

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

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

No. 84421

Electronically Filed
Apr 12 2022 01:37 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DOCKETING STATEMENT CIVIL APPEALS

GENERAL INFORMATION

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

WARNING

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

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

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

1. Judicial District EIGHTH Department III
County CLARK Judge HON. MONICA TRUJILLO
District Ct. Case No. A-18-773472-C

2. Attorney filing this docketing statement:

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

Firm BREEDEN & ASSOCIATES, PLLC

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

Client(s) KIMBERLY TAYLOR

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

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

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

Firm McBRIDE HALL

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

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

Attorney Telephone _____

Firm _____

Address _____

Client(s) _____
(List additional counsel on separate sheet if necessary)

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

- | | |
|---|--|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify): <u>Denial of post-judgment</u>
<u>Motion to Disqualify</u>
<u>Defense counsel</u> |

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

- | | |
|---|----------------|
| <input type="checkbox"/> Child Custody | |
| <input type="checkbox"/> Venue | NOT APPLICABLE |
| <input type="checkbox"/> Termination of parental rights | |

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

This action has spawned two other appeals. In Taylor v. Brill Case No. 83847 the jury's verdict is appealed. In Brill v. Taylor Case No. 84492 Dr. Brill appeals the denial of his post-verdict motion for an award of costs.

Additionally, this appeal, Taylor v. Brill Case No. 84421 concerns similar imputed disqualification issues as raised in a separate writ petition currently pending before the Court, Nelson v. Eighth Judicial District Case No. 84006. Both cases arose after the same Defense law firm hired the paralegal working on Plaintiff's case at the same opposing law firm while litigation remained pending and plaintiff's law firm sought imputed disqualification of the Defense law firm.

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

There are no other related lower court actions or actions pending in another jurisdiction.

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

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

Following the verdict but while post-trial motions and an appeal were pending, the Defense law firm hired away the paralegal from Plaintiff's law firm that was assigned to the case and knew all confidential and privileged information regarding Plaintiff's case. This appeal presents several fundamental issue of whether the doctrine of imputed immunity is simply dead in Nevada and whether efforts to screen the affected paralegal who switched sides is sufficient by simply telling the paralegal not to discuss the case at her new firm.

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

In this appeal Plaintiff/Appellant seeks clarification of the legal standards in Nevada regarding imputed disqualification, the presumptions to be applied and the efforts of screening that can be deemed effective. It is requested that the Supreme Court expressly extend its decision in Ryan's Express v. Amador Stage Lines, Inc. 128 Nev. 289 (2012) (requiring an evidentiary hearing for lawyer imputed disqualification issues) to non-lawyer staff such as paralegals, and to clarify the importance of factors such as avoidance of future inadvertent disclosures and public trust in the adversarial system play in imputed disqualification proceedings. More fundamentally, the Court needs to decide whether imputed disqualification even continues to exist in Nevada absent a showing that privileged information was actually disclosed to the opposing law firm.

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

This appeal, Taylor v. Brill Case No. 84421, concerns similar imputed disqualification issues as raised in a separate writ petition currently pending before the Court, Nelson v. Eighth Judicial District Case No. 84006. Both cases arose after the same Defense law firm hired the same paralegal working on Plaintiff's case at the same opposing law firm while litigation remained pending and Plaintiff's law firm sought imputed disqualification of the Defense law firm.

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

- ☒ N/A
- ☐ Yes
- ☐ No

If not, explain:

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

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

A ballot question

If so, explain:

It is requested that the Supreme Court expressly extend its decision in *Ryan's Express v. Amador Stage Lines, Inc.* 128 Nev. 289 (2012) (requiring an evidentiary hearing for lawyer imputed disqualification issues) to non-lawyer staff such as paralegals, and to clarify the importance of factors such as avoidance of future inadvertent disclosures and public trust in the adversarial system play in imputed disqualification proceedings.

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

This matter is presumptively assigned to the Court of appeals but should be retained by the Nevada Supreme Court as it presents novel issues of law regarding imputed disqualification of law firms due to legal staff changing firms in mid-litigation, what screening methods are effective and how factors such as the public trust in the integrity of the legal system should factor into the Court's decision.

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

Was it a bench or jury trial? Jury Trial

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

The Appellant does not anticipate such a motion.

TIMELINESS OF NOTICE OF APPEAL

0. Date of entry of written judgment or order appealed from February 16, 2022

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

1. Date written notice of entry of judgment or order was served February 16, 2022

Was service by:

☐ Delivery

☒ Mail/electronic/fax

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

NOT APPLICABLE

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

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

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

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

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

Was service by:

☐ Delivery

☐ Mail

0. Date notice of appeal filed March 17, 2022

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

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

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

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

(a)

☐ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☒ Other (specify) NRAP 3A(b)(8)- special order filed after judgment

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

Post-verdict but pending an appeal of the verdict, a motion to disqualify defense counsel was filed with the District Court and denied after an evidentiary hearing.

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

(a) Parties:

Kimberly Taylor

Keith Brill, M.D.

Women's Health Associates of Southern Nevada-Martin, PLLC

Bruce Hutchins, RN

Henderson Hospital/Valley Health Systems, LLC

Todd Christensen, MD

Dignity Health d/b/a St. Rose Dominican Hosp.

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

Of the above parties, all other parties settled out prior to trial and were formally dismissed by the court except:

Kimberly Taylor

Keith Brill, M.D.

Women's Health Associates of Southern Nevada-Martin, PLLC

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

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

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

☒ Yes

☐ No

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

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

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

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

VERIFICATION

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

Kimberly Taylor
Name of appellant

4-12-2022
Date

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

Adam J. Breeden #8768
Signature of counsel of record

Clark County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

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

☐ By personally serving it upon him/her; or

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

SEE NEXT PAGE FOR FULL CERTIFICATE OF SERVICE

Dated this _____ day of _____, _____

Signature

CERTIFICATE OF SERVICE

Pursuant to Nev. R. App. 25, I hereby certify that on the 12th day of April, 2022, a copy of the foregoing **APPELLANT'S DOCKETING STATEMENT** via the method indicated below:

X	Pursuant to NRAP 25(c), by electronically serving all counsel and e-mails registered to this matter on the Supreme Court Electronic Filing System. 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>
	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:
	Via receipt of copy (proof of service to follow)

PLEASE NOTE: The Settlement Conference Judge has not been served with this Docketing Statement because this matter was exempted from the settlement conference program on 3/30/2022 by the Supreme Court.

An Attorney or Employee of the firm:

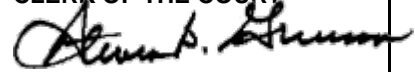
/s/ Sara Coppage
BREEDEN & ASSOCIATES PLLC

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EXHIBIT 1

Complaint



1 **COMP**
2 **JAMES S. KENT, ESQ.**
3 Nevada Bar No. 5034
4 9480 S. Eastern Ave.
5 Suite 228
6 Las Vegas, Nevada 89123
7 (702) 385-1100
8 Attorney for Plaintiff

6 **DISTRICT COURT**
7
8 **CLARK COUNTY, NEVADA**

10 KIMBERLY D. TAYLOR, an Individual,)
11)
12 Plaintiff,)
13 vs.)
14 KEITH BRILL, MD, FACOG, FACS, an)
15 Individual; WOMEN'S HEALTH ASSOCIATES)
16 OF SOUTHERN NEVADA - MARTIN, PLLC, a)
17 Nevada Professional Limited Liability Company;)
18 BRUCE HUTCHINS, RN, an Individual;)
19 HENDERSON HOSPITAL and/or VALLEY)
20 HEALTH SYSTEM, LLC, a Foreign LLC dba)
21 HENDERSON HOSPITAL, and/or HENDERSON)
22 HOSPITAL, a subsidiary of UNITED HEALTH)
23 SERVICES, a Foreign LLC; TODD W.)
24 CHRISTENSEN, MD, an Individual; DIGNITY)
25 HEALTH d/b/a ST. ROSE DOMINICAN)
26 HOSPITAL; DOES I through XXX, inclusive;)
27 and ROE CORPORATIONS I through XXX,)
28 inclusive;)
29 Defendants.)

CASE NO.: A-18-773472-C

DEPT. NO.: Department 10

EXEMPT FROM ARBITRATION:
COMPLAINT FOR MEDICAL
MALPRACTICE

24 **COMPLAINT**

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

28 ///

GENERAL ALLEGATIONS

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

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

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

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

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

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

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

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

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

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///

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

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

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

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

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

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

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

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

28 ///

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 ///

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Not properly performing the surgical procedure, causing perforations of Kimberly's uterine wall and small bowel with use of a thermal instrument;
- b. Continuing the surgery, including use of the curettage, after noting the perforation of the uterine wall;
- c. Failing to properly evaluate and diagnose the extent of damage to Kimberly after the perforation of the uterine wall was noted;
- d. Failing to inform and instruct PACU of the uterine perforation and to look for specific concerns which could evidence additional damage and require additional examination; and
- e. Failing to inform Kimberly of the complications resulting from the surgical procedure.

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

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

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

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

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

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

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

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

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

///

- b. Failure to contact Dr. Brill prior to releasing Ms. Taylor; and
- c. Releasing Ms. Taylor despite her ongoing severe abdominal pain.

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

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

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

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

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

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

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

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

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

- 6 a. Failure to obtain a consult with OB/GYN and/or surgeon based upon the CT
7 report; and
- 8 b. Release of Ms. Taylor despite the CT report and ongoing severe abdominal pain
9 without ruling out a more serious injury with CT findings consistent with visceral
10 perforation and injury.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 86. As a direct and proximate result of Defendant Henderson Hospital et al's negligent acts
12 and omissions, including, but not limited to, the above-stated res ipsa, presumption of professional
13 negligence, Plaintiff Kimberly Taylor has incurred and will continue to incur medical expenses and other
14 special damages for which Plaintiff Kimberly Taylor is entitled to be compensated in an amount to be
15 determined at the time of trial in this matter and which is in excess of TEN THOUSAND DOLLARS
16 (\$10,000).

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

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

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

25 89. Defendant Dr. Brill was an agent and/or employee of Defendant WHASN, and was acting
26 in the scope of his employment, under WHASN's control, and in furtherance of WHASN's interests at
27 the time their actions caused Plaintiff's injuries.
28

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. FOR EACH AND EVERY CAUSE OF ACTION:

- a. For past and future general damages in a sum in excess of \$10,000.00;
- b. For past and future special damages in a sum in excess of \$10,000.00;
- c. For Plaintiff's Court costs and attorney's fees; and,
- d. For such other and further relief as to the Court may seem proper.

DATED this 25th day of April, 2018.

JAMES S. KENT, LTD.

T.S.K

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

EXHIBIT 1

1 DECLARATION OF DAVID BERKE, DO, FACOG

2 STATE OF CALIFORNIA)
3 COUNTY OF RIVERSIDE) ss:

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

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

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

- 16 a. Medical records from the office of Keith Brill, M.D./Women's Health
17 Associates of Southern Nevada;
18 b. Medical records from Henderson Hospital; and
19 c. Medical records from Dignity Health D/b/a St. Rose Dominican Hospital.

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

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

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



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

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

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

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

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

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

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

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

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

25 a. Dr. Brill

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



- 1 ii. Continuing the surgery, including use of the curettage, after noting
- 2 the perforation of the uterine wall;
- 3 iii. Failing to properly evaluate and diagnose the extent of damage to Ms.
- 4 Taylor after the perforation of the uterine wall was noted;
- 5 iv. Failing to inform and instruct PACU of the uterine perforation and to
- 6 look for specific concerns which could evidence additional damage
- 7 and require additional examination;
- 8 v. Failing to inform Ms. Taylor of the complications resulting from the
- 9 surgical procedure;
- 10 b. Bruce Hutchins, RN, and Henderson Hospital
- 11 i. Failure to contact Dr. Brill or obtain a GYN consult despite the
- 12 excessive pain medications being given to Ms. Taylor;
- 13 ii. Failure to contact Dr. Brill prior to releasing Ms. Taylor;
- 14 iii. Releasing Ms. Taylor despite her ongoing severe abdominal pain;
- 15 c. Dr. Christensen and St. Rose (first visit to ER)
- 16 i. Failure to obtain a consult with OB/GYN and/or surgeon based upon
- 17 the CT report;
- 18 ii. Release of Ms. Taylor despite the CT report and ongoing severe
- 19 abdominal pain without ruling out a more serious injury with CT
- 20 findings consistent with visceral perforation and injury..

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


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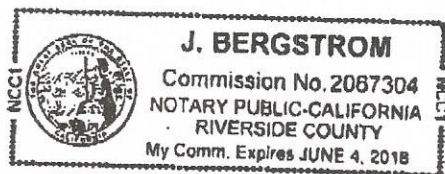
1 to uterine perforation, bowel perforation, bowel resection, gross peritonitis in all 4 quadrants, and
2 a prolonged, critical, post-operative course.

3 I4. I reserve the rights to amend my findings upon the presentation of additional facts
4 and/or records related to this matter.

5
6
7
8 
DAVID BERKE, DO, FACOOG

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

11
12 
13 NOTARY PUBLIC



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

DAVID BERKE, DO, FACOOG

EDUCATION

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

Doctor of Osteopathic Medicine

The George Washington University 8/1992 - 8/1994 Washington, DC

Bachelor of Science – Physician Assistant

San Diego State University 8/1987 - 6/1992

San Diego, CA

Bachelor of Arts – With Distinction in Psychology

PROFESSIONAL EXPERIENCE

Riverside Medical Clinic 6/2013 – present

Riverside, CA

Obstetrician and Gynecologist

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

Magnolia Women's Center 7/2011 – 6/2013

Riverside, CA

Obstetrician and Gynecologist

Arrowhead Regional Medical Center 7/2008 – 6/2011 Colton, CA

Resident in Obstetrics and Gynecology

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

Arrowhead Regional Medical Center 6/2007 – 6/2008 Colton, CA

Internship – Specialty Track for Obstetrics and Gynecology

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

- Department of Medical Oncology and
Therapeutics Research

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

- Orthopedic Surgery

RESEARCH

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

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

CURRENT LICENSURE/CERTIFICATION

Board Certified in Obstetrics and Gynecology

Licensed to practice Medicine in the State of California

PROFESSIONAL MEMBERSHIPS

Fellow, American College of Osteopathic Obstetricians and Gynecologists

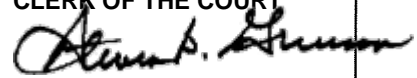
American Osteopathic Association

California Medical Association

Riverside County Medical Society

EXHIBIT 2

Answer



ANS
ROBERT C. McBRIDE, ESQ.
Nevada Bar No. 7082
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Nevada Bar No. 10608
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Attorneys for Defendants,
Keith Brill, M.D., FACOG, FACS 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; BRUCE
HUTCHINS, RN, an Individual; HENDERSON
HOSPITAL and/or VALLEY HEALTH
SYSTEMS, LLC, a Foreign LLC dba
HENDERSON HOSPITAL, and/or
HENDERSON HOSPITAL, a subsidiary of
UNITED HEALTH SERVICES, a Foreign
LLC; TODD W. CHRISTENSEN, MD, an
Individual; DIGNITY HEALTH; d/b/a ST.
ROSE DOMINICAN HOSPITAL; DOES I
through XXX, inclusive; and ROE
CORPORATIONS I through XXX, inclusive;

Defendants.

CASE NO.: A-18-773472-C
DEPT: X

**DEFENDANTS KEITH BRILL, M.D.,
FACOG, FACS AND
WOMEN'S HEALTH ASSOCIATES OF
SOUTHERN NEVADA –
MARTIN, PLLC'S ANSWER TO
PLAINTIFF'S COMPLAINT**

1 COME NOW, Defendants, KEITH BRILL, MD, FACOG, FACS and WOMEN'S
2 HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, by and through their
3 counsel of record, ROBERT C. McBRIDE, ESQ. and HEATHER S. HALL, ESQ. of the law
4 firm of CARROLL, KELLY, TROTTER, FRANZEN, McBRIDE & PEABODY, and hereby
5 answer Plaintiff's Complaint as follows:

6 **GENERAL ALLEGATIONS**

7 1. Answering Paragraph 1, these answering Defendants are without sufficient
8 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
9 therefore deny the same.

10 2. Answering Paragraph 2, these answering Defendants admit each and every
11 allegation contained therein.

12 3. Answering Paragraph 3, these answering Defendants these answering Defendants
13 admit each and every allegation contained therein.

14 4. Answering Paragraph 4, these answering Defendants are without sufficient
15 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
16 therefore deny the same.

17 5. Answering Paragraph 5, these answering Defendants are without sufficient
18 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
19 therefore deny the same.

20 6. Answering Paragraph 6, these answering Defendants are without sufficient
21 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
22 therefore deny the same.

23 7. Answering Paragraph 7, these answering Defendants are without sufficient
24 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
25 therefore deny the same.

26 8. Answering Paragraph 8, these answering Defendants admit each and every
27 allegation contained therein.

28 9. Answering Paragraph 9, these answering Defendants are without sufficient

1 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
2 therefore deny the same.

3 10. Answering Paragraph 10, these answering Defendants admit each and every
4 allegation contained therein.

5 11. Answering Paragraph 11, these answering Defendants deny each and every
6 allegation contained therein.

7 12. Answering Paragraph 12, these answering Defendants deny each and every
8 allegation contained therein insofar as it pertains to them.

9 13. Answering Paragraph 13, these answering Defendants deny each and every
10 allegation contained therein insofar as it pertains to them.

11 14. Answering Paragraph 14, these answering Defendants deny each and every
12 allegation contained therein insofar as it pertains to them.

13 15. Answering Paragraph 15, these answering Defendants deny each and every
14 allegation contained therein insofar as it pertains to them.

15 16. Answering Paragraph 16, these answering Defendants are without sufficient
16 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
17 therefore deny the same.

18 17. Answering Paragraph 17, these answering Defendants admit each and every
19 allegation contained therein.

20 18. Answering Paragraph 18, these answering Defendants admit each and every
21 allegation contained therein.

22 19. Answering Paragraph 19, these answering Defendants deny each and every
23 allegation contained therein.

24 20. Answering Paragraph 20, these answering Defendants admit that there was no
25 evidence of injury to the bowel and the standard of care did not require a laparoscopy to be
26 performed. As to the remainder, denied.

27 21. Answering Paragraph 21, these answering Defendants deny each and every
28 allegation contained therein.

1 22. Answering Paragraph 22, these answering Defendants deny each and every
2 allegation contained therein.

3 23. Answering Paragraph 23, these answering Defendants deny each and every
4 allegation contained therein.

5 24. Answering Paragraph 24, these answering Defendants deny each and every
6 allegation contained therein.

7 25. Answering Paragraph 25, these answering Defendants are without sufficient
8 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
9 therefore deny the same.

10 26. Answering Paragraph 26, these answering Defendants are without sufficient
11 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
12 therefore deny the same.

13 27. Answering Paragraph 27, these answering Defendants are without sufficient
14 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
15 therefore deny the same.

16 28. Answering Paragraph 28, these answering Defendants are without sufficient
17 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
18 therefore deny the same.

19 29. Answering Paragraph 29, these answering Defendants are without sufficient
20 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
21 therefore deny the same.30. Answering Paragraph 30, these answering Defendants

22 31. Answering Paragraph 31, these answering Defendants are without sufficient
23 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
24 therefore deny the same.

25 32. Answering Paragraph 32, these answering Defendants are without sufficient
26 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
27 therefore deny the same.

28 33. Answering Paragraph 33, these answering Defendants are without sufficient

1 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
2 therefore deny the same.

3 34. Answering Paragraph 34, these answering Defendants are without sufficient
4 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
5 therefore deny the same.

6 35. Answering Paragraph 35, these answering Defendants are without sufficient
7 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
8 therefore deny the same.

9 36. Answering Paragraph 36, these answering Defendants are without sufficient
10 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
11 therefore deny the same.

12 37. Answering Paragraph 37, these answering Defendants are without sufficient
13 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
14 therefore deny the same.

15 38. Answering Paragraph 38, these answering Defendants are without sufficient
16 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
17 therefore deny the same.

18 39. Answering Paragraph 39, these answering Defendants are without sufficient
19 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
20 therefore deny the same.

21 40. Answering Paragraph 40, these answering Defendants are without sufficient
22 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
23 therefore deny the same.

24 41. Answering Paragraph 41, these answering Defendants are without sufficient
25 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
26 therefore deny the same.

27 42. Answering Paragraph 42, these answering Defendants deny each and every
28 allegation contained therein insofar as it pertains to these answering Defendants.

43. Answering Paragraph 43, these answering Defendants deny each and every allegation contained therein insofar as it pertains to these answering Defendants.

44. Answering Paragraph 44, these answering Defendants deny each and every allegation contained therein insofar as it pertains to these answering Defendants.

45. Answering Paragraph 45, these answering Defendants deny each and every allegation contained therein insofar as it pertains to these answering Defendants.

46. Answering Paragraph 46, these answering Defendants deny each and every allegation contained therein insofar as it pertains to these answering Defendants.

FIRST CLAIM FOR RELIEF

(Medical Malpractice/Professional Negligence of Defendant Dr. Brill (41A.100))

47. Answering Paragraph 47, these answering Defendants repeat and restate each and every response to Paragraphs 1 through 46, inclusive, and incorporate the same by reference as though set forth fully herein.

48. Answering Paragraph 48, these answering Defendants aver that duty is a question of law to which no response is required. To the extent a response is required, these answering Defendants deny each and every allegation contained therein.

49. Answering Paragraph 49(a) through (e), these answering Defendants deny each and every allegation contained in this paragraph and deny each and every allegation contained in Dr. Berke's declaration.

50. Answering Paragraph 50, these answering Defendants deny each and every allegation contained therein.

51. Answering Paragraph 51, these answering Defendants deny each and every allegation contained therein.

52. Answering Paragraph 52, these answering Defendants deny each and every allegation contained therein.

53. Answering Paragraph 53, these answering Defendants deny each and every allegation contained therein.

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1 **SECOND CLAIM FOR RELIEF**

2 **(Medical Malpractice/Professional Negligence of Defendant Hutchins (41.A100))**

3 54. Answering Paragraph 54, these answering Defendants repeat and restate each and
4 every response to Paragraphs 1 through 53, inclusive, and incorporate the same by reference as
5 though set forth fully herein.

6 55. Answering Paragraph 55, these answering Defendants are without sufficient
7 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
8 therefore deny the same.

9 56. Answering Paragraph 56(a) through (c), these answering Defendants are without
10 sufficient knowledge to form a belief as to the truth of the allegations contained in said paragraph
11 and therefore deny the same.

12 57. Answering Paragraph 57, these answering Defendants are without sufficient
13 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
14 therefore deny the same.

15 58. Answering Paragraph 58, these answering Defendants are without sufficient
16 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
17 therefore deny the same.

18 59. Answering Paragraph 59, these answering Defendants are without sufficient
19 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
20 therefore deny the same.

21 60. Answering Paragraph 60, these answering Defendants are without sufficient
22 knowledge to form a belief as to the truth of the allegations contained in said paragraph and
23 therefore deny the same.

24 **THIRD CLAIM FOR RELIEF**

25 **(Medical Malpractice/Professional Negligence of Defendant Dr. Christensen (41A.100))**

26 61. Answering Paragraph 61, these answering Defendants repeat and restate each and
27 every response to Paragraphs 1 through 60, inclusive, and incorporate the same by reference as
28 though set forth fully herein.

62. Answering Paragraph 62, these answering Defendants are without sufficient knowledge to form a belief as to the truth of the allegations contained in said paragraph and therefore deny the same.

63. Answering Paragraph 63(a) and (b), these answering Defendants are without sufficient knowledge to form a belief as to the truth of the allegations contained in said paragraph and therefore deny the same.

64. Answering Paragraph 64, these answering Defendants are without sufficient knowledge to form a belief as to the truth of the allegations contained in said paragraph and therefore deny the same.

65. Answering Paragraph 65, these answering Defendants are without sufficient knowledge to form a belief as to the truth of the allegations contained in said paragraph and therefore deny the same.

66. Answering Paragraph 66, these answering Defendants are without sufficient knowledge to form a belief as to the truth of the allegations contained in said paragraph and therefore deny the same.

67. Answering Paragraph 67, these answering Defendants are without sufficient knowledge to form a belief as to the truth of the allegations contained in said paragraph and therefore deny the same.

FOURTH CLAIM FOR RELIEF

(Res Ipsa Loquitur – NRS 41A.100; Medical Malpractice/Professional Negligence of Defendant Dr. Brill))

68. Answering Paragraph 68, these answering Defendants repeat and restate each and every response to Paragraphs 1 through 67, inclusive, and incorporate the same by reference as though set forth fully herein.

69. Answering Paragraph 69, these answering Defendants aver that Plaintiff's *res ipsa loquitor* claim against these answering Defendants was dismissed by Court Order.

70. Answering Paragraph 70, these answering Defendants deny each and every allegation contained therein.

1 71. Answering Paragraph 71, these answering Defendants deny each and every
2 allegation contained therein.

3 72. Answering Paragraph 72, these answering Defendants deny each and every
4 allegation contained therein.

5 73. Answering Paragraph 73, these answering Defendants deny each and every
6 allegation contained therein.

7 74. Answering Paragraph 74, these answering Defendants deny each and every
8 allegation contained therein.

9 75. Answering Paragraph 75, these answering Defendants deny each and every
10 allegation contained therein.

11 76. Answering Paragraph 76, these answering Defendants deny each and every
12 allegation contained therein.

13 77. Answering Paragraph 77, these answering Defendants deny each and every
14 allegation contained therein.

15 **FIFTH CLAIM FOR RELIEF**

16 **(Res Ipsa Loquitur – NRS 41A.100; Medical Malpractice/Professional Negligence of**

17 **Defendant Henderson Hospital et al)**

18 78. Answering Paragraph 78, these answering Defendants repeat and restate each and
19 every response to Paragraphs 1 through 77, inclusive, and incorporate the same by reference as
20 though set forth fully herein.

21 79. Answering Paragraph 79, these answering Defendants deny each and every
22 allegation contained therein insofar as it pertains to them.

23 80. Answering Paragraph 80, these answering Defendants deny each and every
24 allegation contained therein insofar as it pertains to them.

25 81. Answering Paragraph 81, these answering Defendants deny each and every
26 allegation contained therein insofar as it pertains to them.

27 82. Answering Paragraph 82, these answering Defendants deny each and every
28 allegation contained therein insofar as it pertains to them.

1 83. Answering Paragraph 83, these answering Defendants deny each and every
2 allegation contained therein insofar as it pertains to them.

3 84. Answering Paragraph 84, these answering Defendants deny each and every
4 allegation contained therein insofar as it pertains to them.

5 85. Answering Paragraph 85, these answering Defendants deny each and every
6 allegation contained therein insofar as it pertains to them.

7 86. Answering Paragraph 86, these answering Defendants deny each and every
8 allegation contained therein insofar as it pertains to them.

9 87. Answering Paragraph 87, these answering Defendants deny each and every
10 allegation contained therein insofar as it pertains to them.

11 **SIXTH CLAIM FOR RELIEF**

12 **(Vicarious Liability of Defendant Women's Health Associates of Southern Nevada)**

13 88. Answering Paragraph 88, these answering Defendants repeat and restate each and
14 every response to Paragraphs 1 through 87, inclusive, and incorporate the same by reference as
15 though set forth fully herein.

16 89. Answering Paragraph 89, these answering Defendants deny each and every
17 allegation contained therein insofar as it pertains to them. These answering Defendants
18 specifically deny committing negligence.

19 90. Answering Paragraph 90, these answering Defendants deny each and every
20 allegation contained therein insofar as it pertains to them. These answering Defendants
21 specifically deny committing negligence.

22 91. Answering Paragraph 91, these answering Defendants deny each and every
23 allegation contained therein insofar as it pertains to them. These answering Defendants
24 specifically deny committing negligence.

25 92. Answering Paragraph 92, these answering Defendants deny each and every
26 allegation contained therein insofar as it pertains to them. These answering Defendants
27 specifically deny committing negligence.

28 93. Answering Paragraph 93, these answering Defendants deny each and every

1 allegation contained therein insofar as it pertains to them. These answering Defendants
2 specifically deny committing negligence.

3 94. Answering Paragraph 94, these answering Defendants deny each and every
4 allegation contained therein insofar as it pertains to them. These answering Defendants
5 specifically deny committing negligence.

6 95. Answering Paragraph 95, these answering Defendants deny each and every
7 allegation contained therein insofar as it pertains to them. These answering Defendants
8 specifically deny committing negligence.

9 **SIXTH CLAIM FOR RELIEF**

10 **(Vicarious Liability of Defendant Henderson Hospital et al)**

11 96. Answering Paragraph 96, these answering Defendants repeat and restate each and
12 every response to Paragraphs 1 through 95, inclusive, and incorporate the same by reference as
13 though set forth fully herein.

14 97. Answering Paragraph 97, these answering Defendants deny each and every
15 allegation contained therein insofar as it pertains to them.

16 98. Answering Paragraph 98, these answering Defendants deny each and every
17 allegation contained therein insofar as it pertains to them.

18 99. Answering Paragraph 99, these answering Defendants deny each and every
19 allegation contained therein insofar as it pertains to them.

20 100. Answering Paragraph 100, these answering Defendants deny each and every
21 allegation contained therein insofar as it pertains to them.

22 101. Answering Paragraph 101, these answering Defendants deny each and every
23 allegation contained therein insofar as it pertains to them.

24 102. Answering Paragraph 102, these answering Defendants deny each and every
25 allegation contained therein insofar as it pertains to them.

26 103. Answering Paragraph 103, these answering Defendants deny each and every
27 allegation contained therein insofar as it pertains to them.

28 104. Answering Paragraph 104, these answering Defendants deny each and every

1 allegation contained therein insofar as it pertains to them.

2 105. Answering Paragraph 105, these answering Defendants deny each and every
3 allegation contained therein insofar as it pertains to them.

4 **EIGHTH CLAIM FOR RELIEF**

5 **(Vicarious Liability of Defendant St. Rose)**

6 106. Answering Paragraph 106, these answering Defendants repeat and restate each
7 and every response to Paragraphs 1 through 105, inclusive, and incorporate the same by
8 reference as though set forth fully herein.

9 107. Answering Paragraph 107, these answering Defendants deny each and every
10 allegation contained therein insofar as it pertains to them.

11 108. Answering Paragraph 108, these answering Defendants deny each and every
12 allegation contained therein insofar as it pertains to them.

13 109. Answering Paragraph 109, these answering Defendants deny each and every
14 allegation contained therein insofar as it pertains to them.

15 110. Answering Paragraph 110, these answering Defendants deny each and every
16 allegation contained therein insofar as it pertains to them.

17 111. Answering Paragraph 111, these answering Defendants deny each and every
18 allegation contained therein insofar as it pertains to them.

19 112. Answering Paragraph 112, these answering Defendants deny each and every
20 allegation contained therein insofar as it pertains to them.

21 113. Answering Paragraph 113, these answering Defendants deny each and every
22 allegation contained therein insofar as it pertains to them.

23 114. Answering Paragraph 114, these answering Defendants deny each and every
24 allegation contained therein insofar as it pertains to them.

25 115. Answering Paragraph 115, these answering Defendants deny each and every
26 allegation contained therein insofar as it pertains to them.

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

116. Answering Paragraph 116, these answering Defendants repeat and restate each and every response to Paragraphs 1 through 116, inclusive, and incorporate the same by reference as though set forth fully herein.

117. Answering Paragraph 117, these answering Defendants deny each and every allegation contained therein insofar as it pertains to them. These answering Defendants specifically deny committing negligence.

118. Answering Paragraph 118, these answering Defendants deny each and every allegation contained therein insofar as it pertains to them. These answering Defendants specifically deny committing negligence.

119. Answering Paragraph 119, these answering Defendants deny each and every allegation contained therein insofar as it pertains to them. These answering Defendants specifically deny committing negligence.

120. Answering Paragraph 120, these answering Defendants deny each and every allegation contained therein insofar as it pertains to them. These answering Defendants specifically deny committing negligence.

121. Answering Paragraph 121, these answering Defendants deny each and every allegation contained therein insofar as it pertains to them. These answering Defendants specifically deny committing negligence.

122. Answering Paragraph 122, these answering Defendants deny each and every allegation contained therein insofar as it pertains to them. These answering Defendants specifically deny committing negligence.

123. Answering Paragraph 123, these answering Defendants deny each and every allegation contained therein insofar as it pertains to them. These answering Defendants specifically deny committing negligence.

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AFFIRMATIVE DEFENSES

1
2 1. The Complaint fails to state a claim against these answering Defendants upon
3 which relief can be granted.

4 2. Defendants allege that in all medical attention and care rendered to Plaintiff, these
5 answering Defendants possessed and exercised that degree of skill and learning ordinarily
6 possessed and exercised by members of the medical profession in good standing practicing in
7 similar localities and that at all times these answering Defendants used reasonable care and
8 diligence in the exercise of his skill and application of learning, and at all times acted in
9 accordance with his best medical judgment.

10 3. Defendants allege that any injuries or damages alleged sustained or suffered by
11 the Plaintiffs at the times and places referred to in Plaintiff's Complaint were caused in whole or
12 in part or were contributed to by the negligence or fault or want of care of the Plaintiff, and the
13 negligence, fault or want of care on the part of the Plaintiff was greater than that, if any, of these
14 answering Defendants.

15 4. That in all medical attention rendered by these answering Defendants to the
16 Plaintiff, these Defendants possessed and exercised the degree of skill and learning ordinarily
17 possessed and exercised by members of their profession in good standing, practicing in similar
18 localities, and that at all times, these answering Defendants used reasonable care and diligence in
19 the exercise of their skills and the application of their learning, and at all times acted according to
20 their best judgment; that the medical treatment administered by these answering Defendants was
21 the usual and customary treatment for the physical condition and symptoms exhibited by the
22 Plaintiff, and that at no time were these answering Defendants guilty of negligence or improper
23 treatment; that, on the contrary, these answering Defendants performed each and every act of
24 such treatment in a proper and efficient manner and in a manner approved and followed by the
25 medical profession generally and under the circumstances and conditions as they existed when
26 such medical attention was rendered.

27 5. Defendants allege that they made, consistent with good medical practice, a full
28 and complete disclosure to the Plaintiff of all material facts known to them or reasonably

1 believed by them to be true concerning the Plaintiff's physical condition and the appropriate
2 alternative procedures available for treatment of such condition. Further, each and every service
3 rendered to the Plaintiff by these answering Defendants was expressly and impliedly consented
4 to and authorized by the Plaintiff on the basis of said full and complete disclosure.

5 6. Defendants allege that they are entitled to a conclusive presumption of informed
6 consent pursuant to NRS §41A.110.

7 7. Defendants allege that the Complaint is barred by the applicable statute of
8 limitations.

9 8. Defendants allege that Plaintiff assumed the risks of the procedures, if any,
10 performed.

11 9. Plaintiff's damages, if any, were caused by and due to an unavoidable condition
12 or occurrence.

13 10. Plaintiff has failed to mitigate her damages.

14 11. Defendants allege that the injuries and damages, if any, alleged by the Plaintiff
15 were caused in whole or in part by the actions or inactions of third parties over whom these
16 answering Defendants had no liability, responsibility or control.

17 12. Defendants allege that the injuries and damages, if any, complained of by the
18 Plaintiff were unforeseeable.

19 13. Defendants allege that the injuries and damages, if any, complained of by the
20 Plaintiff were caused by forces of nature over which these answering Defendants had no
21 responsibility, liability or control.

22 14. Defendants allege that the injuries and damages, if any, complained of by the
23 Plaintiff were not proximately caused by any acts and/or omissions on the part of these
24 answering Defendants.

25 15. Plaintiff's Complaint violates the Statute of Frauds.

26 16. Defendants allege that pursuant to Nevada law, they would not be jointly liable,
27 and that if liability is imposed, such liability would be several for that portion of the Plaintiff's
28 damages, if any, that represents the percentage attributed to these answering Defendants.

1 17. Defendants allege that the injuries and damages, if any, suffered by the Plaintiff
2 were caused by new, independent, intervening and superseding causes and not by these
3 answering Defendants' alleged negligence or other actionable conduct, the existence of which is
4 specifically denied.

5 18. Defendants allege that Plaintiff's damages, if any, are subject to the limitations
6 and protections as set forth in Chapter 41A of the Nevada Revised Statutes including, without
7 limitation, several liability and limits on non-economic damages.

8 19. Defendants allege that it has been necessary to employ the services of an attorney
9 to defend this action and a reasonable sum should be allowed these Defendants for attorney's
10 fees, together with the costs expended in this action.

11 20. Defendants allege that they are not guilty of fraud, oppression or malice, express
12 or implied, in connection with the care rendered to Plaintiff at any of the times or places alleged
13 in the Complaint.

14 21. Defendants allege that at all relevant times they were acting in good faith and not
15 with recklessness, oppression, fraud or malice.

16 22. Defendants allege that they never engaged in conduct which constitutes battery,
17 abuse, neglect or exploitation of Plaintiff.

18 23. Defendants allege that the injuries and damages, if any, suffered by Plaintiff can
19 and do occur in the absence of negligence.

20 24. Plaintiff has failed to allege any facts sufficient to satisfy Plaintiff's burden of
21 proof by clear and convincing evidence that these answering Defendants engaged in any conduct
22 that would support an award of punitive damages.

23 25. No award of punitive damages can be awarded against these answering
24 Defendants under the facts and circumstances alleged in Plaintiff's Complaint.

25 26. To the extent Plaintiff has been reimbursed from any source for any special
26 damages claimed to have been sustained as a result of the incidents alleged in Plaintiff's
27 Complaint, Defendants may elect to offer those amounts into evidence and, if Defendants so
28 elects, Plaintiff's special damages shall be reduced by those amounts pursuant to NRS §42.021.

27. Pursuant to NRCP 11 all possible affirmative defenses may not have been alleged since sufficient facts were not available and, therefore, these Defendants reserve the right to amend this Answer to allege additional affirmative defenses if subsequent investigation warrants. Additionally, one or more of these Affirmative Defenses may have been pled for the purposes of non-waiver.

WHEREFORE, these answering Defendants pray that Plaintiff take nothing by way of her Complaint, that the Complaint be dismissed with prejudice and that the Court award fees and expenses as deemed appropriate.

DATED this 25th day of September 2018.

CARROLL, KELLY, TROTTER,
FRANZEN, McBRIDE & PEABODY

Heather S. Hall

ROBERT C. McBRIDE, ESQ.

Nevada Bar No.: 7082

HEATHER S. HALL, ESQ.

Nevada Bar No.: 10608

8329 W. Sunset Road, Suite 260

Las Vegas, Nevada 89113

Attorneys For Defendants,

Keith Brill, M.D., FACOG, FACS and

Women's Health Associates of Southern Nevada – Martin, PLLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of September 2018, I served a true and correct copy of the foregoing **DEFENDANTS KEITH BRILL, M.D., FACOG, FACS AND WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC'S ANSWER TO PLAINTIFF'S COMPLAINT** addressed to the following counsel of record at the following address(es):

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

James S. Kent, Esq.
9480 S. Eastern Avenue, Suite 228
Las Vegas, NV 89123
Attorneys for Plaintiff

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Danielle Woodrum, Esq.
Bianca Gonzales, Esq.
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Las Vegas, NV 89118
*Attorneys for Defendant Dignity Health; d/b/a
St. Rose Dominican Hospital*

Casey W. Tyler, Esq.
Brittany A. Lewis, Esq.
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Las Vegas, NV 89144
*Attorneys for Defendants
Henderson Hospital and Bruce Hutchins, RN*

Kim Mandelbaum, Esq.
Marie Ellerton, Esq.
MANDELBAUM, ELLERTON &
ASSOCIATES
2012 Hamilton Lane
Las Vegas, NV 89106
*Attorneys for Defendant
Todd Christensen, M.D.*


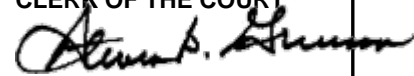

An Employee of CARROLL, KELLY, TROTTER,
FRANZEN, McBRIDE & PEABODY

EXHIBIT 3

**Notice of Entry of Stipulation and Order to Dismiss Nurse Defendant Bruce Hutchins, RN
Without Prejudice**



NEO
KENNETH M. WEBSTER, ESQ.
Nevada Bar No. 7205
BRITTANY A. LEWIS, ESQ.
Nevada Bar no. 14565
HALL PRANGLE & SCHOONVELD, LLC
1160 North Town Center Drive, Ste. 200
Las Vegas, Nevada 89144
Phone: 702-889-6400
Facsimile: 702-384-6025
efile@hpslaw.com
*Attorneys for Defendants Henderson Hospital
and Bruce Hutchins, RN*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

KIMBERLY D. TAYLOR, an Individual,

Plaintiff,

CASE NO. A-18-773472-C
DEPT NO. X

vs.

NOTICE OF ENTRY OF ORDER

KEITH BRILL, MD, FACOG, FACS, an
Individual; WOMEN'S HEALTH
ASSOCIATES OF SOUTHERN NEVADA –
MARTIN, PLLC, a Nevada Professional
Limited Liability Company; BRUCE
HUTCHINS, RN, an Individual; HENDERSON
HOSPITAL and/or VALLEY HEALTH
SYSTEM, LLC, a Foreign LLC dba
HENDERSON HOSPITAL and/or
HENDERSON HOSPITAL, a subsidiary of
UNITED HEALTH SERVICES, a Foreign
LLC; TODD W. CHRISTENSEN, MD, an
Individual; DIGNITY HEALTH d/b/a ST.
ROSE DOMINICAN HOSPITAL; DOES I
through XXX, inclusive; and ROE
CORPORATIONS I through XXX, inclusive;

Defendants.

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///

HALL PRANGLE & SCHOONVELD, LLC

1160 NORTH TOWN CENTER DRIVE, STE. 200

LAS VEGAS, NEVADA 89144

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

1 PLEASE TAKE NOTICE that a Stipulation and Order to Dismiss Nurse Defendant
2 Bruce Hutchins, RN, without Prejudice in the above entitled Court on the 18th day of October,
3 2018, a copy of which is attached hereto.

4 DATED this 24th day of October, 2018.

5 HALL PRANGLE & SCHOONVELD, LLC

6 By: /s/. Brittany A. Lewis, Esq.
7 KENNETH M. WEBSTER, ESQ.
8 Nevada Bar No. 7205
9 BRITTANY A. LEWIS, ESQ.
10 Nevada Bar no. 14565
11 HALL PRANGLE & SCHOONVELD, LLC
12 1160 North Town Center Drive, Ste. 200
13 Las Vegas, Nevada 89144
14 *Attorneys for Defendants Henderson Hospital*
15 *and Bruce Hutchins, RN*
16
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 24th day of October, 2018, I served a true and correct copy of the foregoing

NOTICE OF ENTRY OF ORDER as follows:

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

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

_____ Receipt of Copy at their last known address:

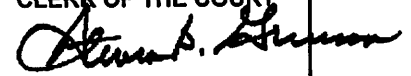
James S. Kent, Esq.
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jamie@jamiekent.org
Attorneys for Plaintiffs

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Heather Hall, Esq.
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Attorneys for Dignity Health d/b/a
St. Rose Dominican Hospital

Kim Irene Mandelbaum, Esq.
Sherman B. Mayor, Esq.
Mandelbaum, Ellerton & Associates
2012 Hamilton Lane
Las Vegas, Nevada 89106
filing@meklaw.net
Attorneys for Todd W. Christensen, M.D.

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



SAO

KENNETH M. WEBSTER, ESQ.

Nevada Bar No. 7205

BRITTANY A. LEWIS, ESQ.

Nevada Bar no. 14565

HALL PRANGLE & SCHOONVELD, LLC

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Las Vegas, Nevada 89144

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Facsimile: 702-384-6025

efile@hpslaw.com

*Attorneys for Defendants Henderson Hospital
and Bruce Hutchins, RN*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

KIMBERLY D. TAYLOR, an Individual,

Plaintiff,

vs.

KEITH BRILL, MD, FACOG, FACS, an
Individual; WOMEN'S HEALTH
ASSOCIATES OF SOUTHERN NEVADA –
MARTIN, PLLC, a Nevada Professional
Limited Liability Company; BRUCE
HUTCHINS, RN, an Individual; HENDERSON
HOSPITAL and/or VALLEY HEALTH
SYSTEM, LLC, a Foreign LLC dba
HENDERSON HOSPITAL and/or
HENDERSON HOSPITAL, a subsidiary of
UNITED HEALTH SERVICES, a Foreign
LLC; TODD W. CHRISTENSEN, MD, an
Individual; DIGNITY HEALTH d/b/a ST.
ROSE DOMINICAN HOSPITAL; DOES I
through XXX, inclusive; and ROE
CORPORATIONS I through XXX, inclusive;

Defendants.

CASE NO. A-18-773472-C
DEPT NO. X

**STIPULATION AND ORDER TO
DISMISS NURSE DEFENDANT
BRUCE HUTCHINS, RN WITHOUT
PREJUDICE**

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

1990-1991, 1991-1992, 1992-1993, 1993-1994, 1994-1995, 1995-1996, 1996-1997, 1997-1998, 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023, 2023-2024, 2024-2025, 2025-2026, 2026-2027, 2027-2028, 2028-2029, 2029-2030, 2030-2031, 2031-2032, 2032-2033, 2033-2034, 2034-2035, 2035-2036, 2036-2037, 2037-2038, 2038-2039, 2039-2040, 2040-2041, 2041-2042, 2042-2043, 2043-2044, 2044-2045, 2045-2046, 2046-2047, 2047-2048, 2048-2049, 2049-2050, 2050-2051, 2051-2052, 2052-2053, 2053-2054, 2054-2055, 2055-2056, 2056-2057, 2057-2058, 2058-2059, 2059-2060, 2060-2061, 2061-2062, 2062-2063, 2063-2064, 2064-2065, 2065-2066, 2066-2067, 2067-2068, 2068-2069, 2069-2070, 2070-2071, 2071-2072, 2072-2073, 2073-2074, 2074-2075, 2075-2076, 2076-2077, 2077-2078, 2078-2079, 2079-2080, 2080-2081, 2081-2082, 2082-2083, 2083-2084, 2084-2085, 2085-2086, 2086-2087, 2087-2088, 2088-2089, 2089-2090, 2090-2091, 2091-2092, 2092-2093, 2093-2094, 2094-2095, 2095-2096, 2096-2097, 2097-2098, 2098-2099, 2099-2100, 2100-2101, 2101-2102, 2102-2103, 2103-2104, 2104-2105, 2105-2106, 2106-2107, 2107-2108, 2108-2109, 2109-2110, 2110-2111, 2111-2112, 2112-2113, 2113-2114, 2114-2115, 2115-2116, 2116-2117, 2117-2118, 2118-2119, 2119-2120, 2120-2121, 2121-2122, 2122-2123, 2123-2124, 2124-2125, 2125-2126, 2126-2127, 2127-2128, 2128-2129, 2129-2130, 2130-2131, 2131-2132, 2132-2133, 2133-2134, 2134-2135, 2135-2136, 2136-2137, 2137-2138, 2138-2139, 2139-2140, 2140-2141, 2141-2142, 2142-2143, 2143-2144, 2144-2145, 2145-2146, 2146-2147, 2147-2148, 2148-2149, 2149-2150, 2150-2151, 2151-2152, 2152-2153, 2153-2154, 2154-2155, 2155-2156, 2156-2157, 2157-2158, 2158-2159, 2159-2160, 2160-2161, 2161-2162, 2162-2163, 2163-2164, 2164-2165, 2165-2166, 2166-2167, 2167-2168, 2168-2169, 2169-2170, 2170-2171, 2171-2172, 2172-2173, 2173-2174, 2174-2175, 2175-2176, 2176-2177, 2177-2178, 2178-2179, 2179-2180, 2180-2181, 2181-2182, 2182-2183, 2183-2184, 2184-2185, 2185-2186, 2186-2187, 2187-2188, 2188-2189, 2189-2190, 2190-2191, 2191-2192, 2192-2193, 2193-2194, 2194-2195, 2195-2196, 2196-2197, 2197-2198, 2198-2199, 2199-2200, 2200-2201, 2201-2202, 2202-2203, 2203-2204, 2204-2205, 2205-2206, 2206-2207, 2207-2208, 2208-2209, 2209-2210, 2210-2211, 2211-2212, 2212-2213, 2213-2214, 2214-2215, 2215-2216, 2216-2217, 2217-2218, 2218-2219, 2219-2220, 2220-2221, 2221-2222, 2222-2223, 2223-2224, 2224-2225, 2225-2226, 2226-2227, 2227-2228, 2228-2229, 2229-2230, 2230-2231, 2231-2232, 2232-2233, 2233-2234, 2234-2235, 2235-2236, 2236-2237, 2237-2238, 2238-2239, 2239-2240, 2240-2241, 2241-2242, 2242-2243, 2243-2244, 2244-2245, 2245-2246, 2246-2247, 2247-2248, 2248-2249, 2249-2250, 2250-2251, 2251-2252, 2252-2253, 2253-2254, 2254-2255, 2255-2256, 2256-2257, 2257-2258, 2258-2259, 2259-2260, 2260-2261, 2261-2262, 2262-2263, 2263-2264, 2264-2265, 2265-2266, 2266-2267, 2267-2268, 2268-2269, 2269-2270, 2270-2271, 2271-2272, 2272-2273, 2273-2274, 2274-2275, 2275-2276, 2276-2277, 2277-2278, 2278-2279, 2279-2280, 2280-2281, 2281-2282, 2282-2283, 2283-2284, 2284-2285, 2285-2286, 2286-2287, 2287-2288, 2288-2289, 2289-2290, 2290-2291, 2291-2292, 2292-2293, 2293-2294, 2294-2295, 2295-2296, 2296-2297, 2297-2298, 2298-2299, 2299-2300, 2300-2301, 2301-2302, 2302-2303, 2303-2304, 2304-2305, 2305-2306, 2306-2307, 2307-2308, 2308-2309, 2309-2310, 2310-2311, 2311-2312, 2312-2313, 2313-2314, 2314-2315, 2315-2316, 2316-2317, 2317-2318, 2318-2319, 2319-2320, 2320-2321, 2321-2322, 2322-2323, 2323-2324, 2324-2325, 2325-2326, 2326-2327, 2327-2328, 2328-2329, 2329-2330, 2330-2331, 2331-2332, 2332-2333, 2333-2334, 2334-2335, 2335-2336, 2336-2337, 2337-2338, 2338-2339, 2339-2340, 2340-2341, 2341-2342, 2342-2343, 2343-2344, 2344-2345, 2345-2346, 2346-2347, 2347-2348, 2348-2349, 2349-2350, 2350-2351, 2351-2352, 2352-2353, 2353-2354, 2354-2355, 2355-2356, 2356-2357, 2357-2358, 2358-2359, 2359-2360, 2360-2361, 2361-2362, 23

... and the other is the fact that the system is not yet fully operational.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

1. The first part of the document is a list of names and titles, including "The Honorable" and "The Right Honorable".

2. The second part of the document is a list of names and titles, including "The Honorable" and "The Right Honorable".

3. The third part of the document is a list of names and titles, including "The Honorable" and "The Right Honorable".

4. The fourth part of the document is a list of names and titles, including "The Honorable" and "The Right Honorable".

5. The fifth part of the document is a list of names and titles, including "The Honorable" and "The Right Honorable".

6. The sixth part of the document is a list of names and titles, including "The Honorable" and "The Right Honorable".

7. The seventh part of the document is a list of names and titles, including "The Honorable" and "The Right Honorable".

8. The eighth part of the document is a list of names and titles, including "The Honorable" and "The Right Honorable".

9. The ninth part of the document is a list of names and titles, including "The Honorable" and "The Right Honorable".

10. The tenth part of the document is a list of names and titles, including "The Honorable" and "The Right Honorable".

4. *Conclusions*—The results of this study indicate that the use of a single, low-dose, short-acting benzodiazepine, such as lorazepam, is an effective and safe method of sedation for the conscious, cooperative, and nonventilated patient. The use of a single, low-dose, short-acting benzodiazepine, such as lorazepam, is an effective and safe method of sedation for the conscious, cooperative, and nonventilated patient.

2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 26

the 1990s, the number of people in the United States who are 65 years of age or older is projected to increase from 20 million to 35 million, and the number of people 75 years of age or older is projected to increase from 10 million to 15 million (U.S. Census Bureau, 1996).

1. *Pharmaceutical Innovation and the Role of the State*
 2. *The Impact of Patent Law on Drug Development*
 3. *The Role of Government in Regulating Pharmaceuticals*
 4. *The Impact of Health Insurance on Drug Access*
 5. *The Role of the Pharmaceutical Industry in Public Health*

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971).

1. The first step is to identify the problem. This involves understanding the current situation and what needs to be changed.

DIRECTOR, FBI (100-368613)
 FROM: SAC, NEW YORK (100-100000)
 SUBJECT: [REDACTED]

10-10-1964

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

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

IT IS SO STIPULATED.

DATED this 3rd day of October, 2018. DATED this 28th day of September, 2018.


KENNETH M. WEBSTER, ESQ.

Nevada Bar No. 7205

BRITTANY A. LEWIS, ESQ.


Nevada Bar no. 14565

HALL PRANGLE & SCHOONVELD, LLC

1160 North Town Center Drive, Ste. 200

Las Vegas, Nevada 89144

Attorneys for Defendant Henderson Hospital


JAMES S. KENT, ESQ.

Nevada Bar No. 5034

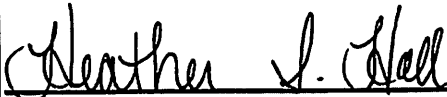
9480 S. Eastern Ave., Suite 228

Las Vegas, NV 89123

Attorneys for Plaintiffs

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

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



ROBERT MCBRIDE, ESQ.

Nevada Bar No. 7082

HEATHER HALL, ESQ.

Nevada Bar No. 10608

CARROLL, KELLY, TROTTER, FRANZEN,

MCBRIDE & PEABODY

8329 W. Sunset Road, Suite 260


Las Vegas, NV 89113

Attorneys for Defendants Keith Brill, MD,

FACOG, FACS & Women's Health

Associates of Southern Nevada – MARTIN,

PLLC



KEITH A. WEAVER, ESQ.

Nevada Bar No.

DANIELLE WOODRUM, ESQ.

Nevada Bar No.

BIANCA V. GONZALEZ, ESQ.

Nevada Bar No.

LEWIS, BRISBOIS, BISGAARD & SMITH

6385 S. Rainbow Blvd., Suite 600

Las Vegas, NV 89118

Attorneys for Defendant Dignity Health d/b/a

St. Rose Dominican Hospital

ORDER

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

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

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

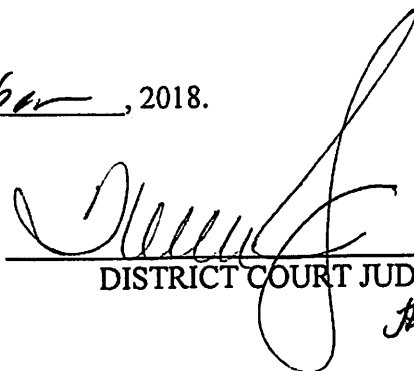
///

///

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

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

DATED this 10 day of October, 2018.


DISTRICT COURT JUDGE

Respectfully Submitted by:

HALL PRANGLE & SCHOONVELD, LLC


KENNETH M. WEBSTER, ESQ.

Nevada Bar No. 7209

CANDACE C. HERLING, ESQ.

Nevada Bar No. 13503

BRITTANY A. LEWIS, ESQ.

Nevada Bar no. 14565

HALL PRANGLE & SCHOONVELD, LLC

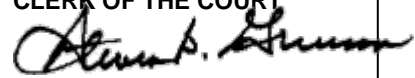
1160 North Town Center Drive, Ste. 200

Las Vegas, Nevada 89144

*Attorneys for Defendants Henderson Hospital
and Bruce Hutchins, RN*

EXHIBIT 4

**Notice of Entry of Stipulation and Order to Dismiss Defendant Dignity Health D/B/A St.
Rose Dominican Hospital- Siena Campus**



1 KEITH A. WEAVER
Nevada Bar No. 10271
2 E-Mail: Keith.Weaver@lewisbrisbois.com
DANIELLE WOODRUM
3 Nevada Bar No. 12902
E-Mail: Danielle.Woodrum@lewisbrisbois.com
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
702.893.3383
6 FAX: 702.893.3789
Attorneys for Defendant Dignity Health d/b/a
7 *St. Rose Dominican Hospital*

8
9 DISTRICT COURT
10 CLARK COUNTY, NEVADA
11

12 KIMBERLY D. TAYLOR, an Individual, ,
13 Plaintiff,

14 vs.

15 KEITH BRILL, MD, FACOG,FACS, an
Individual; WOMEN'S HEALTH
16 ASSOCIATES OF SOUTHERN NEVADA-
MARTIN, PLLC, a Nevada Professional
17 Limited Liability Company; BRUCE
HUTCHINS, RN, an Individual;
18 HENDERSON HOSPITAL and/or VALLEY
HEALTH SYSTEM, LLC, a Foreign LLC
19 dba HENDERSON HOSPITAL, a
subsidiary of UNITED HEALTH
20 SERVICES, a Foreign LLC; TODD W.
CHRISTENSEN, MD, an Individual;
21 DIGNITY HEALTH d/b/a ST. ROSE
DOMINICAN HOSPITAL; DOES I through
22 XXX, inclusive; and ROE
CORPORATIONS I through XXX,
23 inclusive,

24 Defendants.
25

CASE NO. A-18-773472-C
Dept. No.: III

NOTICE OF ENTRY OF STIPULATION
AND ORDER TO DISMISS DEFENDANT
DIGNITY HEALTH D/B/A ST. ROSE
DOMINICAN HOSPITAL - SIENA
CAMPUS

26 ///

27 ///

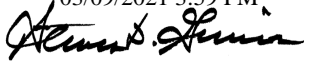
28 ///

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

4 DATED this 10th day of March, 2021

5 LEWIS BRISBOIS BISGAARD & SMITH LLP
6
7

8 By /s/ Danielle Woodrum
9 KEITH A. WEAVER
10 Nevada Bar No. 10271
11 DANIELLE WOODRUM
12 Nevada Bar No. 12902
13 6385 S. Rainbow Boulevard, Suite 600
14 Las Vegas, Nevada 89118
15 *Attorneys for Defendant Dignity Health d/b/a*
16 *St. Rose Dominican Hospital*
17
18
19
20
21
22
23
24
25
26
27
28


CLERK OF THE COURT

1 KEITH A. WEAVER
Nevada Bar No. 10271
E-Mail: Keith.Weaver@lewisbrisbois.com
2 DANIELLE WOODRUM
Nevada Bar No. 12902
E-Mail: Danielle.Woodrum@lewisbrisbois.com
3 LEWIS BRISBOIS BISGAARD & SMITH LLP
4 6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
5 702.893.3383
FAX: 702.893.3789
6 *Attorneys for Defendant Dignity Health d/b/a*
St. Rose Dominican Hospital

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

11 KIMBERLY D. TAYLOR, an Individual, ,
12 Plaintiff,

13 vs.

14 KEITH BRILL, MD, FACOG, FACS, an
Individual; WOMEN'S HEALTH
15 ASSOCIATES OF SOUTHERN NEVADA-
MARTIN, PLLC, a Nevada Professional
16 Limited Liability Company; BRUCE
HUTCHINS, RN, an Individual;
17 HENDERSON HOSPITAL and/or VALLEY
HEALTH SYSTEM, LLC, a Foreign LLC
18 dba HENDERSON HOSPITAL, a
subsidiary of UNITED HEALTH
19 SERVICES, a Foreign LLC; TODD W.
CHRISTENSEN, MD, an Individual;
20 DIGNITY HEALTH d/b/a ST. ROSE
DOMINICAN HOSPITAL; DOES I through
21 XXX, inclusive; and ROE
CORPORATIONS I through XXX,
22 inclusive; ,

23 Defendants.

CASE NO. A-18-773472-C
Dept. No.: III

**STIPULATION AND ORDER TO
DISMISS DEFENDANT DIGNITY
HEALTH D/B/A ST. ROSE DOMINICAN
HOSPITAL - SIENA CAMPUS**

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

LEWIS
S
BRISB
OIS

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

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

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

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

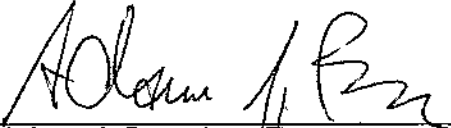
11 IT IS SO STIPULATED.

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

15 /s/ Danielle Woodrum

16 _____
17 Keith A. Weaver
18 Nevada Bar No. 10271
19 Danielle Woodrum
20 Nevada Bar No. 12902
21 6385 S. Rainbow Boulevard, Suite
22 600
23 Las Vegas, Nevada 89118
24 Attorneys for Defendant Dignity Health
25 d/b/a St. Rose Dominican Hospital

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

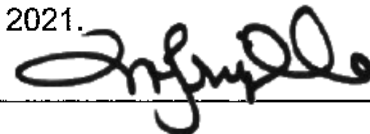


Adam J. Breeden, Esq.
Nevada Bar No. 8768
376 E. Warm Springs Road, Suite 120
Las Vegas, NV 89119
Attorneys for Plaintiff

ORDER

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

Dated this the ____ day of _____, 2021.



DISTRICT COURT JUDGE

Respectfully submitted by:
LEWIS BRISBOIS BISGAARD & SMITH LLP

009 326 3DEA D366
Monica Trujillo
District Court Judge

mg

/s/ Danielle Woodrum

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

1 CERTIFICATE OF SERVICE

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

8 Adam J. Breeden, Esq.
9 BREEDEN & ASSOCIATES, PLLC
376 E. Warm Springs Road, Suite 120
Las Vegas, NV 89119
10 Tel: 702.819.7770
Fax: 702.819.7771
11 Email: Adam@Breedendandassociates.com
Attorneys for Plaintiff

Robert C. McBride, Esq.
Heather S. Hall, Esq.
MCBRIDE HALL
8329 W. Sunset Rd., Suite 260
Las Vegas, NV 89113
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Email: hshall@mcbridehall.com
Tel: 702.792.5855
Fax: 702.796.5855
*Attorneys for Defendants Keith Brill, M.D.,
FACOG, FACS and Women's Health
Associates of Southern Nevada - MARTIN,
PLLC*

15
16 Kenneth M. Webster, Esq.
Candace C. Herling, Esq.
17 Brittany A. Lewis, Esq.
HALL PRANGLE & SCHOONVELD, LLC
18 1140 North Town Center Drive, Ste. 350
Las Vegas, NV 89144
19 Tel: 702-889-6400
Fax: 702-384-6025
20 Email: efile@hpslaw.com
*Attorneys for Defendants Henderson
Hospital and Bruce Hutchins, R.N.*

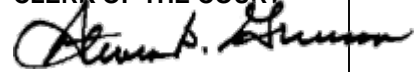
JOHN H. COTTON, ESQ.
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ADAM A. SCHNEIDER, ESQ.
Nevada Bar Number 10216
ASchneider@jhcottonlaw.com
JOHN H. COTTON & ASSOCIATES, LTD.
7900 West Sahara Avenue, Suite 200
Las Vegas, Nevada 89117
Telephone: (702) 832-5909
Facsimile: (702) 832-5910
*Attorneys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

25 By /s/ Christopher Ouellette

26 An Employee of
27 LEWIS BRISBOIS BISGAARD & SMITH LLP
28

EXHIBIT 5

**Notice of Entry of Stipulation and Order to Dismiss Defendant Valley Health System, LLC
D/B/A Henderson Hospital with Prejudice and to Amend Caption**



KENNETH M. WEBSTER, ESQ.
NV Bar No. 7205
IAN M. HOUSTON, ESQ.
NV Bar No. 11815
KEVIN J. PETERSON, ESQ.
NV Bar No. 14598
HALL PRANGLE & SCHOONVELD, LLC
1140 N. Town Center Dr. Suite 350
Las Vegas, Nevada 89144
Phone: 702-889-6400
Facsimile: 702-384-6025
efile@hpslaw.com
*Attorneys for Defendants Henderson Hospital
and Bruce Hutchins, RN*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

KIMBERLY D. TAYLOR, an Individual,

Plaintiff,

vs.

KEITH BRILL, MD, FACOG, FACS, an
Individual; WOMEN'S HEALTH
ASSOCIATES OF SOUTHERN NEVADA –
MARTIN, PLLC, a Nevada Professional
Limited Liability Company; BRUCE
HUTCHINS, RN, an Individual; HENDERSON
HOSPITAL and/or VALLEY HEALTH
SYSTEM, LLC, a Foreign LLC dba
HENDERSON HOSPITAL and/or
HENDERSON HOSPITAL, a subsidiary of
UNITED HEALTH SERVICES, a Foreign
LLC; TODD W. CHRISTENSEN, MD, an
Individual; DIGNITY HEALTH d/b/a ST.
ROSE DOMINICAN HOSPITAL; DOES I
through XXX, inclusive; and ROE
CORPORATIONS I through XXX, inclusive;

Defendants.

CASE NO. A-18-773472-C
DEPT NO. 3

**NOTICE OF ENTRY OF
STIPULATION AND ORDER**

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

4 DATED this 19th day of March, 2021.

5
6 HALL PRANGLE & SCHOONVELD, LLC

7 By: /s/ Ian Houston

8 KENNETH M. WEBSTER, ESQ.

9 NV Bar No. 7205

10 IAN M. HOUSTON, ESQ.

11 NV Bar No. 11815

12 KEVIN J. PETERSON, ESQ.

13 NV Bar No. 14598

14 HALL PRANGLE & SCHOONVELD, LLC

15 1140 North Town Center Drive, Ste. 350

16 Las Vegas, Nevada 89144

17 *Attorneys for Defendants Henderson Hospital*
18 *and Bruce Hutchins, RN*
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of HALL PRANGLE & SCHOONVELD, LLC; that on the 19th day of March 2021, I served a true and correct copy of the foregoing

NOTICE OF ENTRY OF STIPULATION AND ORDER as follows:

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

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

_____ Receipt of Copy at their last known address:

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

Robert McBride, Esq.
Heather Hall, Esq.
McBride Hall
8329 W. Sunset Road, Suite 260
Las Vegas, NV 89113
rcmcbride@mcbridehall.com
hshall@mcbridehall.com
Attorneys for Defendant
Keith Brill, MD, FACOG, FACS and Women's
Health Associates of Southern Nevada

Keith Weaver, Esq.
Lewis Brisbois Bisgaard & Smith
6385 S. Rainbow Blvd., Suite 600
Las Vegas, NV 89118
keith.weaver@lewisbrisbois.com
Attorneys for Dignity Health d/b/a
St. Rose Dominican Hospital

John H. Cotton, Esq.
Adam A. Schneider, Esq.
John H. Cotton & Associates
7900 W. Sahara Avenue, Ste. 200
Las Vegas, Nevada 89117
jhcotton@jhcottonlaw.com
aschneider@jhcottonlaw.com
Attorneys for Todd W. Christensen, M.D.

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

1 **SAO**
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@Breedendassociates.com
10 *Attorneys for Plaintiff*

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, an
18 individual; WOMEN'S HEALTH
19 ASSOCIATES OF SOUTHERN NEVADA –
20 MARTIN, PLLC, a Nevada Professional
21 Limited Liability Company; BRUCE
22 HUTCHINS, RN, an individual;
23 HENDERSON HOSPITAL and/or VALLEY
24 HEALTH SYSTEM, LLC, a Foreign LLC dba
25 HENDERSON HOSPITAL, and/or
26 HENDERSON HOSPITAL, a subsidiary of
27 UNITED HEALTH SERVICES, a Foreign
28 LLC; TODD W. CHRISTENSEN, M.D., an
individual; DIGNITY HEALTH d/b/a ST.
ROSE DOMINICAN HOSPITAL; DOES I
through XXX, inclusive; and ROE
CORPORATIONS I through XXX, inclusive,

**STIPULATION AND ORDER TO
DISMISS DEFENDANT VALLEY
HEALTH SYSTEM, LLC d/b/a
HENDERSON HOSPITAL WITH
PREJUDICE AND TO AMEND CAPTION**

Defendants.

23 The Parties, Plaintiff, KIMBERLY TAYLOR, by and through her counsel Adam J. Breeden,
24 Esq. of BREEDEN & ASSOCIATES, PLLC and Defendant, VALLEY HEALTH SYSTEM, LLC
25 d/b/a HENDERSON HOSPITAL, improperly identified collectively in Plaintiff's Complaint as
26 "HENDERSON HOSPITAL and/or VALLEY HEALTH SYSTEM, LLC, a Foreign LLC dba
27 HENDERSON HOSPITAL, and/or HENDERSON HOSPITAL, a subsidiary of UNITED
28

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

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

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

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

25 ///

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28 ///

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

5 **IT IS SO AGREED.**

6 DATED this 17th day of March, 2021.

DATED this 17th day of March, 2021.

7 **BREEDEN & ASSOCIATES, PLLC**

HALL PRANGLE & SCHOONVELD

8 
9 _____
10 **ADAM J. BREEDEN, ESQ.**

/s/ Ian M. Houston, Esq.

IAN M. HOUSTON, ESQ.

11 Nevada Bar No. 008768
12 376 E. Warm Springs Road, Suite 120
13 Las Vegas, Nevada 89119
14 Phone: (702) 819-7770
15 Fax: (702) 819-7771
16 adam@Breedendandassociates.com
17 Attorneys for Plaintiff

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

15 DATED this 17th day of March, 2021.

DATED this 17th day of March, 2021.

16 **McBRIDE HALL**

**JOHN H. COTTON &
ASSOCIATES, LTD.**

18 Heather S. Hall, Esq.

/s/ Adam A. Schneider, Esq.

19 **HEATHER S. HALL, ESQ.**

JOHN H. COTTON, ESQ.

20 Nevada Bar No. 010608
21 8329 W. Sunset Rd., Suite 260
22 Las Vegas, Nevada 89113
23 Attorneys for Defendants
24 Keith Brill, M.D. and
25 Women's Health Assoc. of S. Nev. –
26 Martin, PLLC

Nevada Bar No. 5268
27 **ADAM A. SCHNEIDER, ESQ.**
28 Nevada Bar No. 10216
7900 W. Sahara Ave., Suite 200
Las Vegas, Nevada 89117
Attorneys for Defendant
Todd W. Christensen, M.D.

ORDER

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

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

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

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

///

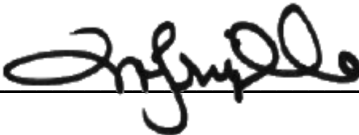
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1 **IT IS FURTHER ORDERED** that Co-defendants, KEITH BRILL, M.D., FACOG, FACS
2 and WOMEN’S HEALTH ASSOCIATES OF SOUTHERN NEVADA – MARTIN, PLLC, reserve
3 all rights and are signing this Stipulation and Order for the parties to comply with NRCP 41(a)(1)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

5 **IT IS SO ORDERED.**

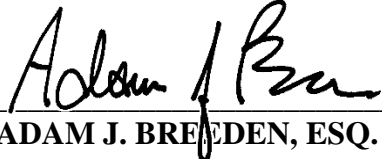
Dated this 17th day of March, 2021

6
7 

8
9 Respectfully submitted by:

068 258 9337 11B2
Monica Trujillo
District Court Judge

10 **BREEDEN & ASSOCIATES, PLLC**

11 

12 **ADAM J. BREEDEN, ESQ.**

13 Nevada Bar No. 008768
14 376 E. Warm Springs Road, Suite 120
15 Las Vegas, Nevada 89119
16 Phone: (702) 819-7770
17 Fax: (702) 819-7771
18 *Attorneys for Plaintiff*

Kristy Johnson

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

You may use my e-signature.

Heather

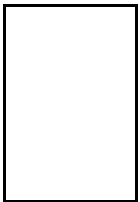
From: Adam Breeden <adam@breedenandassociates.com>
Sent: Wednesday, March 17, 2021 9:38 AM
To: Ian M. Houston <ihouston@hpslaw.com>; Heather S. Hall <hshall@mcbridehall.com>; Adam Schneider <aschneider@jhcottonlaw.com>
Cc: Kristy Johnson <kristy@breedenandassociates.com>
Subject: Taylor v. Brill, M.D.,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

Counsel,

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

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

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



Adam J. Breeden

Trial Attorney, Breeden & Associates, PLLC

(702) 819-7770 | adam@breedenandassociates.com

www.breedenandassociates.com

376 E. Warm Springs Rd., Suite 120 Las Vegas, NV 89119-4262



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Kristy Johnson

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

Good Morning,

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

Thank you,

Ian



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

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

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

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

[External Email] CAUTION!.

I approve the use of my e-signature.

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

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

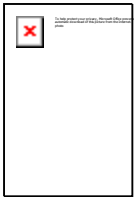
From: [Adam Breeden](#)
Sent: Wednesday, March 17, 2021 9:37 AM
To: [Ian M. Houston](#); [Heather S. Hall](#); [Adam Schneider](#)
Cc: [Kristy Johnson](#)
Subject: Taylor v. Brill, M.D., et. al.

Counsel,

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

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

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



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



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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 Stipulation and Order for Dismissal With Prejudice was served via the
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled
case as listed below:

14 Service Date: 3/17/2021

15 Adam Breeden

adam@breedenandassociates.com

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17 Kellie Piet

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18 Heather Hall

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19 Jody Foote

jfoote@jhcottonlaw.com

20 Jessica Pincombe

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21 Robert McBride

rcmcbride@mcbridehall.com

22 Kristine Herpin

kherpin@mcbridehall.com

23 John Cotton

jhcotton@jhcottonlaw.com

24 Adam Schneider

aschneider@jhcottonlaw.com

25 Emma Gonzales

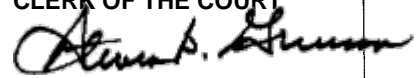
emma.gonzales@lewisbrisbois.com

26
27
28

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2	Danielle Woodrum	Danielle.Woodrum@lewisbrisbois.com
3	Maceo Butler	Maceo.Butler@lewisbrisbois.com
4	Michelle Newquist	mnewquist@mcbridehall.com
5	Kristy Johnson	kristy@breedenandassociates.com
6	James Kent	jamie@jamiekent.org
7	Michelle Krestyn	michelle.krestyn@lewisbrisbois.com
8	Diana Samora	dsamora@hpslaw.com
9	Charlotte Buys	cbuys@hpslaw.com
10	Alissa Bestick	Alissa.Bestick@lewisbrisbois.com
11	Candace Cullina	ccullina@mcbridehall.com
12	Alex Caceres	alex.caceres@lewisbrisbois.com
13	Reina Claus	rclaus@hpslaw.com
14	Tiffane Safar	tsafar@mcbridehall.com
15	Camie DeVoge	cdevoge@hpslaw.com
16	Melanie Thomas	Melanie.Thomas@lewisbrisbois.com
17	Penny Williams	pwilliams@mcbridehall.com
18	Timothy Evans	tevans@mcbridehall.com
19	Xiao Jin	xiaowen.jin@lewisbrisbois.com
20	Hugo Hernandez-Diaz	hugo.hernandez-diaz@lewisbrisbois.com
21	Christopher Ouellette	Chris.Ouellette@lewisbrisbois.com
22		
23		
24		
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28		

EXHIBIT 6

**Notice of Entry of Stipulation and Order for Defendant Christensen, M.D.'s Dismissal with
Prejudice Only**



1 **NEOJ**

2 JOHN H. COTTON, ESQ.

3 Nevada Bar Number 5268

4 JHCotton@jhcottonlaw.com

5 ADAM A. SCHNEIDER, ESQ.

6 Nevada Bar Number 10216

7 ASchneider@jhcottonlaw.com

8 **JOHN H. COTTON & ASSOCIATES, LTD.**

9 7900 West Sahara Avenue, Suite 200

10 Las Vegas, Nevada 89117

11 Telephone: (702) 832-5909

12 Facsimile: (702) 832-5910

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

14 **DISTRICT COURT**

15 * * *

16 **CLARK COUNTY, NEVADA**

17 KIMBERLY D. TAYLOR, an Individual,

18 Plaintiff,

19 vs.

20 KEITH BRILL, M.D., FACOG, FACS, an
21 Individual; WOMEN'S HEALTH
22 ASSOCIATES OF SOUTHERN NEVADA –
23 MARTIN, PLLC, a Nevada Professional
24 Limited Liability Company; DIGNITY
25 HEALTH d/b/a ST. ROSE DOMINICAN
26 HOSPITAL; DOES I through XXX, inclusive;
27 and ROE CORPORATIONS I through XXX,
28 inclusive;

Defendants.

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

DEPT. NO: **3**

NOTICE OF ENTRY OF
STIPULATION AND ORDER FOR
DEFENDANT CHRISTENSEN,
M.D.'S DISMISSAL WITH
PREJUDICE ONLY

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

Dated this 22nd day of April 2021.

JOHN H. COTTON & ASSOCIATES, LTD.

7900 West Sahara Avenue, Suite 200

Las Vegas, Nevada 89117

/s/ Adam Schneider

JOHN H. COTTON, ESQ.

ADAM A. SCHNEIDER, ESQ.

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

Heather Hall
CLERK OF THE COURT

1 **SAO**
2 JOHN H. COTTON, ESQ.
3 Nevada Bar Number 5268
4 JHCotton@jhcottonlaw.com
5 ADAM A. SCHNEIDER, ESQ.
6 Nevada Bar Number 10216
7 ASchneider@jhcottonlaw.com
8 **JOHN H. COTTON & ASSOCIATES, LTD.**
9 7900 West Sahara Avenue, Suite 200
10 Las Vegas, Nevada 89117
11 Telephone: (702) 832-5909
12 Facsimile: (702) 832-5910
13 *Attorneys for Defendant, Todd W. Christensen, M.D.*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

10 KIMBERLY D. TAYLOR, an Individual,
11 Plaintiff,

CASE NO.: A-18-773472-C
DEPT. NO: III

12 vs.

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; TODD W.
18 CHRISTENSEN, M.D., an individual;
19 DIGNITY HEALTH d/b/a ST. ROSE
20 DOMINICAN HOSPITAL; DOES I through
21 XXX, inclusive; and ROE CORPORATIONS I
22 through XXX, inclusive;

**STIPULATION AND ORDER FOR
DEFENDANT CHRISTENSEN,
M.D.'S DISMISSAL WITH
PREJUDICE ONLY**

18 Defendants.

19
20 The Parties, Plaintiff, KIMBERLY TAYLOR, by and through her counsel Adam J.
21 Breeden, Esq. of BREEDEN & ASSOCIATES, PLLC and Defendant TODD W.
22 CHRISTENSEN, M.D. by and through his counsel the law firm of JOHN H. COTTON &
23 ASSOCIATES, LTD., and KEITH BRILL, M.D. and WOMEN'S HEALTH ASSOCIATES OF
24 SOUTHERN NEVADA- MARTIN, PLLC by and through their counsel Heather Hall, Esq. of
25 McBRIDE HALL hereby enter into the following stipulation:

26 **IT IS STIPULATED AND AGREED** that Defendant TODD W. CHRISTENSEN,
27 M.D. be dismissed from the above-referenced matter with prejudice, each party to bear their own
28

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

1 attorneys' fees and costs associated with the action and its own attorney's fees and costs
2 associated with the dismissal of TODD W. CHRISTENSEN, M.D.
3

4 **IT IS FURTHER STIPULATED AND AGREED** that, although this dismissal does
5 resolve and dismiss all of Plaintiff's claims as against TODD W. CHRISTENSEN, M.D., this
6 dismissal does not resolve all claims as to all parties and therefore this Action shall remain
7 pending as to Defendants KEITH BRILL, M.D., FACOG, FACS; WOMEN'S HEALTH
8 ASSOCIATES OF SOUTHERN NEVADA - MARTIN, PLLC; and no current trial or discovery
9 dates shall be vacated at this time by the Court.
10

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

13 **IT IS FURTHER STIPULATED AND AGREED** that Co-defendants KEITH BRILL,
14 M.D., FACOG, FACS, and WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA -
15 MARTIN, PLLC reserve all rights and are signing this Stipulation and Order for the parties to
16 comply with NRCP 41(a)(1).
17

18 **IT IS SO AGREED.**
19
20
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23
24
25

26 //

27 //

Case name: Taylor v. Brill, et. al.
Case no.: A-18-773472-C
Dept no.: III

DATED this 19th day of April 2021.

DATED this 19th day of April 2021.

JOHN H. COTTON & ASSOCIATES

McBRIDE HALL

/s/ Adam Schneider

/s/ Heather Hall

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

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

DATED this 19th day of April 2021.

ADAM BREEDEN & ASSOCIATES

/s/ Adam Breeden

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

ORDER

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

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

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

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

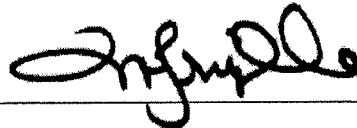
1 all claims as to all parties and therefore this Action shall remain pending as to Defendants
2
3 KEITH BRILL, M.D., FACOG, FACS; WOMEN'S HEALTH ASSOCIATES OF SOUTHERN
4 NEVADA - MARTIN, PLLC; and no current trial or discovery dates shall be vacated at this time
5 by the Court.

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

8 **IT IS FURTHER ORDERED** that Co-defendants KEITH BRILL, M.D., FACOG,
9 FACS, and WOMEN'S HEALTH ASSOCIATES OF SOUTHERN NEVADA - MARTIN,
10 PLLC reserve all rights and are signing this Stipulation and Order for the parties to comply with
11 NRCP 41(a)(1).
12

13 **IT IS SO ORDERED.**
14

Dated this 21st day of April, 2021



15
16
17 Submitted by:

18 JOHN H. COTTON & ASSOCIATES

19
20 */s/ Adam Schneider*

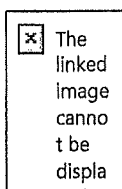
21 ADAM A. SCHNEIDER, ESQ.
22 7900 W. Sahara Ave., Ste. 200
23 Las Vegas, NV 89117
24 *Attorneys for Defendant*
25 *Todd Christensen, M.D.*

ADA B05 445F 8E17
Monica Trujillo
District Court Judge

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

Adam,

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



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



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

Adam,

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

Thanks,

Heather

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

1 CSERV

2 DISTRICT COURT
3 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 Stipulation and Order for Dismissal With Prejudice was served via the
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled
case as listed below:

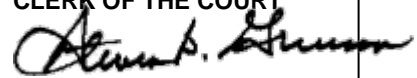
14 Service Date: 4/21/2021

15	Adam Breeden	adam@breedenandassociates.com
16	E-File Admin	efile@hpslaw.com
17	Kellie Piet	kpiet@mcbridehall.com
18	Heather Hall	hshall@mcbridehall.com
19	Jody Foote	jfoote@jhcottonlaw.com
20	Jessica Pincombe	jpinnacle@jhcottonlaw.com
21	Robert McBride	rcmcbride@mcbridehall.com
22	Kristine Herpin	kherpin@mcbridehall.com
23	John Cotton	jhcotton@jhcottonlaw.com
24	Adam Schneider	aschneider@jhcottonlaw.com
25	Michelle Newquist	mnewquist@mcbridehall.com
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1	Kristy Johnson	kristy@breedenandassociates.com
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3	James Kent	jamie@jamiekent.org
4	Diana Samora	dsamora@hpslaw.com
5	Charlotte Buys	cbuys@hpslaw.com
6	Candace Cullina	ccullina@mcbridehall.com
7	Alex Caceres	alex.caceres@lewisbrisbois.com
8	Reina Claus	relaus@hpslaw.com
9	Tiffane Safar	tsafar@mcbridehall.com
10		
11	Camie DeVoge	cdevoge@hpslaw.com
12	Penny Williams	pwilliams@mcbridehall.com
13	Timothy Evans	tevans@mcbridehall.com
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EXHIBIT 7

Notice of Entry of Judgment on Jury Verdict



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

DISTRICT COURT

CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual,

Plaintiff,

vs.

KEITH BRILL, MD, FACOG, FACS, an
Individual; WOMEN'S HEALTH
ASSOCIATES OF SOUTHERN NEVADA –
MARTIN, PLLC, a Nevada Professional
Limited Liability Company,

Defendants.

CASE NO.: A-18-773472-C
DEPT: III

**NOTICE OF ENTRY OF JUDGMENT ON
JURY VERDICT**

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

DATED this 19th day of November 2021. McBRIDE HALL

/s/Heather S. Hall

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

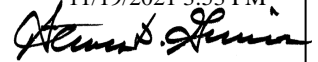
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☒ **VIA ELECTRONIC SERVICE:** By mandatory electronic service (e-service), proof of e-service attached to any copy filed with the Court; or

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

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

/s/ Candace Cullina
An Employee of McBRIDE HALL


CLERK OF THE COURT

JUDG

ROBERT C. McBRIDE, ESQ.

Nevada Bar No. 7082

HEATHER S. HALL, ESQ.

Nevada Bar No. 10608

McBRIDE HALL

8329 W. Sunset Road, Suite 260

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Telephone No. (702) 792-5855

Facsimile No. (702) 796-5855

E-mail: rcmcbride@mcbridehall.com

E-mail: hshall@mcbridehall.com

Attorneys for Defendants,

Keith Brill, M.D., FACOG and

Women's Health Associates of Southern Nevada –

MARTIN, PLLC

DISTRICT COURT

CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual,

Plaintiff,

vs.

KEITH BRILL, MD, FACOG, FACS, an

Individual; WOMEN'S HEALTH

ASSOCIATES OF SOUTHERN NEVADA –

MARTIN, PLLC, a Nevada Professional

Limited Liability Company,

Defendants.

CASE NO.: A-18-773472-C

DEPT: III

JUDGMENT ON JURY VERDICT

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

///

///

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

Dated this 19th day of November, 2021

Carri Kung

1B9 9FE 7850 3814
Carli Kierny
District Court Judge

Respectfully submitted by:

DATED this 8th day of November, 2021.

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*

Agreed as to form and content:

DATED this 8th day of November 2021.

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: [Candace P. Cullina](#)
Cc: [Robert McBride](#); [Heather S. Hall](#)
Subject: Re: Taylor v. Brill
Date: Monday, November 8, 2021 3:41:35 PM
Attachments: [image001.png](#)

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

photo



Adam J. Breeden

Trial Attorney, Breeden & Associates, PLLC

(702) 819-7770 | adam@breedenandassociates.com

www.breedenandassociates.com

376 E. Warm Springs Rd., Suite 120 Las Vegas, NV 89119-4262



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

Hi Adam,

Attached is a Judgment on Jury Verdict for your review. Please let me know if we have your permission to affix your e-signature.

Kind regards,

Candace Cullina

Legal Assistant to Robert C. McBride, Esq.

and Heather S. Hall, Esq.

ccullina@mcbridehall.com | 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 Judgment on Jury Verdict 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: 11/19/2021

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

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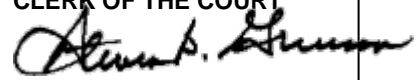
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Sarah Daniels	sarah@breedenandassociates.com

EXHIBIT 8

**Notice of Entry of Order Denying Plaintiff's Motion to Disqualify The McBride Law Firm
on an Ex Parte Motion for Order Shortening Time**



NEO
ROBERT C. McBRIDE, ESQ.
Nevada Bar No. 7082
HEATHER S. HALL, ESQ.
Nevada Bar No. 10608
McBRIDE HALL
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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,
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*

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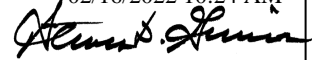
1 **CERTIFICATE OF SERVICE**

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 /s/ Natalie A. Jones
23 An Employee of *McBRIDE HALL*
24
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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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.

3 9. Ms. Johnson continued her employment with Breeden & Associates, PLLC until
4 November 5, 2021.

5 10. On October 25, 2021, Adam J. Breeden, Esq. sent correspondence to McBride Hall
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
8 outlining the screening measures that were put in place for this matter.

9 12. Prior to Ms. Johnson's start date of November 8, 2021, McBride Hall's paper file
10 for *Kimberly Taylor v. Keith Brill, M.D., et al.* (Case No. A-18-773472-C) was locked in a filing
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.

19 16. On November 17, 2021, Plaintiff's Motion to Disqualify the McBride Hall Law
20 Firm on an Exparte Motion for Order Shortening Time was filed.

21 17. On November 24, 2021, Defendants' Opposition Plaintiff's Motion to Disqualify
22 the McBride Hall Law Firm on an Exparte Motion for Order Shortening Time was filed.

23 18. On December 7, 2021, Plaintiff Kimberly Taylor's Motion to Disqualify the
24 McBride Hall Law Firm on an Ex Parte Motion for Order Shortening Time came on for hearing
25 on December 7, 2021 and an evidentiary hearing was set for January 7, 2022.

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.
28

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:

4 (1) “The newly hired nonlawyer [employee] must be cautioned not to disclose any
5 information relating to the representation of a client of the former employer.”

6 (2) “The nonlawyer [employee] must be instructed not to work on any matter on which
7 [he or] she worked during the prior employment, or regarding which [he or] she has
information relating to the former employer’s representation.”

8 (3) “The new firm should take ... reasonable steps to ensure that the nonlawyer
9 [employee] does not work in connection with matters on which [he or] she worked
10 during the prior employment, absent client consent [i.e. unconditional waiver] after
consultation.”

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

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



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**

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3 DISTRICT COURT
CLARK COUNTY, NEVADA

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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

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24 Michelle Newquist

mnewquist@mcbridehall.com

25 James Kent

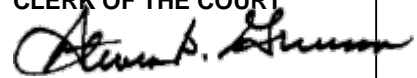
jamie@jamiekent.org

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Madeline VanHeuvelen	mvanheuvelen@mcbridehall.com
Sarah Daniels	sarah@breedenandassociates.com

EXHIBIT 9
Notice of Appeal



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*

11 **EIGHTH JUDICIAL DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 KIMBERLY TAYLOR, an individual,
14 Plaintiff,

CASE NO.: A-18-773472-C

DEPT NO.: III

15 v.

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

NOTICE OF APPEAL

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

25 DATED this 17th day of March, 2022.

26 **BREEDEN & ASSOCIATES, PLLC**

27 
28 **ADAM J. BREEDEN, ESQ.**

Nevada Bar No. 008768
376 E. Warm Springs Road, Suite 120
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 11 <i>Attorneys for Defendants Keith Brill, M.D. and Women's Health Associates</i>
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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