IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

KIMBERLY TAYLOR, AN INDIVIDUAL,
Appellant,
vs.
KEITH BRILL, M.D., FACOG, FACS, AN INDIVIDUAL; AND WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA-MARTIN, PLLC, A NEVADA PROFESSIONAL LIMITED LIABILITY COMPANY,
Respondents.

No. 83847

DOCKETING STATEMENT
CIVIL APPEALS

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See* KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District EIGHTH Department III

County CLARK Judge HON. MONICA TRUJILLO

District Ct. Case No. A-18-773472-C

2. Attorney filing this docketing statement:

Attorney ADAM J. BREEDEN, ESQ. Telephone (702) 819-7770

Firm BREEDEN & ASSOCIATES, PLLC

Address 376 E. WARM SPRINGS ROAD, SUITE 120
LAS VEGAS, NEVADA 89119

Client(s) KIMBERLY TAYLOR

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney HEATHER S. HALL, ESQ. Telephone (702) 792-5855

Firm McBRIDE HALL

Address 8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113

Client(s) KEITH BRILL, M.D., FACOG, FACS and WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA-MARTIN, PLLC

Attorney Telephone

Firm

Address

Client(s)

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- ☐ Judgment after bench trial
- ☒ Judgment after jury verdict
- ☐ Summary judgment
- ☐ Default judgment
- ☐ Grant/Denial of NRCP 60(b) relief
- ☐ Grant/Denial of injunction
- ☐ Grant/Denial of declaratory relief
- ☐ Review of agency determination
- ☐ Dismissal:
  - ☐ Lack of jurisdiction
  - ☐ Failure to state a claim
  - ☐ Failure to prosecute
  - ☐ Other (specify): _____
- ☐ Divorce Decree:
  - ☐ Original Modification
- ☐ Other disposition (specify): _____

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

NOT APPLICABLE

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

There are no known related actions.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

There are no other related actions.

8. Nature of the action. Briefly describe the nature of the action and the result below:

This is a medical malpractice action tried to a defense verdict.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

The primary issue is whether the District Court wrongly allowed the Defense to present an assumption of the risk defense (that the patient was advised of risks of surgery and chose to proceed regardless), which has been universally barred by every other state considering this legal issue. Other issues include: Refusing Plaintiff the ability to conduct voir dire on juror attitudes toward tort reform, damage caps and KODIN, exclusion of phrases such as "send a message" in closing contrary to Supreme Court precedent, improper introduction of collateral source evidence of insurer write-downs, improper application of the Piroozi case, improperly refusing to give a standard court instruction to the jury not to consider insurance, improperly giving a contradictory "mere happening" or Gunlock instruction, refusal to admit demonstrative evidence, refusal to allow Plaintiff's counsel to argue that the Defense failed to call a witness critical to their defense, improper argument of defense counsel to ignore actual evidence and instead surmise as to different "habit" evidence and personal vouching of defense counsel

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

Appellant is not aware of any other pending proceeding submitting this legal issue to the Court.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

- [x] N/A
- [ ] Yes
- [ ] No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

- [ ] Reversal of well-settled Nevada precedent (identify the case(s))
- [ ] An issue arising under the United States and/or Nevada Constitutions
- [x] A substantial issue of first impression
- [ ] An issue of public policy
- [ ] An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
- A ballot question

If so, explain:

Although this appeal presents many allegations of error and disregard of this Court's prior precedent, the main issue is whether the Nevada Supreme Court will recognize consistent with well-reasoned decisions from other states, e.g. *Wilson v. Patel*, 517 S.W.3d 520 (Mo. 2017) and *Wright v. Kaye*, 267 Va. 510, 593 S.E.2d 307 (2004), that there is no assumption of risk defense in a medical malpractice case and therefore evidence that a patient was advised of a "risk" and consented to the procedure regardless is barred at trial as irrelevant and prejudicial. In this case, the main defense of the doctor was that although during a hysteroscopy he burnt or jammed a medical instrument through the patient's uterus and into her small bowel, he had advised the patient of an obscure "risk" of such a botched procedure and she consented anyway, thus he could not be held liable.

The appeal also presents issues of the level of proof a personal injury claimant must have to establish the usual and customary nature of medical expenses. The District Court excluded over $200,000 of plaintiff's medical bills, holding that neither the bills, nor testimony from a hospital CFO nor testimony from the Plaintiff who had nearly 30 years of experience in the medical billing industry was admissible to establish the amount of the bills, which was otherwise uncontested by the Defense.

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This matter is presumptively assigned to the Court of appeals but should be retained by the Nevada Supreme Court as it presents numerous novel issue of law concerning:
(1) May an assumption of risk defense be alleged in a medical malpractice case,
(2) May a billing representative of a medical care provider, for example a hospital CFO, testify as to the usual and customary amount of the provider's medical bills and, generally, what level of proof is required to establish the usual, customary and reasonable nature of medical bills

14. Trial. If this action proceeded to trial, how many days did the trial last? 8

Was it a bench or jury trial? Jury Trial

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

The Appellant does not anticipate such a motion.

TIMELINESS OF NOTICE OF APPEAL

0. Date of entry of written judgment or order appealed from November 19, 2021

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

1. Date written notice of entry of judgment or order was served November 19, 2021

Was service by:

☐ Delivery

☒ Mail/electronic/fax

2. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

NOT APPLICABLE

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. *See* AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

0. Date notice of appeal filed November 22, 2021

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

1. Specify statute or rule governing the time limit for filing the notice of appeal, *e.g., NRAP 4(a) or other*

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

2. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- [x] NRAP 3A(b)(1)
- [ ] NRAP 3A(b)(2)
- [ ] NRAP 3A(b)(3)
- [ ] Other (specify)
- [ ] NRS 38.205
- [ ] NRS 233B.150
- [ ] NRS 703.376

( ) Explain how each authority provides a basis for appeal from the judgment or order:

This appeal is filed after entry of a defense judgment after a jury trial.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Kimberly Taylor
Keith Brill, M.D.
Women's Health Associates of Southern Nevada-Martin, PLLC
Bruce Hutchins, RN
Henderson Hospital/Valley Health Systems, LLC
Todd Christensen, MD
Dignity Health d/b/a St. Rose Dominican Hosp.

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Of the above parties, all other parties settled out prior to trial and were formally dismissed by the court except:
Kimberly Taylor
Keith Brill, M.D.
Women's Health Associates of Southern Nevada-Martin, PLLC

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Plaintiff Taylor filed an action for professional negligence/medical malpractice against the Defendants. Defendants Brill and Women's Health Associates were given a defense judgment after jury verdict on November 19, 2021.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes
☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes
☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes
☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Kimberly Taylor
Name of appellant

12-13-2021
Date

Clark County, Nevada
State and county where signed

Adam J. Breeden, Esq.
Name of counsel of record

Adam J. Br 8768
Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the day of , _____ , I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

SEE NEXT PAGE FOR FULL CERTIFICATE OF SERVICE BY MAILING

Dated this day of , _____

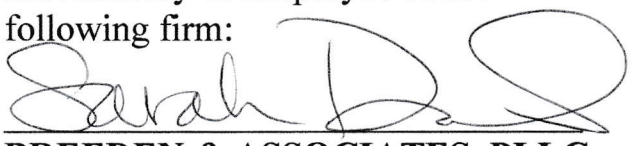
_____
Signature

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of December, 2021, I served a copy of the foregoing legal document **APPELLANT'S DOCKETING STATEMENT** pursuant to NRAP 25, by placing a copy in the US mail, postage pre-paid to the following counsel of record or parties in proper person:

Heather S. Hall, Esq. McBRIDE HALL 8329 W. Sunset Road, Suite 260 Las Vegas, Nevada 89113 *Attorneys for Defendants Keith Brill, M.D. and Women's Health Associates*	Adam A. Schneider, Esq. JOHN H. COTTON & ASSOC., LTD. 7900 W. Sahara Avenue, Suite 200 Las Vegas, Nevada 89117 *Attorneys for Todd Christensen, M.D.*
Danielle Woodrum, Esq. LEWIS BRISBOIS BISGAARD & SMITH, LLP 6385 S. Rainbow Boulevard, Suite 600 Las Vegas, Nevada 89118 *Attorneys for Dignity Health dba St. Rose Dominican Hospital*	Ian M. Houston, Esq. HALL PRANGLE & SCHOONVELD 1140 N. Town Center Drive, Suite 350 Las Vegas, Nevada 89144 *Attorneys for Henderson Hospital & Bruce Hutchins, RN*
Ishi Kunin, Esq. Kunin Law Group 10161 Park Run Drive, Ste. 150 Las Vegas, Nevada 89145 *Settlement Conference Judge*	

An Attorney or Employee of the following firm:



BREEDEN & ASSOCIATES, PLLC

TABLE OF EXHIBITS

1.	Complaint filed April 25, 2018
2.	Notice of Entry of Order of Stipulation and Order to Dismiss Nurse Defendant Bruce Hutchins, RN Without Prejudice filed October 24, 2018 (Order actually entered on October 18, 2018)
3.	Notice of Entry of Order of Stipulation and Order to Dismiss Defendant Dignity Health d/b/a St. Rose Dominican Hospital - Siena Campus, filed March 10, 2021(Order actually entered on March 9, 2021)
4.	Notice of Entry of Stipulation and Order to Dismiss Defendant Valley Health Systems, LLC d/b/a Henderson Hospital with Prejudice and to Amend Caption filed March 19, 2021 (Order actually entered on March 17, 2021)
5.	Notice of Entry of Stipulation and Order for Defendant Christensen, M.D.'s Dismissal with Prejudice Only filed April 22, 2021 (Order actually entered on April 21, 2021)
6.	Notice of Entry of Judgement on Jury Verdict filed November 19, 2021 (Order actually entered on November 19, 2021)

Exhibit “1”

Electronically Filed
4/25/2018 2:26 PM
Steven D. Grierson
CLERK OF THE COURT

COMP
JAMES S. KENT, ESQ.
Nevada Bar No. 5034
9480 S. Eastern Ave.
Suite 228
Las Vegas, Nevada 89123
(702) 385-1100
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual, Plaintiff, vs. KEITH BRILL, MD, FACOG, FACS, an Individual; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA - MARTIN, PLLC, a Nevada Professional Limited Liability Company; BRUCE HUTCHINS, RN, an Individual; HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba HENDERSON HOSPITAL, and/or HENDERSON HOSPITAL, a subsidiary of UNITED HEALTH SERVICES, a Foreign LLC; TODD W. CHRISTENSEN, MD, an Individual; DIGNITY HEALTH d/b/a ST. ROSE DOMINICAN HOSPITAL; DOES I through XXX, inclusive; and ROE CORPORATIONS I through XXX, inclusive; Defendants.	CASE NO.: A-18-773472-C DEPT. NO.: Department 10 **EXEMPT FROM ARBITRATION:** COMPLAINT FOR MEDICAL MALPRACTICE

COMPLAINT

COMES NOW Plaintiff, **KIMBERLY D. TAYLOR (Kimberly)**, an individual, by and through his counsel, JAMES S. KENT, ESQ., and for his causes of action against Defendants, and each of them, alleges and complains as follows:

/ / /

GENERAL ALLEGATIONS

1. That the Plaintiff, KIMBERLY D. TAYLOR (Kimberly), an individual, was at all times mentioned herein a resident of the State of Nevada.

2. Upon information and belief, Defendant, KEITH BRILL, MD, FACOG, FACS (Dr. Brill), an individual, was at all times mentioned herein a resident of Clark County, State of Nevada.

3. Upon information and belief, Defendant WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA - MARTIN, PLLC, (WHASN) was a Nevada Professional Limited Liability Company and was licensed to do business in, and at all relevant times was doing business in, Clark County, Nevada.

4. Upon information and belief, Defendant, BRUCE HUTCHINS, RN (Hutchins),an individual, was at all times mentioned herein a resident of Clark County, State of Nevada.

5. Upon information and belief, Defendant HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, dba HENDERSON HOSPITAL, and/or HENDERSON HOSPITAL, a subsidiary of UNITED HEALTH SERVICES (HH), was a Foreign LLC and was licensed to do business in, and at all relevant times was doing business in, Clark County, Nevada.

6. Upon information and belief, Defendant, TODD W. CHRISTENSEN, MD, (Dr. Christensen), an individual, was at all times mentioned herein a resident of Clark County, State of Nevada.

7. Upon information and belief, Defendant DIGNITY HEALTH d/b/a ST. ROSE DOMINICAN HOSPITAL (St. Rose) was a Foreign Non-Profit Corporation and was licensed to do business in, and at all relevant times was doing business in, Clark County, Nevada.

8. That at all relevant times mentioned herein, Defendant Dr. Brill was a licensed physician pursuant to NRS §630.014, and was duly admitted and authorized to practice medicine in the State of Nevada.

9. That at all relevant times mentioned herein, Defendant Hutchins was a registered nurse licensed to practice as a nurse in the State of Nevada.

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10. That at all relevant times mentioned herein, Defendant Dr. Christensen was a licensed physician pursuant to NRS §630.014, and was duly admitted and authorized to practice medicine in the State of Nevada.

11. That at all relevant times mentioned herein, Defendant WHASN was the employer for some or all of the other Defendants herein, all of whom were acting within the scope of their employment with full authority.

12. That at all relevant times mentioned herein, Defendant HH was the employer for some or all of the other Defendants herein, all of whom were acting within the scope of their employment with full authority.

13. That at all relevant times mentioned herein, Defendant St. Rose Dominican was the employer for some or all of the other Defendants herein, all of whom were acting within the scope of their employment with full authority.

14. That at all relevant times mentioned herein, Roe Corporation I was the employer for some or all of the other Defendants herein, all of whom were acting within the scope of their employment with full authority.

15. That at all times relevant herein, Defendants designated as DOES I through XXX and ROE CORPORATIONS I through XXX, in their true capacities, whether individual, corporate, associate or otherwise of the Defendants named herein are unknown to Plaintiff who, therefore, sues said Defendants by said fictitious names; Plaintiff is informed and believes and thereon alleges that each of the Defendants designated as a DOES I through XXX and ROE CORPORATIONS I through XXX are responsible in some manner for the events and happenings referred to herein, and caused damages proximately to Plaintiff as herein alleged, and Plaintiff will ask leave of this court to amend this Complaint to insert the true names and capacities of DOES I through XXX and ROE CORPORATIONS I through XXX, when the same have been ascertained and to join such Defendants in this action.

16. That all events mentioned herein occurred in Clark County, Nevada.

17. On or about April 26, 2017 Plaintiff Kimberly Taylor appeared at Henderson Hospital to undergo a dilation and curettage with hysteroscopy with fibroid removal and hydrothermal ablation.

/ / /

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18. That Dr. Brill was to perform, and did partially perform, the surgery referenced in Paragraph 17.

19. During the procedure, Dr. Brill perforated Kimberly's uterine wall and her small bowel.

20. Dr. Brill only confirmed the perforation with the hysteroscope and did not perform laparoscopy to evaluate for bowel or other injury to Kimberly.

21. Dr. Brill continued with the surgical procedure, but ultimately terminated it before completion.

22. Dr. Brill never informed Kimberly of the complication of perforating her uterine wall.

23. Dr. Brill did not inform the anesthesiologist of the complication of perforating Kimberly's uterine wall.

24. Dr. Brill informed the PACU that there were no complications as a result of the surgery.

25. After the surgery, Kimberly was transferred to the care of HH and Hutchins.

26. Kimberly was in the care of Hutchins and HH for approximately 7 hours, despite normal recovery for this procedure being 1-2 hours or less due to the failure to complete the surgical procedure.

27. While in post-operative care, Kimberly complained of severe abdominal pain and nausea.

28. Hutchins gave Kimberly significant amounts and types of medications to address her concerns.

29. Hutchins and HH never communicated with Dr. Brill, WHASN, or any other physician during the time Kimberly was in their care.

30. Hutchins and HH released Kimberly without contacting Dr. Brill despite her still having continuing abdominal pains and nausea.

31. On the evening of April 25/early morning of April 26, 2017, Kimberly was transported to the St. Rose emergency department via ambulance.

32. Dr. Christensen treated Kimberly at St. Rose for the visit referenced in Paragraph 32.

33. Kimberly appeared at St. Rose with complaints of extreme abdominal pain and diffuse torso pain.

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34. Dr. Christensen and St. Rose had a CT Abdomen and Pelvis performed, which noted postoperative pneumoperitoneum and small to moderate ascites.

35. Dr. Christensen was aware of the surgical procedure Kimberly underwent by Dr. Brill.

36. Dr. Christensen did not seek a consult with an OB/GYN and/or surgeon.

37. Dr. Christensen did not rule out a more serious injury despite the CT findings consistent with visceral perforation and injury.

38. Despite the forgoing, as well as Kimberly still having ongoing severe abdominal pain, she was treated for nausea and released after approximately three hours.

39. Later on April 27, 2017, Kimberly appeared yet again at St. Rose, where she was eventually admitted.

40. Kimberly underwent a surgical consult, which included examination and review of the previously taken CT scan.

41. Based upon the surgical consults examination findings, the clinical significant pain of Kimberly, and the CT findings (which findings were consistent with visceral perforation and injury), Kimberly underwent a diagnostic laparoscopy which was then converted to an exploratory laparotomy with a small bowel resection.

42. During the surgical procedure referenced in Paragraph 41, a 3 cm perforation of the small bowel was discovered and a resection was performed; Kimberly was also discovered to have suffered gross peritonitis in all 4 quadrants.

43. Kimberly thereafter suffered a prolonged, critical, post-operative course, and was discharged on May 5, 2017.

44. Kimberly continues to suffer ongoing repercussions from the aforementioned treatment and care.

45. Each of the Defendants were responsible for safely and properly following the standards of care for the medical treatment rendered to Kimberly for the periods referenced above.

46. As a result of the actions and inactions listed herein, Kimberly has incurred significant injury to her person and special damages by way of past and future lost personal services, past and future medical costs for treatment, and other losses that are ongoing and not fully calculated at this time.

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FIRST CLAIM FOR RELIEF
(Medical Malpractice/Professional Negligence of Defendant Dr. Brill (41A.100))

47. Plaintiff repeats and re-alleges each and every above paragraph as though fully set forth hereunder and incorporate the same by reference.

48. At all times pertinent hereto, Defendant Dr. Brill had a duty to adequately and properly provide competent and reasonably safe medical care within the accepted standard of care to Kimberly, as well as properly supervise, monitor, communicate with others, and otherwise ensure her health and safety while she was under his care and recovering from his treatment.

49. Dr. David Berke, DO, FACOOG, has opined in his report attached as Exhibit 1 that Defendant Dr. Brill's care and treatment of Kimberly, to a reasonable degree of medical probability and certainty, fell below the accepted standards of care as follows:

a. Not properly performing the surgical procedure, causing perforations of Kimberly's uterine wall and small bowel with use of a thermal instrument;

b. Continuing the surgery, including use of the curretage, after noting the perforation of the uterine wall;

c. Failing to properly evaluate and diagnose the extent of damage to Kimberly after the perforation of the uterine wall was noted;

d. Failing to inform and instruct PACU of the uterine perforation and to look for specific concerns which could evidence additional damage and require additional examination; and

e. Failing to inform Kimberly of the complications resulting from the surgical procedure.

50. As a direct and proximate result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Dr. Brill, Plaintiff Kimberly Taylor suffered injuries and damages, including but not limited to perforation of her uterus, perforation of her small bowel and burn injury to her small bowel, removal of a section of her small bowel, gross peritonitis, and a prolonged, critical, post-operative course, all within a reasonable degree of medical probability and certainty as per Dr. Berke, and all to Plaintiff's damages in an amount in excess of TEN THOUSAND DOLLARS ($10,000).

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51. As a direct and proximate result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Dr. Brill, Plaintiff Kimberly Taylor has sustained physical and mental injuries, which have caused and will continue to cause physical and mental pain and suffering with loss of enjoyment of life. For these damages, Plaintiff is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

52. As a direct, proximate, and legal result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Dr. Brill, Plaintiff Kimberly Taylor has incurred and will continue to incur medical expenses and other special damages for which Plaintiff Kimberly Taylor is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

53. As a direct, proximate, and legal result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Dr. Brill, it has been necessary for Plaintiff Kimberly Taylor to retain the law firm of James S. Kent, Ltd., to prosecute this action, and Plaintiff is entitled to recover reasonable attorney's fees and costs.

SECOND CLAIM FOR RELIEF
(Medical Malpractice/Professional Negligence of Defendant Hutchins (41A.100))

54. Plaintiff repeats and re-alleges each and every above paragraph as though fully set forth hereunder and incorporate the same by reference.

55. At all times pertinent hereto, Defendant Hutchinsl had a duty to adequately and properly provide competent and reasonably safe medical care with the accepted standard of care to Kimberly, as well as properly supervise, monitor, communicate with others, and otherwise ensure her health and safety while she was under his care and recovering from his treatment.

56. Dr. David Berke, DO, FACOOG, has opined in his report attached as Exhibit 1 that Defendant Hutchin's care and treatment of Kimberly, to a reasonable degree of medical probability and certainty, fell below the accepted standards of care as follows:

a. Failure to contact Dr. Brill or obtain a GYN consult despite the excessive pain medications being given to Ms. Taylor;

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b. Failure to contact Dr. Brill prior to releasing Ms. Taylor; and

c. Releasing Ms. Taylor despite her ongoing severe abdominal pain.

57. As a direct and proximate result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Hutchins, Plaintiff Kimberly Taylor suffered injuries and damages, including but not limited to gross peritonitis and a prolonged, critical, post-operative course, all within a reasonable degree of medical probability and certainty as per Dr. Berke, and all to Plaintiff's damages in an amount in excess of TEN THOUSAND DOLLARS ($10,000).

58. As a direct and proximate result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Hutchins, Plaintiff Kimberly Taylor has sustained physical and mental injuries, which have caused and will continue to cause physical and mental pain and suffering with loss of enjoyment of life. For these damages, Plaintiff is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

59. As a direct, proximate, and legal result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Hutchins, Plaintiff Kimberly Taylor has incurred and will continue to incur medical expenses and other special damages for which Plaintiff Kimberly Taylor is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

60. As a direct, proximate, and legal result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Hutchins, it has been necessary for Plaintiff Kimberly Taylor to retain the law firm of James S. Kent, Ltd., to prosecute this action, and Plaintiff is entitled to recover reasonable attorney's fees and costs.

THIRD CLAIM FOR RELIEF
(Medical Malpractice/Professional Negligence of Defendant Dr. Christensen (41A.100))

61. Plaintiff repeats and re-alleges each and every above paragraph as though fully set forth hereunder and incorporate the same by reference.

62. At all times pertinent hereto, Defendant Dr. Christensen had a duty to adequately and properly provide competent and reasonably safe medical care with the accepted standard of care to

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Kimberly, as well as properly supervise, monitor, communicate with others, and otherwise ensure her health and safety while she was under his care and recovering from his treatment.

63. Dr. David Berke, DO, FACOOG, has opined in his report attached as Exhibit 1 that Defendant Dr. Christensen's care and treatment of Kimberly, to a reasonable degree of medical probability and certainty, fell below the accepted standards of care as follows:

a. Failure to obtain a consult with OB/GYN and/or surgeon based upon the CT report; and

b. Release of Ms. Taylor despite the CT report and ongoing severe abdominal pain without ruling out a more serious injury with CT findings consistent with visceral perforation and injury.

64. As a direct and proximate result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Dr. Christensen, Plaintiff Kimberly Taylor suffered injuries and damages, including but not limited to gross peritonitis and a prolonged, critical, post-operative course, all within a reasonable degree of medical probability and certainty as per Dr. Berke, and all to Plaintiff's damages in an amount in excess of TEN THOUSAND DOLLARS ($10,000).

65. As a direct and proximate result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Dr. Christensen, Plaintiff Kimberly Taylor has sustained physical and mental injuries, which have caused and will continue to cause physical and mental pain and suffering with loss of enjoyment of life. For these damages, Plaintiff is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

66. As a direct, proximate, and legal result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Dr. Christensen, Plaintiff Kimberly Taylor has incurred and will continue to incur medical expenses and other special damages for which Plaintiff Kimberly Taylor is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

67. As a direct, proximate, and legal result of the medical malpractice, professional negligence and failures to meet the standard of care by Defendant Dr. Christensen, it has been necessary

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for Plaintiff Kimberly Taylor to retain the law firm of James S. Kent, Ltd., to prosecute this action, and Plaintiff is entitled to recover reasonable attorney's fees and costs.

FOURTH CLAIM FOR RELIEF
(Res Ipsa Loqitur - NRS 41A.100; Medical Malpractice/Professional Negligence of Defendant Dr. Brill)

68. Plaintiff repeats and re-alleges each and every above paragraph as though fully set forth hereunder and incorporate the same by reference.

69. At all times pertinent hereto, Defendant Dr. Brill was the physician performing Kimberly's dilation and curettage with hysteroscopy with fibroid removal and hydrothermal ablation.

70. During the course of his medical care, in particular his surgery, Defendant Dr. Brill unintentionally caused burn injuries by heat, radiation, or chemicals to Kimberly's uterus and bowel.

71. These injuries do not normally occur in the absence of negligence and a failure to meet the standard of care.

72. Kimberly could not and does not have comparative negligence as she was under general anesthesia, completely dependent, and under the total control of Dr. Brill during the entire period in which she sustained these injuries, which caused the intestinal contents to leak into the abdominal and pelvis cavities and directly result in infection and gross peritonitis.

73. Pursuant to Nevada Revised Statute 41A.100, Dr. Brill is therefore presumed professionally negligent (i.e. to have fallen below the standard of care).

74. As a direct and proximate result of Defendant Dr. Brill's negligent acts and omissions, including, but not limited to, the above-stated res ipsa, presumption of professional negligence, Plaintiff Kimberly suffered injuries and damages, all to Plaintiff Kimberly Taylor's detriment, in an amount in excess of TEN THOUSAND DOLLARS ($10,000).

75. As a direct and proximate result of Defendant Dr. Brill's negligent acts and omissions, including, but not limited to, the above-stated res ipsa, presumption of professional negligence, Plaintiff Kimberly Taylor has sustained physical and mental injuries, which have caused and will continue to cause physical and mental pain and suffering with loss of enjoyment of life. For these damages, Plaintiff is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

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76. As a direct and proximate result of Defendant Dr. Brill's negligent acts and omissions, including, but not limited to, the above-stated res ipsa, presumption of professional negligence, Plaintiff Kimberly Taylor has incurred and will continue to incur medical expenses and other special damages for which Plaintiff Kimberly Taylor is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

77. As a direct and proximate result of Defendant Dr. Brill's negligent acts and omissions, including, but not limited to, the above-stated res ipsa, presumption of professional negligence, it has been necessary for Plaintiff Kimberly Taylor to retain the law firm of James S. Kent, Ltd., to prosecute this action, and Plaintiff is entitled to recover reasonable attorney's fees and costs.

FIFTH CLAIM FOR RELIEF
(Res Ipsa Loqitur - NRS 41A.100; Medical Malpractice/Professional Negligence of Defendant Henderson Hospital et al)

78. Plaintiff repeats and re-alleges each and every above paragraph as though fully set forth hereunder and incorporate the same by reference.

79. At all times pertinent hereto, Defendants Henderson Hospital et al were the owners, managers, distributors, retailers and/or otherwise providers of Henderson Hospital, its operating facility and surgical equipment, including but not limited to the facility used for and equipment used during Kimberly's surgery by Dr. Brill on April 26, 2017.

80. During the use of this equipment in Defendant Henderson Hospital's facility, Kimberly received multiple unintentional burn injuries caused by heat, radiation, or chemicals to Kimberly's uterus and bowel.

81. These injuries do not normally occur in the absence of negligence and a failure to meet the standard of care.

82. Kimberly could not and does not have comparative negligence as she was under general anesthesia, completely dependent, and under the defendants' control during the entire period in which she sustained these injuries, which caused the intestinal contents to leak into the abdominal and pelvis cavities and directly result in infection and gross peritonitis.

83. Pursuant to Nevada Revised Statute 41A.100, Dr. Brill is therefore presumed professionally negligent (i.e. to have fallen below the standard of care).

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84. As a direct and proximate result of Defendant Henderson Hospital et al's negligent acts and omissions, including, but not limited to, the above-stated res ipsa, presumption of professional negligence, Plaintiff Kimberly Taylor suffered injuries and damages, all to Plaintiff Kimberly Taylor's detriment, in an amount in excess of TEN THOUSAND DOLLARS ($10,000).

85. As a direct and proximate result of Defendant Henderson Hospital et al's negligent acts and omissions, including, but not limited to, the above-stated res ipsa, presumption of professional negligence, Plaintiff Kimberly Taylor has sustained physical and mental injuries, which have caused and will continue to cause physical and mental pain and suffering with loss of enjoyment of life. For these damages, Plaintiff is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

86. As a direct and proximate result of Defendant Henderson Hospital et al's negligent acts and omissions, including, but not limited to, the above-stated res ipsa, presumption of professional negligence, Plaintiff Kimberly Taylor has incurred and will continue to incur medical expenses and other special damages for which Plaintiff Kimberly Taylor is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

87. As a direct and proximate result of Defendant Henderson Hospital et al's negligent acts and omissions, including, but not limited to, the above-stated res ipsa, presumption of professional negligence, it has been necessary for Plaintiff Kimberly Taylor to retain the law firm of James S. Kent, Ltd., to prosecute this action, and Plaintiff is entitled to recover reasonable attorney's fees and costs.

SIXTH CLAIM FOR RELIEF
(Vicarious Liability of Defendant Women's Health Associates of Southern Nevada)

88. Plaintiff repeats and re-alleges each and every above paragraph as though fully set forth hereunder and incorporate the same by reference.

89. Defendant Dr. Brill was an agent and/or employee of Defendant WHASN, and was acting in the scope of his employment, under WHASN's control, and in furtherance of WHASN's interests at the time their actions caused Plaintiff's injuries.

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90. Defendant WHASN is vicariously liable for damages resulting from their employees', agents', and/or independent contractors' negligent actions against Kimberly during the scope of their employment.

91. That Kimberly entrusted to Defendants Dr. Brill's and WHASN's care and treatment.

92. That as a direct and proximate result of the negligence and failures to meet the standard of care by Defendants Dr. Brill and WHASN, Plaintiff Kimberly Taylor suffered injuries and damages, including but not limited to gross peritonitis and a prolonged, critical, post-operative course, and all to Plaintiff's damages in an amount in excess of TEN THOUSAND DOLLARS ($10,000).

93. That as a direct and proximate result of the negligence and failures to meet the standard of care by Defendants Dr. Brill and WHASN, Plaintiff Kimberly Taylor has sustained physical and mental injuries, which have caused and will continue to cause physical and mental pain and suffering with loss of enjoyment of life. For these damages, Plaintiff is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

94. That as a direct and proximate result of the negligence and failures to meet the standard of care by Defendants Dr. Brill and WHASN, Plaintiff Kimberly Taylor has incurred and will continue to incur medical expenses and other special damages for which Plaintiff Kimberly Taylor is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

95. As That as a direct and proximate result of the negligence and failures to meet the standard of care by Defendants Dr. Brill and WHASN, it has been necessary for Plaintiff Kimberly Taylor to retain the law firm of James S. Kent, Ltd., to prosecute this action, and Plaintiff is entitled to recover reasonable attorney's fees and costs.

SIXTH CLAIM FOR RELIEF
(Vicarious Liability of Defendant Henderson Hospital et al)

96. Plaintiff repeats and re-alleges each and every above paragraph as though fully set forth hereunder and incorporate the same by reference.

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97. Defendant Hutchins was an agent and/or employee of Defendant Henderson Hospital and was acting in the scope of his employment, under HH's control, and in furtherance of HH's interests at the time their actions caused Plaintiff's injuries.

98. Defendant HH is vicariously liable for damages resulting from their employees', agents', and/or independent contractors' negligent actions against Kimberly during the scope of their employment.

99. That Kimberly entrusted to HH's care and treatment.

100. That HH selected the medical care providers who rendered care to Kimberly.

101. That Kimberly reasonably believed that the medical care providers selected by HH were the agents, employees, or servants of HH.

102. That as a direct and proximate result of the negligence and failures to meet the standard of care by Hutchins and/or other employees, agents, or servants of HH, Plaintiff Kimberly Taylor suffered injuries and damages, including but not limited to gross peritonitis and a prolonged, critical, post-operative course, and all to Plaintiff's damages in an amount in excess of TEN THOUSAND DOLLARS ($10,000).

103. That as a direct and proximate result of the negligence and failures to meet the standard of care by Hutchins and/or other employees, agents, or servants of HH, Plaintiff Kimberly Taylor has sustained physical and mental injuries, which have caused and will continue to cause physical and mental pain and suffering with loss of enjoyment of life. For these damages, Plaintiff is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

104. That as a direct and proximate result of the negligence and failures to meet the standard of care by Hutchins and/or other employees, agents, or servants of HH, Plaintiff Kimberly Taylor has incurred and will continue to incur medical expenses and other special damages for which Plaintiff Kimberly Taylor is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

105. That as a direct and proximate result of the negligence and failures to meet the standard of care by Hutchins and/or other employees, agents, or servants of HH, it has been necessary for Plaintiff

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Kimberly Taylor to retain the law firm of James S. Kent, Ltd., to prosecute this action, and Plaintiff is entitled to recover reasonable attorney's fees and costs.

EIGHTH CLAIM FOR RELIEF
(Vicarious Liability of Defendant St. Rose)

106. Plaintiff repeats and re-alleges each and every above paragraph as though fully set forth hereunder and incorporate the same by reference.

107. Defendant Dr. Christensen was an agent and/or employee and/or independent contractor of Defendant St. Rose and was acting in the scope of his employment and/or agency and/or contract, under St. Rose's control, and in furtherance of St. Rose's interests at the time their actions caused Plaintiff's injuries.

108. Defendant St. Rose is vicariously liable for damages resulting from their employees', agents', and/or independent contractors' negligent actions against Kimberly during the scope of their employment, agency, appointment, or other similar relationship.

109. That Kimberly entrusted to St. Rose's care and treatment.

110. That St. Rose selected the doctor, doctors, and/or medical care providers who rendered care to Kimberly.

111. That Kimberly reasonably believed that the doctor, doctors, and/or medical care providers selected by St. Rose were the agents, employees, or servants of St. Rose.

112. That as a direct and proximate result of the negligence and failures to meet the standard of care by Dr. Christensen and/or other employees, agents, or servants of St. Rose, Plaintiff Kimberly Taylor suffered injuries and damages, including but not limited to gross peritonitis and a prolonged, critical, post-operative course, and all to Plaintiff's damages in an amount in excess of TEN THOUSAND DOLLARS ($10,000).

113. That as a direct and proximate result of the negligence and failures to meet the standard of care by Dr. Christensen and/or other employees, agents, or servants of St. Rose, Plaintiff Kimberly Taylor has sustained physical and mental injuries, which have caused and will continue to cause physical and mental pain and suffering with loss of enjoyment of life. For these damages, Plaintiff is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

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114. That as a direct and proximate result of the negligence and failures to meet the standard of care by Dr. Christensen and/or other employees, agents, or servants of St. Rose, Plaintiff Kimberly Taylor has incurred and will continue to incur medical expenses and other special damages for which Plaintiff Kimberly Taylor is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

115. That as a direct and proximate result of the negligence and failures to meet the standard of care by Hutchins and/or other employees, agents, or servants of St. Rose, it has been necessary for Plaintiff Kimberly Taylor to retain the law firm of James S. Kent, Ltd., to prosecute this action, and Plaintiff is entitled to recover reasonable attorney's fees and costs.

NINTH CLAIM FOR RELIEF
(Negligent Hiring, Training, and Supervision of Defendants Women's Health Associates of Southern Nevada, Henderson Hospital et al, and St. Rose)

116. Plaintiff repeats and re-alleges each and every allegation and fact contained herein and incorporate the same by reference.

117. Defendants had a duty to hire, properly train, properly supervise, and properly retain competent employees, agents, independent contractors, and representatives.

118. Defendants breached their duty by improperly hiring, improperly training, improperly supervising, and improperly retaining incompetent persons regarding their examination, diagnosis, and treatment of Kimberly during the times referenced herein.

119. Defendants breached the applicable standard of care directly resulting in Kimberly sustaining significant injuries including but not limited to perforation of her uterus, perforation of her small bowel and burn injury to her small bowel, removal of a section of her small bowel, gross peritonitis, and a prolonged, critical, post-operative course.

120. As a direct and proximate result of the Defendants' negligence, medical malpractice, and carelessness, Plaintiff Kimberly Taylor suffered injuries and damages, including but not limited to perforation of her uterus, perforation of her small bowel and thermal injury to her small bowel, removal of a section of her small bowel, gross peritonitis, and a prolonged, critical, post-operative course, all to Plaintiff's damages in an amount in excess of TEN THOUSAND DOLLARS ($10,000).

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121. As a direct and proximate result of the Defendants' negligence, medical malpractice, and carelessness, Plaintiff Kimberly Taylor has sustained physical and mental injuries, which have caused and will continue to cause physical and mental pain and suffering with loss of enjoyment of life. For these damages, Plaintiff is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

122. As a direct and proximate result of the Defendants' negligence, medical malpractice, and carelessness, Plaintiff Kimberly Taylor has incurred and will continue to incur medical expenses and other special damages for which Plaintiff Kimberly Taylor is entitled to be compensated in an amount to be determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS ($10,000).

123. As a direct and proximate result of the Defendants' negligence, medical malpractice, and carelessness, it has been necessary for Plaintiff Kimberly Taylor to retain the law firm of James S. Kent, Ltd., to prosecute this action, and Plaintiff is entitled to recover reasonable attorney's fees and costs.

WHEREFORE, Plaintiff Kimberly Taylor, reserving the right to amend this Complaint at the time of trial to include all items of damages not yet ascertained, prays for judgment against the Defendants, and each of them, as follows:

1. FOR EACH AND EVERY CAUSE OF ACTION:

   a. For past and future general damages in a sum in excess of $10,000.00;

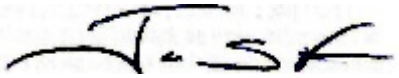
   b. For past and future special damages in a sum in excess of $10,000.00;

   c. For Plaintiff's Court costs and attorney's fees; and,

   d. For such other and further relief as to the Court may seem proper.

DATED this 25th day of April, 2018.

JAMES S. KENT, LTD.



JAMES S. KENT, ESQ.
Nevada Bar No. 5034
9480 S. Eastern Ave., Suite 228
Las Vegas, Nevada 89123
(702) 385-1100
Attorney for Plaintiff

EXHIBIT 1

DECLARATION OF DAVID BERKE, DO, FACOOG

STATE OF CALIFORNIA)
) ss:
COUNTY OF RIVERSIDE)

DAVID BERKE, having been duly sworn, deposes and says:

1. I am a board certified Obstetrician and Gynecologist. I am currently in full-time practice in Riverside, California. All of my licenses are on file with the appropriate authorities in California. My additional qualifications and training are further set forth in my Curriculum Vitae, which is attached hereto and incorporated herein by reference. Based upon my training, background, knowledge, and experience in gynecology and obstetrics, I am familiar with the applicable standards of care for the treatment of individuals demonstrating the symptoms and conditions presented by the Plaintiff in this action. Further, I am qualified on the basis of my training, background, knowledge and experience to offer expert medical care, the breaches thereof in this case, and any resulting injuries and damages arising therefrom. The opinions I give are within the reasonable medical probability and certainty.

2. I have reviewed the physician and hospital records pertaining to this matter:

a. Medical records from the office of Keith Brill, M.D./Women's Health Associates of Southern Nevada;

b. Medical records from Henderson Hospital; and

c. Medical records from Dignity Health D/b/a St. Rose Dominican Hospital.

3. My opinions below pertaining to the care of Kimberly D. Taylor are based upon my review of the aforementioned records, photographs, etc., from the referenced parties.

4. Ms. Taylor was a 45 year old woman who had been treated by Dr. Brill for several years prior to the incident in question. She had a history of menorrhagia, and had a bicornuate uterus with a fibroid. After counseling with Dr. Brill, she agreed to dilation and curettage with hysteroscopy with fibroid removal and hydrothermal ablation, all to be performed by Dr. Brill.

5. On April 26, 2017, Ms. Taylor appeared at Henderson Hospital for the referenced surgical procedure. During the procedure, Dr. Brill was using a symphion hysteroscope to begin resecting an apparent uterine septum when he noted a uterine perforation. Despite experiencing a

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uterine perforation during the use of a device that cuts with energy, Dr. Brill only confirmed the perforation with the hysteroscope and did not perform laparoscopy to evaluate for bowel or other injury. He continued with the procedure, thereafter using a #2 sharp curette to remove a small amount of endometrial tissue, but thereafter terminated the procedure. Ms. Taylor was thereafter removed to recovery. There was no record of Ms. Taylor being informed of the perforation by Dr. Brill.

6. During a procedure such as the one performed herein, once the perforation of the uterine wall was noted, the proper standard of care is to identify and locate the extent of the injury, and cease all further invasive procedures which may cause injury to adjacent structures. Since a thermal instrument was being used at the time of the injury, a laparoscopy should have been performed immediately to determine if any further damage occurred, and/or obtain a surgical consult. The surgeon then has a duty to inform the patient about the condition and what occurred during surgery. The doctor is also obligated to inform current and subsequent providers of the concern to insure proper and appropriate treatment to the patient.

7. Ms. Taylor was thereafter in recovery at Henderson Hospital under the care of Bruce Hutchins, RN, where she remained for approximately 7 hours. It appears Ms. Taylor was discharged despite still complaining of severe abdominal pain. The PACU notes state that per surgeon, there were no complications. No complications were noted by the anesthesiologist. During her post operative stay, Ms. Taylor was medicated for ongoing pain and nausea. No communications to Dr. Brill were noted.

8. The normal recovery for the type of procedure performed in this instance would be an hour or two, and generally with minimal pain medications, and the PACU nurse should know this. If a patient is in recovery for 7 hours, and having been given significant pain medications to alleviate the pain being expressed, the proper standard of care is for the PACU nurse to contact the surgeon and inform the surgeon of the patient's condition so the surgeon may determine if alternative or additional treatment should be provided.

9. Approximately 7.5 hours after being released from Henderson Hospital, Ms. Taylor appeared via ambulance at St. Rose Dominican ER where she was received by Dr. Todd Christensen.

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Her complaints at that time were extreme abdominal pain and diffuse torso pain. A CT Abdomen and Pelvis was performed, noting postoperative pneumoperitoneum and small to moderate ascites. Despite these findings, she was treated for nausea and released after approximately three hours without further workup or consultation regarding a possible bowel injury.

10. When the CT Abdomen and Pelvis showed "postoperative pneumoperitoneum and small to moderate ascites" following the procedure noted herein, the proper standard of care would be to seek a surgical consult to rule out any possible bowel or other injury.

11. Ms. Taylor subsequently appeared at St. Rose ER approximately 6 hours later, again via ambulance, complaining of worsening abdominal pain. A call was placed to Dr. Brill, who was unavailable. Samantha Schoenhause, DO, OB-GYN, covering for Dr. Brill, admitted Ms. Taylor, but despite her condition, there was still no indication any person associated with the matter had any knowledge that Ms. Taylor's uterine wall had been perforated during the surgery the day before. Elizabeth Hamilton, M.D., was eventually consulted and was eventually informed by report that a uterine perforation had occurred during the prior surgery. Based upon her examination findings, clinical significant pain, and the CT findings (which suggested evidence of perforation), Dr. Hamilton felt it was highly likely Ms. Taylor had a bowel perforation. Dr. Hamilton performed a diagnostic laparoscopy which was then converted to an exploratory laparotomy with a small bowel resection. A 3 cm perforation of the small bowel was discovered and a resection was performed. Ms. Taylor also suffered gross peritonitis in all 4 quadrants. She was eventually discharged nine days later.

12. It is my professional opinion, to a reasonable degree of medical certainty, that the care and treatment provided by Dr. Brill, Bruce Hutchins RN, Henderson Hospital, Dr. Christensen, and St. Rose was grossly deficient, negligent, and below the standard of care, including but not limited to the following:

a. Dr. Brill

i. Not properly performing surgical procedure causing perforations of Ms. Taylor's uterine wall and small bowel with use of a thermal instrument;.

ii. Continuing the surgery, including use of the curretage, after noting the perforation of the uterine wall;

iii. Failing to properly evaluate and diagnose the extent of damage to Ms. Taylor after the perforation of the uterine wall was noted;

iv. Failing to inform and instruct PACU of the uterine perforation and to look for specific concerns which could evidence additional damage and require additional examination;

v. Failing to inform Ms. Taylor of the complications resulting from the surgical procedure;

b. Bruce Hutchins, RN, and Henderson Hospital

i. Failure to contact Dr. Brill or obtain a GYN consult despite the excessive pain medications being given to Ms. Taylor;

ii. Failure to contact Dr. Brill prior to releasing Ms. Taylor;

iii. Releasing Ms. Taylor despite her ongoing severe abdominal pain;

c. Dr. Christensen and St. Rose (first visit to ER)

i. Failure to obtain a consult with OB/GYN and/or surgeon based upon the CT report;

ii. Release of Ms. Taylor despite the CT report and ongoing severe abdominal pain without ruling out a more serious injury with CT findings consistent with visceral perforation and injury..

13. The actions of Keith Brill, MD, FACOG, FACS; Women's Health Associates of Southern Nevada - Martin, PLLC; Bruce Hutchins, RN; Henderson Hospital and/or Valley Health System, LLC and/or Henderson Hospital; Todd W. Christensen, MD; and Dignity Health d/b/a St. Rose Dominican Hospital, and their employees, agents and/or contractors, fell below the standard of care and were the direct cause of the injuries sustained by Ms. Taylor, including but not limited

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to uterine perforation, bowel perforation, bowel resection, gross peritonitis in all 4 quadrants, and a prolonged, critical, post-operative course.

14. I reserve the rights to amend my findings upon the presentation of additional facts and/or records related to this matter.

DAVID BERKE, DO, FACOOG

SUBSCRIBED AND SWORN to before me
this 25 day of April, 2018.

NOTARY PUBLIC

J. BERGSTROM
Commission No. 2067304
NOTARY PUBLIC-CALIFORNIA
RIVERSIDE COUNTY
My Comm. Expires JUNE 4, 2018

242 EAGLE GROVE AVE • CLAREMONT,CA 91711
PHONE (909) 910-8364 • E-MAIL DAVID.BERKE108@GMAIL.COM

DAVID BERKE, DO, FACOOG

EDUCATION

Western University of Health Sciences 6/2003 - 5/2007 Pomona, CA
Doctor of Osteopathic Medicine

The George Washington University 8/1992 -8/1994 Washington, DC
Bachelor of Science –Physician Assistant

San Diego State University 8/1987- 6/1992 San Diego, CA
Bachelor of Arts – With Distinction in Psychology

PROFESSIONAL EXPERIENCE

Riverside Medical Clinic 6/2013 –present Riverside, CA
Obstetrician and Gynecologist

- Full spectrum OB/GYN care, with emphasis on minimally invasive Gynecologic procedures, in large multi-specialty Medical Group
- Assistant Clinical Professor, Department of Obstetrics and Gynecology, University of California, Riverside, School of Medicine
- Medical Director of Ambulatory Surgery Center
- Member of Medical Practice and Peer Review Committees

Magnolia Women's Center 7/2011 – 6/2013 Riverside, CA
Obstetrician and Gynecologist

Arrowhead Regional Medical Center 7/2008 – 6/2011 Colton, CA
Resident in Obstetrics and Gynecology

- Training at both San Bernardino and Riverside's County Hospitals
- Chief Resident 2010-2011

Arrowhead Regional Medical Center 6/2007 – 6/2008 Colton, CA
Internship – Specialty Track for Obstetrics and Gynecology

City of Hope National Medical Center 12/1996 –6/2003 Duarte, CA

Physician Assistant

- Department of Medical Oncology and Therapeutics Research

Behrooz Tohidi, MD 8/1994 – 12/1996 Oceanside, CA

Physician Assistant

- Orthopedic Surgery

RESEARCH

Tyrosine Kinase Receptor Inhibition and ET-743 for the Ewing Family of Tumors, presented at Western Student Medical Research Forum 2005

Incidence of Umbilical pH < 7.0 in Elective Cesarean Section at Term, presented at Society for Gynecologic Investigation 2007

CURRENT LICENSURE/CERTIFICATION

Board Certified in Obstetrics and Gynecology

Licensed to practice Medicine in the State of California

PROFESSIONAL MEMBERSHIPS

Fellow, American College of Osteopathic Obstetricians and Gynecologists

American Osteopathic Association

California Medical Association

Riverside County Medical Society

Exhibit “2”

Electronically Filed
10/24/2018 10:43 AM
Steven D. Grierson
CLERK OF THE COURT

NEO
KENNETH M. WEBSTER, ESQ.
Nevada Bar No. 7205
BRITTANY A. LEWIS, ESQ.
Nevada Bar no. 14565
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efile@hpslaw.com
Attorneys for Defendants Henderson Hospital and Bruce Hutchins, RN

DISTRICT COURT
CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual, Plaintiff, vs. KEITH BRILL, MD, FACOG, FACS, an Individual; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, a Nevada Professional Limited Liability Company; BRUCE HUTCHINS, RN, an Individual; HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba HENDERSON HOSPITAL and/or HENDERSON HOSPITAL, a subsidiary of UNITED HEALTH SERVICES, a Foreign LLC; TODD W. CHRISTENSEN, MD, an Individual; DIGNITY HEALTH d/b/a ST. ROSE DOMINICAN HOSPITAL; DOES I through XXX, inclusive; and ROE CORPORATIONS I through XXX, inclusive; Defendants.	CASE NO. A-18-773472-C DEPT NO. X **NOTICE OF ENTRY OF ORDER**

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HALL PRANGLE & SCHOONVELD, LLC
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LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

PLEASE TAKE NOTICE that a Stipulation and Order to Dismiss Nurse Defendant Bruce Hutchins, RN, without Prejudice in the above entitled Court on the 18th day of October, 2018, a copy of which is attached hereto.

DATED this 24th day of October, 2018.

HALL PRANGLE & SCHOONVELD, LLC

By: *<u>/s/: Brittany A. Lewis, Esq.</u>*

KENNETH M. WEBSTER, ESQ.
Nevada Bar No. 7205
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Nevada Bar no. 14565
HALL PRANGLE & SCHOONVELD, LLC
1160 North Town Center Drive, Ste. 200
Las Vegas, Nevada 89144
Attorneys for Defendants Henderson Hospital and Bruce Hutchins, RN

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 24th day of October, 2018, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** as follows:

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

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

_____ Receipt of Copy at their last known address:

James S. Kent, Esq.
9480 S. Eastern Ave., Suite 228
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jamie@jamiekent.org
Attorneys for Plaintiffs

Robert McBride, Esq.
Heather Hall, Esq.
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Attorneys for Todd W. Christensen, M.D.

/s/: Audrey Ann Brown
An employee of HALL PRANGLE & SCHOONVELD, LLC

4849-3784-3048, v. 1

Electronically Filed
10/18/2018 11:17 AM
Steven D. Grierson
CLERK OF THE COURT

SAO
KENNETH M. WEBSTER, ESQ.
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Attorneys for Defendants Henderson Hospital and Bruce Hutchins, RN

DISTRICT COURT
CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual, Plaintiff, vs. KEITH BRILL, MD, FACOG, FACS, an Individual; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, a Nevada Professional Limited Liability Company; BRUCE HUTCHINS, RN, an Individual; HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba HENDERSON HOSPITAL and/or HENDERSON HOSPITAL, a subsidiary of UNITED HEALTH SERVICES, a Foreign LLC; TODD W. CHRISTENSEN, MD, an Individual; DIGNITY HEALTH d/b/a ST. ROSE DOMINICAN HOSPITAL; DOES I through XXX, inclusive; and ROE CORPORATIONS I through XXX, inclusive; Defendants.	CASE NO. A-18-773472-C DEPT NO. X **STIPULATION AND ORDER TO DISMISS NURSE DEFENDANT BRUCE HUTCHINS, RN WITHOUT PREJUDICE**

COMES NOW, Plaintiff, KIMBERLY D. TAYLOR, by and through her counsel of record JAMES KENT, ESQ., Defendant, HENDERSON HOSPITAL, by and through its counsel

of record, BRITTANY A. LEWIS, ESQ., Defendants, KEITH BRILL, MD, FACOG, FACS and WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA, by and through their counsel of record, HEATHER S. HALL, ESQ., Defendant, TODD W. CHRISTENSEN, MD, by and through his counsel of record, KIM I. MANDELBAUM, ESQ., and Defendant, ST. ROSE DOMINICAN HOSPITAL, by and through its counsel of record, KEITH WEAVER, ESQ., hereby stipulate and agree as follows:

1. BRUCE HUTCHINS, RN at all times relevant to the instant litigation was an employee/agent of HENDERSON HOSPITAL and was acting in the course and scope of his employment at all times during the care and treatment of KIMBERLY TAYLOR as it relates to the allegations found in Plaintiff's complaint; and
2. Nothing in this stipulation will limit the evidence admitted at trial of acts and/or omissions of BRUCE HUTCHINS, RN, or discovery related to the same;
3. That Defendant BRUCE HUTCHINS, RN may be dismissed, without prejudice, from the instant litigation in case A-18-773472-C, with each party to bear their own attorneys' fees and costs; and
4. This matter is to proceed against the remaining Defendants.

IT IS SO STIPULATED.

DATED this 3rd day of ~~September~~ October, 2018.

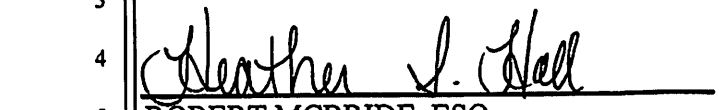
KENNETH M. WEBSTER, ESQ.
Nevada Bar No. 7205
BRITTANY A. LEWIS, ESQ.
Nevada Bar no. 14565
HALL PRANGLE & SCHOONVELD, LLC
1160 North Town Center Drive, Ste. 200
Las Vegas, Nevada 89144
Attorneys for Defendant Henderson Hospital

DATED this 28th day of September, 2018.

JAMES S. KENT, ESQ.
Nevada Bar No. 5034
9480 S. Eastern Ave., Suite 228
Las Vegas, NV 89123
Attorneys for Plaintiffs

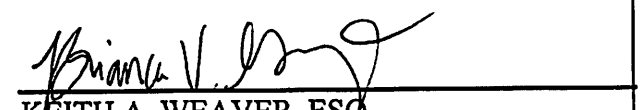
HALL PRANGLE & SCHOONVELD, LLC
1160 NORTH TOWN CENTER DRIVE, STE. 200
LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

DATED this 5th day of ~~September,~~ October 2018.



ROBERT MCBRIDE, ESQ.
Nevada Bar No. 7082
HEATHER HALL, ESQ.
Nevada Bar No. 10608
CARROLL, KELLY, TROTTER, FRANZEN, MCBRIDE & PEABODY
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
Attorneys for Defendants Keith Brill, MD, FACOG, FACS & Women's Health Associates of Southern Nevada – MARTIN, PLLC

DATED this 5th day of ~~September~~ October, 2018.



KEITH A. WEAVER, ESQ.
Nevada Bar No.
DANIELLE WOODRUM, ESQ.
Nevada Bar No.
BIANCA V. GONZALEZ, ESQ.
Nevada Bar No.
LEWIS, BRISBOIS, BISGAARD & SMITH
6385 S. Rainbow Blvd., Suite 600
Las Vegas, NV 89118
Attorneys for Defendant Dignity Health d/b/a St. Rose Dominican Hospital

ORDER

BASED UPON THE FOREGOING STIPULATION OF COUNSEL, THIS COURT HEREBY FINDS THAT: BRUCE HUTCHINS, RN at all times relevant to the instant litigation were employees/agents of HENDERSON HOSPITAL and were acting in their course and scope of their employment at all times during the care and treatment of KIMBERLY TAYLOR as it relates to the allegations found in Plaintiff's complaint.

AS A RESULT OF THIS FINDING AND BASED UPON THE STIPULATION OF COUNSEL THE COURT ORDERS AS FOLLOWS:

1. **IT IS HEREBY ORDERED THAT,** Nothing in this stipulation will limit the evidence admitted at trial of acts and/or omissions of BRUCE HUTCHINS, RN, or discovery related to the same;

///

///

HALL PRANGLE & SCHOONVELD, LLC
1160 NORTH TOWN CENTER DRIVE, STE. 200
LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

2. **IT IS FURTHER ORDERED,** That Defendant BRUCE HUTCHINS, RN be dismissed, without prejudice, from the instant litigation in case A-18-773472-C, with each party to bear their own attorneys' fees and costs; and

3. **IT IS FURTHER ORDERED,** This matter is to proceed against the remaining Defendants.

DATED this 10 day of October, 2018.

DISTRICT COURT JUDGE

Respectfully Submitted by:

HALL PRANGLE & SCHOONVELD, LLC

KENNETH M. WEBSTER, ESQ.
Nevada Bar No. 7205
CANDACE C. HERLING, ESQ.
Nevada Bar No. 13503
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Exhibit “3”

Electronically Filed
3/10/2021 12:20 PM
Steven D. Grierson
CLERK OF THE COURT

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Attorneys for Defendant Dignity Health d/b/a St. Rose Dominican Hospital

DISTRICT COURT

CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual, , Plaintiff, vs. KEITH BRILL, MD, FACOG,FACS, an Individual; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA-MARTIN, PLLC, a Nevada Professional Limited Liability Company; BRUCE HUTCHINS, RN, an Individual; HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba HENDERSON HOSPITAL, a subsidiary of UNITED HEALTH SERVICES, a Foreign LLC; TODD W. CHRISTENSEN, MD, an Individual; DIGNITY HEALTH d/b/a ST. ROSE DOMINICAN HOSPITAL; DOES I through XXX, inclusive; and ROE CORPORATIONS I through XXX, inclusive, Defendants.	CASE NO. A-18-773472-C Dept. No.: III **NOTICE OF ENTRY OF STIPULATION AND ORDER TO DISMISS DEFENDANT DIGNITY HEALTH D/B/A ST. ROSE DOMINICAN HOSPITAL - SIENA CAMPUS**

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PLEASE TAKE NOTICE that the Stipulation and Order to Dismiss Defendant Dignity Health D/B/A St. Rose Dominican Hospital - Siena Campus was entered on March 10, 2021, a true and correct copy of which is attached hereto.

DATED this 10th day of March, 2021

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ *Danielle Woodrum*

KEITH A. WEAVER
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DANIELLE WOODRUM
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Attorneys for Defendant Dignity Health d/b/a St. Rose Dominican Hospital

ELECTRONICALLY SERVED
3/9/2021 4:00 PM

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03/09/2021 3:59 PM
CLERK OF THE COURT

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702.893.3383
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Attorneys for Defendant Dignity Health d/b/a St. Rose Dominican Hospital

DISTRICT COURT

CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual, , Plaintiff, vs. KEITH BRILL, MD, FACOG,FACS, an Individual; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA-MARTIN, PLLC, a Nevada Professional Limited Liability Company; BRUCE HUTCHINS, RN, an Individual; HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba HENDERSON HOSPITAL, a subsidiary of UNITED HEALTH SERVICES, a Foreign LLC; TODD W. CHRISTENSEN, MD, an Individual; DIGNITY HEALTH d/b/a ST. ROSE DOMINICAN HOSPITAL; DOES I through XXX, inclusive; and ROE CORPORATIONS I through XXX, inclusive; , Defendants.	CASE NO. A-18-773472-C Dept. No.: III **STIPULATION AND ORDER TO DISMISS DEFENDANT DIGNITY HEALTH D/B/A ST. ROSE DOMINICAN HOSPITAL - SIENA CAMPUS**

Plaintiff KIMBERLY D. TAYLOR, by and through her undersigned counsel of record, the law firm BREEDEN & ASSOCIATES, PLLC and Defendant Dignity Health d/b/a St. Rose Dominican Hospital-Siena Campus, by and through its undersigned

counsel of record, the law firm LEWIS BRISBOIS BISGAARD & SMITH LLP, hereby stipulate and agree as follows:

FIRST, all claims against Defendant Dignity Health d/b/a St. Rose Dominican Hospital-Siena Campus be dismissed with prejudice.

SECOND, each party shall bear their own attorneys' fees and costs incurred in this action.

THIRD, that this stipulation does not dismiss all claims as to all parties, only those as to Dignity Health d/b/a St. Rose Dominican Hospital-Siena Campus . Therefore, no other hearing dates, discovery deadlines or the trial date should be vacated at this time and this case should remain open.

IT IS SO STIPULATED.

Dated: February 19, 2021
LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Danielle Woodrum

Keith A. Weaver
Nevada Bar No. 10271
Danielle Woodrum
Nevada Bar No. 12902
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant Dignity Health d/b/a St. Rose Dominican Hospital

Dated: February 17th, 2021
BREEDEN & ASSOCIATES, PLLC

Adam J. Breeden, Esq.
Nevada Bar No. 8768
376 E. Warm Springs Road, Suite 120
Las Vegas, NV 89119
Attorneys for Plaintiff

Taylor v. Dignity Health, et al.
Case No.: A-18-773472-C
Dept. No.: III

ORDER

Based upon the foregoing stipulation, IT IS HEREBY ORDERED in the above-entitled action, that DEFENDANT DIGNITY HEALTH D/B/A ST. ROSE DOMINICAN HOSPITAL-SIENA CAMPUS be DISMISSED WITH PREJUDICE and each party shall bear their own attorneys' fees and costs in this matter.

Dated this 9th day of March, 2021

Dated this the ____ day of _____, 2021.

DISTRICT COURT JUDGE

009 326 3DEA D366
Monica Trujillo
District Court Judge

mg

Respectfully submitted by:
LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Danielle Woodrum

KEITH A. WEAVER
Nevada Bar No. 10271
DANIELLE WOODRUM
Nevada Bar No. 12902
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant Dignity Health d/b/a St. Rose Dominican Hospital

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 2021, a true and correct copy of **NOTICE OF ENTRY OF STIPULATION AND ORDER TO DISMISS DEFENDANT DIGNITY HEALTH D/B/A ST. ROSE DOMINICAN HOSPITAL - SIENA CAMPUS** was served by electronically filing with the Clerk of the Court using the Odyssey E-File & Serve system and serving all parties with an email-address on record, who have agreed to receive electronic service in this action.

Adam J. Breeden, Esq.
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Attorneys for Defendants Keith Brill, M.D., FACOG, FACS and Women's Health Associates of Southern Nevada - MARTIN, PLLC

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Candace C, Herling, Esq.
Brittany A. Lewis, Esq.
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Attorneys for Defendants Henderson Hospital and Bruce Hutchins, R.N.

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Attorneys for Defendant Todd W. Christensen, M.D.

By *\/s/ Christopher Ouellette*
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP

Exhibit “4”

Electronically Filed
3/19/2021 4:31 PM
Steven D. Grierson
CLERK OF THE COURT

KENNETH M. WEBSTER, ESQ.
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IAN M. HOUSTON, ESQ.
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KEVIN J. PETERSON, ESQ.
NV Bar No. 14598
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Attorneys for Defendants Henderson Hospital and Bruce Hutchins, RN

DISTRICT COURT
CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual, Plaintiff, vs. KEITH BRILL, MD, FACOG, FACS, an Individual; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, a Nevada Professional Limited Liability Company; BRUCE HUTCHINS, RN, an Individual; HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba HENDERSON HOSPITAL and/or HENDERSON HOSPITAL, a subsidiary of UNITED HEALTH SERVICES, a Foreign LLC; TODD W. CHRISTENSEN, MD, an Individual; DIGNITY HEALTH d/b/a ST. ROSE DOMINICAN HOSPITAL; DOES I through XXX, inclusive; and ROE CORPORATIONS I through XXX, inclusive; Defendants.	CASE NO. A-18-773472-C DEPT NO. 3 **NOTICE OF ENTRY OF STIPULATION AND ORDER**

HALL PRANGLE & SCHOONVELD, LLC
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LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

PLEASE TAKE NOTICE that a Stipulation and Order to Dismiss Defendant Valley Health System, LLC dba Henderson Hospital with Prejudice and to Amend Caption was entered on the 17th day of March, 2021. A copy of which is attached hereto.

DATED this 19th day of March, 2021.

HALL PRANGLE & SCHOONVELD, LLC

By: /s/ Ian Houston

KENNETH M. WEBSTER, ESQ.
NV Bar No. 7205
IAN M. HOUSTON, ESQ.
NV Bar No. 11815
KEVIN J. PETERSON, ESQ.
NV Bar No. 14598
HALL PRANGLE & SCHOONVELD, LLC
1140 North Town Center Drive, Ste. 350
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Attorneys for Defendants Henderson Hospital and Bruce Hutchins, RN

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 19th day of March 2021, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF STIPULATION AND ORDER** as follows:

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

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

_____ Receipt of Copy at their last known address:

Adam J. Breeden, Esq.
BREEDEN & ASSOCIATES, PLLC
376 E. Warm Springs Road, Suite 120
Las Vegas, NV 89119
adam@breedenandassociates.com
Attorneys for Plaintiff

Robert McBride, Esq.
Heather Hall, Esq.
McBride Hall
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Las Vegas, NV 89113
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Attorneys for Defendant
Keith Brill, MD, FACOG, FACS and Women's Health Associates of Southern Nevada

Keith Weaver, Esq.
Lewis Brisbois Bisgaard & Smith
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keith.weaver@lewisbrisbois.com
Attorneys for Dignity Health d/b/a St. Rose Dominican Hospital

John H. Cotton, Esq.
Adam A. Schneider, Esq.
John H. Cotton & Associates
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jhcotton@jhcottonlaw.com
aschneider@jhcottonlaw.com
Attorneys for Todd W. Christensen, M.D.

/s/ Nicole Etienne
An employee of HALL PRANGLE & SCHOONVELD, LLC

ELECTRONICALLY SERVED
3/17/2021 1:35 PM

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03/17/2021 1:34 PM
CLERK OF THE COURT

SAO
ADAM J. BREEDEN, ESQ.
Nevada Bar No. 008768
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Phone: (702) 819-7770
Fax: (702) 819-7771
Adam@Breedenandassociates.com
Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

KIMBERLY TAYLOR, an individual, Plaintiff, v. KEITH BRILL, M.D., FACOG, FACS, an individual; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, a Nevada Professional Limited Liability Company; BRUCE HUTCHINS, RN, an individual; HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba HENDERSON HOSPITAL, and/or HENDERSON HOSPITAL, a subsidiary of UNITED HEALTH SERVICES, a Foreign LLC; TODD W. CHRISTENSEN, M.D., an individual; DIGNITY HEALTH d/b/a ST. ROSE DOMINICAN HOSPITAL; DOES I through XXX, inclusive; and ROE CORPORATIONS I through XXX, inclusive, Defendants.	CASE NO.: A-18-773472-C DEPT NO.: III **STIPULATION AND ORDER TO DISMISS DEFENDANT VALLEY HEALTH SYSTEM, LLC d/b/a HENDERSON HOSPITAL WITH PREJUDICE AND TO AMEND CAPTION**

The Parties, Plaintiff, KIMBERLY TAYLOR, by and through her counsel Adam J. Breeden, Esq. of BREEDEN & ASSOCIATES, PLLC and Defendant, VALLEY HEALTH SYSTEM, LLC d/b/a HENDERSON HOSPITAL, improperly identified collectively in Plaintiff's Complaint as "HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba HENDERSON HOSPITAL, and/or HENDERSON HOSPITAL, a subsidiary of UNITED

HEALTH SERVICES, a Foreign LLC" (hereinafter "VALLEY HEALTH SYSTEM, LLC d/b/a HENDERSON HOSPITAL"), by and through their counsel Ian M. Houston, Esq. of HALL PRANGLE & SCHOONVELD, LLC, KEITH BRILL, M.D. and WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA- MARTIN, PLLC by and through their counsel Heather Hall, Esq. of McBRIDE HALL, and TODD W. CHRISTENSEN, M.D. by and though his counsel Adam A. Schneider, Esq. of John H. Cotton & Associates, Ltd., hereby enter into the following stipulation:

IT IS STIPULATED AND AGREED that Defendant, VALLEY HEALTH SYSTEM, LLC d/b/a HENDERSON HOSPITAL, be dismissed from the above-referenced matter with prejudice, each party to bear its own attorney's fees and costs associated with the action and its own attorney's fees and costs associated with the dismissal of VALLEY HEALTH SYSTEM, LLC d/b/a HENDERSON HOSPITAL.

IT IS FURTHER STIPULATED AND AGREED that, although this dismissal does resolve and dismiss all of Plaintiff's claims as against VALLEY HEALTH SYSTEM, LLC d/b/a HENDERSON HOSPITAL under any theory of liability, this dismissal does not resolve all claims as to all parties and therefore this Action shall remain pending as to Defendants KEITH BRILL, M.D., FACOG, FACS; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA - MARTIN, PLLC; and TODD W. CHRISTENSEN, M.D., and no current trial or discovery dates shall be vacated at this time by the Court.

IT IS FURTHER STIPULATED AND AGREED that the caption in this Action shall be amended to remove "HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba HENDERSON HOSPITAL, and/or HENDERSON HOSPITAL, a subsidiary of UNITED HEALTH SERVICES, a Foreign LLC" and to remove previously dismissed party "BRUCE HUTCHINS, RN, an Individual".

/ / /

/ / /

/ / /

/ / /

IT IS FURTHER STIPULATED AND AGREED that Co-defendants, KEITH BRILL, M.D., FACOG, FACS and WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, reserve all rights and are signing this Stipulation and Order for the parties to comply with NRCP 41(a)(1) only.

IT IS SO AGREED.

DATED this 17th day of March, 2021.

BREEDEN & ASSOCIATES, PLLC

ADAM J. BREEDEN, ESQ.
Nevada Bar No. 008768
376 E. Warm Springs Road, Suite 120
Las Vegas, Nevada 89119
Phone: (702) 819-7770
Fax: (702) 819-7771
adam@Breedenandassociates.com
Attorneys for Plaintiff

DATED this 17th day of March, 2021.

HALL PRANGLE & SCHOONVELD

/s/ Ian M. Houston, Esq.
IAN M. HOUSTON, ESQ.
Nevada Bar No. 11815
1140 N. Town Center Drive, Suite 350
Las Vegas, Nevada 89144
Phone: (702) 889-6400
Fax: (702) 384-6025
ihouston@hpslaw.com
Attorneys for Defendant Valley Health System, LLC d/b/a Henderson Hospital

DATED this 17th day of March, 2021.

McBRIDE HALL

Heather S. Hall, Esq.
HEATHER S. HALL, ESQ.
Nevada Bar No. 010608
8329 W. Sunset Rd., Suite 260
Las Vegas, Nevada 89113
Attorneys for Defendants
Keith Brill, M.D. and
Women's Health Assoc. of S. Nev. – Martin, PLLC

DATED this 17th day of March, 2021.

JOHN H. COTTON & ASSOCIATES, LTD.

/s/ Adam A. Schneider, Esq.
JOHN H. COTTON, ESQ.
Nevada Bar No. 5268
ADAM A. SCHNEIDER, ESQ.
Nevada Bar No. 10216
7900 W. Sahara Ave., Suite 200
Las Vegas, Nevada 89117
Attorneys for Defendant
Todd W. Christensen, M.D.

ORDER

Upon stipulation of the parties, by and through their respective counsel of record, and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that pursuant to the stipulation of the parties and for good cause shown Defendant VALLEY HEALTH SYSTEM, LLC d/b/a HENDERSON HOSPITAL, improperly identified collectively in Plaintiff's Complaint as "HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba HENDERSON HOSPITAL, and/or HENDERSON HOSPITAL, a subsidiary of UNITED HEALTH SERVICES, a Foreign LLC" (hereinafter "VALLEY HEALTH SYSTEM, LLC d/b/a HENDERSON HOSPITAL"), is dismissed from the above-entitled action with prejudice, with each party to bear its own attorney's fees and costs.

IT IS FURTHER ORDERED, that although this dismissal does resolve and dismiss all of Plaintiff's claims as against VALLEY HEALTH SYSTEM, LLC d/b/a HENDERSON HOSPITAL under any theory of liability, this dismissal does not resolve all claims as to all parties and therefore this Action shall remain pending as to Defendants KEITH BRILL, M.D., FACOG, FACS; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA - MARTIN, PLLC; and TODD W. CHRISTENSEN, M.D. and therefore all remaining deadlines and the trial date shall remain on calendar and this matter shall not be dismissed in its entirety.

IT IS FURTHER ORDERED that the caption in this Action is amended to remove "HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba HENDERSON HOSPITAL, and/or HENDERSON HOSPITAL, a subsidiary of UNITED HEALTH SERVICES, a Foreign LLC" and to remove previously dismissed party "BRUCE HUTCHINS, RN, an Individual".

/ / /

/ / /

/ / /

IT IS FURTHER ORDERED that Co-defendants, KEITH BRILL, M.D., FACOG, FACS and WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, reserve all rights and are signing this Stipulation and Order for the parties to comply with NRCP 41(a)(1) only.

IT IS SO ORDERED.

Dated this 17th day of March, 2021

068 258 9337 11B2
Monica Trujillo
District Court Judge

Respectfully submitted by:

BREEDEN & ASSOCIATES, PLLC

ADAM J. BREEDEN, ESQ.
Nevada Bar No. 008768
376 E. Warm Springs Road, Suite 120
Las Vegas, Nevada 89119
Phone: (702) 819-7770
Fax: (702) 819-7771
Attorneys for Plaintiff

Kristy Johnson

From: Heather S. Hall <hshall@mcbridehall.com> on behalf of Heather S. Hall
Sent: Wednesday, March 17, 2021 10:48 AM
To: Adam Breeden; Kristy Johnson; Adam Schneider; Ian M. Houston
Cc: Candace P. Cullina; Robert McBride; Kristine Herpin
Subject: FW: Taylor v. Brill, M.D., et. al.
Attachments: 2021.03.17 REVISED SAO for Dismissal with Prejudice - Henderson Hospital.pdf

You may use my e-signature.

Heather

From: Adam Breeden <adam@breedenandassociates.com>
Sent: Wednesday, March 17, 2021 9:38 AM
To: Ian M. Houston <ihouston@hpslaw.com>; Heather S. Hall <hshall@mcbridehall.com>; Adam Schneider <aschneider@jhcottonlaw.com>
Cc: Kristy Johnson <kristy@breedenandassociates.com>
Subject: Taylor v. Brill, M.D., et. al.

Counsel,

Our office recently settled all claims with Valley Health/Henderson Hospital and so it is necessary to dismiss that entity from the case. I have attached a stipulation and order to dismiss that legal entity only.

Please kindly review the attached proposed stipulation. We are asking counsel for Dr. Brill and Dr. Christensen to sign off, although this stipulation does not affect those Defendants.

If you approve, please "reply all" so we can submit to the Court with your e-signature.

Adam J. Breeden
Trial Attorney, Breeden & Associates, PLLC
(702) 819-7770 | adam@breedenandassociates.com
www.breedenandassociates.com
376 E. Warm Springs Rd., Suite 120 Las Vegas, NV 89119-4262

Kristy Johnson

From: Ian M. Houston <ihouston@hpslaw.com> on behalf of Ian M. Houston
Sent: Wednesday, March 17, 2021 10:44 AM
To: Adam Schneider; Adam Breeden; Heather S. Hall
Cc: Kristy Johnson; Nicole M. Etienne
Subject: RE: Taylor v. Brill, M.D., et. al.
Attachments: 2021.03.17 REVISED SAO for Dismissal with Prejudice - Henderson Hospital.pdf

Good Morning,

I approve the use of my electronic signature for use on this document only.

Thank you,

Ian

HALL PRANGLE+ SCHOONVELD LLC
WHERE TRIAL LAWYERS ARE THE NORM

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

Ian Houston
Associate
O: 702.212.1462
Email: ihouston@hpslaw.com

Legal Assistant: Nicole Etienne
O: 702.212.1446
Email: netienne@hpslaw.com

From: Adam Schneider <aschneider@jhcottonlaw.com>
Sent: Wednesday, March 17, 2021 9:56 AM
To: Adam Breeden <adam@breedenandassociates.com>; Ian M. Houston <ihouston@hpslaw.com>; Heather S. Hall <hshall@mcbridehall.com>
Cc: Kristy Johnson <kristy@breedenandassociates.com>
Subject: RE: Taylor v. Brill, M.D., et. al.

[External Email] CAUTION!.

I approve the use of my e-signature.

Adam Schneider, Esq.
JOHN H. COTTON & ASSOCIATES, LTD.

7900 W. Sahara Ave., Ste. 200
Las Vegas, NV 89117
T: (702) 832-5909
F: (702) 832-5910
aschneider@jhcottonlaw.com

From: Adam Breeden
Sent: Wednesday, March 17, 2021 9:37 AM
To: Ian M. Houston; Heather S. Hall; Adam Schneider
Cc: Kristy Johnson
Subject: Taylor v. Brill, M.D., et. al.

Counsel,

Our office recently settled all claims with Valley Health/Henderson Hospital and so it is necessary to dismiss that entity from the case. I have attached a stipulation and order to dismiss that legal entity only.

Please kindly review the attached proposed stipulation. We are asking counsel for Dr. Brill and Dr. Christensen to sign off, although this stipulation does not affect those Defendants.

If you approve, please "reply all" so we can submit to the Court with your e-signature.

Adam J. Breeden
Trial Attorney, Breeden & Associates, PLLC
(702) 819-7770 | adam@breedenandassociates.com
www.breedenandassociates.com
376 E. Warm Springs Rd., Suite 120 Las Vegas, NV 89119-4262

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Kimberly Taylor, Plaintiff(s)	CASE NO: A-18-773472-C
vs.	DEPT. NO. Department 3
Keith Brill, M.D., Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 3/17/2021

Adam Breeden	adam@breedenandassociates.com
E-File Admin	efile@hpslaw.com
Kellie Piet	kpiet@mcbridehall.com
Heather Hall	hshall@mcbridehall.com
Jody Foote	jfoote@jhcottonlaw.com
Jessica Pincombe	jpincombe@jhcottonlaw.com
Robert McBride	rcmcbride@mcbridehall.com
Kristine Herpin	kherpin@mcbridehall.com
John Cotton	jhcotton@jhcottonlaw.com
Adam Schneider	aschneider@jhcottonlaw.com
Emma Gonzales	emma.gonzales@lewisbrisbois.com

Keith Weaver	keith.weaver@lewisbrisbois.com
Danielle Woodrum	Danielle.Woodrum@lewisbrisbois.com
Maceo Butler	Maceo.Butler@lewisbrisbois.com
Michelle Newquist	mnewquist@mcbridehall.com
Kristy Johnson	kristy@breedenandassociates.com
James Kent	jamie@jamiekent.org
Michelle Krestyn	michelle.krestyn@lewisbrisbois.com
Diana Samora	dsamora@hpslaw.com
Charlotte Buys	cbuys@hpslaw.com
Alissa Bestick	Alissa.Bestick@lewisbrisbois.com
Candace Cullina	ccullina@mcbridehall.com
Alex Caceres	alex.caceres@lewisbrisbois.com
Reina Claus	rclaus@hpslaw.com
Tiffane Safar	tsafar@mcbridehall.com
Camie DeVoge	cdevoge@hpslaw.com
Melanie Thomas	Melanie.Thomas@lewisbrisbois.com
Penny Williams	pwilliams@mcbridehall.com
Timothy Evans	tevans@mcbridehall.com
Xiao Jin	xiaowen.jin@lewisbrisbois.com
Hugo Hernandez-Diaz	hugo.hernandez-diaz@lewisbrisbois.com
Christopher Ouellette	Chris.Ouellette@lewisbrisbois.com

Exhibit “5”

Electronically Filed
4/22/2021 7:18 AM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
JOHN H. COTTON, ESQ.
Nevada Bar Number 5268
JHCotton@jhcottonlaw.com
ADAM A. SCHNEIDER, ESQ.
Nevada Bar Number 10216
ASchneider@jhcottonlaw.com
JOHN H. COTTON & ASSOCIATES, LTD.
7900 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
Telephone: (702) 832-5909
Facsimile: (702) 832-5910
Attorneys for Defendant, Todd W. Christensen, M.D.

DISTRICT COURT
* * *
CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual, Plaintiff, vs. KEITH BRILL, M.D., FACOG, FACS, an Individual; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, a Nevada Professional Limited Liability Company; DIGNITY HEALTH d/b/a ST. ROSE DOMINICAN HOSPITAL; DOES I through XXX, inclusive; and ROE CORPORATIONS I through XXX, inclusive; Defendants.	CASE NO.: **A-18-773472-C** DEPT. NO: **3** **NOTICE OF ENTRY OF STIPULATION AND ORDER FOR DEFENDANT CHRISTENSEN, M.D.'S DISMISSAL WITH PREJUDICE ONLY**

PLEASE TAKE NOTICE that an Order was entered on the 21st day of April 2021 in the above-captioned matter, a copy of which is attached hereto.

Dated this 22nd day of April 2021.

JOHN H. COTTON & ASSOCIATES, LTD.
7900 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117

/s/ Adam Schneider
JOHN H. COTTON, ESQ.
ADAM A. SCHNEIDER, ESQ.

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on the 22nd day of April 2021 I served a true and correct copy of the foregoing ***NOTICE OF ENTRY OF STIPULATION AND ORDER FOR DEFENDANT CHRISTENSEN, M.D.'S DISMISSAL WITH PREJUDICE ONLY*** was submitted electronically for filing and/or service with the Eighth Judicial District Court, made in accordance with the E-Service List, to the following individuals:

Adam J. Breeden, Esq.
BREEDEN & ASSOCIATES, PLLC
376 E. Warm Springs Rd., Ste. 120
Las Vegas, NV 89119
Attorneys for Plaintiff

Robert C. McBride, Esq.
Heather S. Hall, Esq.
MCBRIDE HALL
8329 West Sunset Road, Suite 260
Las Vegas, Nevada 89113
Attorneys for Defendants, Keith Brill M.D. and Women's Health Associates of So. NV

/s/ Jody Foote
An Employee of John H. Cotton & Associates

John H. Cotton & Associates
7900 W. Sahara, Suite 200
Las Vegas, NV 89117

ELECTRONICALLY SERVED
4/21/2021 4:42 PM

Electronically Filed
04/21/2021 4:41 PM
CLERK OF THE COURT

SAO
JOHN H. COTTON, ESQ.
Nevada Bar Number 5268
JHCotton@jhcottonlaw.com
ADAM A. SCHNEIDER, ESQ.
Nevada Bar Number 10216
ASchneider@jhcottonlaw.com
JOHN H. COTTON & ASSOCIATES, LTD.
7900 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
Telephone: (702) 832-5909
Facsimile: (702) 832-5910
Attorneys for Defendant, Todd W. Christensen, M.D.

DISTRICT COURT
CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual, Plaintiff, vs. KEITH BRILL, M.D., FACOG, FACS, an Individual; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, a Nevada Professional Limited Liability Company; TODD W. CHRISTENSEN, M.D., an individual; DIGNITY HEALTH d/b/a ST. ROSE DOMINICAN HOSPITAL; DOES I through XXX, inclusive; and ROE CORPORATIONS I through XXX, inclusive; Defendants.	CASE NO.: **A-18-773472-C** DEPT. NO: **III** **STIPULATION AND ORDER FOR DEFENDANT CHRISTENSEN, M.D.'S DISMISSAL WITH PREJUDICE ONLY**

The Parties, Plaintiff, KIMBERLY TAYLOR, by and through her counsel Adam J. Breeden, Esq. of BREEDEN & ASSOCIATES, PLLC and Defendant TODD W. CHRISTENSEN, M.D. by and through his counsel the law firm of JOHN H. COTTON & ASSOCIATES, LTD., and KEITH BRILL, M.D. and WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA- MARTIN, PLLC by and through their counsel Heather Hall, Esq. of McBRIDE HALL hereby enter into the following stipulation:

IT IS STIPULATED AND AGREED that Defendant TODD W. CHRISTENSEN, M.D. be dismissed from the above-referenced matter with prejudice, each party to bear their own

John H. Cotton & Associates, Ltd.
7900 West Sahara, Suite 200
Las Vegas, Nevada 89117

attorneys' fees and costs associated with the action and its own attorney's fees and costs associated with the dismissal of TODD W. CHRISTENSEN, M.D.

IT IS FURTHER STIPULATED AND AGREED that, although this dismissal does resolve and dismiss all of Plaintiff's claims as against TODD W. CHRISTENSEN, M.D., this dismissal does not resolve all claims as to all parties and therefore this Action shall remain pending as to Defendants KEITH BRILL, M.D., FACOG, FACS; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA - MARTIN, PLLC; and no current trial or discovery dates shall be vacated at this time by the Court.

IT IS FURTHER STIPULATED AND AGREED that the caption in this Action shall be amended to remove "TODD W. CHRISTENSEN, M.D."

IT IS FURTHER STIPULATED AND AGREED that Co-defendants KEITH BRILL, M.D., FACOG, FACS, and WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC reserve all rights and are signing this Stipulation and Order for the parties to comply with NRCP 41(a)(1).

IT IS SO AGREED.

//

//

John H. Cotton & Associates
7900 W. Sahara, Suite 200
Las Vegas, NV 89117

DATED this 19th day of April 2021.

JOHN H. COTTON & ASSOCIATES

/s/ Adam Schneider

ADAM A. SCHNEIDER, ESQ.
7900 W. Sahara Ave., Ste. 200
Las Vegas, NV 89117
Attorneys for Defendant
Todd Christensen, M.D.

DATED this 19th day of April 2021.

McBRIDE HALL

/s/ Heather Hall

HEATHER HALL, ESQ.
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113
Attorneys for Defendants
Keith Brill, M.D., FACOG, FACS, and
Women's Health Associates of Southern
Nevada- Martin PLLC

DATED this 19th day of April 2021.

ADAM BREEDEN & ASSOCIATES

/s/ Adam Breeden

ADAM BREEDEN, ESQ.
376 E. Warm Springs Rd., Ste. 120
Las Vegas, Nevada 89119
Attorneys for Plaintiff

ORDER

Upon stipulation of the parties, by and through their respective counsel of record, and good cause appearing therefore:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that pursuant to the stipulation of the parties and for good cause shown Defendant TODD W. CHRISTENSEN, M.D. is dismissed from the above-entitled action with prejudice, with each party to bear their own attorneys' fees and costs.

IT IS FURTHER ORDERED that although this dismissal does resolve and dismiss all of Plaintiff's claims as against TODD W. CHRISTENSEN, M.D., this dismissal does not resolve

John H. Cotton & Associates
7900 W. Sahara, Suite 200
Las Vegas, NV 89117

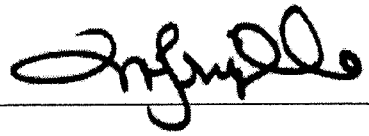
all claims as to all parties and therefore this Action shall remain pending as to Defendants KEITH BRILL, M.D., FACOG, FACS; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA - MARTIN, PLLC; and no current trial or discovery dates shall be vacated at this time by the Court.

IT IS FURTHER ORDERED that the caption in this Action shall be amended to remove "TODD W. CHRISTENSEN, M.D."

IT IS FURTHER ORDERED that Co-defendants KEITH BRILL, M.D., FACOG, FACS, and WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC reserve all rights and are signing this Stipulation and Order for the parties to comply with NRCP 41(a)(1).

IT IS SO ORDERED.

Dated this 21st day of April, 2021



ADA B05 445F 8E17
Monica Trujillo
District Court Judge

Submitted by:

JOHN H. COTTON & ASSOCIATES

/s/ Adam Schneider

ADAM A. SCHNEIDER, ESQ.
7900 W. Sahara Ave., Ste. 200
Las Vegas, NV 89117
Attorneys for Defendant
Todd Christensen, M.D.

John H. Cotton & Associates
7900 W. Sahara, Suite 200
Las Vegas, NV 89117

From: Adam Breeden
Sent: Monday, April 19, 2021 2:03 PM
To: Heather S. Hall
Cc: Adam Schneider; Jody Foote; Candace P. Cullina; Kristy Johnson
Subject: Re: A-18-773472-C / SAO / Taylor v. Christensen- proposed SAO

Adam,

I also have no objection to the language in the stipulation, go ahead and submit it.

The linked image cannot be displayed

Adam J. Breeden
Trial Attorney, Breeden & Associates, PLLC
(702) 819-7770 | adam@breedenandassociates.com
www.breedenandassociates.com
376 E. Warm Springs Rd., Suite 120 Las Vegas, NV 89119-4262

On Mon, Apr 19, 2021 at 10:06 AM Heather S. Hall <hshall@mcbridehall.com> wrote:

Adam,

No changes from me. You may use my e-signature. My bar number is 10608 if you need it.

Thanks,

Heather

From: Adam Schneider <aschneider@jhcottonlaw.com>
Sent: Monday, April 19, 2021 9:30 AM
To: Adam Breeden <adam@breedenandassociates.com>; Heather S. Hall <hshall@mcbridehall.com>

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Kimberly Taylor, Plaintiff(s)	CASE NO: A-18-773472-C
vs.	DEPT. NO. Department 3
Keith Brill, M.D., Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 4/21/2021

Adam Breeden	adam@breedenandassociates.com
E-File Admin	efile@hpslaw.com
Kellie Piet	kpiet@mcbridehall.com
Heather Hall	hshall@mcbridehall.com
Jody Foote	jfoote@jhcottonlaw.com
Jessica Pincombe	jpincombe@jhcottonlaw.com
Robert McBride	rcmcbride@mcbridehall.com
Kristine Herpin	kherpin@mcbridehall.com
John Cotton	jhcotton@jhcottonlaw.com
Adam Schneider	aschneider@jhcottonlaw.com
Michelle Newquist	mnewquist@mcbridehall.com

Kristy Johnson	kristy@breedenandassociates.com
James Kent	jamie@jamiekent.org
Diana Samora	dsamora@hpslaw.com
Charlotte Buys	cbuys@hpslaw.com
Candace Cullina	ccullina@mcbridehall.com
Alex Caceres	alex.caceres@lewisbrisbois.com
Reina Claus	rclaus@hpslaw.com
Tiffane Safar	tsafar@mcbridehall.com
Camie DeVoge	cdevoge@hpslaw.com
Penny Williams	pwilliams@mcbridehall.com
Timothy Evans	tevans@mcbridehall.com

Exhibit “6”

Electronically Filed
11/19/2021 4:46 PM
Steven D. Grierson
CLERK OF THE COURT

NEO

ROBERT C. McBRIDE, ESQ.
Nevada Bar No. 7082
HEATHER S. HALL, ESQ.
Nevada Bar No. 10608
McBRIDE HALL
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113
Telephone No. (702) 792-5855
Facsimile No. (702) 796-5855
E-mail: rcmcbride@mcbridehall.com
E-mail: hshall@mcbridehall.com
Attorneys for Defendants,
Keith Brill, M.D., FACOG and
Women's Health Associates of Southern Nevada – MARTIN, PLLC

DISTRICT COURT

CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual, Plaintiff, vs. KEITH BRILL, MD, FACOG, FACS, an Individual; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, a Nevada Professional Limited Liability Company, Defendants.	**CASE NO.: A-18-773472-C** **DEPT: III** **NOTICE OF ENTRY OF JUDGMENT ON JURY VERDICT**

PLEASE TAKE NOTICE that a JUDGMENT ON JURY VERDICT was entered and filed on the 19th day of November 2021, a copy of which is attached hereto.

DATED this 19th day of November2021.

McBRIDE HALL

/s/Heather S. Hall

ROBERT C. McBRIDE, ESQ.
Nevada Bar No.: 7082
HEATHER S. HALL, ESQ.
Nevada Bar No.: 10608
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113
Attorneys For Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of November 2021, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF JUDGMENT ON JURY VERDICT** addressed to the following counsel of record at the following address(es):

☒ **VIA ELECTRONIC SERVICE**: By mandatory electronic service (e-service), proof of e-service attached to any copy filed with the Court; or

☐ **VIA U.S. MAIL:** By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as indicated on the service list below in the United States mail at Las Vegas, Nevada

☐ **VIA FACSIMILE:** By causing a true copy thereof to be telecopied to the number indicated on the service list below.

Adam J. Breeden, Esq.
BREEDEN & ASSOCIATES, PLLC
376 E. Warm Springs Road, Suite 120
Las Vegas, Nevada 89119
Attorneys for Plaintiff

/s/Candace Cullina
An Employee of *McBRIDE HALL*

ELECTRONICALLY SERVED
11/19/2021 3:53 PM

Electronically Filed
11/19/2021 3:53 PM
CLERK OF THE COURT

JUDG
ROBERT C. McBRIDE, ESQ.
Nevada Bar No. 7082
HEATHER S. HALL, ESQ.
Nevada Bar No. 10608
McBRIDE HALL
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113
Telephone No. (702) 792-5855
Facsimile No. (702) 796-5855
E-mail: rcmcbride@mcbridehall.com
E-mail: hshall@mcbridehall.com
Attorneys for Defendants,
Keith Brill, M.D., FACOG and
Women's Health Associates of Southern Nevada –
MARTIN, PLLC

DISTRICT COURT

CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual, Plaintiff, vs. KEITH BRILL, MD, FACOG, FACS, an Individual; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, a Nevada Professional Limited Liability Company, Defendants.	**CASE NO.: A-18-773472-C** **DEPT: III** **JUDGMENT ON JURY VERDICT**

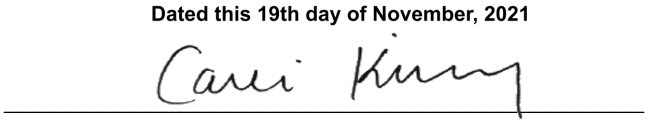
This action came on for trial before the Honorable Monica Trujillo, and a jury on October 11, 2021. Plaintiff and Defendants appeared by and through counsel, and the Court having submitted the case to the jury and the jury having entered a verdict on October 19, 2021, and in accordance with the verdict of the jury,

/ / /

/ / /

IT IS HEREY ORDERED, ADJUDGED AND DECREED that judgment is entered in favor of Defendants Keith Brill, M.D., FACOG and Women's Health Associates of Southern Nevada – MARTIN, PLLC and against Plaintiff Kimberly D. Taylor.

Dated this 19th day of November, 2021



1B9 9FE 7850 3814
Carli Kierny
District Court Judge

Respectfully submitted by:	*Agreed as to form and content:*
DATED this 8th day of November, 2021.	DATED this 8th day of November 2021.
McBRIDE HALL	BREEDEN & ASSOCIATES, PLLC
/s/Heather S. Hall	*/s/Adam J. Breeden*
Heather S. Hall, Esq. Nevada Bar No. 10608 8329 W. Sunset Road, Suite 260 Las Vegas, Nevada 89113 Attorneys for Defendants *Keith Brill, M.D., FACOG, FACS and Women's Health Associates of Southern Nevada – Martin, PLLC*	Adam J. Breeden, Esq. Nevada Bar No.: 008768 376 E. Warm Springs Road, Suite 120 Las Vegas, Nevada 89119 Attorneys for Plaintiff

From: Adam Breeden
To: Candace P. Cullina
Cc: Robert McBride; Heather S. Hall
Subject: Re: Taylor v. Brill
Date: Monday, November 8, 2021 3:41:35 PM
Attachments: image001.png

You may submit this judgment form with my e-signature.

photo

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On Mon, Nov 8, 2021 at 2:54 PM Candace P. Cullina <ccullina@mcbridehall.com> wrote:

> Hi Adam,
>
> Attached is a Judgment on Jury Verdict for your review. Please let me know if we have your permission to affix your e-signature.
>
> Kind regards,
>
> Candace Cullina
>
> Legal Assistant to Robert C. McBride, Esq.
>
> and Heather S. Hall, Esq.
>
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>
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MCBRIDE HALL

ATTORNEYS AT LAW

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Kimberly Taylor, Plaintiff(s)	CASE NO: A-18-773472-C
vs.	DEPT. NO. Department 3
Keith Brill, M.D., Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

Service Date: 11/19/2021

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