

1 **NOAS**
2 **ADAM J. BREEDEN, ESQ.**
3 Nevada Bar No. 008768
4 **BREEDEN & ASSOCIATES, PLLC**
5 376 E. Warm Springs Road, Suite 120
6 Las Vegas, Nevada 89119
7 Phone: (702) 819-7770
8 Fax: (702) 819-7771
9 Adam@Breedendandassociates.com
10 *Attorneys for Plaintiff*

Electronically Filed
Mar 23 2022 08:36 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 KIMBERLY TAYLOR, an individual,
11 Plaintiff,

CASE NO.: A-18-773472-C

DEPT NO.: III

12 v.

13 KEITH BRILL, M.D., FACOG, FACS, an
14 individual; WOMEN'S HEALTH
15 ASSOCIATES OF SOUTHERN NEVADA –
16 MARTIN, PLLC, a Nevada Professional
17 Limited Liability Company,
18 Defendants.

NOTICE OF APPEAL

19 Notice is hereby given that Plaintiff, KIMBERLY TAYLOR, hereby appeals to the Supreme
20 Court of Nevada from the Order Denying Plaintiff's Motion to Disqualify the McBride Hall Law
21 Firm entered in this case on February 16, 2022 with Notice of Entry being filed February 16, 2022.

22 DATED this 17th day of March, 2022.

23 **BREEDEN & ASSOCIATES, PLLC**

24 
25 **ADAM J. BREEDEN, ESQ.**

26 Nevada Bar No. 008768
27 376 E. Warm Springs Road, Suite 120
28 Las Vegas, Nevada 89119
Phone: (702) 819-7770
adam@breedenandassociates.com
Attorneys for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 17th day of March, 2022, I served a copy of the foregoing legal
3 document **NOTICE OF APPEAL** via the method indicated below:

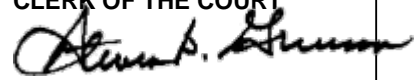
4

5 X	Pursuant to NRCP 5 and NEFCR 9, by electronically serving all counsel and e-mails registered to this matter on the Court's official service, Wiznet system.
6	Pursuant to NRCP 5, by placing a copy in the US mail, postage pre-paid to the following counsel of record or parties in proper person: 7 8 Robert McBride, Esq. Heather S. Hall, Esq. 9 McBRIDE HALL 8329 W. Sunset Road, Suite 260 10 Las Vegas, Nevada 89113 <i>Attorneys for Defendants Keith Brill, M.D. and Women's Health Associates</i> 11
12	Via receipt of copy (proof of service to follow)

13 An Attorney or Employee of the following firm:

14 /s/ Sarah Daniels

15 **BREEDEN & ASSOCIATES, PLLC**
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1 **ASTA**
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3 Nevada Bar No. 008768
4 **BREEDEN & ASSOCIATES, PLLC**
5 376 E. Warm Springs Road, Suite 120
6 Las Vegas, Nevada 89119
7 Phone: (702) 819-7770
8 Fax: (702) 819-7771
9 Adam@Breedendassociates.com
10 *Attorneys for Appellant Taylor*

11 **EIGHTH JUDICIAL DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 KIMBERLY TAYLOR, an individual,
14
15 Plaintiff,

CASE NO.: A-18-773472-C

DEPT NO.: III

16 v.

17 KEITH BRILL, M.D., FACOG, FACS,
18 an individual; WOMEN'S HEALTH
19 ASSOCIATES OF SOUTHERN
20 NEVADA – MARTIN, PLLC, a
21 Nevada Professional Limited Liability
22 Company,

23 Defendants.

24 **CASE APPEAL STATEMENT**

25 1. Name of appellant filing this case appeal statement:

26 KIMBERLY TAYLOR, PLAINTIFF

27 2. Identify the judge issuing the decision, judgment, or order appealed from:

28 HON. MONICA TRUJILLO, EIGHTH JUDICIAL DISTRICT COURT

DEPARTMENT III.

3. Identify each appellant and the name and address of counsel for each appellant:

1 KIMBERLY TAYLOR, APPELLANT. REPRESENTED BY COUNSEL
2 ADAM J. BREEDEN, ESQ., BREEDEN & ASSOCIATES, PLLC, 376 E.
3 WARM SPRINGS RD., SUITE 120, LAS VEGAS, NV 89119, (702) 819-
4 7770.
5

6 4. Identify each respondent and the name and address of appellate counsel, if
7 known, for each respondent (if the name of a respondent's appellate counsel is
8 unknown, indicate as much and provide the name and address of that respondent's
9 trial counsel):
10

11 KEITH BRILL, M.D., FACOG, FACS and WOMEN'S HEALTH
12

13 ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC.
14

15 RESPONDENT. TRIAL COUNSEL WAS ROBERT MCBRIDE, ESQ.
16

17 AND HEATHER S. HALL, ESQ. OF McBRIDE HALL, 8329 W. SUNSET
18 RD., SUITE 260, LAS VEGAS, NEVADA 89113, (702) 792-5855.
19

20 APPELLATE COUNSEL IS UNKNOWN.
21

22 5. Indicate whether any attorney identified above in response to question 3 or 4 is
23 not licensed to practice law in Nevada and, if so, whether the district court granted
24 that attorney permission to appear under SCR 42 (attach a copy of any district court
25 order granting such permission):
26

27 ALL COUNSEL IN THIS MATTER ARE LICENSED TO PRACTICE LAW
28 IN THE STATE OF NEVADA.

1 6. Indicate whether appellant was represented by appointed or retained counsel in
2 the district court:

3
4 APPELLANT WAS REPRESENTED BY RETAINED COUNSEL IN THE
5 DISTRICT COURT PROCEEDINGS. COUNSEL WAS ADAM J.
6 BREEDEN, ESQ. OF BREEDEN & ASSOCIATES, PLLC.

7
8 7. Indicate whether appellant is represented by appointed or retained counsel on
9 appeal:

10 APPELLANT IS REPRESENTED BY RETAINED COUNSEL FOR THE
11 APPEAL. APPELLATE COUNSEL IS ADAM J. BREEDEN, ESQ.

12
13 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and
14 the date of entry of the district court order granting such leave:

15
16 NO PARTY HAS APPEARED IN FORMA PAUPERIS.

17 9. Indicate the date the proceedings commenced in the district court (e.g., date
18 complaint, indictment, information, or petition was filed):

19
20 THE ORIGINAL CIVIL COMPLAINT WAS FILED ON APRIL 25, 2018.

21 10. Provide a brief description of the nature of the action and result in the district
22 court, including the type of judgment or order being appealed and the relief granted
23 by the district court:

24
25 PLAINTIFF APPEALS FROM AN ORDER DENYING A MOTION TO
26 DISQUALIFY MCBRIDE HALL LAW FIRM.
27
28

1 11. Indicate whether the case has previously been the subject of an appeal to or
2 original writ proceeding in the Supreme Court or Court of Appeals and, if so, the
3 caption and docket number of the prior proceeding:
4

5 THIS CASE IS SUBJECT OF A PRIOR STILL PENDING APPEAL WHICH
6 APPEALED THE ENTRY OF JUDGMENT FOR THE DEFENDANT. THAT
7 PRIOR APPEAL IS KIMBERLY TAYLOR V. KEITH BRILL, M.D.,
8 FACOG, FACS and WOMEN'S HEALTH ASSOCIATES OF SOUTHERN
9 NEVADA – MARTIN, PLLC, SUPREME COURT NO. 83847. THIS
10 APPEAL CONCERNS A POST TRIAL MOTION TO DISQUALIFY
11 OPPOSING COUNSEL WHO IS ALSO COUNSEL FOR THE APPEAL.
12
13

14 12. Indicate whether this appeal involves child custody or visitation:
15

16 THE CASE DOES NOT CONCERN CHILD CUSTODY OR VISITATION.
17

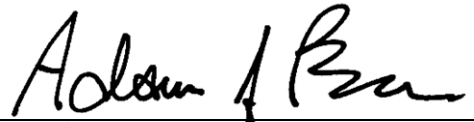
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19
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1 13. If this is a civil case, indicate whether this appeal involves the possibility of
2 settlement:
3

4 IT IS THE APPELLANT'S POSITION THAT A SETTLEMENT
5 CONFERENCE WILL NOT HELP TO RESOLVE THIS APPEAL.

6 DATED this 17th day of March, 2022.
7

8 **BREEDEN & ASSOCIATES, PLLC**

9
10 

11 **ADAM J. BREEDEN, ESQ.**

12 Nevada Bar No. 008768

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14 Las Vegas, Nevada 89119

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18 *Attorneys for Appellant Taylor*
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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of March, 2022, I served a copy of the foregoing legal document **CASE APPEAL STATEMENT** via the method indicated below:

X	Pursuant to NRCP 5 and NEFCR 9, by electronically serving all counsel and e-mails registered to this matter on the Court's official service, Wiznet system.
	Pursuant to NRCP 5, by placing a copy in the US mail, postage pre-paid to the following counsel of record or parties in proper person: Robert McBride, Esq. Heather S. Hall, Esq. McBRIDE HALL 8329 W. Sunset Road, Suite 260 Las Vegas, Nevada 89113 <i>Attorneys for Defendants Keith Brill, M.D. and Women's Health Associates</i>
	Via receipt of copy (proof of service to follow)

An Attorney or Employee of the following firm:

/s/ Sarah Daniels
BREEDEN & ASSOCIATES, PLLC

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-18-773472-C**

Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

§
§
§
§
§
§

Location: **Department 3**
 Judicial Officer: **Trujillo, Monica**
 Filed on: **04/25/2018**
 Case Number History:
 Cross-Reference Case **A773472**
 Number:
 Supreme Court No.: **83847**

CASE INFORMATION**Statistical Closures**

11/19/2021 Verdict Reached

Case Type: **Malpractice - Medical/Dental**

Case
Status: **11/19/2021 Closed**

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

Case Number A-18-773472-C
 Court Department 3
 Date Assigned 01/04/2021
 Judicial Officer Trujillo, Monica

PARTY INFORMATION














		<i>Lead Attorneys</i>
Plaintiff	Taylor, Kimberly D	Breedon, Adam J. <i>Retained</i> 702-819-7770(W)
Defendant	Brill, Keith, M.D.	McBride, Robert C. <i>Retained</i> 702-792-5855(W)
	Christensen, Todd W, M.D. Removed: 04/21/2021 Dismissed	Cotton, John H <i>Retained</i> 702-832-5909(W)
	Dignity Health Removed: 03/09/2021 Dismissed	Weaver, Keith A. <i>Retained</i> 7028933383(W)
	Henderson Hospital and/or Valley Health System LLC Removed: 03/17/2021 Dismissed	Herling, Candace C. <i>Retained</i> 702-363-5100(W)
	Hutchins, Bruce, RN Removed: 10/18/2018 Dismissed	Herling, Candace C. <i>Retained</i> 702-363-5100(W)
	United Health Services Removed: 03/17/2021 Dismissed	
	Women's Health Associates of Southern Nevada - Martin PLLC	McBride, Robert C. <i>Retained</i> 702-792-5855(W)

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

04/25/2018














CASE SUMMARY

CASE NO. A-18-773472-C

	 Complaint Filed By: Plaintiff Taylor, Kimberly D <i>[1] Complaint for Medical Malpractice</i>
04/25/2018	 Initial Appearance Fee Disclosure Filed By: Plaintiff Taylor, Kimberly D <i>[2] Initial Appearance Fee Disclosure</i>
05/01/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Taylor, Kimberly D <i>[3] Summons</i>
05/01/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Taylor, Kimberly D <i>[4] Summons</i>
05/01/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Taylor, Kimberly D <i>[5] Summons</i>
05/01/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Taylor, Kimberly D <i>[6] Summons</i>
05/01/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Taylor, Kimberly D <i>[7] Summons</i>
05/01/2018	 Summons Electronically Issued - Service Pending Party: Plaintiff Taylor, Kimberly D <i>[8] Summons</i>
05/10/2018	 Acceptance of Service Filed By: Plaintiff Taylor, Kimberly D <i>[9] Acceptance of Service for Keith Brill, MD, FACOG, FACS</i>
05/10/2018	 Acceptance of Service Filed By: Plaintiff Taylor, Kimberly D <i>[10] Acceptance of Service for Women's Health Associate of Southern Nevada - Martin, PLLC</i>
05/16/2018	 Acceptance of Service Filed By: Plaintiff Taylor, Kimberly D <i>[11] Acceptance of Service on Behalf of Defendant Dignity Health d/b/a St. Rose Dominican Hospital</i>
05/29/2018	 Initial Appearance Fee Disclosure Filed By: Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[12] Initial Appearance Fee Disclosure</i>
05/29/2018	 Motion to Dismiss Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[13] Defendants Keith Brill, Md, Facog, Facs, And Women s Health Associates Of Southern Nevada Martin, PLLC s Motion To Dismiss Plaintiff s Res Ipsa Loquitur Claims</i>

CASE SUMMARY

CASE NO. A-18-773472-C

05/29/2018	 Demand for Jury Trial Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[14] Demand for Jury Trial</i>
05/29/2018	 Disclosure Statement Party: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[15] Defendant Women s Health Associates Of Southern Nevada Martin, PLLC 7.1 Disclosure Statement</i>
05/29/2018	 Initial Appearance Fee Disclosure <i>[16] Initial Appearance Fee Disclosure</i>
05/29/2018	 Demand for Jury Trial <i>[17] Demand for Jury Trial</i>
05/29/2018	 Motion to Dismiss Filed By: Defendant Dignity Health <i>[18] Defendant Dignity Health d/b/a St. Rose Dominican Hospital s Motion To Dismiss</i>
06/12/2018	 Opposition to Motion to Dismiss Filed By: Plaintiff Taylor, Kimberly D <i>[19] Plaintiff's Opposition to Defendants' Brill and Women's Health Associates of Southern Nevada-Martin, PLLC Motion to Dismiss Plaintiff's Respsa Loquitur Causes of Action</i>
06/12/2018	 Opposition to Motion to Dismiss Filed By: Plaintiff Taylor, Kimberly D <i>[20] Plaintiff's Opposition to Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Motion to Dismiss</i>
06/25/2018	 Affidavit of Service Filed By: Plaintiff Taylor, Kimberly D <i>[21] Affidavit of Service of Defendant Henderson Hospital</i>
06/26/2018	 Reply in Support <i>[22] Defendants Keith Brill, MD, Facog, Facs, And Women s Health Associates Of Southern Nevada Martin, PLLC s Reply In Support Of Motion To Dismiss Plaintiff s Res Ipsa Loquitur Claims</i>
06/26/2018	 Stipulation and Order Filed by: Plaintiff Taylor, Kimberly D <i>[23] Stipulation and Order to Continue Motions to Dismiss</i>
06/26/2018	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Taylor, Kimberly D <i>[24] Notice of Entry of Stipulation and Order to Continue Motions to Dismiss</i>
07/05/2018	 Initial Appearance Fee Disclosure Filed By: Defendant Henderson Hospital and/or Valley Health System LLC <i>[25] Defendant Valley Health Systems, LLC dba Henderson Hospital's Initial Appearance Fee Disclosure</i>
07/05/2018	 Motion to Dismiss

CASE SUMMARY

CASE NO. A-18-773472-C

	Filed By: Defendant Henderson Hospital and/or Valley Health System LLC <i>[26] Defendant Valley Health Systems, LLC dba Henderson Hospital's Motion to Dismiss</i>
07/17/2018	 Order Setting Medical/Dental Malpractice Status Check <i>[27] Order Setting Medical/Dental Malpractice Status Check and Trial Setting Conference</i>
07/20/2018	 Opposition to Motion to Dismiss Filed By: Plaintiff Taylor, Kimberly D <i>[28] Plaintiff's Opposition to Defendant Valley Health Systems, LLC Dba Henderson Hospital's Motion to Dismiss</i>
07/24/2018	 Joinder To Motion <i>[29] Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Joinder to Defendant Valley Health Systems, LLC d/b/a Henderson Hospital's Motion to Dismiss Plaintiff's Negligent Hiring, Supervision and Credentialing Claims</i>
07/24/2018	 Reply to Opposition <i>[30] Defendant Dignity Health d/b/a St. Rose Dominican Hospital-Siena Campus's Reply to Plaintiff's Opposition to its Motion to Dismiss</i>
07/31/2018	 Affidavit of Service Filed By: Plaintiff Taylor, Kimberly D <i>[31] Affidavit of Service of Defendant Bruce Hutchins, RN</i>
07/31/2018	 Affidavit of Service Filed By: Plaintiff Taylor, Kimberly D <i>[32] Affidavit of Service of Defendant Todd W. Christensen, MD</i>
08/09/2018	 Reply in Support Filed By: Defendant Henderson Hospital and/or Valley Health System LLC <i>[33] Defendant Valley Health System, LLC dba Henderson Hospital's Reply in Support of Its Motion to Dismiss</i>
08/13/2018	 Initial Appearance Fee Disclosure <i>[34] Defendant Bruce Hutchins, RN's Initial Appearance Fee Disclosure</i>
08/13/2018	 Motion to Dismiss Filed By: Defendant Hutchins, Bruce, RN <i>[35] Defendant Bruce Hutchins, RN's Motion to Dismiss</i>
08/20/2018	 Joinder <i>[36] Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Joinder to Defendant Bruce Hutchins, R.N.'s Motion to Dismiss</i>
08/23/2018	 Initial Appearance Fee Disclosure Filed By: Defendant Christensen, Todd W, M.D. <i>[37] Initial Appearance Fee Disclosure</i>
08/23/2018	 Motion to Dismiss Filed By: Defendant Christensen, Todd W, M.D. <i>[38] Motion to Dismiss per NRS 41A.071</i>
08/30/2018	 Joinder Filed By: Defendant Dignity Health

CASE SUMMARY

CASE NO. A-18-773472-C

[39] Defendant Dignity Health dba St. Rose Dominican Hospital's Joinder to Defendant Todd W. Christensen, M.D.'s Motion to Dismiss

08/31/2018



Order Granting

[40] Order Granting Defendants Keith Brill, Md, Facog, Facs, And Women s Health Associates Of Southern Nevada Martin, Pllc s Motion To Dismiss Plaintiff s Res Ipsa Loquitur Claims

09/06/2018



Notice of Entry of Order

[41] Notice Of Entry Of Order Granting Defendants Keith Brill, Md, Facog, Facs, And Women s Health Associates Of Southern Nevada Martin, Pllc s Motion To Dismiss Plaintiff s Res Ipsa Loquitur Claims

09/10/2018



Opposition to Motion to Dismiss

Filed By: Plaintiff Taylor, Kimberly D

[42] Plaintiff s Opposition to Defendant Todd W. Christensen, M.D. s Motion to Dismiss per NRS 41A

09/19/2018



Reply in Support

Filed By: Defendant Christensen, Todd W, M.D.

[43] Reply in Support of Motion to Dismiss per NRS 41A.071

09/26/2018



Answer to Complaint

[44] Defendants Keith Brill, M.D., Facog, Facs And Women s Health Associates Of Southern Nevada Martin, Pllc s Answer To Plaintiff s Complaint

10/04/2018



Answer to Complaint

[45] Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Answer to Plaintiff's Complaint

10/11/2018



Notice of Early Case Conference

Filed By: Plaintiff Taylor, Kimberly D

[46] Notice of Early Case Conference

10/18/2018



Stipulation and Order

Filed by: Defendant Hutchins, Bruce, RN

[47] Stipulation and Order to Dismiss Nurse Defendant Bruce Hutchins, RN without Prejudice

10/24/2018



Notice of Entry

Filed By: Defendant Henderson Hospital and/or Valley Health System LLC

[48] Notice of Entry of Order

10/25/2018



Order

Filed By: Defendant Henderson Hospital and/or Valley Health System LLC

[49] Order Granting in Part and Denying in Part Defendant Henderson Hospital's Motion to Dismiss Plaintiff's Complaint

10/30/2018



Answer

Filed By: Defendant Christensen, Todd W, M.D.

[50] Defendant, Todd W. Christensen, M.D.'s Answer to Plaintiff's Complaint

10/30/2018

















Demand for Jury Trial

Filed By: Defendant Christensen, Todd W, M.D.

[51] Defendant, Todd W Christensen, M.D.'s Demand for Jury Trial














CASE SUMMARY

CASE NO. A-18-773472-C

10/30/2018	 Notice of Entry Filed By: Defendant Henderson Hospital and/or Valley Health System LLC <i>[52] Notice of Entry of Order</i>
10/31/2018	 Early Case Conference Disclosure Statement Party: Defendant Christensen, Todd W, M.D. <i>[53] Defendant Todd W. Christensen, M.D.s Early Case Conference Disclosure Statement</i>
11/09/2018	 Answer Filed By: Defendant Henderson Hospital and/or Valley Health System LLC <i>[54] Defendant Henderson Hospital's Answer to Plaintiff's Complaint</i>
11/09/2018	 Demand for Jury Trial Filed By: Defendant Henderson Hospital and/or Valley Health System LLC <i>[55] Defendant Henderson Hospital's Demand for Jury Trial</i>
01/02/2019	 Joint Case Conference Report Filed By: Plaintiff Taylor, Kimberly D <i>[56] Joint Case Conference Report</i>
01/03/2019	 Scheduling Order <i>[57] Scheduling Order</i>
01/18/2019	 Order Setting Medical/Dental Malpractice Status Check <i>[58] Order Setting Medical/Dental Malpractice Status Check and Trial Setting Conference</i>
01/23/2019	 Order Filed By: Plaintiff Taylor, Kimberly D <i>[59] Order Denying Defendant Todd W. Christensen, M.D.'s Motion to Dismiss Per NRS 41A.071</i>
04/10/2019	 Order Setting Civil Jury Trial <i>[60] Order Setting Civil Jury Trial</i>
09/10/2019	 Motion for Summary Judgment Filed By: Defendant Dignity Health <i>[61] Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Motion for Summary Judgment</i>
09/11/2019	 Clerk's Notice of Hearing <i>[62] Notice of Hearing</i>
09/26/2019	 Opposition to Motion <i>[63] Plaintiff's Opposition to Defendant Dignity Health dba St. Rose Dominican Hospital's Motion for Summary Judgement</i>
09/30/2019	 Offer of Judgment <i>[64] Defendant Dignity Health d/b/a St. Rose Dominican Hospital s Offer Of Judgment To Plaintiff Kimberly D. Taylor</i>
10/02/2019	 Notice of Change of Address <i>[65] Notice of Change of Address</i>















CASE SUMMARY

CASE NO. A-18-773472-C

10/10/2019	 Reply to Opposition Filed by: Defendant Dignity Health <i>[66] Defendant Dignity Health dba St. Rose Dominican Hospital's Reply to Plaintiff's Opposition to Motion for Summary Judgment</i>
11/15/2019	 Notice of Firm Name Change Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[67] Notice of Firm Name Change</i>
01/03/2020	 Stipulation and Order Filed by: Plaintiff Taylor, Kimberly D <i>[68] Stipulation and Order to Continue Discovery Date and Trial</i>
01/17/2020	 Amended Order Setting Jury Trial <i>[69] Amended Order Setting Civil Medical Malpractice Jury Trial and Calendar Call</i>
04/01/2020	 Substitution of Attorney Filed by: Defendant Christensen, Todd W, M.D. <i>[70] Substitution of Attorney</i>
04/03/2020	 Stipulation and Order to Extend Discovery Deadlines <i>[71] Stipulation and Order to Extend Discovery Deadlines</i>
06/11/2020	 Substitution of Attorney <i>[72] Substitution of Attorney</i>
06/17/2020	 Stipulation and Order to Extend Discovery Deadlines Filed By: Defendant Brill, Keith, M.D. <i>[73] Stipulation and Order to Extend Discovery Deadlines (Third Request)</i>
06/25/2020	 Notice of Entry Filed By: Defendant Brill, Keith, M.D. <i>[74] Notice Of Entry Of Stipulation And Order To Extend Discovery Deadlines (Third Request)</i>
08/06/2020	 Stipulation and Order Filed by: Defendant Henderson Hospital and/or Valley Health System LLC <i>[75] Stipulation and Order to Extend Discovery Deadlines and Continue the Trial Date</i>
08/06/2020	 Notice of Entry Filed By: Defendant Henderson Hospital and/or Valley Health System LLC <i>[76] NOTICE OF ENTRY OF STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES AND CONTINUE THE TRIAL DATE (FOURTH REQUEST)</i>
08/14/2020	 Amended Order <i>[77] Amended Order Setting Civil Medical Malpractice Jury Trial and Calendar Call</i>
08/19/2020	 Affidavit of Service <i>[78] Affidavit of Service to Szu Nien Yeh, MD</i>
09/08/2020	Case Reassigned to Department 3 <i>Case Reassignment from Judge Tierra Jones to Judge Douglas W. Herndon</i>

CASE SUMMARY

CASE NO. A-18-773472-C

11/25/2020	 Stipulation and Order Filed by: Defendant Brill, Keith, M.D. <i>[79] Stipulation and Order to Extend Discovery Deadlines (Fifth Request)</i>
11/25/2020	 Notice of Entry <i>[80] Notice Of Entry Of Stipulation And Order To Extend Discovery Deadlines (Fifth Request)</i>
12/01/2020	 Stipulation and Order to Extend Discovery Deadlines Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[81] Stipulation and Order to Extend Discovery Deadlines (Fifth Request)</i>
12/10/2020	 Amended Order Setting Jury Trial <i>[82] Amended Order Setting Civil Jury Trial and Calendar Call</i>
01/04/2021	Administrative Reassignment - Judicial Officer Change <i>Judicial Reassignment to Judge Monica Trujillo</i>
01/12/2021	 Substitution of Attorney Filed by: Plaintiff Taylor, Kimberly D <i>[83] Substitution of Attorneys</i>
01/13/2021	 Clerk's Notice of Nonconforming Document <i>[84] Clerk's Notice of Nonconforming Document</i>
01/14/2021	 Clerk's Notice of Nonconforming Document and Curative Action <i>[85] Clerk's Notice of Curative Action</i>
03/03/2021	 Stipulation and Order to Extend Discovery Deadlines Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[86] Stipulation and Order to Extend Discovery Deadlines (Sixth Request)</i>
03/05/2021	 Notice of Entry Filed By: Defendant Brill, Keith, M.D. <i>[87] Notice Of Entry Of Stipulation And Order To Extend Discovery Deadlines (Sixth Request)</i>
03/09/2021	 Stipulation and Order <i>[88] Stipulation and Order to Dismiss Defendant Dignity Health D/B/A St. Rose Dominican Hospital - Siena Campus</i>
03/10/2021	 Notice of Entry of Stipulation & Order for Dismissal <i>[89] Notice of Entry of Stipulation and Order to Dismiss Defendant Dignity Health D/B/A St. Rose Dominican Hospital Siena Campus</i>
03/10/2021	 Amended Order Setting Jury Trial <i>[90] Amended Order Setting Civil Jury Trial and Calendar Call</i>
03/17/2021	 Stipulation and Order for Dismissal With Prejudice Filed By: Plaintiff Taylor, Kimberly D <i>[91] Stipulation and Order to Dismiss Defendant Valley Health System, LLC d/b/a Henderson Hospital with Prejudice and to Amend Caption</i>
03/19/2021	 Notice of Entry of Stipulation & Order for Dismissal

CASE SUMMARY

CASE NO. A-18-773472-C

[92] Notice of Entry of Stipulation and Order for Dismissal

04/21/2021



Stipulation and Order for Dismissal With Prejudice

Filed By: Defendant Christensen, Todd W, M.D.

[93] Stipulation and Order for Defendant Christensen, M.D.'s Dismissal With Prejudice Only

04/22/2021



Notice of Entry of Stipulation & Order for Dismissal

Filed By: Defendant Christensen, Todd W, M.D.

[94] Notice of Entry of Stipulation and Order for Defendant Christensen, MD's Dismissal With Prejudice Only

07/07/2021



Stipulation and Order

Filed by: Defendant Brill, Keith, M.D.

[95] Stipulation and Order to Extend Discovery Deadlines (7th Request)

07/16/2021



Notice of Entry

[96] Notice Of Entry Of Stipulation And Order To Extend Discovery Deadlines (Seventh Request)

08/17/2021



Stipulation and Order

Filed by: Plaintiff Taylor, Kimberly D

[97] Stipulation and Order on Plaintiff's Motions in Limine

08/18/2021



Motion in Limine

Filed By: Plaintiff Taylor, Kimberly D

[98] Plaintiff's Motion in Limine #1: Motion to Permit Certain Closing Argument Techniques of Plaintiff's Counsel

08/18/2021



Motion in Limine

Filed By: Plaintiff Taylor, Kimberly D

[99] Plaintiff's Motion in Limine #2: Motion to Exclude Informed Consent Form and Terms or Argument Regarding "Risk" or "Known Complication"

08/18/2021



Motion in Limine

Filed By: Plaintiff Taylor, Kimberly D

[100] Plaintiff's Motion in Limine #3: Motion to Exclude Evidence of Asserted Liability of Other Health Care Providers Under Piroozi

08/18/2021



Motion in Limine

Filed By: Plaintiff Taylor, Kimberly D

[101] Plaintiff's Motion in Limine #4: Exclusion of Collateral Source Payments

08/18/2021



Proposed Voir Dire Questions

Filed By: Plaintiff Taylor, Kimberly D

[102] Plaintiff's Proposed Voir Dire

08/18/2021



Jury Instructions

Party: Plaintiff Taylor, Kimberly D

[103] Plaintiff's Proposed Jury Instructions

08/18/2021



Clerk's Notice of Hearing

[104] Notice of Hearing










08/19/2021



Notice of Entry of Stipulation and Order

CASE SUMMARY

CASE NO. A-18-773472-C

	<p>Filed By: Plaintiff Taylor, Kimberly D <i>[105] Notice of Entry of Stipulation and Order on Plaintiff's Motions in Limine</i></p>
08/20/2021	<p> Motion in Limine Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[106] Defendants' Motion in Limine No. 1 to Include Others on the Verdict Form</i></p>
08/20/2021	<p> Motion in Limine Filed By: Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[107] Defendants' Motion in Limine No. 3 to Exclude Defendants' Insurance Coverage</i></p>
08/20/2021	<p> Motion in Limine Filed By: Defendant Brill, Keith, M.D. <i>[108] Defendants' Motion in Limine No. 2 to Allow Defendants to Introduce Evidence of Collateral Sources Pursuant to NRS 42.021</i></p>
08/23/2021	<p> Clerk's Notice of Hearing <i>[109] Notice of Hearing</i></p>
08/26/2021	<p> Motion for Partial Summary Judgment Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[110] Defendant's Motion for Partial Summary Judgment on Plaintiff's Negligent Hiring, Training and Supervision Claim Against Women's Health Associates of Southern Nevada</i></p>
08/26/2021	<p> Clerk's Notice of Hearing <i>[111] Notice of Hearing</i></p>
08/27/2021	<p> Opposition to Motion in Limine Filed By: Plaintiff Taylor, Kimberly D <i>[112] Plaintiff's Opposition to Defendant's Motion in Limine #1: Inclusion of Others on Verdict Form</i></p>
08/27/2021	<p> Opposition to Motion in Limine Filed By: Plaintiff Taylor, Kimberly D <i>[113] Plaintiff's Opposition to Defendant's Motion in Limine #2: Collateral Source Issues & NRS 42.021</i></p>
08/27/2021	<p> Opposition to Motion in Limine Filed By: Plaintiff Taylor, Kimberly D <i>[114] Plaintiff's Opposition to Defendant's Motion in Limine #3: Exclusion of Defendants' Insurance Coverage</i></p>
08/30/2021	<p> Notice of Rescheduling of Hearing <i>[115] Notice of Rescheduling of Hearing</i></p>
09/01/2021	<p> Opposition to Motion in Limine Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[116] Opposition to Plaintiff's Motion in Limine No. 2 to Exclude Informed Consent Form and Terms or Argument Regarding Risk or Known Complication</i></p>
09/01/2021	<p> Opposition to Motion in Limine Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern</p>

CASE SUMMARY

CASE NO. A-18-773472-C

Nevada - Martin PLLC

[117] Opposition to Plaintiff's Motion in Limine No. 3 to Exclude Evidence of Asserted Liability of Other Health Care Providers Under Piroozi

09/01/2021



Opposition to Motion in Limine

Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[118] Opposition to Plaintiff's Motion in Limine No. 4 Exclusion of Collateral Source Payments

09/01/2021



Opposition to Motion in Limine

Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[119] Opposition to Plaintiff's Motion in Limine No. 1 to Permit Certain Closing Argument Techniques

09/08/2021



Reply in Support

Filed By: Plaintiff Taylor, Kimberly D

[120] Plaintiff's Reply in Support of Motion in Limine #1: Motion to Permit Certain Closing Argument Techniques of Plaintiff's Counsel

09/08/2021



Reply in Support

Filed By: Plaintiff Taylor, Kimberly D

[121] Plaintiff's Reply in Support of Motion in Limine #2: Motion to Exclude Informed Consent Form and Terms or Argument Regarding "Risk" or "Known Complication"

09/08/2021



Reply in Support

Filed By: Plaintiff Taylor, Kimberly D

[122] Plaintiff's Reply in Support of Motion in Limine #3: Motion to Exclude Evidence of Asserted Liability of Other Health Care Providers Under Piroozi

09/08/2021



Reply in Support

Filed By: Plaintiff Taylor, Kimberly D

[123] Plaintiff's Motion in Limine #4: Exclusion of Collateral Source Payments

09/09/2021



Notice of Rescheduling of Hearing

[124] Notice of Rescheduling of Hearing

09/09/2021



Pre-Trial Disclosure

Party: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[125] Defendants Keith Brill, MD Facog and Women's Health Associates of Southern Nevada-Martin, PLLC's Pre-Trial Disclosures

09/09/2021



Reply in Support

Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[126] Reply to Motion in Limine No. 1 Include Others on the Verdict Form

09/09/2021



Reply in Support

Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[127] Reply to Motion in Limine No. 2 to Allow Defendants to Introduce Evidence of Collateral Sources Pursuant to NRS 42.021

09/10/2021



Pre-Trial Disclosure

CASE SUMMARY

CASE NO. A-18-773472-C

Party: Plaintiff Taylor, Kimberly D

[128] Plaintiff's List of Trial Witnesses and Exhibits Pursuant to NRCP 16.1(a)(3)

09/13/2021



Reply in Support

Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[129] Defendants Reply to Motion in Limine No. 3 to Exclude Defendants' Insurance Coverage

09/15/2021



Stipulation and Order

Filed by: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[130] Stipulation and Order on Defendant's Motion for Partial Summary Judgment and Issue of Vicarious Liability

09/17/2021



Supplement

Filed by: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[131] Defendants' Supplement to Opposition to Plaintiff's Motion in Limine No. 2 to Exclude Informed Consent Form and Terms or Argument Regarding "Risk" or "Known Complication"

09/17/2021



Supplement

Filed by: Plaintiff Taylor, Kimberly D

[132] Plaintiff's Supplemental Reply in Support of Motion in Limine #2: Motion to Exclude Informed Consent Form and Terms or Argument Regarding "Risk" and "Known Complication"

09/20/2021



Proof of Service

Filed by: Plaintiff Taylor, Kimberly D

[133] Proof of Service

09/20/2021



Notice of Rescheduling of Hearing

[134] Notice of Rescheduling of Hearing

09/20/2021



Proof of Service

Filed by: Plaintiff Taylor, Kimberly D

[135] Proof of Service

09/20/2021



Proof of Service

Filed by: Plaintiff Taylor, Kimberly D

[136] Proof of Service

09/20/2021



Proof of Service

Filed by: Plaintiff Taylor, Kimberly D

[137] Proof of Service

09/21/2021



Joint Pre-Trial Memorandum

Filed By: Plaintiff Taylor, Kimberly D

[138] Joint Pre-Trial Memorandum Pursuant to EDCR 2.67 as to Plaintiff Kimberly Taylor and Defendants Keith Brill, M.D., FACOG and Women's Health Associates of Southern Nevada - Martin PLLC

09/23/2021



Proof of Service

Filed by: Plaintiff Taylor, Kimberly D

[139] Proof of Service

09/23/2021



Proof of Service

CASE SUMMARY

CASE NO. A-18-773472-C

[140] Proof of Service

09/23/2021



Pre-Trial Disclosure

Party: Plaintiff Taylor, Kimberly D

[141] Plaintiff's Supplemental List of Trial Witnesses and Exhibits Pursuant to NRCP 16.1(a)(3)

09/23/2021



Proof of Service

Filed by: Plaintiff Taylor, Kimberly D

[142] Proof of Service

09/23/2021



Objection

Filed By: Plaintiff Taylor, Kimberly D

[143] Plaintiff's Objection to Defendant Brill's NRCP 16.1(a)(3) Disclosures

09/24/2021



Objection

Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[144] Defendants' Objection to Plaintiff's Offer of Judgment Served September 23, 2021

09/27/2021



Proof of Service

Filed by: Plaintiff Taylor, Kimberly D

[145] Proof of Service

09/27/2021



Notice of Entry of Stipulation and Order

Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[146] Notice of Entry of Stipulation and Order on Defendants' Motion for Partial Summary Judgement and Issue of Vicarious Liability

09/29/2021



Proof of Service

Filed by: Plaintiff Taylor, Kimberly D

[147] Proof of Service

09/30/2021



Proof of Service

Filed by: Plaintiff Taylor, Kimberly D

[148] Proof of Service

10/03/2021



Proposed Voir Dire Questions

Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[149] Defendants' Proposed Voir Dire

10/04/2021



Motion to Reconsider

Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[150] Motion to Reconsider or Clarify Order Regarding Plaintiff's Motion in Limine No. 2 to Exclude Informed Consent Form and Terms or Argument Regarding "Risk" or "Known Complication" on Order Shortening Time

10/04/2021



Notice

Filed By: Plaintiff Taylor, Kimberly D

[151] Notice of Lodging of Original Sealed Deposition Transcripts with the Court

10/04/2021



Recorders Transcript of Hearing

CASE SUMMARY

CASE NO. A-18-773472-C

[152] Recorder's Transcript of Hearing: Defendants' Motion in Limine No. 1 to Include Others on the Verdict Form: September 27, 2021

10/04/2021



Pre-Trial Disclosure

[153] Defendants Keith Brill, Md, Facog And Women s Health Associates Of Southern Nevada Martin, Pllc s Supplemental Pre-Trial Disclosures

10/06/2021



Order

[154] Order on Defense Motions in Limine

10/06/2021



Notice of Entry

Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[155] Notice of Entry of Order on Defense Motions in Limine

10/06/2021



Opposition to Motion

Filed By: Plaintiff Taylor, Kimberly D

[156] Plaintiff Kimberly Taylor's Opposition to Defendants' Motion to Reconsider or Clarify Order Regarding Plaintiff's Motion in Limine #2: Motion to Exclude Informed Consent Form and Terms or Argument Regarding "Risk" or "Known Complication"

10/06/2021



Trial Brief

Filed By: Plaintiff Taylor, Kimberly D

[157] Plaintiff Kimberly Taylor's Trial Brief

10/07/2021



Order

Filed By: Plaintiff Taylor, Kimberly D

[158] Order Regarding Plaintiff's Motions in Limine

10/08/2021



Objection

[159] Objection To Trial Subpoena Billing Custodian Of Records And/Or Person Most Knowledgeable For Dignity Health DBA St Rose Dominica Hospital - Siena Campus

10/08/2021



Recorders Transcript of Hearing

[160] RECORDER S TRANSCRIPT OF JURY TRIAL - DAY 1

10/09/2021



Audiovisual Transmission Equipment Appearance Request

Party: Plaintiff Taylor, Kimberly D

[161] Audiovisual Transmission Equipment Appearance Request

10/09/2021



Jury Instructions

Party: Plaintiff Taylor, Kimberly D

[162] Plaintiff's First Amended Proposed Jury Instructions

10/09/2021



Response

Filed by: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[163] Defendants Keith Brill MD and Women's Health Associates of Southern Nevada Martin PLLC's Response to Plaintiff's Trial Brief

10/11/2021



Notice of Entry of Order

Filed By: Plaintiff Taylor, Kimberly D

[164] Notice of Entry of Order Regarding Plaintiff's Motions in Limine
















10/11/2021



Recorders Transcript of Hearing


CASE SUMMARY

CASE NO. A-18-773472-C

	<i>[165] Recorder's Transcript of Jury Trial - Day 2: October 2, 2021</i>
10/13/2021	 Recorders Transcript of Hearing <i>[166] Recorders Transcript of Hearing Jury Trial Day 3; October 12, 2021</i>
10/14/2021	 Transcript of Proceedings <i>[167] Transcript of Proceedings: Jury Trial - Day 4</i>
10/15/2021	 Jury Instructions Party: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[168] Defendants Keith Brill, M.D. and Women's Health Associates of Southern Nevada-Martin, PLLC's Proposed Jury Instructions</i>
10/15/2021	 Special Verdict Form <i>[169] Defendants' Proposed Special Verdict Form</i>
10/15/2021	 Transcript of Proceedings <i>[170] Recorder's Transcript of Proceedings: Jury Trial - Day 5</i>
10/17/2021	 Proposed Verdict Forms Not Used at Trial Party: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[171] Defendants' Amended Proposed Special Verdict Form</i>
10/18/2021	 Recorders Transcript of Hearing <i>[172] Recorder's Transcript of Jury Trial - Day 6 October 15, 2021</i>
10/19/2021	 Recorders Transcript of Hearing <i>[173] Recorder's Transcript of Jury Trial -- Day 7 October 18, 2021</i>
10/20/2021	 Verdict <i>[174] Special Verdict Form</i>
10/20/2021	 Jury List <i>[175] Amended Jury Trial</i>
10/20/2021	 Jury List <i>[176] Jury List</i>
10/20/2021	 Instructions to the Jury <i>[177] Instructions to the Jury</i>
10/20/2021	 Recorders Transcript of Hearing <i>[178] Recorder's Transcript of Jury Trial - Day 8 October 19, 2021</i>
10/21/2021	 Proposed Jury Instructions Not Used At Trial Party: Plaintiff Taylor, Kimberly D <i>[179] Plaintiff's Proposed Jury Instructions - Not Given at Trial</i>
10/21/2021	 Proposed Verdict Forms Not Used at Trial Party: Plaintiff Taylor, Kimberly D <i>[180] Plaintiff's Proposed Special Verdict Form Not Given at Trial</i>








CASE SUMMARY

CASE NO. A-18-773472-C

10/22/2021	 Notice of Hearing <i>[181] Notice of Hearing</i>
11/17/2021	 Motion Filed By: Plaintiff Taylor, Kimberly D <i>[182] Plaintiff's Motion to Disqualify the McBride Hall Law Firm on an Ex Parte Motion for Order Shortening Time</i>
11/18/2021	 Certificate of Service Filed by: Plaintiff Taylor, Kimberly D <i>[183] Certificate of Service</i>
11/18/2021	 Order Shortening Time <i>[184] Errata to or Amended Plaintiff's Motion to Disqualify the McBride Hall Law Firm on an Ex Parte Motion for Order Shortening Time</i>
11/18/2021	 Certificate of Service Filed by: Plaintiff Taylor, Kimberly D <i>[185] Certificate of Service</i>
11/19/2021	 Judgment on Jury Verdict <i>[186] Judgment on Jury Verdict</i>
11/19/2021	 Notice of Entry <i>[187] Notice Of Entry Of Judgment On Jury Verdict</i>
11/19/2021	 Memorandum of Costs and Disbursements Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[188] Defendants' Verified Memorandum of Costs</i>
11/22/2021	 Motion for Attorney Fees and Costs Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[189] Defendants' Motion for Attorneys' Fees and Costs</i>
11/22/2021	 Notice of Appeal Filed By: Plaintiff Taylor, Kimberly D <i>[190] Notice of Appeal</i>
11/22/2021	 Case Appeal Statement Filed By: Plaintiff Taylor, Kimberly D <i>[191] Case Appeal Statement</i>
11/22/2021	 Motion to Retax Filed By: Plaintiff Taylor, Kimberly D <i>[192] Plaintiff's Motion to Re-Tax and Settle Costs</i>
11/22/2021	 Exhibits <i>[193] Exhibit "1" to Plaintiff's Motion to Re-Tax and Settle Costs</i>
11/22/2021	 Exhibits Filed By: Plaintiff Taylor, Kimberly D

CASE SUMMARY

CASE NO. A-18-773472-C

	<i>[194] Exhibit "2" to Plaintiff's Motion to Re-Tax and Settle Costs</i>
11/23/2021	 Clerk's Notice of Hearing <i>[195] Notice of Hearing</i>
11/23/2021	 Clerk's Notice of Hearing <i>[196] Notice of Hearing</i>
11/24/2021	 Opposition to Motion Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[197] Defendants' Opposition to Plaintiff's Motion to Disqualify the McBride Hall Law Firm on an Ex Parte Motion for Order Shortening Time</i>
12/06/2021	 Opposition to Motion Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[198] Defendants Opposition to Plaintiff's Motion to Retax and Settle Costs</i>
12/06/2021	 Opposition to Motion Filed By: Plaintiff Taylor, Kimberly D <i>[199] Plaintiff's Opposition to Defendants' Motion for Attorney's Fees and Costs</i>
12/11/2021	 Order Setting Medical/Dental Malpractice Status Check <i>[200] Order Setting Medical/Dental Malpractice Status Check and Trial Setting Conference</i>
12/13/2021	 Reply Filed by: Plaintiff Taylor, Kimberly D <i>[201] Reply In Support of Plaintiff's Motion to Re-Tax and Settle Costs</i>
12/23/2021	 Reply in Support Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC <i>[202] Defendants' Reply in Support of Motion for Attorneys' Fees and Costs</i>
01/03/2022	 Request Filed by: Plaintiff Taylor, Kimberly D <i>[203] Request for Transcripts</i>
01/13/2022	 Recorders Transcript of Hearing <i>[204] Recorders Transcript of Hearing: Plaintiff's Motion to Disqualify the McBride Hall Law Firm on ExParte Motion for Order Shortening Time; Evidentiary Hearing - 1/7/2022</i>
01/27/2022	 Supplement Filed by: Plaintiff Taylor, Kimberly D <i>[205] Supplemental Request for Transcripts</i>
02/02/2022	 Recorders Transcript of Hearing <i>[206] Transcript of Proceedings: Calendar Call: September 28, 2021</i>
02/02/2022	 Recorders Transcript of Hearing <i>[207] Transcript of Proceedings: Status Check: October 26, 2021</i>
02/08/2022	 Recorders Transcript of Hearing

CASE SUMMARY

CASE NO. A-18-773472-C

[208] Transcript of Proceedings: Plaintiff's Motion to Retax and Settle Costs; Defendants' Motion for Attorneys' Fees and Costs: January 18, 2022

02/16/2022



Order Denying Motion

[209] Order Denying Plaintiff's Motion to Disqualify the McBride Hall Law Firm on an Ex Parte Motion for Order Shortening Time

02/16/2022



Notice of Entry of Order

Filed By: Defendant Brill, Keith, M.D.; Defendant Women's Health Associates of Southern Nevada - Martin PLLC

[210] Notice of Entry of Order Denying Plaintiff's Motion to Disqualify the McBride Law Firm on an Ex Parte Motion for Order Shortening Time

03/01/2022



Order

Filed By: Plaintiff Taylor, Kimberly D

[211] Order Granting in Part and Denying in Part Plaintiff's Motion to Re-Tax and Settle Costs

03/01/2022



Notice of Entry of Order

Filed By: Plaintiff Taylor, Kimberly D

[212] Notice of Entry of Order Granting in Part and Denying in Part Plaintiff's Motion to Re-Tax and Settle Costs

03/17/2022



Notice of Appeal

Filed By: Plaintiff Taylor, Kimberly D

[213] Notice of Appeal

03/17/2022



Case Appeal Statement

Filed By: Plaintiff Taylor, Kimberly D

[214] Case Appeal Statement

DISPOSITIONS

08/31/2018

Order of Dismissal (Judicial Officer: Jones, Tierra)

Debtors: Kimberly D Taylor (Plaintiff)

Creditors: Keith Brill, MD. (Defendant), Women's Health Associates of Southern Nevada - Martin PLLC (Defendant)

Judgment: 08/31/2018, Docketed: 08/31/2018

Comment: Certain Claims

10/18/2018

Order of Dismissal Without Prejudice (Judicial Officer: Jones, Tierra)

Debtors: Kimberly D Taylor (Plaintiff)

Creditors: Bruce Hutchins, RN. (Defendant)

Judgment: 10/18/2018, Docketed: 10/18/2018

10/25/2018

Order of Dismissal (Judicial Officer: Jones, Tierra)

Debtors: Kimberly D Taylor (Plaintiff)

Creditors: Henderson Hospital and/or Valley Health System LLC (Defendant)

Judgment: 10/25/2018, Docketed: 10/29/2018

Comment: Certain Claim

03/09/2021

Order of Dismissal With Prejudice (Judicial Officer: Trujillo, Monica)

Debtors: Kimberly D Taylor (Plaintiff)

Creditors: Dignity Health (Defendant)

Judgment: 03/09/2021, Docketed: 03/10/2021

03/17/2021



Order of Dismissal With Prejudice (Judicial Officer: Trujillo, Monica)

Debtors: Henderson Hospital and/or Valley Health System LLC (Defendant)

Creditors: Kimberly D Taylor (Plaintiff)





CASE SUMMARY

CASE NO. A-18-773472-C

	Judgment: 03/17/2021, Docketed: 03/19/2021
04/21/2021	Order of Dismissal With Prejudice (Judicial Officer: Trujillo, Monica) Debtors: Kimberly D Taylor (Plaintiff) Creditors: Todd W Christensen, MD. (Defendant) Judgment: 04/21/2021, Docketed: 04/22/2021
09/15/2021	Order of Dismissal With Prejudice (Judicial Officer: Trujillo, Monica) Debtors: Kimberly D Taylor (Plaintiff) Creditors: Women's Health Associates of Southern Nevada - Martin PLLC (Defendant) Judgment: 09/15/2021, Docketed: 09/16/2021 Comment: Certain Claims
10/20/2021	Verdict (Judicial Officer: Trujillo, Monica) Debtors: Kimberly D Taylor (Plaintiff) Creditors: Keith Brill, MD. (Defendant) Judgment: 10/20/2021, Docketed: 10/21/2021
11/19/2021	Judgment Upon the Verdict (Judicial Officer: Trujillo, Monica) Debtors: Kimberly D Taylor (Plaintiff) Creditors: Keith Brill, MD. (Defendant), Women's Health Associates of Southern Nevada - Martin PLLC (Defendant), United Health Services (Defendant) Judgment: 11/19/2021, Docketed: 11/22/2021
03/01/2022	Order (Judicial Officer: Trujillo, Monica) Debtors: Kimberly D Taylor (Plaintiff) Creditors: Keith Brill, MD. (Defendant), Women's Health Associates of Southern Nevada - Martin PLLC (Defendant) Judgment: 03/01/2022, Docketed: 03/02/2022 Total Judgment: 21,649.87
	HEARINGS
07/31/2018	Motion to Dismiss (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Defendants Keith Brill, MD, FACOG, FACS, and Women's Health Associates of Southern Nevada - Martin, PLLC's Motion to Dismiss Plaintiff's Res Ipsa Loquitur Claims</i> Granted;
07/31/2018	Motion to Dismiss (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Motion To Dismiss</i> Denied;
07/31/2018	 All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>Defendants Keith Brill, MD, FACOG, FACS, and Women's Health Associates of Southern Nevada - Martin, PLLC's Motion to Dismiss Plaintiff's Res Ipsa Loquitur Claims....Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Motion To Dismiss Following arguments by counsel, Court Stated its Findings and ORDERED, Defendants Keith Brill, MD, FACOG, FACS, and Women's Health Associates of Southern Nevada - Martin, PLLC's Motion to Dismiss Plaintiff's Res Ipsa Loquitur Claims, GRANTED. FURTHER COURT ORDERED, Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Motion To Dismiss, DENIED. Colloquy regarding pending motions. Prevailing parties to prepare their orders and submit to opposing counsels for review before final submission to the Court. ;</i>
08/08/2018	 Status Check: Medical/Dental Malpractice (1:00 PM) (Judicial Officer: Wiese, Jerry A.) Matter Continued; Journal Entry Details: <i>The Med Mal Status Check was conducted by Judge Jerry A. Wiese II. Colloquy regarding status of the case. Joint Case Conference Report (JCCR) not filed. FURTHER, matter CONTINUED to next Med-Mal Status Check.;</i>

CASE SUMMARY

CASE NO. A-18-773472-C

08/16/2018	<p>CANCELED Motion to Dismiss (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Vacated - Duplicate Entry</i> <i>Defendant Valley Health Systems, LLC dba Henderson Hospital's Motion to Dismiss</i></p>
08/16/2018	<p> Motion to Dismiss (9:30 AM) (Judicial Officer: Jones, Tierra) 08/16/2018, 08/23/2018 <i>Defendant Valley Health Systems, LLC dba Henderson Hospital's Motion to Dismiss</i> Continued for Chambers Decision; Granted in Part; Journal Entry Details: <i>Following review of the papers and pleadings on file herein, COURT ORDERED, Motion GRANTED in part, DENIED in part. Henderson Hospital's Motion to Dismiss is DENIED regarding the Vicarious Liability Claim and Negligent Hiring, Training, and Supervision claim. Motion is GRANTED as to the Res Ipsa Loquitur claim. ;</i> Continued for Chambers Decision; Granted in Part;</p>
08/16/2018	<p>Joinder (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Joinder to Defendant Valley Health Systems, LLC d/b/a Henderson Hospital's Motion to Dismiss Plaintiff's Negligent Hiring, Supervision and Credentialing Claims</i> Motion Granted;</p>
08/16/2018	<p> All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>DEFT VALLEY HEALTH SYSTEMS, LLC d/b/a HENDERSON HOSPITAL'S MOTION TO DISMISS...DEFT DIGNITY HEALTH d/b/a/ ST. ROSE DOMINICAN HOSPITAL'S JOINDER TO DEFT VALLEY HEALTH SYSTEMS, LLC D/B/A HENDERSON HOSPITAL'S MOTION TO DISMISS PLTF'S NEGLIGENCE HIRING COURT ORDERED, Deft. Dignity Health's Joinder GRANTED. As to Deft. Valley Health System's Motion to Dismiss, following arguments by counsel, COURT ORDERED, matter CONTINUED to chambers calendar for decision. 8/23/18 (CHAMBERS) DECISION RE: DEFT VALLEY HEALTH SYSTEMS, LLC d/b/a HENDERSON HOSPITAL'S MOTION TO DISMISS;</i></p>
09/18/2018	<p> Motion to Dismiss (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Defendant Bruce Hutchins RN's Motion to Dismiss</i> Withdrawn; Defendant Bruce Hutchins RN's Motion to Dismiss Journal Entry Details: <i>The Court noted the Motion was going to be withdrawn. There being no opposition by counsel. COURT ORDERED, MOTION WITHDRAWN, OFF CALENDAR.;</i></p>
09/25/2018	<p>Motion to Dismiss (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Defendant Todd W. Christensen, M.D.'s Motion to Dismiss Per NRS 41A.071</i> Denied;</p>
09/25/2018	<p>Joinder (9:30 AM) (Judicial Officer: Jones, Tierra) <i>Defendant Dignity Health DBA St Rose Dominican Hospital's Joinder to Defendant Todd W Christensen MD's Motion to Dismiss</i> Granted;</p>
09/25/2018	<p> All Pending Motions (9:30 AM) (Judicial Officer: Jones, Tierra) Matter Heard; Journal Entry Details: <i>Defendant Todd W. Christensen, M.D.'s Motion to Dismiss Per NRS 41A.071...Defendant Dignity Health DBA St Rose Dominican Hospital's Joinder to Defendant Todd W Christensen MD's Motion to Dismiss There being no opposition, COURT ORDERED, As to Defendant Dignity Health DBA St Rose Dominican Hospital's Joinder to Defendant Todd W Christensen MD's Motion to Dismiss, GRANTED. Following arguments by counsel, Court Stated its</i></p>

CASE SUMMARY

CASE NO. A-18-773472-C

Findings and ORDERED, Defendant Todd W. Christensen, M.D.'s Motion to Dismiss Per NRS 41A.071, DENIED. Mr. Kent to prepare the order and submit to opposing counsel for review before final submission to the Court.;

02/04/2019



Status Check: Medical/Dental Malpractice (1:00 PM) (Judicial Officer: Wiese, Jerry A.)

Trial Date Set;

Journal Entry Details:

The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Colloquy regarding status of case. Court informed all parties their discovery cut off would be May 1, 2020. Upon Court's inquiry, Mr. McBride indicated trial for the instant case would be 10 days. COURT ORDERED, matter SET for trial and REFERRED back to Department 10. 8/3/20 10:30 AM JURY TRIAL (DEPT. 10) ;

12/10/2019



Motion for Summary Judgment (9:30 AM) (Judicial Officer: Jones, Tierra)

12/10/2019, 12/12/2019

Decision: Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Motion for Summary Judgment

Continued;

Decision Made;

Journal Entry Details:

Following review of the papers and pleadings on file herein, COURT ORDERED, Defendant s Motion for Summary Judgment is DENIED as to the theory of vicarious liability as a genuine issue of material fact exists as to whether Plaintiff reasonably believed he was an employee or agent of St. Rose. It is FURTHER ORDERED, Defendant s Motion is DENIED WITHOUT PREJUDICE as to the claim of Negligent Hiring, Training, or Supervision as discovery is ongoing and thus Summary Judgment at this stage would be premature. This Minute Order was electronically served by Courtroom Clerk, Teri Berkshire, to all registered parties for Odyssey File & Serve. tb ;

Continued;

Decision Made;

Journal Entry Details:

Alissa Bestick Esq., on behalf of Defendant Dignity Health. Following arguments by counsel, COURT ORDERED, matter CONTINUED for decision on the date given. 12/12/19 (CHAMBERS) DECISION: Decision: Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Motion for Summary Judgment;

07/23/2020

CANCELED Calendar Call (10:30 AM) (Judicial Officer: Jones, Tierra)

Vacated - Superseding Order

08/03/2020

CANCELED Jury Trial (10:30 AM) (Judicial Officer: Jones, Tierra)

Vacated - Superseding Order

JURY TRIAL- SET DURING MED MAL SWEEPS

03/04/2021

CANCELED Calendar Call (9:30 AM) (Judicial Officer: Jones, Tierra)

Vacated - per Stipulation and Order

03/15/2021

CANCELED Jury Trial (10:30 AM) (Judicial Officer: Jones, Tierra)

Vacated - per Stipulation and Order

09/27/2021

Motion in Limine (2:00 PM) (Judicial Officer: Trujillo, Monica)

Plaintiff's Motion in Limine #1: Motion to Permit Certain Closing Argument Techniques of Plaintiff's Counsel

Denied;

09/27/2021

Motion in Limine (2:00 PM) (Judicial Officer: Trujillo, Monica)

Plaintiff's Motion in Limine #2: Motion to Exclude Informed Consent Form and Terms or Argument Regarding "Risk" or "Known Complication"

Granted in Part;

09/27/2021

Motion in Limine (2:00 PM) (Judicial Officer: Trujillo, Monica)

Plaintiff's Motion in Limine #3: Motion to Exclude Evidence of Asserted Liability of Other

CASE SUMMARY

CASE NO. A-18-773472-C

	<p><i>Health Care Providers Under Piroozi</i></p> <p>Denied;</p>
09/27/2021	<p>Motion in Limine (2:00 PM) (Judicial Officer: Trujillo, Monica)</p> <p><i>Plaintiff's Motion in Limine #4: Exclusion of Collateral Source Payments</i></p> <p>Denied;</p>
09/27/2021	<p>Motion in Limine (2:00 PM) (Judicial Officer: Trujillo, Monica)</p> <p><i>Defendants' Motion in Limine No. 1 to Include Others on the Verdict Form</i></p> <p>Granted in Part;</p>
09/27/2021	<p>Motion in Limine (2:00 PM) (Judicial Officer: Trujillo, Monica)</p> <p>09/27/2021-09/28/2021</p> <p><i>Defendants' Motion in Limine No. 3 to Exclude Defendants' Insurance Coverage</i></p> <p>Deferred Ruling;</p> <p>Granted in Part;</p> <p>Deferred Ruling;</p> <p>Granted in Part;</p>
09/27/2021	<p>Motion in Limine (2:00 PM) (Judicial Officer: Trujillo, Monica)</p> <p><i>Defendants' Motion in Limine No. 2 to Allow Defendants to Introduce Evidence of Collateral Sources Pursuant to NRS 42.021</i></p> <p>Granted;</p>
09/27/2021	<p>Motion for Partial Summary Judgment (2:00 PM) (Judicial Officer: Trujillo, Monica)</p> <p><i>Defendant's Motion for Partial Summary Judgment on Plaintiff's Negligent Hiring, Training and Supervision Claim Against Women's Health Associates of Southern Nevada</i></p>
09/27/2021	<p> All Pending Motions (2:00 PM) (Judicial Officer: Trujillo, Monica)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>PLAINTIFF'S MOTION IN LIMINE #1: MOTION TO PERMIT CERTAIN CLOSING ARGUMENT TECHNIQUES OF PLAINTIFF'S COUNSEL Arguments by Mr. Breedan and Ms. Hall. As to the send a message argument, Court noted it understood Mr. Breedan's position saying he would tailor it specifically to this Deft., however, COURT FINDS the phrase send a message was not appropriate. Court Advised it did not approve of the send a message language for the community even though he had restricted his argument to being for the Defendant. As to the safety rules and media, COURT ORDERED, it was not going to allow any reference to safety rules or media mentions other than the admonishment by the Court. As to the Want Ad, COURT FINDS, it invited jury nullification and allowed the jurors to place themselves in that position by merely suggesting it, therefore, did not find it appropriate. As to the per diem damages while it appreciated he assumed it was going to grant it as unopposed, Court noted that was a discretionary rule and it still had to look at the substance, therefore, COURT FINDS the per diem arguments invited jury nullification and asked the jurors to place themselves in the place of the Plaintiff, thus, ORDERED that would be DENIED. Upon Mr. Breedan's inquiry, Court CLARIFIED he was not permitted to use the phrase send a message at all in closing arguments. PLAINTIFF'S MOTION IN LIMINE #2: MOTION TO EXCLUDE INFORMED CONSENT FORM AND TERMS OR ARGUMENT REGARDING "RISK" OR "KNOWN COMPLICATION Arguments by Mr. Breedan and Ms. Hall. COURT ORDERED motion GRANTED IN PART and DENIED IN PART. As to the evidence that Ms. Taylor executed an informed consent form and as to any verbal discussions between Dr. Brill and Ms. Taylor that they discussed risk of perforation, COURT ORDERED, that would be PRECLUDED. COURT FINDS they both invited confusion to jury and were not relevant. However, Court noted as it was acknowledge by both sides it FINDS it was relevant that perforation was a known risk as long as there was sufficient foundation for the testimony, therefore, ORDERED, that would be ALLOWED and any argument flowing from the evidence thereof. As to the request for the use of a jury instruction advising the jury that it was irrelevant whether perforations in general were a known risk or complication, COURT ORDERED, it would reserve ruling until evidence was presented and Advised they would address that when they settled jury instructions. Upon Ms. Hall's inquiry, Court CLARIFIED her expert Dr. McCarus would be precluded from discussing his opinions about the consent form that was signed by Ms. Taylor, however, he could talk about the known risks to the surgery.</i></p>

CASE SUMMARY

CASE No. A-18-773472-C

PLAINTIFF'S MOTION IN LIMINE #3: MOTION TO EXCLUDE EVIDENCE OF ASSERTED LIABILITY OF OTHER HEALTH CARE PROVIDERS UNDER PIROOZI Arguments by Mr. Breedan and Ms. Hall. Court noted the problem here was that they did have the statements of other doctors, nurses and parties that fell below the standard of care which it was quite certain exacerbated injury and damages, therefore, **ORDERED** it was going to **ALLOW** the evidence of assertive liability of other health care providers under Piroozi, thus, **FURTHER ORDERED** motion **DENIED**. **PLAINTIFF'S MOTION IN LIMINE #4: EXCLUSION OF COLLATERAL SOURCE PAYMENTS** Arguments by Mr. Breedan and Ms. Hall. **COURT FINDS** NRS 482.021 medical malpractice exception did apply. As to constitutionality, **COURT FINDS**, the statute was not unconstitutional and believed the appropriate test was a rational basis test. **COURT FINDS** when the legislation contemplated NRS 482.021 it was reasonably related to legitimate government interests, mainly keeping doctors here in Nevada, therefore, **ORDERED** motion **DENIED**; evidence and reference to exclusion of collateral source payments subject to other evidentiary objections and contemporaneous objections at time of trial would be **ADMITTED**. **DEFENDANTS' MOTION IN LIMINE NO. 1 TO INCLUDE OTHERS ON THE VERDICT FORM** Court Advised its inclination was to reserve ruling to when they settled instructions and based on the evidence presented at trial as to the verdict form. Ms. Hall noted the title of this motion might be just a tad bit misleading as it definitely dealt with the verdict form but also asked to be permitted to cross examine Dr. Burke on his full and complete opinions. Thus, Ms. Hall suggested consistent with its ruling on Plaintiff's prior motion that this motion might be granted in part and denied in part and the issue of the verdict form reserved for later ruling. Mr. Breedan agreed. **COURT ORDERED** motion **GRANTED IN PART** and **DENIED IN PART**; ruling reserved as to the verdict form until they argue jury instructions. **DEFENDANTS' MOTION IN LIMINE NO. 2 TO ALLOW DEFENDANTS TO INTRODUCE EVIDENCE OF COLLATERAL SOURCES PURSUANT TO NRS 42.021** In line with its previous ruling, **COURT ORDERED**, motion **GRANTED**. **DEFENDANTS' MOTION IN LIMINE NO. 3 TO EXCLUDE DEFENDANTS' INSURANCE COVERAGE** Arguments by Ms. Hall and Mr. Breedan. Court Advised it had read Capanna, however, wanted to read it again, therefore, **ORDERED** ruling **RESERVED** until tomorrow. Following further arguments by counsel, Court **CLARIFIED** with regard to the instruction its inclination was that there be no questions on tort reform, however, if it came up from a juror in questioning it would allow individual questioning as to that juror so they could appropriately explore any biases or prejudice. As to the Voir Dire on the insurance generally speaking it did not see how either sides insurance, medical malpractice or if it were another case, would be appropriate. Court noted both parties pointed out that affiliations with insurance companies may be personal experiences and noted things like that were okay to explore bias, however, nothing with regard to premiums and payments as that was not appropriate. Upon Ms. Hall's inquiry, Court **DIRECTED** parties to prepare orders in respect to their own Motion s in Limine and pass them by opposing counsel.;

09/28/2021



Calendar Call (10:30 AM) (Judicial Officer: Trujillo, Monica)

Matter Heard;
Journal Entry Details:
;

09/28/2021



All Pending Motions (10:30 AM) (Judicial Officer: Trujillo, Monica)

Matter Heard;
Journal Entry Details:
DEFENDANT'S MOTION IN LIMINE NO. 3 TO EXCLUDE DEFENDANT'S INSURANCE COVERAGE... **CALENDAR CALL COURT ORDERED**, motion **GRANTED IN PART** and **DENIED IN PART**. As to the medical malpractice insurance the Court **FINDS** it is not relevant and there should be no questions asked as to the facts of this case or the medical malpractice insurance. As to the tort reformed questions that will not be allowed. The Court will allow questions regarding potential verdicts. Colloquy regarding the Court's trial schedule. Mr. Breedan advised they filed an Offer of Judgment; requested to start trial on the second or third week on the stack for the offer of judgment to be valid. Mr. Hall advised they would like to be first on the stack. **MATTER TRAILED. MATTER RECALLED**. Counsel anticipate 7 to 9 days to try. **COURT ORDERED**, Jury Selection would start on 10/6/21 or 10/7/21; Department to e-mail a trial schedule to parties.;

10/07/2021



Jury Trial (10:00 AM) (Judicial Officer: Trujillo, Monica)

10/07/2021-10/08/2021, 10/12/2021-10/15/2021, 10/18/2021-10/19/2021

Trial Continues;

CASE SUMMARY

CASE NO. A-18-773472-C

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict for the Defendant;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions settled. COURT ORDERED, unused exhibits RETURNED to counsel. JURY PRESENT: Court instructed the jury. Closing arguments by counsel. At the hour of 2:18 p.m., the jury retired to deliberate. Court thanked and excused the alternates. At the hour of 4:55 p.m., the jury returned with a verdict for Defendant. Jury polled. Court thanked and excused the jury.;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict for the Defendant;

Journal Entry Details:

JURY PRESENT: Testimony and exhibits presented. (See worksheet.) OUTSIDE THE PRESENCE OF THE JURY PANEL: Colloquy regarding settling of the jury instructions. Court recessed and ORDERED, matter CONTINUED. CONTINUED TO: 10/19/21 10:00 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict for the Defendant;

Journal Entry Details:

JURY PRESENT: Testimony and exhibits presented. (See worksheet.) Court recessed and ORDERED, matter CONTINUED. CONTINUED TO: 10/18/21 10:30 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict for the Defendant;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY PANEL: Court STATED its FINDINGS and ORDERED, Brian Kleven would be precluded from testifying. Argument by Mr. Breeden. JURY PANEL PRESENT: Testimony and exhibits presented. (See worksheets.) Court recessed and ORDERED, matter CONTINUED. CONTINUED TO: 10/15/21 10:15 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict for the Defendant;

Journal Entry Details:

JURY PANEL PRESENT: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY PANEL: Arguments by counsel regarding testimony of usual, customary, and reasonable medical expenses. Court ADVISED it would allow the parties to voir dire witnesses to see if they had a basis or knowledge as to the medical expenses. Voir Dire of Christy Sandoval, Tina Burch, and Brian Kleven. Further arguments by counsel

CASE SUMMARY

CASE NO. A-18-773472-C

regarding whether or not witnesses were qualified to testify as to usual, customary, and reasonable medical expenses. COURT ORDERED, Christy Sandoval and Tina Burch will not be allowed to testify; ruling RESERVED as to Brian Kleven, if allowed it would be limited to St. Rose and Dignity Health. COURT FURTHER ORDERED, matter CONTINUED. CONTINUED TO: 10/14/21 8:30 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict for the Defendant;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY PANEL: Court NOTED a juror tested positive for COVID. Colloquy regarding COVID guidelines, pre-trial brief, and exhibits. JURY PANEL PRESENT: Court informed jurors of the positive COVID test result and questioned each juror individually if they could proceed with the trial according to the COVID guidelines.

EXCLUSIONARY RULE INVOKED. Opening statements by counsel. Testimony and exhibits presented. (See worksheets.) Court recessed and ORDERED, matter CONTINUED.

CONTINUED TO: 10/13/21 10:30 AM ;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict for the Defendant;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Arguments by counsel regarding cause challenges. PROSPECTIVE JURY PANEL PRESENT: Voir Dire continued.

Jury and three alternates SELECTED and SWORN. Court recessed and ORDERED, matter CONTINUED. CONTINUED TO: 10/12/21 10:30 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;


Trial Continues;

Verdict for the Defendant;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Colloquy regarding jury trial procedures. COURT ADVISED as to Deft's Motion to Reconsider or Clarify the ruling STANDS. The informed consent documents will not be allowed in and both experts can testify that what occurred was a known risk to the surgery. Court will allow questioning as to Ms. Taylor and Dr. Brill regarding whether or not the known risk was disclosed. Arguments by counsel regarding informed consent forms. Court ADVISED it would allow a jury instruction as to informed consent documents. Colloquy regarding trial schedule. PROSPECTIVE JURY PANEL PRESENT: Introductions by the Court and counsel. Clerk called the roll. Prospective Jury SWORN IN and Voir Dire BEGINS. Conferences at the Bench. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Arguments by counsel regarding cause challenges. PROSPECTIVE JURY PANEL PRESENT: Court recessed and ORDERED, jury selection CONTINUED. CONTINUED TO: 10/8/21 9:00 AM;

10/11/2021 CANCELED Jury Trial (10:30 AM) (Judicial Officer: Jones, Tierra)
Vacated





10/26/2021  Status Check (9:00 AM) (Judicial Officer: Trujillo, Monica)
Matter Heard;
Journal Entry Details:

Court placed juror questions during deliberations and response given by the Court on the

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY


CASE NO. A-18-773472-C

	<p>record. Mr. Breeden advised he would be filing the Court's response. Court ADVISED the response was lodged as a Court Exhibit. ;</p>
12/07/2021	<p> Motion (9:00 AM) (Judicial Officer: Barker, David)</p> <p>12/07/2021, 01/07/2022</p> <p><i>Plaintiff's Motion to Disqualify the McBride Hall Law Firm on an Ex Parte Motion for Order Shortening Time</i></p> <p>Evidentiary Hearing;</p> <p>Denied;</p> <p>Evidentiary Hearing;</p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Following arguments by counsel, COURT ORDERED, motion DENIED IN PART; request for an Evidentiary hearing is GRANTED to explore the issue of confidentiality and whether screening was sufficient. 1/7/22 9:00 AM - EVIDENTIARY HEARING;</i></p>
12/30/2021	<p> Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Cherry, Michael A.)</p> <p>12/30/2021, 01/18/2022</p> <p>Events: 11/22/2021 Motion for Attorney Fees and Costs</p> <p><i>Defendants' Motion for Attorneys' Fees and Costs</i></p> <p>Matter Continued;</p> <p>Denied;</p> <p>Matter Continued;</p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Defendants Motion for Attorneys Fees and Costs came before the Court on the December 30, 2021 Chamber Calendar. Given the relation between the instant motion and Plaintiff's Motion to Re-Tax and Settle Costs currently set for oral argument on January 18, 2022, the Court FINDS that Defendant's Motion for Attorneys Fees and Costs should be heard on January 18, 2022 for oral argument as well. Therefore, COURT ORDERED Defendants Motion for Attorneys Fees and Costs is CONTINUED to January 18, 2022. CLERKS NOTE: This Minute Order was electronically served by Courtroom Clerk, Grecia Snow, to all registered parties for Odyssey File & Serve. 1/3/22 gs;</i></p>
01/07/2022	<p>Evidentiary Hearing (9:00 AM) (Judicial Officer: Barker, David)</p> <p>Matter Heard;</p>
01/07/2022	<p> All Pending Motions (9:00 AM) (Judicial Officer: Barker, David)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>EVIDENTIARY HEARING...PLAINTIFF'S MOTION TO DISQUALIFY THE MCBRIDE HALL LAW FIRM ON AN EX PARTE MOTION FOR ORDER SHORTENING TIME Testimony presented. (See worksheets) Arguments by counsel whether or not McBride Hall law firm should be disqualified. Court FINDS there is no dispute that Ms. Johnson was aware of confidential information; however the McBride Hall law firm did sufficient screening and has taken reasonable steps that Ms. Johnson would not work on any matter she has worked on during prior employment, therefore, ORDERED, motion DENIED. Mr. McBride to prepare the findings of fact and conclusions of law.;</i></p>
01/11/2022	<p> Status Check: Medical/Dental Malpractice (8:00 AM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>COURT ORDERED, case CLOSED, matter OFF CALENDAR;</i></p>
01/18/2022	<p>Motion to Retax (9:00 AM) (Judicial Officer: Cherry, Michael A.)</p> <p>Events: 11/22/2021 Motion to Retax</p> <p>11/22/2021 Exhibits</p> <p>11/22/2021 Exhibits</p> <p><i>Plaintiff's Motion to Re-Tax and Settle Costs</i></p> <p>Granted in Part;</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-773472-C

01/18/2022	 All Pending Motions (9:00 AM) (Judicial Officer: Cherry, Michael A.) Matter Heard; Journal Entry Details: PLAINTIFF'S MOTION TO RETAX AND SETTLE COSTS...DEFENDANT'S MOTION FOR ATTORNEY'S FEES AND COSTS Following arguments by counsel, COURT ORDERED, Plaintiff's Motion GRANTED IN PART as to transcript costs in the amount of \$16,260.75, jury fees and filing costs in the amount of \$3,889.12, and expert fees in the amount of \$1,500.00. Ms. Hall to prepare the Order. COURT FURTHER ORDERED, Deft's Motion DENIED. Mr. Breeden to prepare the Order.;
10/10/2022	CANCELED Jury Trial - FIRM (10:30 AM) (Judicial Officer: Trujillo, Monica) <i>Vacated - Set in Error</i> JURY TRIAL- SET DURING MED MAL SWEEPS 7-10 days

DATE	FINANCIAL INFORMATION
	Defendant Christensen, Todd W, M.D. Total Charges 237.00 Total Payments and Credits 237.00 Balance Due as of 3/21/2022 0.00
	Defendant Dignity Health Total Charges 423.00 Total Payments and Credits 423.00 Balance Due as of 3/21/2022 0.00
	Defendant Henderson Hospital and/or Valley Health System LLC Total Charges 223.00 Total Payments and Credits 223.00 Balance Due as of 3/21/2022 0.00
	Defendant Hutchins, Bruce, RN Total Charges 223.00 Total Payments and Credits 223.00 Balance Due as of 3/21/2022 0.00
	Defendant Brill, Keith, M.D. Total Charges 253.00 Total Payments and Credits 253.00 Balance Due as of 3/21/2022 0.00
	Defendant Women's Health Associates of Southern Nevada - Martin PLLC Total Charges 200.00 Total Payments and Credits 200.00 Balance Due as of 3/21/2022 0.00
	Plaintiff Taylor, Kimberly D Total Charges 318.00 Total Payments and Credits 318.00 Balance Due as of 3/21/2022 0.00
	Plaintiff Taylor, Kimberly D Appeal Bond Balance as of 3/21/2022 500.00

DISTRICT COURT CIVIL COVER SHEET

A-18-773472-C

Clark

County, Nevada

Department 10

Case No. _____

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

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

KIMBERLY D. TAYLOR

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

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;

Attorney (name/address/phone):

James S. Kent, Esq.

James S. Kent, Ltd.

9480 S. Eastern Ave., Suite 228

Las Vegas, NV 89123

702-385-1100

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Negligence	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input checked="" type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ		Other Civil Filing
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

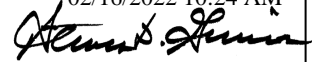
Business Court filings should be filed using the Business Court civil coversheet.

04/25/2018

Date

Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

ORDR

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

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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; TODD W.
CHRISTENSEN, MD, an Individual; DOES I
through XXX, inclusive; and ROE
CORPORATIONS I through XXX, inclusive;

Defendants.

CASE NO.: A-18-773472-C

DEPT: III

**ORDER DENYING PLAINTIFF'S
MOTION TO DISQUALIFY THE
McBRIDE HALL LAW FIRM ON AN EX
PARTE MOTION FOR ORDER
SHORTENING TIME**

DATE OF HEARING: 1/7/2022

TIME OF HEARING: 9:00 A.M.

Plaintiff Kimberly Taylor's Motion to Disqualify the McBride Hall Law Firm on an Ex Parte Motion for Order Shortening Time came on for hearing on December 7, 2021. An evidentiary hearing was conducted on January 7, 2022. Plaintiff Kimberly Taylor appeared by and through her attorney of record ADAM BREEDEN, ESQ. of the law firm of BREEDEN & ASSOCIATES. Defendants, Keith Brill, M.D., FACOG and Women's Health Associates of

Southern Nevada – Martin, PLLC appeared by and through their attorneys of record ROBERT C. McBRIDE, ESQ. and HEATHER S. HALL, ESQ. of the law firm of McBRIDE HALL. The Court, having reviewed all pleadings and papers on file herein, having considered the written and oral argument of counsel, as well as the testimony of Kimberly Taylor, Kristy Johnson, Adam Breeden, and Heather Hall, and good cause appearing therefor, the Court makes the following Findings of Fact and Conclusions of Law:

I.

FINDINGS OF FACT

1. The current litigation went to jury trial on October 11, 2021 with trial concluding on October 19, 2021, when the jury found in favor of Defendants.

2. Judgment was entered on November 19, 2021. Thus, the case is concluded except for any appeal Plaintiff pursues.

3. Ms. Kristine Herpin was and is the paralegal which McBride Hall has assigned to work on this case.

4. Ms. Kristy Johnson worked as a paralegal at the law firm of Breeden & Associates, PLLC from October 2017 until November 5, 2021.

5. Following the jury verdict, Ms. Johnson was interviewed for a paralegal position with the McBride Hall law firm on October 21, 2021.

6. During her interview, it was discussed that she would need to be screened off of any active files between the law firms of Breeden & Associates, PLLC and McBride Hall and could not discuss the litigation between the two law firms, including the cases *Jane Nelson v. Muhammad Saeed Sabir, M.D., et al.* (Case No. A-20-823285-C) and *Kimberly Taylor v. Keith Brill, M.D., et al.* (Case No. A-18-773472-C).

7. Subsequently, Ms. Johnson accepted a paralegal position at McBride Hall and began working there on November 8, 2021.

8. Prior to beginning her employment with McBride Hall on November 8, 2021, Ms. Johnson was informed by Heather S. Hall, Esq. that she could not discuss either matter with anyone

1 who is employed with McBride Hall. Ms. Johnson agreed that she would not discuss either the
2 *Jane Nelson* or *Kimberly Taylor* matters with anyone employed with the McBride Hall law firm.

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4 November 5, 2021.

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6 regarding his position that there was imputed disqualification for this matter.

7 11. That same day, October 25, 2021, Ms. Hall sent a responsive letter to Mr. Breeden
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9 12. Prior to Ms. Johnson's start date of November 8, 2021, McBride Hall's paper file
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11 cabinet that only Sean M. Kelly, Esq. has a key to open.

12 13. Prior to Ms. Johnson beginning her employment at McBride Hall, the IT provider
13 for the law firm locked her out of access to the electronic file for *Kimberly Taylor v. Keith Brill,*
14 *M.D., et al.* (Case No. A-18-773472-C).

15 14. Prior to Ms. Johnson starting her position at the McBride Hall law firm, Ms. Hall
16 prepared and distributed a memorandum to members of the entire firm advising all of the screening
17 of Ms. Johnson for *Kimberly Taylor v. Keith Brill, M.D., et al.* (Case No. A-18-773472-C).

18 15. Ms. Johnson began her employment at McBride Hall on November 8, 2021.

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26 19. On January 7, 2022, this Court conducted an evidentiary hearing on the issues
27 raised and whether or not McBride Hall should be disqualified.
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20. During the evidentiary hearing, the Court heard testimony from Plaintiff Kimberly Taylor, Kristy Johnson, Adam J. Breeden, Esq., and Heather S. Hall, Esq.

21. The testimony of Ms. Taylor and Mr. Breeden addressed concerns that confidential information Ms. Johnson obtained during her employment with Breeden & Associates may be exchanged to her new employer, McBride Hall.

22. The testimony of Ms. Johnson and Ms. Hall addressed that no confidential and/or privileged information has been discussed with Ms. Johnson by anyone at McBride Hall, the numerous screening mechanisms in place to ensure that confidential information regarding this case is never exchanged, and represented to this Court that these screening measure will continue throughout the litigation of this matter through its conclusion.

II.

CONCLUSIONS OF LAW

1. Because “[i]mputed disqualification is a harsh remedy that ‘should be invoked only if the court is satisfied that real harm is likely to result from failing to invoke it,’” the Nevada Supreme Court permits screening mechanisms. *Leibowitz v. Eighth Jud. Dist. Court*, 119 Nev.523, 532, 78 P.3d 515, 521 (Nev. 2003).

2. The Nevada Supreme Court recognizes that nonlawyer, firm employees may be screened to maintain employment and representation of clients with potentially adverse interests. *Leibowitz v. Eighth Jud. Dist. Court*, 119 Nev.523, 526, 78 P.3d 515, 517 (Nev. 2003).

3. Sufficient screening mechanism are enough to avoid disqualification because of a “client’s right to counsel of the client’s choosing and likelihood of prejudice and economic harm to the client when severance of the attorney-client relationship is ordered.” *Id.* at 532, 521.

4. To determine if such mechanisms are appropriate, the Nevada Supreme Court evaluates several factors including: (1) the substantiality of the relationship between the former and current matters; (2) the time elapsed between the matters; (3) the size of the firm; (4) the number of individuals presumed to have confidential information; (5) the nature of their involvement in the former matter; (6) the timing and features of any measure taken to reduce the danger of disclosure; and (7) whether the old firm and new firm represent adverse parties in the

1 same proceeding rather than in different proceedings. *Id.* at 534, 522.

2 5. Further, the Nevada Supreme Court has set forth a non-exhaustive list of screening
3 requirements, which are as follows:

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5 information relating to the representation of a client of the former employer.”

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9 (3) “The new firm should take ... reasonable steps to ensure that the nonlawyer
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11 during the prior employment, absent client consent [i.e. unconditional waiver] after
12 consultation.”

13 *See Leibowitz v. Eighth Jud. Dist. Court*, 119 Nev. 523, 532 - 533 (Nev. 2003).

14 6. As articulated in *Leibowitz*, this Court is faced with the delicate task of balancing
15 competing interests, including: (1) “the individual right to be represented by counsel of one’s
16 choice,” (2) “each party’s right to be free from the risk of even inadvertent disclosure of
17 confidential information,” (3) “the public’s interest in the scrupulous administration of justice,”
18 and (4) “the prejudices that will inure to the parties as a result of the [district court's] decision.” *Id.*
19 at 534, 522.

20 7. During the evidentiary hearing, no evidence was presented that Ms. Johnson has
21 exchanged confidential information. There is no dispute that Ms. Johnson was privy to privileged
22 information as a consequence of her previous employer, Breeden & Associates.

23 8. However, McBride Hall law firm has met its obligations and taken more than
24 adequate steps to appropriately screen Ms. Johnson, such that disqualification is not warranted.

25 9. Ms. Johnson has been cautioned by McBride Hall not to disclose any information
26 relating to the representation of her former’ employer, Breeden & Associates’ representation of
27 Kimberly Taylor.

28 10. Ms. Johnson has been instructed by McBride Hall not to work on any matter on
which she worked during her prior employment with Breeden & Associates, or regarding which
Ms. Johnson has information relating to her former employer’s representation.

11. Based upon the documentation submitted and the testimony at the evidentiary hearing, this Court finds that McBride Hall has taken reasonable steps to ensure that paralegal Ms. Johnson does not work in connection with matters on which she worked during her prior employment with Breeden & Associates.

12. Balancing the competing interests and in light of this matter being substantially complete pending the appeal, this Court is satisfied that Ms. Johnson has been sufficiently screened from *Kimberly Taylor v. Keith Brill, M.D., et al.* (Case No. A-18-773472-C) and disqualification of McBride Hall is not warranted.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion to Disqualify the McBride Hall Law Firm on an Ex Parte Motion for Order Shortening Time is **DENIED.**

IT IS SO ORDERED.

Dated this 16th day of February, 2022



B0A 977 1EC6 A91F
J. Charles Thompson
District Court Judge

Respectfully Submitted by:

DATED this 8th day of February, 2022.

McBRIDE HALL

/s/ Heather S. Hall

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

Approved as to Form and Content by:

DATED this 14th day of February 2022.

BREEDEN & ASSOCIATES, PLLC

/s/ Adam J. Breeden

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: [Heather S. Hall](#)
Cc: sarah@breedenandassociates.com; [Robert McBride](#); [Candace P. Cullina](#)
Subject: Re: Taylor v. Brill, M.D./WHASN
Date: Monday, February 14, 2022 2:04:05 PM
Attachments: [image001.png](#)

You may submit this Order regarding the Motion for Disqualification with my e-signature.



Adam Breeden, Esq.
Trial Attorney, Breeden & Associates

☐ 376 E. Warm Springs Rd. Ste. 120 Las Vegas, NV 89119
☐ 702.819.7770 ☐ 702.819.7771 ☐ adam@breedenandassociates.com
☐ <http://www.breedenandassociates.com/>

This e-mail may contain or attach attorney-client privileged, confidential or protected information intended only for the use of the intended recipient. If you are not the intended recipient or received this email by error, please notify the sender.

On Mon, Feb 7, 2022 at 5:02 PM Heather S. Hall <hshall@mcbridehall.com> wrote:

Attached is the draft Order Denying Plaintiff's Motion to Disqualify. If you make any changes to the attached, please track changes. If no changes, let me know if I may use your e-signature.

Heather S. Hall, Esq.

hshall@mcbridehall.com | www.mcbridehall.com

8329 West Sunset Road

Suite 260

Las Vegas, Nevada 89113

Telephone: (702) 792-5855

Facsimile: (702) 796-5855



MCBRIDE HALL

ATTORNEYS AT LAW

NOTICE: THIS MESSAGE IS CONFIDENTIAL, INTENDED FOR THE NAMED RECIPIENT(S) AND MAY CONTAIN INFORMATION THAT IS (I) PROPRIETARY TO THE SENDER, AND/OR, (II) PRIVILEGED, CONFIDENTIAL, AND/OR OTHERWISE EXEMPT FROM DISCLOSURE UNDER APPLICABLE STATE AND FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, PRIVACY STANDARDS IMPOSED PURSUANT TO THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 ("HIPAA"). IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY REPLY E-MAIL OR BY TELEPHONE AT [\(702\) 792-5855](tel:7027925855), AND DESTROY THE ORIGINAL TRANSMISSION AND ITS ATTACHMENTS WITHOUT READING OR SAVING THEM TO DISK. THANK YOU.

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 Kimberly Taylor, Plaintiff(s)

CASE NO: A-18-773472-C

7 vs.

DEPT. NO. Department 3

8 Keith Brill, M.D., Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 2/16/2022

15 Adam Breeden

adam@breedenandassociates.com

16 E-File Admin

efile@hpslaw.com

17 Heather Hall

hshall@mcbridehall.com

18 Jody Foote

jfoote@jhcottonlaw.com

19 Jessica Pincombe

jpincombe@jhcottonlaw.com

20 Robert McBride

rcmcbride@mcbridehall.com

21 Kristine Herpin

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22 John Cotton

jhcotton@jhcottonlaw.com

23 Adam Schneider

aschneider@jhcottonlaw.com

24 Michelle Newquist

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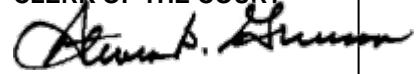
25 James Kent

jamie@jamiekent.org

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Reina Claus	rclaus@hpslaw.com
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Anna Albertson	mail@legalangel.com
Madeline VanHeuvelen	mvanheuvelen@mcbridehall.com
Sarah Daniels	sarah@breedenandassociates.com



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ROBERT C. McBRIDE, ESQ.
Nevada Bar No. 7082
HEATHER S. HALL, ESQ.
Nevada Bar No. 10608
McBRIDE HALL
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E-mail: hshall@mcbridehall.com
Attorneys for Defendants,
Keith Brill, M.D., FACOG and
Women's Health Associates of Southern Nevada –
MARTIN, PLLC

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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 ORDER
DENYING PLAINTIFF'S MOTION TO
DISQUALIFY THE McBRIDE LAW
FIRM ON AN EX PARTE MOTION FOR
ORDER SHORTENING TIME**

PLEASE TAKE NOTICE that an ORDER DENYING PLAINTIFF'S MOTION TO
DISQUALIFY THE McBRIDE LAW FIRM ON AN EX PARTE MOTION FOR ORDER
SHORTENING TIME was entered and filed on the 16th day of February 2022, a copy of which is

///

///

///

1 attached hereto.

2
3 DATED this 16th day of February 2022.

McBRIDE HALL

4
5 /s/ Heather S. Hall

6 ROBERT C. McBRIDE, ESQ.

7 Nevada Bar No.: 7082

8 HEATHER S. HALL, ESQ.

9 Nevada Bar No.: 10608

10 8329 W. Sunset Road, Suite 260

11 Las Vegas, Nevada 89113

12 Attorneys For Defendants,

13 *Keith Brill, M.D., FACOG and*

14 *Women's Health Associates of Southern*

15 *Nevada – Martin, PLLC*

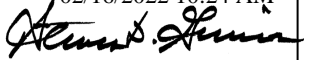
1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on the 16th day of February 2022, I served a true and correct
3 copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S**
4 **MOTION TO DISQUALIFY THE McBRIDE LAW FIRM ON AN EX PARTE MOTION**
5 **FOR ORDER SHORTENING TIME** addressed to the following counsel of record at the
6 following address(es):
7

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

15 Adam J. Breeden, Esq.
16 BREEDEN & ASSOCIATES, PLLC
17 376 E. Warm Springs Road, Suite 120
18 Las Vegas, Nevada 89119
19 *Attorneys for Plaintiff*
20
21
22

23 /s/ Natalie A. Jones
24 An Employee of *McBRIDE HALL*
25
26
27
28


CLERK OF THE COURT

ORDR

ROBERT C. McBRIDE, ESQ.

Nevada Bar No.: 7082

HEATHER S. HALL, ESQ.

Nevada Bar No.: 10608

McBRIDE HALL

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17 at 534, 522.

18 7. During the evidentiary hearing, no evidence was presented that Ms. Johnson has
19 exchanged confidential information. There is no dispute that Ms. Johnson was privy to privileged
20 information as a consequence of her previous employer, Breeden & Associates.

21 8. However, McBride Hall law firm has met its obligations and taken more than
22 adequate steps to appropriately screen Ms. Johnson, such that disqualification is not warranted.

23 9. Ms. Johnson has been cautioned by McBride Hall not to disclose any information
24 relating to the representation of her former’ employer, Breeden & Associates’ representation of
25 Kimberly Taylor.

26 10. Ms. Johnson has been instructed by McBride Hall not to work on any matter on
27 which she worked during her prior employment with Breeden & Associates, or regarding which
28 Ms. Johnson has information relating to her former employer’s representation.

11. Based upon the documentation submitted and the testimony at the evidentiary hearing, this Court finds that McBride Hall has taken reasonable steps to ensure that paralegal Ms. Johnson does not work in connection with matters on which she worked during her prior employment with Breeden & Associates.

12. Balancing the competing interests and in light of this matter being substantially complete pending the appeal, this Court is satisfied that Ms. Johnson has been sufficiently screened from *Kimberly Taylor v. Keith Brill, M.D., et al.* (Case No. A-18-773472-C) and disqualification of McBride Hall is not warranted.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion to Disqualify the McBride Hall Law Firm on an Ex Parte Motion for Order Shortening Time is **DENIED**.

IT IS SO ORDERED.

Dated this 16th day of February, 2022



B0A 977 1EC6 A91F
J. Charles Thompson
District Court Judge

Respectfully Submitted by:

DATED this 8th day of February, 2022.

McBRIDE HALL

/s/ Heather S. Hall

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

Approved as to Form and Content by:

DATED this 14th day of February 2022.

BREEDEN & ASSOCIATES, PLLC

/s/ Adam J. Breeden

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: [Heather S. Hall](#)
Cc: sarah@breedenandassociates.com; [Robert McBride](#); [Candace P. Cullina](#)
Subject: Re: Taylor v. Brill, M.D./WHASN
Date: Monday, February 14, 2022 2:04:05 PM
Attachments: [image001.png](#)

You may submit this Order regarding the Motion for Disqualification with my e-signature.



Adam Breeden, Esq.
Trial Attorney, Breeden & Associates

☐ 376 E. Warm Springs Rd. Ste. 120 Las Vegas, NV 89119
☐ 702.819.7770 ☐ 702.819.7771 ☐ adam@breedenandassociates.com
☐ <http://www.breedenandassociates.com/>



This e-mail may contain or attach attorney-client privileged, confidential or protected information intended only for the use of the intended recipient. If you are not the intended recipient or received this email by error, please notify the sender.

On Mon, Feb 7, 2022 at 5:02 PM Heather S. Hall <hshall@mcbridehall.com> wrote:

Attached is the draft Order Denying Plaintiff's Motion to Disqualify. If you make any changes to the attached, please track changes. If no changes, let me know if I may use your e-signature.

Heather S. Hall, Esq.

hshall@mcbridehall.com | www.mcbridehall.com

8329 West Sunset Road

Suite 260

Las Vegas, Nevada 89113

Telephone: (702) 792-5855

Facsimile: (702) 796-5855



MCBRIDE HALL

ATTORNEYS AT LAW

NOTICE: THIS MESSAGE IS CONFIDENTIAL, INTENDED FOR THE NAMED RECIPIENT(S) AND MAY CONTAIN INFORMATION THAT IS (I) PROPRIETARY TO THE SENDER, AND/OR, (II) PRIVILEGED, CONFIDENTIAL, AND/OR OTHERWISE EXEMPT FROM DISCLOSURE UNDER APPLICABLE STATE AND FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, PRIVACY STANDARDS IMPOSED PURSUANT TO THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 ("HIPAA"). IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY REPLY E-MAIL OR BY TELEPHONE AT [\(702\) 792-5855](tel:7027925855), AND DESTROY THE ORIGINAL TRANSMISSION AND ITS ATTACHMENTS WITHOUT READING OR SAVING THEM TO DISK. THANK YOU.

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Kimberly Taylor, Plaintiff(s)

CASE NO: A-18-773472-C

7 vs.

DEPT. NO. Department 3

8 Keith Brill, M.D., Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 2/16/2022

15 Adam Breeden

adam@breedenandassociates.com

16 E-File Admin

efile@hpslaw.com

17 Heather Hall

hshall@mcbridehall.com

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8	Anna Albertson	mail@legalangel.com
9	Madeline VanHeuvelen	mvanheuvelen@mcbridehall.com
10	Sarah Daniels	sarah@breedenandassociates.com
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

July 31, 2018

A-18-773472-C	Kimberly Taylor, Plaintiff(s) vs. Keith Brill, M.D., Defendant(s)
---------------	---

July 31, 2018

9:30 AM

All Pending Motions

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Brill, Keith, M.D.	Defendant
	Herling, Candace C.	Attorney
	Jung, Branden D.	Attorney
	Kent, James S.	Attorney
	Plumadore, Dustin J.	Attorney

JOURNAL ENTRIES

- Defendants Keith Brill, MD, FACOG, FACS, and Women's Health Associates of Southern Nevada - Martin, PLLC's Motion to Dismiss Plaintiff's Res Ipsa Loquitur Claims....Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Motion To Dismiss

Following arguments by counsel, Court Stated its Findings and ORDERED, Defendants Keith Brill, MD, FACOG, FACS, and Women's Health Associates of Southern Nevada - Martin, PLLC's Motion to Dismiss Plaintiff's Res Ipsa Loquitur Claims, GRANTED. FURTHER COURT ORDERED, Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Motion To Dismiss, DENIED. Colloguy regarding pending motions. Prevailing parties to prepare their orders and submit to opposing counsels for review before final submission to the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 08, 2018

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

**August 08, 2018 1:00 PM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Vanessa Medina
Sharyne Suehiro
Michaela Tapia
Dauriana Simpson

RECORDER:

REPORTER:

PARTIES

PRESENT:	Herling, Candace C.	Attorney
	Kent, James S.	Attorney
	McBride, Robert C.	Attorney

JOURNAL ENTRIES

- The Med Mal Status Check was conducted by Judge Jerry A. Wiese II. Colloquy regarding status of the case. Joint Case Conference Report (JCCR) not filed. FURTHER, matter CONTINUED to next Med-Mal Status Check.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 16, 2018

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

August 16, 2018 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Louisa Garcia

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Herling, Candace C. Attorney
 Kent, James S. Attorney
 Lewis, Brittany A Attorney

JOURNAL ENTRIES

- DEFT VALLEY HEALTH SYSTEMS, LLC d/b/a HENDERSON HOSPITAL'S MOTION TO DISMISS...DEFT DIGNITY HEALTH d/b/a/ ST. ROSE DOMINICAN HOSPITAL'S JOINDER TO DEFT VALLEY HEALTH SYSTEMS, LLC D/B/A HENDERSON HOSPITAL'S MOTION TO DISMISS PLTF'S NEGLIGENT HIRING

COURT ORDERED, Deft. Dignity Health's Joinder GRANTED. As to Deft. Valley Health System's Motion to Dismiss, following arguments by counsel, COURT ORDERED, matter CONTINUED to chambers calendar for decision.

8/23/18 (CHAMBERS) DECISION RE: DEFT VALLEY HEALTH SYSTEMS, LLC d/b/a HENDERSON HOSPITAL'S MOTION TO DISMISS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 23, 2018

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

August 23, 2018 3:00 AM Motion to Dismiss

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Following review of the papers and pleadings on file herein, COURT ORDERED, Motion GRANTED in part, DENIED in part. Henderson Hospital s Motion to Dismiss is DENIED regarding the Vicarious Liability Claim and Negligent Hiring, Training, and Supervision claim. Motion is GRANTED as to the Res Ipsa Loquitur claim.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

September 18, 2018

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

**September 18, 2018 9:30 AM Motion to Dismiss Defendant Bruce
Hutchins RN's
Motion to Dismiss**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Phyllis Irby

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Ellerton, S. Marie	Attorney
	Kent, James S.	Attorney
	Lewis, Brittany A	Attorney
	McBride, Robert C.	Attorney

JOURNAL ENTRIES

- The Court noted the Motion was going to be withdrawn. There being no opposition by counsel.
COURT ORDERED, MOTION WITHDRAWN, OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

September 25, 2018

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

September 25, 2018 9:30 AM All Pending Motions

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Gonzalez, Bianca V.	Attorney
	Hall, Heather S.	Attorney
	Kent, James S.	Attorney
	Lewis, Brittany A	Attorney

JOURNAL ENTRIES

- Defendant Todd W. Christensen, M.D.'s Motion to Dismiss Per NRS 41A.071...Defendant Dignity Health DBA St Rose Dominican Hospital's Joinder to Defendant Todd W Christensen MD's Motion to Dismiss

There being no opposition, COURT ORDERED, As to Defendant Dignity Health DBA St Rose Dominican Hospital's Joinder to Defendant Todd W Christensen MD's Motion to Dismiss, GRANTED. Following arguments by counsel, Court Stated its Findings and ORDERED, Defendant Todd W. Christensen, M.D.'s Motion to Dismiss Per NRS 41A.071, DENIED. Mr. Kent to prepare the order and submit to opposing counsel for review before final submission to the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 04, 2019

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

**February 04, 2019 1:00 PM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Vanessa Medina
Dara Yorke
Shannon Emmons

RECORDER:

REPORTER:

PARTIES

PRESENT: Ellerton, S. Marie Attorney
Mandelbaum, Kim Irene Attorney
McBride, Robert C. Attorney

JOURNAL ENTRIES

- The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Colloquy regarding status of case. Court informed all parties their discovery cut off would be May 1, 2020. Upon Court's inquiry, Mr. McBride indicated trial for the instant case would be 10 days. COURT ORDERED, matter SET for trial and REFERRED back to Department 10.

8/3/20 10:30 AM JURY TRIAL (DEPT. 10)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

December 10, 2019

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

**December 10, 2019 9:30 AM Motion for Summary
Judgment**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Hall, Heather S.	Attorney
	Kent, James S.	Attorney
	Lewis, Brittany A	Attorney

JOURNAL ENTRIES

- Alissa Bestick Esq., on behalf of Defendant Dignity Health.

Following arguments by counsel, COURT ORDERED, matter CONTINUED for decision on the date given.

12/12/19 (CHAMBERS) DECISION: Decision: Defendant Dignity Health d/b/a St. Rose Dominican Hospital's Motion for Summary Judgment

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

December 12, 2019

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

**December 12, 2019 3:00 AM Motion for Summary
Judgment**

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Following review of the papers and pleadings on file herein, COURT ORDERED, Defendant s Motion for Summary Judgment is DENIED as to the theory of vicarious liability as a genuine issue of material fact exists as to whether Plaintiff reasonably believed he was an employee or agent of St. Rose. It is FURTHER ORDERED, Defendant s Motion is DENIED WITHOUT PREJUDICE as to the claim of Negligent Hiring, Training, or Supervision as discovery is ongoing and thus Summary Judgment at this stage would be premature.

This Minute Order was electronically served by Courtroom Clerk, Teri Berkshire, to all registered parties for Odyssey File & Serve. tb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

September 27, 2021

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

September 27, 2021 2:00 PM All Pending Motions

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Breeden, Adam J. Attorney
 Hall, Heather S. Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION IN LIMINE #1: MOTION TO PERMIT CERTAIN CLOSING ARGUMENT TECHNIQUES OF PLAINTIFF'S COUNSEL

Arguments by Mr. Breedan and Ms. Hall. As to the send a message argument, Court noted it understood Mr. Breedan's position saying he would tailor it specifically to this Deft., however, COURT FINDS the phrase send a message was not appropriate. Court Advised it did not approve of the send a message language for the community even though he had restricted his argument to being for the Defendant. As to the safety rules and media, COURT ORDERED, it was not going to allow any reference to safety rules or media mentions other than the admonishment by the Court. As to the Want Ad, COURT FINDS, it invited jury nullification and allowed the jurors to place themselves in that position by merely suggesting it, therefore, did not find it appropriate. As to the per diem damages while it appreciated he assumed it was going to grant it as unopposed, Court noted that was a discretionary rule and it still had to look at the substance, therefore, COURT FINDS the per diem arguments invited jury nullification and asked the jurors to place themselves in the place of the Plaintiff, thus, ORDERED that would be DENIED. Upon Mr. Breedan's inquiry, Court CLARIFIED he was not permitted to use the phrase send a message at all in closing arguments.

PLAINTIFF'S MOTION IN LIMINE #2: MOTION TO EXCLUDE INFORMED CONSENT FORM AND TERMS OR ARGUMENT REGARDING "RISK" OR "KNOWN COMPLICATION"

Arguments by Mr. Breedan and Ms. Hall. COURT ORDERED motion GRANTED IN PART and DENIED IN PART. As to the evidence that Ms. Taylor executed an informed consent form and as to any verbal discussions between Dr. Brill and Ms. Taylor that they discussed risk of perforation, COURT ORDERED, that would be PRECLUDED. COURT FINDS they both invited confusion to jury and were not relevant. However, Court noted as it was acknowledge by both sides it FINDS it was relevant that perforation was a known risk as long as there was sufficient foundation for the testimony, therefore, ORDERED, that would be ALLOWED and any argument flowing from the evidence thereof. As to the request for the use of a jury instruction advising the jury that it was irrelevant whether perforations in general were a known risk or complication, COURT ORDERED, it would reserve ruling until evidence was presented and Advised they would address that when they settled jury instructions. Upon Ms. Hall s inquiry, Court CLARIFIED her expert Dr. McCarus would be precluded from discussing his opinions about the consent form that was signed by Ms. Taylor, however, he could talk about the known risks to the surgery.

PLAINTIFF'S MOTION IN LIMINE #3: MOTION TO EXCLUDE EVIDENCE OF ASSERTED LIABILITY OF OTHER HEALTH CARE PROVIDERS UNDER PIROOZI

Arguments by Mr. Breedan and Ms. Hall. Court noted the problem here was that they did have the statements of other doctors, nurses and parties that fell below the standard of care which it was quite certain exacerbated injury and damages, therefore, ORDERED it was going to ALLOW the evidence of assertive liability of other health care providers under Piroozi, thus, FURTHER ORDERED motion DENIED.

PLAINTIFF'S MOTION IN LIMINE #4: EXCLUSION OF COLLATERAL SOURCE PAYMENTS

Arguments by Mr. Breedan and Ms. Hall. COURT FINDS NRS 482.021 medical malpractice exception did apply. As to constitutionality, COURT FINDS, the statute was not unconstitutional and believed the appropriate test was a rational basis test. COURT FINDS when the legislation contemplated NRS 482.021 it was reasonably related to legitimate government interests, mainly keeping doctors here in Nevada, therefore, ORDERED motion DENIED; evidence and reference to exclusion of collateral source payments subject to other evidentiary objections and contemporaneous objections at time of trial would be ADMITTED.

DEFENDANTS' MOTION IN LIMINE NO. 1 TO INCLUDE OTHERS ON THE VERDICT FORM

Court Advised its inclination was to reserve ruling to when they settled instructions and based on the evidence presented at trial as to the verdict form. Ms. Hall noted the title of this motion might be just a tad bit misleading as it definitely dealt with the verdict form but also asked to be permitted to cross examine Dr. Burke on his full and complete opinions. Thus, Ms. Hall suggested consistent with its ruling on Plaintiff s prior motion that this motion might be granted in part and denied in part and the

issue of the verdict form reserved for later ruling. Mr. Breedan agreed. COURT ORDERED motion GRANTED IN PART and DENIED IN PART; ruling reserved as to the verdict form until they argue jury instructions.

DEFENDANTS' MOTION IN LIMINE NO. 2 TO ALLOW DEFENDANTS TO INTRODUCE EVIDENCE OF COLLATERAL SOURCES PURSUANT TO NRS 42.021

In line with its previous ruling, COURT ORDERED, motion GRANTED.

DEFENDANTS' MOTION IN LIMINE NO. 3 TO EXCLUDE DEFENDANTS' INSURANCE COVERAGE

Arguments by Ms. Hall and Mr. Breedan. Court Advised it had read Capanna, however, wanted to read it again, therefore, ORDERED ruling RESERVED until tomorrow. Following further arguments by counsel, Court CLARIFIED with regard to the instruction its inclination was that there be no questions on tort reform, however, if it came up from a juror in questioning it would allow individual questioning as to that juror so they could appropriately explore any biases or prejudice. As to the Voir Dire on the insurance generally speaking it did not see how either sides insurance, medical malpractice or if it were another case, would be appropriate. Court noted both parties pointed out that affiliations with insurance companies may be personal experiences and noted things like that were okay to explore bias , however, nothing with regard to premiums and payments as that was not appropriate.

Upon Ms. Hall s inquiry, Court DIRECTED parties to prepare orders in respect to their own Motion s in Limine and pass them by opposing counsel.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

September 28, 2021

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

September 28, 2021 10:30 AM All Pending Motions

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Breeden, Adam J. Attorney
 Hall, Heather S. Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION IN LIMINE NO. 3 TO EXCLUDE DEFENDANT'S INSURANCE
COVERAGE... CALENDAR CALL

COURT ORDERED, motion GRANTED IN PART and DENIED IN PART. As to the medical malpractice insurance the Court FINDS it is not relevant and there should be no questions asked as to the facts of this case or the medical malpractice insurance. As to the tort reformed questions that will not be allowed. The Court will allow questions regarding potential verdicts. Colloquy regarding the Court's trial schedule. Mr. Breeden advised they filed an Offer of Judgment; requested to start trial on the second or third week on the stack for the offer of judgment to be valid. Mr. Hall advised they would like to be first on the stack. MATTER TRAILED.

MATTER RECALLED. Counsel anticipate 7 to 9 days to try. COURT ORDERED, Jury Selection would start on 10/6/21 or 10/7/21; Department to e-mail a trial schedule to parties.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 07, 2021

A-18-773472-C	Kimberly Taylor, Plaintiff(s)
	vs.
	Keith Brill, M.D., Defendant(s)

October 07, 2021 10:00 AM Jury Trial

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT:	Albertson-Reizakis, Yianna C.	Attorney
	Breeden, Adam J.	Attorney
	Brill, Keith, M.D.	Defendant
	Hall, Heather S.	Attorney
	McBride, Robert C.	Attorney
	Taylor, Kimberly D	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:

Colloquy regarding jury trial procedures. COURT ADVISED as to Deft's Motion to Reconsider or Clarify the ruling STANDS. The informed consent documents will not be allowed in and both experts can testify that what occurred was a known risk to the surgery. Court will allow questioning as to Ms. Taylor and Dr. Brill regarding whether or not the known risk was disclosed. Arguments by counsel regarding informed consent forms. Court ADVISED it would allow a jury instruction as to informed consent documents. Colloquy regarding trial schedule.

PROSPECTIVE JURY PANEL PRESENT:

Introductions by the Court and counsel. Clerk called the roll. Prospective Jury SWORN IN and Voir Dire BEGINS. Conferences at the Bench.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:

Arguments by counsel regarding cause challenges.

PROSPECTIVE JURY PANEL PRESENT:

Court recessed and ORDERED, jury selection CONTINUED.

CONTINUED TO: 10/8/21 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 08, 2021

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

October 08, 2021 9:00 AM Jury Trial

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Grecia Snow

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT: Albertson-Reizakis, Yianna C. Attorney
Breedon, Adam J. Attorney
Brill, Keith, M.D. Defendant
Hall, Heather S. Attorney
McBride, Robert C. Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:
Arguments by counsel regarding cause challenges.

PROSPECTIVE JURY PANEL PRESENT:

Voir Dire continued. Jury and three alternates SELECTED and SWORN. Court recessed and ORDERED, matter CONTINUED.

CONTINUED TO: 10/12/21 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 12, 2021

A-18-773472-C	Kimberly Taylor, Plaintiff(s)
	vs.
	Keith Brill, M.D., Defendant(s)

October 12, 2021 12:30 AM Jury Trial

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Grecia Snow

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT:	Albertson-Reizakis, Yianna C.	Attorney
	Breeden, Adam J.	Attorney
	Brill, Keith, M.D.	Defendant
	Hall, Heather S.	Attorney
	McBride, Robert C.	Attorney
	Taylor, Kimberly D	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY PANEL:

Court NOTED a juror tested positive for COVID. Colloquy regarding COVID guidelines, pre-trial brief, and exhibits.

JURY PANEL PRESENT:

Court informed jurors of the positive COVID test result and questioned each juror individually if they could proceed with the trial according to the COVID guidelines. EXCLUSIONARY RULE INVOKED. Opening statements by counsel. Testimony and exhibits presented. (See worksheets.) Court recessed and ORDERED, matter CONTINUED.

CONTINUED TO: 10/13/21 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 13, 2021

A-18-773472-C	Kimberly Taylor, Plaintiff(s)
	vs.
	Keith Brill, M.D., Defendant(s)

October 13, 2021 10:30 AM Jury Trial

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Grecia Snow

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Albertson-Reizakis, Yianna C.	Attorney
	Breeden, Adam J.	Attorney
	Brill, Keith, M.D.	Defendant
	Hall, Heather S.	Attorney
	McBride, Robert C.	Attorney
	Taylor, Kimberly D	Plaintiff

JOURNAL ENTRIES

- JURY PANEL PRESENT:

Testimony and exhibits presented. (See worksheets.)

OUTSIDE THE PRESENCE OF THE JURY PANEL:

Arguments by counsel regarding testimony of usual, customary, and reasonable medical expenses. Court ADVISED it would allow the parties to voir dire witnesses to see if they had a basis or knowledge as to the medical expenses. Voir Dire of Christy Sandoval, Tina Burch, and Brian Kleven. Further arguments by counsel regarding whether or not witnesses were qualified to testify as to usual, customary, and reasonable medical expenses. COURT ORDERED, Christy Sandoval and Tina Burch will not be allowed to testify; ruling RESERVED as to Brian Kleven, if allowed it would be limited to St. Rose and Dignity Health.

COURT FURTHER ORDERED, matter CONTINUED.

CONTINUED TO: 10/14/21 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 14, 2021

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

October 14, 2021 8:30 AM Jury Trial

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Grecia Snow

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	Albertson-Reizakis, Yianna C.	Attorney
	Breeden, Adam J.	Attorney
	Brill, Keith, M.D.	Defendant
	Hall, Heather S.	Attorney
	McBride, Robert C.	Attorney
	Taylor, Kimberly D	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY PANEL:

Court STATED its FINDINGS and ORDERED, Brian Kleven would be precluded from testifying.
Argument by Mr. Breeden.

JURY PANEL PRESENT:

Testimony and exhibits presented. (See worksheets.) Court recessed and ORDERED, matter
CONTINUED.

CONTINUED TO: 10/15/21 10:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 15, 2021

A-18-773472-C	Kimberly Taylor, Plaintiff(s) vs. Keith Brill, M.D., Defendant(s)
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October 15, 2021 10:15 AM Jury Trial

HEARD BY: Trujillo, Monica

COURTROOM: RJC Courtroom 11B

COURT CLERK: Grecia Snow

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT:	Albertson-Reizakis, Yianna C.	Attorney
	Breeden, Adam J.	Attorney
	Brill, Keith, M.D.	Defendant
	Hall, Heather S.	Attorney
	McBride, Robert C.	Attorney
	Taylor, Kimberly D	Plaintiff

JOURNAL ENTRIES

- JURY PRESENT:

Testimony and exhibits presented. (See worksheet.) Court recessed and ORDERED, matter CONTINUED.

CONTINUED TO: 10/18/21 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 18, 2021

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

October 18, 2021 10:30 AM Jury Trial

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Grecia Snow

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT:	Albertson-Reizakis, Yianna C.	Attorney
	Breeden, Adam J.	Attorney
	Brill, Keith, M.D.	Defendant
	Hall, Heather S.	Attorney
	McBride, Robert C.	Attorney
	Taylor, Kimberly D	Plaintiff

JOURNAL ENTRIES

- JURY PRESENT:
Testimony and exhibits presented. (See worksheet.)

OUTSIDE THE PRESENCE OF THE JURY PANEL:
Colloquy regarding settling of the jury instructions. Court recessed and ORDERED, matter
CONTINUED.

CONTINUED TO: 10/19/21 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 19, 2021

A-18-773472-C	Kimberly Taylor, Plaintiff(s)
	vs.
	Keith Brill, M.D., Defendant(s)

October 19, 2021 10:00 AM Jury Trial

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Grecia Snow

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT:	Albertson-Reizakis, Yianna C.	Attorney
	Breeden, Adam J.	Attorney
	Brill, Keith, M.D.	Defendant
	Hall, Heather S.	Attorney
	McBride, Robert C.	Attorney
	Taylor, Kimberly D	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY:

Jury Instructions settled. COURT ORDERED, unused exhibits RETURNED to counsel.

JURY PRESENT:

Court instructed the jury.

Closing arguments by counsel.

At the hour of 2:18 p.m., the jury retired to deliberate. Court thanked and excused the alternates.

At the hour of 4:55 p.m., the jury returned with a verdict for Defendant. Jury polled. Court thanked and excused the jury.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 26, 2021

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

October 26, 2021 9:00 AM Status Check

HEARD BY: Trujillo, Monica **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Breeden, Adam J. Attorney
Hall, Heather S. Attorney

JOURNAL ENTRIES

- Court placed juror questions during deliberations and response given by the Court on the record. Mr. Breeden advised he would be filing the Court's response. Court ADVISED the response was lodged as a Court Exhibit.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

December 07, 2021

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

December 07, 2021 9:00 AM Motion

HEARD BY: Becker, Nancy **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Breeden, Adam J. Attorney
Hall, Heather S. Attorney

JOURNAL ENTRIES

- Following arguments by counsel, COURT ORDERED, motion DENIED IN PART; request for an Evidentiary hearing is GRANTED to explore the issue of confidentiality and whether screening was sufficient.

1/7/22 9:00 AM - EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

December 30, 2021

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

**December 30, 2021 3:00 AM Motion for Attorney Fees
and Costs**

HEARD BY: Becker, Nancy

COURTROOM: Chambers

COURT CLERK: Grecia Snow

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendants Motion for Attorneys Fees and Costs came before the Court on the December 30, 2021 Chamber Calendar. Given the relation between the instant motion and Plaintiff s Motion to Re-Tax and Settle Costs currently set for oral argument on January 18, 2022, the Court FINDS that Defendant s Motion for Attorneys Fees and Costs should be heard on January 18, 2022 for oral argument as well. Therefore, COURT ORDERED Defendants Motion for Attorneys Fees and Costs is CONTINUED to January 18, 2022.

CLERKS NOTE: This Minute Order was electronically served by Courtroom Clerk, Grecia Snow, to all registered parties for Odyssey File & Serve. 1/3/22 gs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 07, 2022

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

January 07, 2022 9:00 AM All Pending Motions

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT: Breeden, Adam J. Attorney
Hall, Heather S. Attorney
McBride, Robert C. Attorney
Taylor, Kimberly D Plaintiff

JOURNAL ENTRIES

- EVIDENTIARY HEARING...PLAINTIFF'S MOTION TO DISQUALIFY THE MCBRIDE HALL LAW FIRM ON AN EX PARTE MOTION FOR ORDER SHORTENING TIME

Testimony presented. (See worksheets) Arguments by counsel whether or not McBride Hall law firm should be disqualified. Court FINDS there is no dispute that Ms. Johnson was aware of confidential information; however the McBride Hall law firm did sufficient screening and has taken reasonable steps that Ms. Johnson would not work on any matter she has worked on during prior employment, therefore, ORDERED, motion DENIED. Mr. McBride to prepare the findings of fact and conclusions of law.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 11, 2022

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

**January 11, 2022 8:00 AM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Wiese, Jerry A.

COURTROOM: RJC Courtroom 14A

COURT CLERK: Michelle Jones
Nicole Cejas
Pharan Burchfield
Stephanie Rapel
David Gibson

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT: McBride, Robert C. Attorney

JOURNAL ENTRIES

- COURT ORDERED, case CLOSED, matter OFF CALENDAR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

January 18, 2022

A-18-773472-C Kimberly Taylor, Plaintiff(s)
vs.
Keith Brill, M.D., Defendant(s)

January 18, 2022 9:00 AM All Pending Motions

HEARD BY: Cherry, Michael A. **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Grecia Snow

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Breeden, Adam J. Attorney
Hall, Heather S. Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO RETAX AND SETTLE COSTS...DEFENDANT'S MOTION FOR ATTORNEY'S FEES AND COSTS

Following arguments by counsel, COURT ORDERED, Plaintiff's Motion GRANTED IN PART as to transcript costs in the amount of \$16,260.75, jury fees and filing costs in the amount of \$3,889.12, and expert fees in the amount of \$1,500.00. Ms. Hall to prepare the Order.

COURT FURTHER ORDERED, Deft's Motion DENIED. Mr. Breeden to prepare the Order.

EXHIBIT(S) LIST

Case No.: A-18-773472-C

Trial Date: October 11, 2021

Dept. No.: 3

Judge: Monica Trujillo

Courtroom
Clerk: Grecia Snow

Reporter: _____

Plaintiff:

KIMBERLY D. TAYLOR

Counsel for
Plaintiff:

vs.

ADAM J. BREEDEN, ESQ.

Defendant:

Keith Brill, M.D., FACOG and
Women's Health Associates of Southern Nevada
MARTIN, PLLC

Counsel for
Defendant:

ROBERT C. McBRIDE, ESQ.
HEATHER S. HALL, ESQ.

TRIAL BEFORE THE COURT

JOINT EXHIBITS

Exhibit Number	Bates Numbers	Exhibit Description	Date Offered	Objection	Date Admitted
1	SRDH-0001-1239	St. Rose Dominican Hospital	10/12/21	Sydia	10/12/21 WA
2	1 CD	Diagnostic imaging from St. Rose Dominican Hospital			
3	BRILL MD 000001-46, 64-143	Keith Brill, M.D.	10/12/21	Sydia	10/12/21 WT
4	JAM 00001, 00003-6	Desert Perinatal Associates			
5	HH000001-202	Henderson Hospital			
6	HSC 00001-8	Henderson Surgery Center			
7	DAFM 00001-8	Desha A. Frankel, M.D.			
8	LAD 00001-5	Aurora Diagnostics			
9	APON 00001-5	Allergy Partners of Nevada			

EXHIBIT(S) LIST

10	CPCO 000001-10	CVS Pharmacy				
11	OMA 00001-16	Oasis Medical Associates				
12	HFD 00001-15	Henderson Fire Department				
13	SNSSL 00001-32	Southern Nevada Surgery Specialists	10/13/21	Spla-	10/13/21	WS
14	ASL 00001-2	American Specialty Lab				
15	COHA 00001-13	City of Henderson Ambulance	10/13/21	Spla-	10/13/21	WS
16	JBM 00001-3	L. Joseph Belingheri, MFT				
17	JSM 00001-11	Jaswinder Samra, M.D.				
18	SAM 00001-23	Pulmonary Associates				
19	LWH 00001-62	Legacy Women's Health				
20	SDMIC 00001-3, 00005-43	Steinberg Diagnostic Medical Imaging				
21	WP 00001-59	Walgreens Pharmacy				
22	CUC 00001-9	CareNow Urgent Care				
23	IDOSN 00001-50	Infectious Diseases of Southern Nevada				
24	AUC 00001-57	Advanced Urgent Care				
25	WSC 00001-11	Women's Specialty Care				
26	MFD 00001-00002, 00004-12	Mehrdad Ferdowsian, D.O.				
27	LCOA-00001-21	Laboratory Corporation of America				
28	QDCCD 00003-40	Quest Diagnostics				
29	APC 00001-00003, 00005-00008	Associated Pathologists				
30	SWUCAW 00003-29	Sahara West Urgent Care				
31	AUH 00001-245	Aetna US Healthcare				
32	TAYLOR001742-001749	Excel spreadsheet with the breakdown of the charges, what insurance paid, and what is Plaintiff's responsibility				
33	1 CD	Diagnostic imaging from Steinberg Diagnostic Medical Imaging for dates of service: 11/7/17, 5/22/17, 3/31/17, 3/23/16 and 3/4/15				
34	1 CD	Diagnostic imaging from Steinberg Diagnostic				

EXHIBIT(S) LIST

		Medical Imaging for dates of service: 3/3/17 -- 11/7/17			
35	MCCARUS 000001-000024 MCCARUS REBUTTAL REPORT 000001-000002 MCCARUS SUPP REPORT 000001-000002	Steven McCarus, M.D. Expert reports Curriculum vitae Fee schedule Testimony history			
36	TAYLOR001713 – TAYLOR001714 TAYLOR001756 – TAYLOR001763 TAYLOR001801 – TAYLOR001802 TAYLOR001816 – TAYLOR001818	David Berke, DO, FACOG Expert reports Curriculum vitae Fee schedule Testimony history			
37	PLF DISCOVERY RESP 000001-000016	Plaintiff's Responses to Defendant Keith Brill, M.D.'s First Set of Interrogatories			
38	PLF DISCOVERY RESP 000017-000030	Plaintiff's Responses to Defendant Keith Brill, M.D.'s and Women's Health Associates of Southern Nevada – Marin, PLLC's Request for Production of Documents			
39	PLF DISCOVERY RESP 000031-000048	Plaintiff's Responses to Defendant Women's Health Associates of Southern Nevada – Marin, PLLC's First Set of Interrogatories			
40	PLF DISCOVERY RESP 000049-000055	Plaintiff's Responses to Defendant Women's Health Associates of Southern Nevada – Marin, PLLC's First Set of Admissions to Plaintiff			
41	AETNA 000001	Letter from Aetna			
42	BRILL CV 000001-000010	Curriculum vitae of Keith Brill, M.D.			
43	BRILL MD 000047-000063	Consent Forms from Women's Health Associates of Southern Nevada			
44	SYMPHION PHOTO 1 000001	Actual Symphion resectoscope similar to that used on the Plaintiff photo 1	10/18/21	NO	10/18/21 <i>ua</i>
45	SYMPHION PHOTO 2 000001	Actual Symphion resectoscope similar to that used on the Plaintiff photo 2	10/18/21	NO	10/18/21 <i>ua</i>

EXHIBIT(S) LIST

46	1 CD	Video explaining Symphion system available online at: https://youtu.be/bT_X9SW_kKU			
47	UTERUS MODEL 1000001	Anatomical model of uterus photo 1			
48	UTERUS MODEL 2000001	Anatomical model of uterus photo 2			
49	TAYLOR MEDICAL SEPECIALS 000001- 000002	Detailed Medical Specials Summary			
50	TAYLOR001764 – TAYLOR001800	Symphion Manual & Brochure			
51	APC00001-2	Associated Pathologists Chartered Billing Records			
52	ASL00003-4	American Specialty Lab Billing Records			
53	SRDH-B-0001-30	St. Rose Dominican Hospital Billing Records	10/18/21	Yes	wa
54	WHASN BILLING000001-15	WHASN Billing Records			
55	AAHB00001-5	Pioneer Health Care/ Alfredo Hibbert PA Billing Records			
56	RAONCM00001-8	Radiology Associates of Nevada Billing Records			
57	HHBILLS00001-3	Henderson Hospital Billing Records	10/18/21	Yes	wa
58	LMCLBCM 00001-00010	Laboratory Medicine Consultants Billing Records			
59	HFD00016-17	Henderson Fire Department Billing Records	10/13/21	Yes	10/13/21 wa
60	PFD00001-2	Patrick Frank DO Billing Records			
61	QDCCD00001-2	Quest Diagnostics Billing Records			
62	OMA00017-20	Oasis Medical Associates Billing Records			
63	SYM00001-2	Anesthesiology Consultants Billing Records			
64	MBOSNL00001-2	Advanced Urgent Care Billing Records			
65	SWUCAW 00001-3	Sahara West Urgent Care Billing Records			
66	BRILLBILLING000001-	Keith Brill M.D. Billing Records			

EXHIBIT(S) LIST

	21				
67	TAYLOR001689	Brian J. Lipman, M.D. Billing Records			
68	BRILL000089- BRILL000090	Excerpt of Records: Brill Operative Report			
69	TAYLOR00146 – TAYLOR00153	Excerpt of Records: PACU records			
70	HH000026 – HH000072	Excerpt of Records: Dr. Yeh			

5A

pages from Ex. 5

10/12/21 ~~8/12/21~~ 10/12/21 WA

All non-admitted exhibits returned to counsel,

EXHIBIT(S) LIST

Case No.: A-18-773472-C

Trial Date: 10/7/21

Dept. No.: 3.

Judge: Monica Trujillo

Court Clerk: Grecia Snow

Plaintiff: KIMBERLY TAYLOR

Recorder: Rebeca Gomez

Counsel for Plaintiff: Adam Breeden

vs.

Yianna Albertson

Defendant: KEITH BRILL M.D.

Counsel for Defendant: Heather Hall

Robert McBride

TRIAL BEFORE THE COURT

COURT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	Individual Juror Questions	10/7/21	NO	10/7/21	us
2	^{Plaintiff's} Voir Dire Powerpoint	10/7/21	NO	10/7/21	us
3	Peremptory Challenges	10/8/21	NO	10/8/21	us
4	Plaintiff's Opening Powerpoint	10/12/21	NO	10/12/21	us
5	Deft's Opening Powerpoint	10/12/21	NO	10/12/21	us
6	Juror # 7 Question - asked	10/15/21	NO	10/15/21	us
7	Plaintiff's offer of proof	10/19/21	NO	10/19/21	us
8	Deft's demonstrative pictures	10/19/21	NO	10/19/21	us
9	Plaintiff's Closing Powerpoint	10/19/21	NO	10/19/21	us
10	Deft. Closing Powerpoint	10/19/21	NO	10/19/21	us
11	Juror Question Response	10/19/21	NO	10/19/21	us



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

ADAM J. BREEDEN, ESQ.
376 E. WARM SPRINGS RD., SUITE 120
LAS VEGAS, NV 89119

DATE: March 21, 2022
CASE: A-18-773472-C

RE CASE: KIMBERLY D. TAYLOR vs. KEITH BRILL, M.D., FACOG, FACS; WOMEN'S HEALTH ASSOCIATES
OF SOUTHERN NEVADA - MARTIN, PLLC

NOTICE OF APPEAL FILED: March 17, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S MOTION TO DISQUALIFY THE MCBRIDE HALL LAW FIRM ON AN EX PARTE MOTION FOR ORDER SHORTENING TIME; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO DISQUALIFY THE MCBRIDE LAW FIRM ON AN EX PARTE MOTION FOR ORDER SHORTENING TIME; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

KIMBERLY D. TAYLOR,

Plaintiff(s),

vs.

KEITH BRILL, M.D., FACOG, FACS;
WOMEN'S HEALTH ASSOCIATES OF
SOUTHERN NEVADA - MARTIN, PLLC,

Defendant(s),

Case No: A-18-773472-C

Dept No: III

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 21 day of March 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk