERVICE**

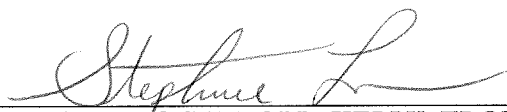
2 I HEREBY CERTIFY that on the 15th day of January, 2020, I served a true and correct
3 copy of the foregoing **DEFENDANT JASON LASRY, M.D.'S 3rd SUPPLEMENT TO HIS**
4 **PRETRIAL DISCLOSURE** addressed to the following counsel of record at the following
5 address(es):
6

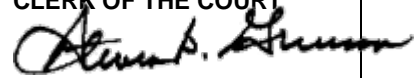
- 7 ☒ **VIA ELECTRONIC SERVICE:** By mandatory electronic service (e-service), proof of e-
8 service attached to any copy filed with the Court; or
9 ☐ **VIA U.S. MAIL:** By placing a true copy thereof enclosed in a sealed envelope with
10 postage thereon fully prepaid, addressed as indicated on the service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

14 Matthew W. Hoffmann, Esq.
15 ATKINSON WATKINS, & HOFFMANN, LLP
16 10789 W. Twain Avenue, Suite 100
17 Las Vegas, NV 89135

18 - and -
19 Breen Artzn, Esq.
20 5545 Mountain Vista, Suite E
21 Las Vegas, NV 89120
22 *Attorneys for Plaintiffs*

23 Keith A. Weaver, Esq.
24 LEWIS BRISBOIS BISGAARD & SMITH LLP
25 6385 S. Rainbow Boulevard, Suite 600
26 Las Vegas, Nevada 89118
27 Attorney for Defendant,
28 *Terry Bartmus, RN, APRN*


An Employee of CARROLL, KELLY, TROTTER,
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JJ
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bartnz@ggrmlawfirm.com
Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

DARELL L. MOORE and CHARLENE A.
MOORE, individually and as husband and wife;

Plaintiffs,

v.

JASON LASRY, M.D., individually; TERRY
BARTMUS, RN, APRN; and DOES I through
X, inclusive; and ROE CORPORATIONS I
through V, inclusive;

Defendants.

CASE NO.: A-17-766426-C
DEPT. NO.: 25

PLAINTIFFS' PROPOSED JURY INSTRUCTIONS

COURT'S INSTRUCTIONS TO THE JURY

LADIES AND GENTLEMEN OF THE JURY:

It is my duty as judge to instruct you in the law that applies to this case. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions of the court.

NV J.I. 1.00

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

NV J.I. 1.01

1 The evidence which you are to consider in this case consists of the testimony of the
2 witnesses, the exhibits, and any facts admitted or agreed to by counsel.

3 Statements, arguments and opinions of counsel are not evidence in the case. However, if
4 the attorneys stipulate as to the existence of a fact, you must accept the stipulation as evidence and
5 regard that fact as proved.

6 You must not speculate to be true any insinuations suggested by a question asked a witness.
7 A question is not evidence and may be considered only as it supplies meaning to the answer.

8 You must disregard any evidence to which an objection was sustained by the court and any
9 evidence ordered stricken by the court.

10 Anything you may have seen or heard outside the courtroom is not evidence and must also
11 be disregarded.

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17 NV J.I 1.03
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1 Although you are to consider only the evidence in the case in reaching a verdict, you must
2 bring to the consideration of the evidence your everyday common sense and judgment as reasonable
3 men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify.
4 You may draw reasonable inferences from the evidence which you feel are justified in the light of
5 common experience, keeping in mind that such inferences should not be based on speculation or
6 guess.

7 A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision
8 should be the product of sincere judgment and sound discretion in accordance with these rules of
9 law.

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17 NV J.I. 1.05
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1 You are not to discuss or even consider whether or not the plaintiff was carrying insurance
2 to cover medical bills or any other damages he claims to have sustained.

3 You are not to discuss or even consider whether or not the defendants were carrying
4 insurance that would reimburse her for whatever sum of money she may be called upon to pay to
5 the plaintiff.

6 Whether or not either party was insured is immaterial and should make no difference in any
7 verdict you may render in this case.

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17 NV J.I. 1.07
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1 If, during this trial, I have said or done anything which has suggested to you that I am
2 inclined to favor the claims or position of any party, you will not be influenced by any such
3 suggestion.

4 I have not expressed, nor intended to express, nor have I intended to intimate, any opinion
5 as to which witnesses are or are not worthy of belief, what facts are or are not established, or what
6 inference should be drawn from the evidence. If any expression of mine has seemed to indicate an
7 opinion relating to any of these matters, I instruct you to disregard it.

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17 NV J.I. 1.08
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1 There are two kinds of evidence; direct and circumstantial. Direct evidence is direct proof
2 of a fact, such as testimony of an eyewitness. Circumstantial evidence is indirect evidence, that is,
3 proof of a chain of facts from which you could find that another fact exists, even though it has not
4 been proved directly. You are entitled to consider both kinds of evidence. The law permits you to
5 give equal weight to both, but it is for you to decide how much weight to give to any evidence. It
6 is for you to decide whether a fact has been proved by circumstantial evidence.

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17 NV J.I. 2.00
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1 In determining whether any proposition has been proved, you should consider all of the
2 evidence bearing on the question without regard to which party produced it.

17 NV J.I. 2.01

Certain testimony has been read into evidence from a deposition. A deposition is testimony taken under oath before the trial and preserved in writing. You are to consider that testimony as if it had been given in court.

NV J.I. 2.03

1 If counsel for the parties have stipulated to any fact, you will regard that fact as being
2 conclusively proved as to the party or parties making the stipulation.

17 NV J.I. 2.06

1 The credibility or "believability" of a witness should be determined by his or her manner
2 upon the stand, his or her relationship to the parties, his or her fears, motives, interests or feelings,
3 his or her opportunity to have observed the matter to which he or she testified, the reasonableness
4 of his or her statements and the strength or weakness of his or her recollections.

5 If you believe that a witness has lied about any material fact in the case, you may disregard
6 the entire testimony of that witness or any portion of this testimony which is not proved by other
7 evidence.

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17 NV J.I. 2.07
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1 Discrepancies in a witness's testimony or between his testimony and that of others, if there
2 were any discrepancies, do not necessarily mean that the witness should be discredited. Failure of
3 recollection is a common experience, and innocent mis-recollection is not uncommon. It is a fact,
4 also, that two persons witnessing an incident or transaction often will see or hear it differently.
5 Whether a discrepancy pertains to a fact of importance or only to a trivial detail should be
6 considered in weighing its significance.

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17 NV J.I. 2.08
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1 An attorney has a right to interview a witness for the purpose of learning what testimony
2 the witness will give. The fact that the witness has talked to an attorney and told him what he would
3 testify to does not, by itself, reflect adversely on the truth of the testimony of the witness.

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17 NV J.I. 2.10
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1 A person who has special knowledge, skill, experience, training or education in a particular
2 science, profession or occupation may give his or her opinion as an expert as to any matter in which
3 he or she is skilled. In determining the weight to be given such opinion, you should consider the
4 qualifications and credibility of the expert and the reasons given for his or her opinion. You are
5 not bound by such opinion. Give it weight, if any, to which you deem it entitled.

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17 NV J.I. 2.11
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1 A question has been asked in which an expert witness was told to assume that certain facts
2 were true and to give an opinion based upon that assumption. This is called a hypothetical question.
3 If any fact assumed in the question has not been established by the evidence, you should determine
4 the effect of that omission upon the value of the opinion.

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1 Whenever in these instructions I state that the burden, or the burden of proof, rests upon a
2 certain party to prove a certain allegation made by him, the meaning of such an instruction is this:
3 That unless the truth of the allegation is proved by a preponderance of the evidence, you shall find
4 the same to be not true.

5 The term "preponderance of the evidence" means such evidence as, when weighed with that
6 opposed to it, has more convincing force, and from which it appears that the greater probability of
7 truth lies therein.

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17 NV J.I. 3.00
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1 The preponderance, or weight of evidence, is not necessarily with the greater number of
2 witnesses.

3 The testimony of one witness worthy of belief is sufficient for the proof of any fact and
4 would justify a verdict in accordance with such testimony, even if a number of witnesses have
5 testified to the contrary. If, from the whole case, considering the credibility of witnesses, and after
6 weighing the various factors of evidence, you believe that there is a balance of probability pointing
7 to the accuracy and honesty of the one witness, you should accept his testimony.

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17 NV J.I. 3.01
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1 [Except as I have already instructed you upon the law relative to presumptions,] The
2 plaintiff has the burden of establishing by a preponderance of the evidence all of the facts necessary
3 to prove the following issues:

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5 [Except as I have already instructed you upon the law relative to presumptions,] The
6 defendant has the burden of establishing by a preponderance of the evidence all of the facts
7 necessary to prove the following issues:

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18 NV J.I. 3.05
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1 In order to establish a claim for negligence, the plaintiff must prove that the defendants were
2 negligent and that the defendants' negligence was the proximate cause of damage to the plaintiff.

17 NV J.I. 4.02

1 Negligence is the failure to exercise that degree of care which an ordinarily careful and
2 prudent person would exercise under the same or similar circumstances.

3 Ordinary care is that care which persons of ordinary prudence exercise in the management
4 of their own affairs in order to avoid injury to themselves or to others.

5 [You will note that the person whose conduct we set up as a standard is not the
6 extraordinarily cautious individual, nor the exceptionally skillful one, but a person of reasonable
7 and ordinary prudence. While exceptional skill is to be administered and encouraged, the law does
8 not demand it as a general standard of conduct.]

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17 NV J.I. 4.03; BAJI 3.10
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1 A proximate cause of injury, damage, loss or harm is a cause which, in natural and
2 continuous sequence, produces the injury, damage, loss, or harm, and without the injury, damage,
3 loss, or harm, would not have occurred.

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15 NV J.I. 4.04, ; BAJI 3.75,
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1 In performing professional services for a patient, a physician or surgeon has the duty to have
2 that degree of learning and skill ordinarily possessed by reputable physicians and surgeons,
3 practicing in the same or a similar locality and under similar circumstances.

4 It is his further duty to use the care and skill ordinarily exercised in like cases by reputable
5 members of his profession, practicing in the same or a similar locality under similar circumstances,
6 and to use reasonable diligence and his best judgment in the exercise of his skill and the application
7 of his learning in an effort to accomplish the purpose for which he is employed.

8 A failure to perform any such duty is negligence.
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17 NV J.I. 6.0; BAJI 6.00
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1 It is the duty of a physician or surgeon who holds himself out as a specialist in a particular
2 field of medical, surgical, or other healing science, to have the knowledge and skill ordinarily
3 possessed, and to use the care and skill ordinarily used, by reputable specialists practicing the same
4 field.

5 A failure to perform such duty is negligence.
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17 NV J.I. 6.01; BAJI 6.01
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1 It is the duty of a physician or surgeon who is a Board Certified Specialist to have the
2 knowledge and skill ordinarily possessed, and to use the care and skill ordinarily used, by reputable
3 specialists practicing in the same field.

4 A failure to perform such duty is negligence.
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17 NV J.I. 6.02
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1 It is the duty of a physician or surgeon who is a general practitioner to [refer his patient to
2 a specialist] [recommend the assistance of a specialist] if a reputable general practitioner practicing
3 in the same or a similar locality would do so under similar circumstances.

4 If he fails to perform that duty and undertakes or continues to perform professional services
5 without the aid of a specialist, it is his further duty to have the knowledge and skill ordinarily
6 possessed, and exercise the care and skill ordinarily used, by reputable specialists in the same field.

7 A failure to perform any such duty is negligence.
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17 NV J.I. 6.04; BAJI 6.04
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1 Regardless of who employs or pays [a nurse] [or] [an assisting surgeon] who takes part in
2 the performance of surgery or services incidental to such surgery, if, while engaged in any such
3 service, [the assisting surgeon] [the nurse] is under the special supervision and control of a certain
4 surgeon in charge, so as to be his temporary servant or agent, any negligence on the part of any
5 such assisting person, occurring while the latter is under the surgeon's special supervision and
6 control, is deemed in law to be the negligence of the surgeon in charge.

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17 NV J.I. 6.05; BAJI 6.06
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1 In this case you have heard [a] medical expert[s] express [an] opinion[s] as to the standard
2 of professional learning, skill and care required of the defendant.

3 To evaluate [each] such opinion, you should consider the qualifications and credibility of
4 the witness and the reasons given for his opinion. Give [each] [the] opinion the weight to which
5 you deem it entitled.

6 [You must resolve any conflict in the testimony of the witnesses by weighing each of the
7 opinions expressed against the others, taking into consideration the reasons given for the opinion,
8 the facts relied upon the witness, his relative credibility, and his special knowledge, skill,
9 experience, training and education.]

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17 NV J.I. 6.19; BAJI 6.30
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1 In determining the amount of losses, if any, suffered by the plaintiff as a [proximate] [legal]
2 result of the accident in question, you will take into consideration the nature, extent and duration
3 of the injuries [or damage] you believe from the evidence plaintiff has sustained, and you will
4 decide upon a sum of money sufficient to reasonably and fairly compensate plaintiff for the
5 following items:

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17 NV J.I. 10.0
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1 The reasonable medical expenses plaintiff has necessarily incurred as a result of the accident
2 [and the medical expenses which you believe the plaintiff is reasonably certain to incur in the future
3 as a result of the accident].
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17 NV J.I. 10.2
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1 The physical and mental pain, suffering, anguish and disability endured by the plaintiff from
2 the date of the accident to the present [and the physical and mental pain, suffering, anguish and
3 disability which you believe plaintiff is reasonably certain to experience in the future as a result of
4 the accident].

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17 NV J.I. 10.4
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1 No definite standard [or method of calculation] is prescribed by law by which to fix
2 reasonable compensation for pain and suffering. Nor is the opinion of any witness required as to
3 the amount of such reasonable compensation. [Furthermore, the argument of counsel as to the
4 amount of damages is not evidence of reasonable compensation.] In making an award for pain and
5 suffering, you shall exercise your authority with calm and reasonable judgment and the damages
6 you fix shall be just and reasonable in the light of the evidence.

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17 NV J.I. 10.5; BAJI 14.13
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1 A person who has a condition or disability at the time of an injury is not entitled to recover
2 damages therefor. However, he is entitled to recover damages for any aggravation of such
3 preexisting condition or disability [proximately] [legally] resulting from the injury.

4 This is true even if the person's condition or disability made him more susceptible to the
5 possibility of ill effects than a normally healthy person would have been, and even if a normally
6 healthy person probably would not have suffered any substantial injury.

7 Where a preexisting condition or disability is so aggravated, the damages as to such
8 condition or disability are limited to the additional injury caused by the aggravation.

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17 NV J.I. 10.6; BAJI 14.65
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1 It is your duty as jurors to consult with one another and to deliberate with a view toward
2 reaching an agreement, if you can do so without violence to your individual judgment. Each of you
3 must decide the case for yourself, but should do so only after a consideration of the case with your
4 fellow jurors, and you should not hesitate to change an opinion when convinced that it is erroneous.
5 However, you should not be influenced to vote in any way on any questions submitted to you by
6 the single fact that a majority of the jurors, or any of them, favor such a decision. In other words,
7 you should not surrender your honest convictions concerning the effect or weight of evidence for
8 the mere purpose of returning a verdict or solely because of the opinion of the other jurors.
9 Whatever your verdict is, it must be the product of a careful and impartial consideration of all the
10 evidence in the case under the rules of law as given you by the court.

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17 NV J.I. 11.01
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Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence, as you understand it and remember it to be, and by the law as given you in these instructions, and return a verdict which, according to your reason and candid judgment, is just and proper.

NV J.I. 11.03

1 When you retire to consider your verdict, you must select one of your number to act as
2 foreman, who will preside over your deliberation and will be your spokesman here in court.

3 During your deliberation, you will have all the exhibits which were admitted into evidence,
4 these written instructions and forms of verdict which have been prepared for your convenience.

5 In civil actions, three-fourths of the total number of jurors may find and return a verdict.
6 This is a civil action. As soon as six or more of you have agreed upon a verdict, you must have it
7 signed and dated by your foreman, and then return with it to this room.

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1 A plaintiff may now recover damages for the loss of a substantial chance to avoid
2 debilitating injury if it is proven that it is more likely than not that the conduct of the defendant(s)
3 was a substantial factor in bringing about the result.

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17 Prabhu v. Levine 855 P.2d 543 (1993)

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DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of ATKINSON WATKINS & HOFFMANN, LLP and that on the 24th day of January, 2020, I caused to be served via Odyssey, the Court's mandatory efilng/eservice system a true and correct copy of the document described herein.

Document Served: **PLAINTIFFS' PROPOSED JURY INSTRUCTIONS**

Person(s) Served:

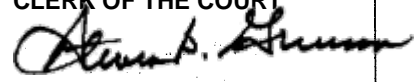
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An Employee of ATKINSON WATKINS & HOFFMANN, LLP



DISTRICT COURT
CLARK COUNTY, NEVADA

DARELL L. MOORE and CHARLENE A.
MOORE, individually and as husband and
wife;

Plaintiffs,

v.

JASON LASRY, M.D., individually; TERRY
BARTMUS, RN, APRN,

Defendants.

CASE NO.: A-17-766426-C
DEPT: XXV

DEFENDANT, JASON LASRY, M.D.'S
PROPOSED SPECIAL VERDICT

We, the jury in the above-entitled action, find the following special verdict on the
questions submitted to us:

Question No. 1:

Did Defendant Jason Lasry, M.D. breach the standard of care owed to Darell Moore?

Answer:

_____ YES

_____ NO

Question No. 2:

Did Defendant Terry Bartmus, APRN breach the standard of care owed to Darell Moore?

Answer:

_____ YES

_____ NO

If you answered "no" to Questions 1 and 2, stop here, answer no further questions, and
have the foreperson sign and date this form.

If your answer to either question 1 or 2 is "yes," then answer questions 3 and 4.

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1 **Question No. 3:**

2 If you answered "yes" to Question No. 1, was such breach of the standard of care by
3 Defendant Jason Lasry, M.D. a proximate cause of Darell Moore's injuries?

4 Answer:

5 _____ YES

_____ NO

6 **Question No. 4:**

7 If you answered "yes" to Question No. 2, was such breach of the standard of care by
8 Defendant Terry Bartmus, APRN. a proximate cause of Darell Moore's injuries?

9 Answer:

10 _____ YES

_____ NO

11 If you answered "no" to question 3 and 4, stop here, answer no further questions, and
12 have the foreperson sign and date this form.

13 If your answer to question 3 or 4 is "yes," then answer all of the remaining questions.

14 **Question No. 5:**

15 Did the employees of St. Rose Dominican Hospital breach the standard of care owed to
16 Darell Moore?

17 Answer:

18 _____ YES

_____ NO

19 **Question No. 6:**

20 If you answered "Yes" to Question No. 5, was such breach of the standard of care by the
21 employees of St. Rose Dominican Hospital a proximate cause of Darell Moore's injuries?

22 Answer:

23 _____ YES

_____ NO

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1 If your answer to Questions No. 3, 4, or 6 was "Yes", please provide the percentage of
2 fault apportioned to Jason Lasry, M.D., Terry Bartmus, APRN, and the employees of St. Rose
3 Dominical Hospital:

4 Jason Lasry, M.D. _____ %

5 Terry Bartmus, APRN _____ %

6 St. Rose Dominican Hospital _____ %

7 TOTAL 100 %

8 **Question No. 7:**

9 What amount, if any, do you find Plaintiffs sustained for the following:

10 Future Economic Damages \$ _____

11 Past pain and suffering \$ _____

12 Future pain and suffering \$ _____

13 TOTAL \$ _____

14 **Question No. 8:**

15 What amount of damage, if any, do you find Plaintiff Charlene Moore sustained for loss
16 of companionship, society, comfort, consortium and intimacy:

17 Past Loss of Consortium \$ _____

18 Future Loss of Consortium \$ _____

19 TOTAL \$ _____

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21 DATED this _____ day of _____, 2020

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24 FOREPERSON

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26 After it has been signed, return the verdict form to the Court.
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☒ **VIA ELECTRONIC SERVICE:** By mandatory electronic service (e-service), proof of e-service attached to any copy filed with the Court; or

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An Employee of CARROLL, KELLY, TROTTER,
FRANZEN & McBRIDE

FEB 13 2020

DISTRICT COURT
BY, Shelley Boyle
CLARK COUNTY, NEVADA SHELLEY BOYLE, DEPUTY

DARELL L. MOORE and CHARLENE A.
MOORE, individually and as husband and
wife;

Plaintiffs,

v.

JASON LASRY, M.D., individually;
TERRY BARTMUS, RN, APRN;

Defendants.

CASE NO.: A-17-766426-C
DEPT: XXV

JURY INSTRUCTIONS

A-17-766426-C
JI
Jury Instructions
4896251



MEMBERS OF THE JURY:

It is my duty as Judge to instruct you in the law that applies to this case. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in these instructions.

INSTRUCTION NO. 2

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

INSTRUCTION NO. 3

The masculine form as used in these instructions, if applicable as shown by the text of the instruction and the evidence, also applies to a female person or corporation.

INSTRUCTION NO. 4

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 5

If, during this trial, I have said or done anything which has suggested to you that I am inclined to favor the claims or position of any party, you will not be influenced by any such suggestion. I have not expressed, nor intended to express, nor have I intended to intimate, any opinion as to which witnesses are or are not worthy of belief, what facts are or are not established, or what inference should or should not be drawn from the evidence. If any expression of mine has seemed to indicate an opinion relating to any of these matters, I instruct you to disregard it.

INSTRUCTION NO. 6

You must decide all questions of fact in this case from the evidence received in this trial and not from any other source. You must not make any independent investigation of the facts or the law or consider or discuss facts as to which there is no evidence. This means, for example, that you must not on your own visit the scene, conduct experiments, or consult reference works for additional information.

INSTRUCTION NO. 7

The credibility or believability of a witness should be determined by his or her manner upon the stand, his or her relationship to the parties, his or her fears, motives, interests or feelings, his or her opportunity to have observed the matter to which he or she testified, the reasonableness of his or her statements and the strength or weakness of his or her recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness, or any portion of his or her testimony which is not proved by other evidence.

INSTRUCTION NO. 8

In determining whether any proposition has been proved, you should consider all of the evidence bearing on the question without regard to which party produced it.

You should decide the case for each Plaintiff separately as if it were a separate lawsuit. Each Plaintiff is entitled to separate consideration of his or her own claims. Unless I tell you otherwise, all instructions apply to each Plaintiff.

You should decide the case against each Defendant separately as if it were a separate lawsuit. Each Defendant is entitled to separate consideration of his or her own defenses. Unless I tell you otherwise, all instructions apply to each Defendant.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence: direct and circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what the witness personally saw or heard or did. Circumstantial or indirect evidence is the proof of one or more facts from which you could find another fact. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate (meaning to agree) to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

Questions are not evidence. Only the answer is evidence. You should consider a question only if it helps you to understand the witness's answer. Do not assume that something is true just because a question suggests that it is.

You must also disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court. Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

Discrepancies in a witness's testimony, or between the witness's testimony and that of others, if there were any discrepancies, do not necessarily mean that the witness should be discredited. Failure of recollection is a common experience, and innocent misrecollection is not uncommon. It is a fact, also, that two persons witnessing an incident or transaction often will see or hear it differently. Whether a discrepancy pertains to a fact of importance or only to a trivial detail should be considered in weighing its significance.

The preponderance, or weight of evidence, is not necessarily with the greater number of witnesses.

The testimony of one witness worthy of belief is sufficient for the proof of any fact and would justify a verdict in accordance with such testimony, even if a number of witnesses have testified to the contrary. If, from the whole case, considering the credibility of witnesses, and after weighing the various factors of evidence, you believe that there is a balance of probability pointing to the accuracy and honesty of the one witness, you should accept that witness's testimony.

INSTRUCTION NO. 13

During the trial, you received deposition testimony that was read from the deposition transcript. A deposition is the testimony of a person taken before trial. At a deposition, the person took the same oath to tell the truth that would be taken in court and is questioned by the attorneys. You must consider the deposition testimony that was presented to you in the same way as you consider testimony given in court.

The witnesses have shown you charts and summaries to help explain the facts. The charts or summaries themselves, however, are not evidence or proof of any facts. Charts and summaries are only as good as the underlying evidence that supports them. You should therefore give them only such weight as you think the underlying evidence deserves.

INSTRUCTION NO. 15

An attorney has a right to interview a witness for the purpose of learning what testimony the witness will give. The fact that the witness has talked to an attorney and told that attorney what he or she would testify to does not reflect adversely on the truth of the testimony of the witness.

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3 A witness who has special knowledge, skill, experience, training or education in a
4 particular science, profession or occupation is an expert witness. An expert witness may
5 give his or her opinion as to any matter in which he or she is skilled.
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7 You should consider such expert opinion and weigh the reasons, if any, given for
8 it. You are not bound, however, by such an opinion. Give it the weight to which you
9 deem it entitled, whether that be great or slight, and you may reject it, if, in your
10 judgment, the reasons given for it are unsound.
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An expert witness has testified about his reliance on articles that have not been admitted into evidence. Reference by the expert witness to this material is allowed so that the expert witness may tell you what he relied upon to form his opinions. You may not consider the material as evidence in this case. Rather, you may only consider the material to determine what weight, if any, you will give to the expert's opinions.

A hypothetical question has been asked of an expert witness. In a hypothetical question, the expert witness is told to assume the truth of certain facts, and the expert witness is asked to give an opinion based upon those assumed facts. You must decide if all of the facts assumed in the hypothetical question have been established by the evidence. You can determine the effect of that assumption upon the value of the opinion.

You must determine the standard of professional care, skill or knowledge required of the defendants only from the opinions of the doctors, including those of the defendants, who have testified as expert witnesses as to such standard.

You should consider each such opinion and should weigh the qualifications of the witness and the reasons given for his or her opinion. Give each such opinion the weight to which you deem it entitled.

INSTRUCTION NO. 20

Plaintiffs seek to establish a claim of Professional Negligence. I will now instruct on the law relating to this claim.

“Professional Negligence” means the failure of a provider of health care, in rendering services, to use the reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained and experienced providers of health care, which act or omission is the proximate cause of a personal injury or wrongful death.

“Provider of health care” means a physician licensed pursuant to Chapter 630 or 633 of Nevada Revised Statutes, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians’ professional corporation or group practice that employs any such person and its employees.

Plaintiffs have the burden to prove by a preponderance of the evidence:

1. The accepted standard of medical care or practice;
2. That a provider of health care's conduct departed from the standard;
3. That the provider of health care's conduct was the proximate cause of injury; and
4. The Plaintiffs suffered as a result of the provider of health care's conduct.

INSTRUCTION NO. 23

A proximate cause of injury, damage, loss, or harm is a cause which, in natural and continuous sequence, produces the injury, damage, loss, or harm, and without which the injury, damage, loss, or harm, would not have occurred.

Whenever in these instructions I state that the burden, or the burden of proof, rests upon a certain party to prove a certain claim, the meaning of such an instruction is this: That the party has the burden of proving, by a preponderance of the evidence, all of the facts necessary to establish the claim.

A "preponderance of the evidence" means such evidence as, when considered and weighed against that opposed to it, it has more convincing force and produces in your mind a belief that what is sought to be proved is more probably true than not true.

In determining whether a party has met this burden, you will consider all of the evidence, whether produced by the Plaintiffs or Defendants.

Liability for personal injury is not imposed upon any provider of health care based on alleged negligence in the performance of that care unless evidence consisting of expert medical testimony, material from recognized medical texts or treatises, or the regulations of the licensed medical facility wherein the alleged negligence occurred, is presented to demonstrate the alleged deviation from the accepted standard of care in the specific circumstances of the case.

It is the duty of a provider of health care who holds himself or herself out as a specialist in a particular field of medical, surgical, or other healing science, to have the knowledge and skill ordinarily possessed, and to use the care and skill ordinarily used, by reasonably competent specialists practicing in the same field.

A failure to perform such duty is negligence.

It is the duty of a board-certified physician to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances by similarly trained and experienced providers of health care.

A failure to perform such duty is negligence.

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3 The mere fact that a complication occurred to the patient involved in this action is
4 not sufficient of itself to predicate liability. Negligence is never presumed, but must be
5 established by competent evidence.
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In determining the amount of losses, if any, suffered by the Plaintiffs as a proximate cause of the alleged Professional Negligence, you will take into consideration the nature, extent and duration of the injuries you believe from the evidence Plaintiffs have sustained, and you will decide upon a sum of money sufficient to reasonably and fairly compensate Plaintiffs for the following items:

1. The reasonable medical expenses plaintiff has necessarily incurred as a result of the incident,

2. The reasonable medical expenses plaintiff will necessarily incur in the future as a result of the incident,

3. The physical and mental pain, suffering, anguish, and disability endured by the plaintiff from the date of the incident to the present, and

4. The physical and mental pain, suffering, anguish, and disability the plaintiff will endure in the future.

No fixed standard exists for deciding the amount of pain and suffering damages. Nor is the opinion of any witness required as to the amount of such reasonable compensation. You must use your judgment to decide upon a reasonable amount based on the evidence and your common sense.

Whether any of these elements of damage have been proven by the evidence is for you to determine. Neither sympathy nor speculation is a proper basis for determining damages. However, absolute certainty as to the damages is not required. It is only required that Plaintiffs prove each item of damage by a preponderance of the evidence.

Plaintiff Charlene Moore also seeks to establish a claim of Loss of Consortium. I
will now instruct on the law relating to this claim.

Plaintiff Charlene Moore has the burden to prove by a preponderance of the evidence:

1. A valid and lawful marriage or registered domestic partnership between Plaintiffs Darell and Charlene Moore;
2. A wrongful injury to Plaintiff Darell Moore;
3. Plaintiff Charlene Moore suffered a loss of consortium; and
4. Plaintiff Charlene Moore's loss of consortium was caused by the wrongful injury to Plaintiff Darell Moore.

“Consortium” is defined as the benefits that one spouse is entitled to receive from another, including companionship, cooperation, affection, aid, and sexual relations.

1
2
3 A claim for Loss of Consortium is considered to be derivative of the Plaintiffs'
4 claim for Professional Negligence. If Plaintiffs are unable to establish their claim for
5 Professional Negligence, Plaintiff Charlene Moore may not recover damages for the
6 claim of Loss of Consortium.
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The proper measure of damages for Loss of Consortium, if any, would be the reasonable value of the, companionship, cooperation, affection, and, or sexual relations of which the Plaintiff Charlene Moore has been deprived.

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3 You are not to discuss or even consider whether or not Plaintiffs were carrying
4 insurance to cover medical bills or any other damages they claim to have sustained.

5 You are not to discuss or even consider whether or not Defendants were carrying
6 insurance that would reimburse them for whatever sum of money they may be called
7 upon to pay to the Plaintiffs.
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9 Whether or not any party was insured is immaterial and should make no difference
10 in any verdict you may render in this case.
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3 The Court has given you instructions embodying various rules of law to help guide
4 you to a just and lawful verdict. Whether some of these instructions will apply will
5 depend upon what you find to be the facts. The fact that I have instructed you on various
6 subjects in this case, including that of damages, must not be taken as indicating an
7 opinion of the Court as to what you should find to be the facts or as to which party is
8 entitled to your verdict.
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3 It is your duty as jurors to consult with one another and to deliberate with a view
4 toward reaching an agreement, if you can do so without violence to your individual
5 judgment. Each of you must decide the case for yourself, but should do so only after a
6 consideration of the case with your fellow jurors, and you should not hesitate to change
7 an opinion when convinced that it is erroneous. However, you should not be influenced
8 to vote in any way on any question submitted to you by the single fact that a majority of
9 the jurors, or any of them, favor such a decision. In other words, you should not
10 surrender your honest convictions concerning the effect or weight of evidence for the
11 mere purpose of returning a verdict or solely because of the opinion of the other jurors.
12
13 Whatever your verdict is, it must be the product of a careful and impartial consideration
14 of all the evidence in the case under the rules of law as given you by the court.
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When you retire to consider your verdict, you must select one of your number to act as Foreperson, who will preside over your deliberations and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions, and a verdict form which has been prepared for your convenience.

In civil actions, three-fourths of the total number of jurors may find and return a verdict. This is a civil action. As soon as six or more of you have agreed upon a verdict, you must complete the verdict form and have it signed and dated by your Foreperson, and then return with it to this room.

1
2
3 If, during your deliberations, you should desire to be further informed on any point
4 of law or hear again portions of the testimony, you must reduce your request to writing
5 signed by the Foreperson. The marshal will then return you to court where the
6 information sought will be given to you in the presence of the parties or their attorneys.
7 Remember, the Court is not at liberty to supplement the evidence.
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Now you will listen to the argument of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence, as you understand it and remember it to be, and by the law as given you in these instructions, and return a verdict which, according to your reason and candid judgment, is just and proper.

Given this 12th day of February, 2020.


DISTRICT COURT JUDGE

@ 2:42 pm

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 13 2020

DISTRICT COURT BY S. Boyle
SHELLEY BOYLE, DEPUTY
CLARK COUNTY, NEVADA

DARELL L. MOORE and CHARLENE A.
MOORE, individually and as husband and
wife;
Plaintiffs,
v.

CASE NO.: A-17-766426-C
DEPT: XXV

JASON LASRY, M.D., individually;
TERRY BARTMUS, RN, APRN;
Defendants.

SPECIAL VERDICT

We, the Jury in the above-entitled action, find the following Special Verdict on the
questions submitted to us:

Question No. 1:

Did Defendant Jason Lasry, M.D. breach the standard of care owed to Darell Moore?

Answer:

_____ YES X _____ NO

Question No. 2:

Did Defendant Terry Bartmus, APRN breach the standard of care owed to Darell Moore?

Answer:

_____ YES X _____ NO

If you answered "NO" to Questions No. 1 and Question No. 2, stop here, answer no
further questions, and have the Foreperson sign and date this form.

If you answered "YES" to either Question No. 1 or Question No. 2, please proceed to
answer Questions 3 and 4, as indicated.

A-17-766426-C
SJV
Special Jury Verdict
4896250



1 **Question No. 3:**

2 If you answered "YES" to Question No. 1, was such breach of the standard of care by
3 Defendant Jason Lasry, M.D. a proximate cause of Darell Moore's injuries?

4 Answer:

5 _____ YES _____ NO

6 **Question No. 4:**

7 If you answered "YES" to Question No. 2, was such breach of the standard of care by
8 Defendant Terry Bartmus, APRN. a proximate cause of Darell Moore's injuries?

9 Answer:

10 _____ YES _____ NO

11 If you answered "NO" to Question No. 3 and Question No. 4, stop here, answer no
12 further questions, and have the Foreperson sign and date this form.

13 If you answered "YES" to either Question No. 3 or Question No. 4, please proceed to
14 answer all of the remaining questions.

15 **Question No. 5:**

16 If your answer to either Question No. 3 or Question No. 4 was "YES", please provide the
17 percentage of fault apportioned to Jason Lasry, M.D. and/or Terry Bartmus, APRN:

18 Jason Lasry, M.D. _____ %

19 Terry Bartmus, APRN _____ %

20 TOTAL 100 %

21 **Question No. 6:**

22 What amount, if any, do you find Plaintiffs sustained for the following:

23 Past medical damages \$ _____

24 Future economic damages \$ _____

25 Past pain and suffering \$ _____

26 Future pain and suffering \$ _____

27 TOTAL

28 \$ _____

Question No. 7:

What amount of damage, if any, do you find Plaintiff Charlene Moore sustained for loss of companionship, society, comfort, consortium and intimacy:

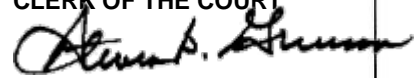
Past Loss of Consortium	\$ _____
Future Loss of Consortium	\$ _____
TOTAL	\$ _____

DATED this 13 day of February, 2020



FOREPERSON

After it has been signed, return the verdict form to the Court.



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8 *Attorneys for Defendant Terry Bartmus,*
A.P.R.N.

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

13 DARELL L. MOORE and CHARLENE A.
14 MOORE, individually and as husband and
wife;

15 Plaintiffs,

16 vs.

17 JASON LASRY, M.D., individually and
18 TERRY BARTMUS, RN, APRN;

19 Defendants.

CASE NO. A-17-766426-C
Dept. No.: XXV

JUDGMENT ON JURY VERDICT

<input type="checkbox"/> Non-Jury Disposed After Trial Start	<input type="checkbox"/> Jury Disposed After Trial Start
<input type="checkbox"/> Non-Jury Judgment Reached	<input checked="" type="checkbox"/> Jury Verdict Reached
<input type="checkbox"/> Transferred before Trial	<input type="checkbox"/> Other -

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1 This action came on for trial before the Honorable Kathleen Delaney, and a jury
2 beginning on January 27, 2020, Plaintiffs and Defendants appearing by and through
3 counsel, and the Court having submitted the case to the jury and the jury having entered
4 a verdict on February 13, 2020, and in accordance with the verdict of the jury:

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgement is
6 hereby entered in favor of Defendant JASON LASRY, M.D. and TERRY BARTMUS,
7 A.P.R.N. and against Plaintiffs DARELL L. MOORE and CHARLENE A. MOORE.

8 DATED this 6th day of MARCH, 2020.

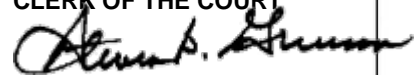
9
10 
11 DISTRICT COURT JUDGE
12 JG

13 Respectfully Submitted by:

14 LEWIS BRISBOIS BISGAARD & SMITH LLP

15 

16 KEITH A. WEAVER
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18 ALISSA BESTICK
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21 Las Vegas, NV 89118
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Emergency Services (Mandavia) and Terry
9 *Bartmus, A.P.R.N.*

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA
12

13 DARELL L. MOORE and CHARLENE A.
14 MOORE, individually and as husband and
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19 Defendants.
20

CASE NO. A-17-766426-C
Dept. No.: XXV

NOTICE OF ENTRY OF JUDGMENT ON
JURY VERDICT

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1 PLEASE TAKE NOTICE that the Judgment on Jury Verdict was entered on March
2 10, 2020, a true and correct copy of which is attached hereto.

3 DATED this 10th day of March, 2020

4 LEWIS BRISBOIS BISGAARD & SMITH LLP

5

6

7

By Alissa Bestick

8

KEITH A. WEAVER

9

Nevada Bar No. 10271

10

DANIELLE WOODRUM

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*Attorneys for Defendant Terry Bartmus,
A.P.R.N.*

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1 CERTIFICATE OF SERVICE

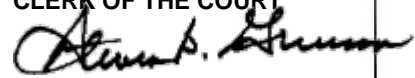
2 I hereby certify that on this 10th day of March, 2020, a true and correct copy
3 of NOTICE OF ENTRY OF JUDGMENT ON JURY VERDICT was served electronically
4 with the Clerk of the Court using the Wiznet Electronic Service system and serving all
5 parties with an email-address on record, who have agreed to receive Electronic Service in
6 this action.

7 Matthew W. Hoffman, Esq.
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19 *Attorneys for Plaintiffs*

20 By /s/ Emma L. Gonzales
21 An Employee of
22 LEWIS BRISBOIS BISGAARD & SMITH LLP
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CASE NO. A-17-766426-C
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JUDGMENT ON JURY VERDICT

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LEWIS
BRISBOIS
BISGAARD
& SMITH LLP
ATTORNEYS AT LAW

4832-7379-8325.1

MAR 05 2020

1 This action came on for trial before the Honorable Kathleen Delaney, and a jury
2 beginning on January 27, 2020, Plaintiffs and Defendants appearing by and through
3 counsel, and the Court having submitted the case to the jury and the jury having entered
4 a verdict on February 13, 2020, and in accordance with the verdict of the jury:

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgement is
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8 DATED this 6th day of MARCH, 2020.

9
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11 DISTRICT COURT JUDGE
12 JG

13 Respectfully Submitted by:

14 LEWIS BRISBOIS BISGAARD & SMITH LLP

15 

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