

IN THE SUPREME COURT OF THE STATE OF NEVADA

ESTATE OF REBECCA POWELL,  
THROUGH BRIAN POWELL, AS  
SPECIAL ADMINISTRATOR; DARCI  
CREECY, INDIVIDUALLY AND AS  
HEIR; TARYN CREECY,  
INDIVIDUALLY AND AS HEIR;  
ISAIAH KHOSROF, INDIVIDUALLY  
AND AS HEIR; AND LLOYD  
CREECY, INDIVIDUALLY,

Appellants,

vs.

VALLEY HEALTH SYSTEM, LLC,  
D/B/A CENTENNIAL HILLS  
HOSPITAL MEDICAL CENTER, A  
FOREIGN LIMITED LIABILITY  
COMPANY,

Respondent.

Supreme Court No. 84861  
District Court Case No. A-19-788787-C

Electronically Filed  
Jan 25 2023 03:44 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

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**RESPONDENT'S MOTION TO DISMISS APPELLANTS' APPEAL FOR  
FAILURE TO FILE TIMELY OPENING BRIEF AND APPENDIX**

---

S. BRENT VOGEL  
Nevada Bar No. 6858  
ADAM GARTH  
Nevada Bar No. 15045  
Lewis Brisbois Bisgaard & Smith LLP  
6385 South Rainbow Boulevard, Suite 600  
Las Vegas, Nevada 89118  
Telephone: 702-893-3383  
Facsimile: 702-893-3789  
*Attorneys for Respondent*

## **NRAP 26.1 DISCLOSURE**

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed:

1. Respondent VALLEY HEALTH SYSTEM, LLC, D/B/A CENTENNIAL HILLS HOSPITAL MEDICAL CENTER, A FOREIGN LIMITED LIABILITY COMPANY is a division of Universal Health Services, Inc. a publicly traded corporation on the New York Stock Exchange.

2. The undersigned counsel of record for appellants are the only attorneys who have appeared on their behalf in this matter, both before this court and in the district court. Attorneys Adam Garth, Esq., and S. Brent Vogel, Esq. appeared for the Respondent in the proceedings before the district court.

These representations are made in order that the judges of this court may evaluate possible disqualifications or recusal.

Dated this 25<sup>th</sup> day of January, 2023.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Adam Garth

S. BRENT VOGEL, ESQ.

Nevada Bar No. 004665

ADAM GARTH, ESQ.

Nevada Bar No. 015045

6385 South Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

*Attorneys for Respondent*

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. INTRODUCTION

Appellants (“Plaintiffs”) were last ordered to file their opening brief and appendix on or before January 9, 2023 absent extraordinary and compelling circumstances (**Exhibit “A”**). Such an order from this Court advised Plaintiffs that no further extensions were to be granted in the absence of the aforementioned circumstances. Plaintiffs’ failed to comply with that order. The January 9, 2023 deadline was achieved after Plaintiffs obtained a prior extension of time to file their opening brief and appendix, the first by way of an automatic 14 day extension per NRAP 31(b)(1). On January 9, 2023, instead of complying with this Court’s order, Plaintiffs’ counsel had the audacity to request a **third** extension of time, claiming medical issues he experienced prevented him from timely filing his brief. As of the writing of this motion, this Court has not ruled on Plaintiffs’ third extension request which Respondent (“VHS”) has vehemently opposed due to what appears to be Plaintiffs’ counsel’s misrepresentations to this Court regarding the reason for his third extension request. It should be noted that other than his motion, Plaintiffs’ counsel provided no proof or substantiation of his “medical issues” preventing a timely filing. What is readily apparent, however, is that Plaintiffs’ counsel’s staff keeps rotating out the “revolving door” of his firm, and he is simply attempting to garner judicial sympathy for failing to follow court imposed deadlines. Such staffing

issues, however, do not present extraordinary or compelling circumstances.

Plaintiffs have been afforded every courtesy by VHS in this matter, and both this Court and the District Court have complied with every extension request from Plaintiffs' counsel. Those courtesies need to terminate some time, and that time is now. The truth is, Plaintiffs were supposed to have filed their opening brief in September, 2022, which briefing was suspended due to the required Supreme Court Settlement Conference. The issues on appeal arise from an order issued in June, 2022, and now, **seven months later**, Plaintiffs are on their third request for an extension on their opening brief, and requests for extensions on VHS's motion to increase the supersedeas bond. Every request has been granted by this Court. Plaintiffs should not be extended any further time to file their brief and their appeal should be dismissed in its entirety.

Plaintiffs' appellate brief in this case was first due on October 25, 2022, after an unsuccessful settlement conference. As evidenced by the email exchange, Plaintiffs requested a 60 day extension (until December 26, 2022), and VHS agreed to provide Plaintiffs a 30 day extension (**Exhibit "B"**). The day after requesting their extension, Plaintiffs' counsel emailed our office at 2:21 p.m. the day before a hearing was ordered by the District Court for a judgment debtors' examination of Plaintiffs to advise us that none of Plaintiffs would be appearing in defiance of the

District Court's order (**Exhibit "C"**).<sup>1</sup> One hour later, Plaintiffs' counsel advised that the requested 60-day extension (which VHS consented to give 30 days) was unnecessary since Plaintiffs' counsel obtained an automatic 14-day extension from this Court (**Exhibit "D"**).

After obtaining their 14-day extension to file their brief, on October 26, 2022, Plaintiffs sought another 60-day extension (**Exhibit "E"**), this time claiming a medical excuse, out of town medical appointments, and an extended convalescence as justification for this request. After VHS agreed to the additional 60-day extension (74 days from original due date after briefing was reinstated by this Court), Plaintiffs obtained VHS's consent to file a joint motion for said extension, referring to the medical excuse to obtain VHS's consent (**Exhibit "E"**), which motion was granted and Plaintiffs had until January 9, 2022 to file their brief.

This Court's order of November 4, 2022 (**Exhibit "A"**) states in no uncertain terms, "No further extensions of time shall be permitted absent demonstration of extraordinary and compelling circumstances. *Id.* Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnurn v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the opening brief and appendix may result in the

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<sup>1</sup> Plaintiffs further failed to comply with the District Court's order to supply required discovery 2 weeks in advance of the September 28, 2022 judgment debtors' examination, but the order to do so as well as any appearances for the examination were eventually stayed by the District Court pending the outcome of the instant appeal.

imposition of sanctions, including the dismissal of this appeal. NRAP 31(d).”

Instead of filing their opening brief and appendix as ordered, for which no further extensions would be granted absent the extraordinary and compelling circumstances noted by this Court, Plaintiffs’ counsel attempted a **third** extension, looking to extend their original 90 days by another 97 days, until January 30, 2023, for a total of 187 days to file an appeal. As noted, a motion opposing Plaintiffs’ third request remains pending before this Court.

While attempting to further extend their briefing on this appeal, Plaintiffs moved to extend their time to oppose VHS’s motion to increase Plaintiffs’ appeal bond to reflect the amount of the entered judgment against them. Despite the claims of medical issues and extended convalescence during the very period for which the extension was sought, Plaintiffs requested an additional month’s extension to oppose VHS’s pending motion. In Plaintiffs’ request, the excuse proffered by Mr. Padda, Plaintiffs’ counsel, is that he has been on trial since November 28, 2022 (**Exhibit “F”**) (curiously coinciding with the extended convalescence period the subject of which got him multiple extensions to file his appellants’ brief in this matter). Again, this Court acceded to Plaintiffs’ counsel’s request, but extending their opposition on deadline on VHS’s motion until December 23, 2022 with VHS required to speedily reply by December 30, 2022 (**Exhibit “G”**).

At every turn, Plaintiffs have sought to delay the day of reckoning here. They

misled the Court below in opposition to VHS's summary judgment motion, and it was this Court which prevented that from going further, having overruled the District Court and granted summary judgment. Thereafter, they failed to timely object to the memorandum of costs in the Court below, but nevertheless requested a "do over" which was denied. Plaintiffs thereafter filed what will be demonstrated to be a baseless appeal (which brief has yet to be filed). **Plaintiffs' counsel is on his third extension of time to file Plaintiffs' brief**, claiming a medical excuse, but now it is clear that he was going to trial, presenting this medical excuse to our firm and this Court to obtain his extension, only to dip into his haversack of pity to this Court seeking more courtesies while mispresenting his real motive – he has insufficient assistance and wherewithal to produce the required appellate filing.

Plaintiffs' counsel and his clients disobeyed District Court orders to produce documents and appear for a judgment debtors' examination, and the day before the hearing, indicated they would not appear in defiance of that order, and filed an after business hours motion to stay enforcement of any collection proceedings.

Then, on the day their brief and appendix are due, Plaintiffs requested an additional 15 business days to file until January 30, 2023, when this Court gave them adequate notice that further extensions, absent exigent circumstances, would not be permitted. There are no exigent circumstances here. Plaintiffs' counsel is playing this Court and the District Court to garner sympathy and delaying his obligations to

all parties and the Courts. Enough is enough.

## II. LEGAL ARGUMENT

NRAP 31(d)(1) states in pertinent part: “If an appellant fails to file an opening brief or appendix within the time provided by this Rule, or within the time extended, a respondent may move for dismissal of the appeal or the court may dismiss the appeal on its own motion.”

This Court recognizes that dilatory conduct by counsel on a party’s behalf is grounds for dismissal of an appeal. Specifically, this Court stated:

[Despite] the sound policy preference for deciding cases on the merits, that policy is not boundless and must be weighed against other policy considerations, including the public's interest in expeditious appellate resolution, which coincides with the parties' interests in bringing litigation to a final and stable judgment; prejudice to the opposing party; and judicial administration concerns, such as the court's need to manage its large and growing docket. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962); *Kushner v. Winterthur Swiss Ins. Co.*, 620 F.2d 404, 406-08 (3d Cir. 1980); *GCIU Emp'r Ret. Fund v. Chi. Tribune Co.*, 8 F.3d 1195, 1199 (7th Cir. 1993) (noting that courts must "perpetually balance the competing interests of keeping a manageable docket against deciding cases on their merits"). Thus, a party cannot rely on the preference for deciding cases on the merits to the exclusion of all other policy considerations, and when an appellant fails to adhere to Nevada's appellate procedure rules, which embody judicial administration and fairness concerns, or fails to comply with court directives or orders, that appellant does so at the risk of forfeiting appellate relief. *See* NRAP 31(d) (describing consequences for failure to file briefs or appendix, which include dismissal

of the appeal); *Weddell v. Stewart*, 127 Nev. 645, 261 P.3d 1080 (2011); *City of Las Vegas v. Int'l Ass'n of Firefighters, Local No. 1285*, 110 Nev. 449, 874 P.2d 735 (1994); *Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974); see also NRAP 9(a)(6) and NRAP 14(c) (providing that an appeal may be dismissed for failure to file transcript request forms and docketing statements, respectively). Accordingly, dismissal of an appeal after a party fails to comply with court rules and orders is not inconsistent with the policy preference to decide cases on the merits when balanced with other policy concerns, and our decision to dismiss these appeals following such failures does not mandate reconsideration . . .

*Huckabay Props. v. NC Auto Parts, Ltd. Liab. Co.*, 130 Nev. 196, 203-04, 322 P.3d 429, 433-34 (2014). This Court went further to note:

Here, appellants did not follow the rules governing briefing and motions practice, and they did not adhere to the briefing deadlines set forth by court order, nor did they provide any adequate basis for their failure to do so. Thus, they cannot expect this court to continue to keep these matters on its docket and then consider the merits of the appeals when appellants eventually decide to submit their brief for consideration. Our May 24, 2013, order in fact warned appellants that dismissal may be forthcoming if the brief was not filed by the deadline imposed by that order. The dismissal therefore should have come as no surprise. Although appellants contend that *Hansen v. Universal Health Services of Nevada, Inc.*, 112 Nev. 1245, 924 P.2d 1345 (1996), provides them an out for the dismissal of their appeals and that *Hansen* should be applied to grant them a mulligan, in a sense, such a do-over is appropriately limited to remedy a poorly executed tee-shot, and not so much in the litigation setting to correct failures to adhere to court rules and orders. This court has in fact on several occasions recognized that an appeal may be appropriately dismissed for just such violations. See *Weddell v. Stewart*, 127 Nev. 645, 261

P.3d 1080 (2011) (declining to reconsider an order dismissing an appeal based on repeated failures to follow court rules and directives); *City of Las Vegas v. Int'l Ass'n of Firefighters, Local No. 1285*, 110 Nev. 449, 453-54, 874 P.2d 735, 738 (1994) (concluding that dismissal was an appropriate sanction for failure to supply the record and take action in an appeal as "the primary responsibility for this transgression must lie with the appellant"); *Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974) (dismissing an appeal based on appellant's counsel's multiple procedural derelictions and dilatory pursuit of appeal). As explained above, our decision denying reconsideration and declining to reinstate these appeals is consistent with authority from federal jurisdictions and with general agency principles that bind a client to its attorney's acts and omissions.

*Huckabay*, *supra* 130 Nev. at 206-07, 322 P.3d at 436. Such rationale should be applied to Plaintiffs and their counsel in this case. Plaintiffs were required to demonstrate not only good cause, but extraordinary and compelling circumstances. They failed to demonstrate either. See NRAP 26(b)(1)(A); NRAP 27(a)(2). They provided no evidence whatsoever to support any extension, just as they failed to provide evidentiary support in the District Court which resulted in this Court's granting summary judgment to VHS and the ensuing costs and fees imposed on Plaintiffs.

As the evidence submitted herewith demonstrates, the question of the Plaintiffs' counsel's candor with his adversary as well as with this Court is certainly concerning. The evidence demonstrates that multiple extensions of time to file Plaintiffs' underlying brief in this matter were obtained on the premise that Mr.

Padda was experiencing serious medical issues requiring out of state treatment and extended convalescence, while at the same time as that supposed convalescence, he attended and prosecuted a trial he prosecuted for which he claimed a need to extend his time to oppose tVHS's motion to increase the bond in this matter.

Mr. Padda requested three extensions to file this opening brief, the latest of which is now pending, as well as an extension to oppose another pending VHS motion before this Court to increase the appeal bond he surreptitiously filed which is inadequate on its face.

This Court clearly held that dismissal of an appeal after a party fails to comply with court rules and orders is not inconsistent with the policy preference to decide cases on the merits when balanced with other policy concerns. Such a policy should be implemented here. Plaintiffs have had seven months within which to file their opening brief and appendix. They wasted the first 90 days doing nothing to perfect their appeal, and spent the following 90 days obtaining or seeking to obtain multiple extensions without supporting evidence and inconsistent excuses. In short, Mr. Padda should be afforded no further consideration by this Court on this issue and the appeal should be dismissed in its entirety.

### **III. CONCLUSION**

Given the evidence submitted herewith, VHS's motion to dismiss the appeal consistent with NRAP 31(d).

DATED this 25<sup>th</sup> day of January, 2023.

LEWIS BRISBOIS BISGAARD &  
SMITH LLP

By           /s/ Adam Garth          

S. BRENT VOGEL

Nevada Bar No. 006858

ADAM GARTH

Nevada Bar No. 15045

6385 S. Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

Tel. 702.893.3383

*Attorneys for Respondent Valley Health  
System, LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of January, 2023, a true and correct copy of **RESPONDENT'S MOTION TO DISMISS APPELLANTS' APPEAL FOR FAILURE TO FILE TIMELY OPENING BRIEF AND APPENDIX** was served upon the following parties by electronic service through this Court's electronic service system and also by placing a true and correct copy thereof in the United States Mail in Las Vegas, Nevada with first class postage fully prepaid.

Paul S. Padda, Esq.  
PAUL PADDA LAW, PLLC  
4560 S. Decatur Blvd., Suite 300  
Las Vegas, NV 89103  
Tel: 702.366.1888  
Fax: 702.366.1940  
[psp@paulpaddalaw.com](mailto:psp@paulpaddalaw.com)  
*Attorneys for Plaintiffs*

By /s/ Heidi Brown  
An Employee of  
LEWIS BRISBOIS BISGAARD &  
SMITH LLP

# EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF NEVADA

ESTATE OF REBECCA POWELL,  
THROUGH BRIAN POWELL, AS  
SPECIAL ADMINISTRATOR; DARCI  
CREECY, INDIVIDUALLY AND AS  
HEIR; TARYN CREECY,  
INDIVIDUALLY AND AS HEIR;  
ISAIAH KHOSROF, INDIVIDUALLY  
AND AS HEIR; AND LLOYD CREECY,  
INDIVIDUALLY,

Appellants,

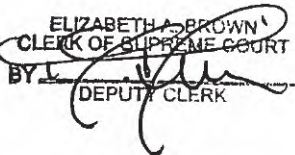
vs.

VALLEY HEALTH SYSTEM, LLC,  
D/B/A CENTENNIAL HILLS HOSPITAL  
MEDICAL CENTER, A FOREIGN  
LIMITED LIABILITY COMPANY,  
Respondent.

No. 84861

FILED

NOV 04 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER GRANTING MOTION

Extraordinary and compelling circumstances having been demonstrated, the joint motion requesting a second extension of time to file the opening brief is granted. NRAP 26(b)(1)(B). Appellants shall have until January 9, 2023, to file and serve the opening brief and appendix. No further extensions of time shall be permitted absent demonstration of extraordinary and compelling circumstances. *Id.* Counsel's caseload normally will not be deemed such a circumstance. *Cf. Varnum v. Grady*, 90 Nev. 374, 528 P.2d 1027 (1974). Failure to timely file the opening brief and appendix may result in the imposition of sanctions, including the dismissal of this appeal. NRAP 31(d).

It is so ORDERED.

, C.J.

cc: Paul Padda Law, PLLC  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas

# EXHIBIT B

**From:** [Garth, Adam](#)  
**To:** [Srilata Shah](#)  
**Cc:** [Paul Padda](#); [Shelbi Schram](#); [Vogel, Brent](#); [Brown, Heidi](#); [San Juan, Maria](#); [DeSario, Kimberly](#)  
**Subject:** RE: Re: Estate of Rebecca Powell - Request for extension to file appellate brief  
**Date:** Tuesday, September 27, 2022 9:10:40 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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We will agree to a 30 day extension. If that works for you, please prepare stipulation for our review prior to submission. Thanks.

Adam Garth

---

**From:** Srilata Shah <sri@paulpaddalaw.com>  
**Sent:** Monday, September 26, 2022 3:10 PM  
**To:** Garth, Adam <Adam.Garth@lewisbrisbois.com>  
**Cc:** Paul Padda <psp@paulpaddalaw.com>; Shelbi Schram <shelbi@paulpaddalaw.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>  
**Subject:** [EXT] Re: Estate of Rebecca Powell - Request for extension to file appellate brief

Dear Mr. Garth:

Our appellate brief is due on October 25, 2022. We are requesting a 60-day extension through December 26, 2022, to file our brief. We will forward a Stipulation Extending the Deadline if you are amenable to granting us the extension. Thank you. Sri

**Srilata Shah, Esq.**

PAUL PADDA LAW, PLLC  
(702) 366-1888  
[sri@paulpaddalaw.com](mailto:sri@paulpaddalaw.com)  
[paulpaddalaw.com](http://paulpaddalaw.com)



**Nevada Physical Office:**  
4560 South Decatur Blvd, Suite 300  
Las Vegas, Nevada 89103  
Tele: [\(702\) 366-1888](tel:(702)366-1888)

**California Physical Office:**  
300 South Grand Avenue, Suite 3840  
Los Angeles, California 90071  
Tele: (213) 423-7788

**Mailing Address For All Offices:**  
4030 South Jones Blvd., Unit 30370  
Las Vegas, Nevada 89173



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# EXHIBIT C

**From:** [Paul Padda](#)  
**To:** [Garth, Adam](#); [Srilata Shah](#); [Vogel, Brent](#)  
**Cc:** [Lani Esteban-Trinidad](#)  
**Subject:** [EXT] Re: Estate of Rebecca Powell  
**Date:** Tuesday, September 27, 2022 2:21:00 PM  
**Attachments:** [image001.png](#)

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Dear Messrs. Vogel and Garth,

I am writing to advise that none of the respondents in your Judgment Debtor proceeding will be able to appear tomorrow. As you know, they have very limited financial means and are unable to travel to Las Vegas. In fact, to my knowledge, they haven't stepped foot in Nevada since the passing of Rebecca Powell. I am providing this in advance to avoid any inconvenience. I will also be seeking relief from the Court regarding the same.

Regards,  
Paul Padda

**Paul S. Padda, Esq.**

PAUL PADDA LAW, PLLC  
(702) 366-1888  
[paulpaddalaw.com](http://paulpaddalaw.com)

**Nevada Physical Office:**

4560 South Decatur Blvd, Suite 300  
Las Vegas, Nevada 89103  
Tele: [\(702\) 366-1888](tel:(702)366-1888)

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300 South Grand Avenue, Suite 3840  
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**Mailing Address For All Offices:**

4030 South Jones Blvd., Unit 30370  
Las Vegas, Nevada 89173



**PAUL PADDA LAW**

IT'S NOT ABOUT THE INJURY. IT'S ABOUT THE RECOVERY.

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# EXHIBIT D

**From:** [Srilata Shah](#)  
**To:** [Garth, Adam](#)  
**Cc:** [Paul Padda](#); [Shelbi Schram](#); [Vogel, Brent](#); [Brown, Heidi](#); [San Juan, Maria](#); [DeSario, Kimberly](#)  
**Subject:** [EXT] RE: Re: Estate of Rebecca Powell - Request for extension to file appellate brief  
**Date:** Tuesday, September 27, 2022 3:10:47 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Dear Mr. Garth:

Thank you for your prompt response to my email and agreeing to a 30-day extension. Paul reached out to the Court and was granted a 14-day extension. We should be able to file our brief withing the time granted by the Court. Thank you again for your professional courtesy. Sri

**Srilata Shah, Esq.**

PAUL PADDA LAW, PLLC  
(702) 366-1888  
[sri@paulpaddalaw.com](mailto:sri@paulpaddalaw.com)  
[paulpaddalaw.com](http://paulpaddalaw.com)



**Nevada Physical Office:**

4560 South Decatur Blvd, Suite 300  
Las Vegas, Nevada 89103  
Tele: [\(702\) 366-1888](tel:(702)366-1888)

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300 South Grand Avenue, Suite 3840  
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---

**From:** Garth, Adam <Adam.Garth@lewisbrisbois.com>

**Sent:** Tuesday, September 27, 2022 9:11 AM

**To:** Srilata Shah <sri@paulpaddalaw.com>

**Cc:** Paul Padda <psp@paulpaddalaw.com>; Shelbi Schram <shelbi@paulpaddalaw.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; San Juan, Maria <Maria.SanJuan@lewisbrisbois.com>; DeSario, Kimberly <Kimberly.DeSario@lewisbrisbois.com>

**Subject:** RE: Re: Estate of Rebecca Powell - Request for extension to file appellate brief

We will agree to a 30 day extension. If that works for you, please prepare stipulation for our review prior to submission. Thanks.

Adam Garth



**Adam Garth**  
**Partner**  
[Adam.Garth@lewisbrisbois.com](mailto:Adam.Garth@lewisbrisbois.com)

**T: 702.693.4335 F: 702.366.9563**

6385 South Rainbow Blvd., Suite 600, Las Vegas, NV 89118 | [LewisBrisbois.com](http://LewisBrisbois.com)

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**From:** Srilata Shah <[sri@paulpaddalaw.com](mailto:sri@paulpaddalaw.com)>

**Sent:** Monday, September 26, 2022 3:10 PM

**To:** Garth, Adam <[Adam.Garth@lewisbrisbois.com](mailto:Adam.Garth@lewisbrisbois.com)>

**Cc:** Paul Padda <[psp@paulpaddalaw.com](mailto:psp@paulpaddalaw.com)>; Shelbi Schram <[shelbi@paulpaddalaw.com](mailto:shelbi@paulpaddalaw.com)>; Vogel, Brent <[Brent.Vogel@lewisbrisbois.com](mailto:Brent.Vogel@lewisbrisbois.com)>

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**Srilata Shah, Esq.**

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# EXHIBIT E

**From:** [Paul Padda](#)  
**To:** [Garth, Adam](#); [Vogel, Brent](#)  
**Cc:** [Brown, Heidi](#); [DeSario, Kimberly](#)  
**Subject:** [EXT] RE: Re: Powell v. UHS -- NV Supreme Court  
**Date:** Wednesday, October 26, 2022 3:34:48 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Thank you. Yes, I will extend reciprocal courtesy.

**Paul S. Padda, Esq.**

PAUL PADDA LAW, PLLC  
(702) 366-1888  
[paulpaddalaw.com](http://paulpaddalaw.com)

**Nevada Physical Office:**

4560 South Decatur Blvd, Suite 300  
Las Vegas, Nevada 89103  
Tele: (702) 366-1888

**California Physical Office:**

300 South Grand Avenue, Suite 3840  
Los Angeles, California 90071  
Tele: (213) 423-7788

**Mailing Address For All Offices:**

4030 South Jones Blvd., Unit 30370  
Las Vegas, Nevada 89173



**PAUL PADDA LAW**

IT'S NOT ABOUT THE INJURY. IT'S ABOUT THE RECOVERY.

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**From:** Garth, Adam <Adam.Garth@lewisbrisbois.com>  
**Sent:** Wednesday, October 26, 2022 3:33 PM  
**To:** Paul Padda <psp@paulpaddalaw.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>  
**Cc:** Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; DeSario, Kimberly <Kimberly.DeSario@lewisbrisbois.com>  
**Subject:** RE: Re: Powell v. UHS -- NV Supreme Court

As a professional courtesy, we will agree to the 60 day extension with the proviso that given the timing of your brief and our current trial schedule, we may need an extension of time on our respondent's brief and if we require the same courtesy, we want your assurance that we will get the same in return.

Adam Garth

**Adam Garth**  
**Partner**

[Adam.Garth@lewisbrisbois.com](mailto:Adam.Garth@lewisbrisbois.com)



T: 702.693.4335 F: 702.366.9563

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**From:** Paul Padda <[psp@paulpaddalaw.com](mailto:psp@paulpaddalaw.com)>

**Sent:** Wednesday, October 26, 2022 1:54 PM

**To:** Garth, Adam <[Adam.Garth@lewisbrisbois.com](mailto:Adam.Garth@lewisbrisbois.com)>; Vogel, Brent <[Brent.Vogel@lewisbrisbois.com](mailto:Brent.Vogel@lewisbrisbois.com)>

**Cc:** Brown, Heidi <[Heidi.Brown@lewisbrisbois.com](mailto:Heidi.Brown@lewisbrisbois.com)>; DeSario, Kimberly <[Kimberly.DeSario@lewisbrisbois.com](mailto:Kimberly.DeSario@lewisbrisbois.com)>

**Subject:** [EXT] RE: Powell v. UHS -- NV Supreme Court

Thank you. I requested 60-days taking into account my personal circumstances which involve medical issues. I appreciate the agreement to 30-days but that will not be sufficient given my circumstances. I requested 60-days for a reason. As for the previous 14-day request, that was requested at that time with the anticipation I would be able to meet the deadline. Unfortunately, things have arisen that require I attend to my health. Please reconsider and let me know. Thanks.

**Paul S. Padda, Esq.**

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**From:** Garth, Adam <[Adam.Garth@lewisbrisbois.com](mailto:Adam.Garth@lewisbrisbois.com)>  
**Sent:** Wednesday, October 26, 2022 1:48 PM  
**To:** Paul Padda <[psp@paulpaddalaw.com](mailto:psp@paulpaddalaw.com)>; Vogel, Brent <[Brent.Vogel@lewisbrisbois.com](mailto:Brent.Vogel@lewisbrisbois.com)>  
**Cc:** Brown, Heidi <[Heidi.Brown@lewisbrisbois.com](mailto:Heidi.Brown@lewisbrisbois.com)>; DeSario, Kimberly <[Kimberly.DeSario@lewisbrisbois.com](mailto:Kimberly.DeSario@lewisbrisbois.com)>  
**Subject:** RE: Re: Powell v. UHS -- NV Supreme Court

We will agree to a 30 day extension if you would like to prepare the stipulation to extend on that basis.

As we understand it, your associate requested a 60 day extension on 9/26 to go until 12/26. At that time, we agreed to a 30 day extension which your firm chose not to pursue and instead sought the 14 day extension from the court. You have already had 3 ½ months to file your brief from the time the schedule was reinstated and months before that with time wasted for settlement conferences.

While we are understanding of your medical issues, this matter has been dragged out for years and we are consistently asked to extend professional courtesies to your office while our time has not been respected.

Let us know if the 30 days is acceptable.



**Adam Garth**  
**Partner**  
[Adam.Garth@lewisbrisbois.com](mailto:Adam.Garth@lewisbrisbois.com)  
**T: 702.693.4335 F: 702.366.9563**

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**From:** Paul Padda <[psp@paulpaddalaw.com](mailto:psp@paulpaddalaw.com)>  
**Sent:** Wednesday, October 26, 2022 1:36 PM  
**To:** Vogel, Brent <[Brent.Vogel@lewisbrisbois.com](mailto:Brent.Vogel@lewisbrisbois.com)>; Garth, Adam <[Adam.Garth@lewisbrisbois.com](mailto:Adam.Garth@lewisbrisbois.com)>  
**Subject:** [EXT] Re: Powell v. UHS -- NV Supreme Court

Counsel, I have a medical procedure I will need to get and will be out of town prior to the Opening Brief being due. Please advise if you are willing to agree to a 60-day extension of time for Appellants to file an Opening Brief. Currently, our brief is due on November 9, 2022. Please let me know your position by 3 pm tomorrow. Thanks.

**Paul S. Padda, Esq.**

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# EXHIBIT F

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

ESTATE OF REBECCA  
POWELL, through Brian Powell as  
Special Administrator; DARCI  
CREECY, individually; TARYN  
CREECY, individually; ISAIAH  
KHOSROF, individually; LLOYD  
CREECY, individually,

Appellants,

vs.

VALLEY HEALTH SYSTEM,  
LLC (doing business as  
“Centennial Hills Hospital Medical  
Center”),

Respondent.

Appeal No. 84861

Electronically Filed  
Dec 09 2022 05:51 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION TO PERMIT APPELLANTS ADDITIONAL TIME TO  
RESPOND TO RESPONDENT’S MOTION REGARDING BOND**

Pursuant to Nevada Rules of Appellate Procedure 26(b) and 27,  
Appellants, by and through their counsel, respectfully request that the  
Court grant this motion to permit Appellants additional time, or until  
January 6, 2023, to file a response to Respondent’s motion regarding an  
appeal bond which was filed on December 2, 2022. Currently,

Appellants’ response is due on December 9, 2022. In support of this motion, Appellants rely upon the following:

1. Currently pending before the Court is a 564-page document filed by Respondent challenging a determination by the district court regarding the posting of a bond related to this appeal. Undersigned counsel will need additional time to review the voluminous document and prepare a response. However, undersigned counsel is not currently in a position to do so because he has been in trial since November 28, 2022 in Clark County District Court Case No. A-17-756744-C. Trial is not expected to be completed in that matter until December 16, 2022.

2. In light of the foregoing, undersigned counsel respectfully requests additional time, or until January 6, 2022, to respond to the

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. . .  
  
. . .

motion filed by Respondents on December 2, 2022.

Respectfully submitted,

/s/ *Paul S. Padda*

---

Paul S. Padda, Esq.  
*Counsel for Appellants*

Dated: December 9, 2022

### **CERTIFICATE OF SERVICE**

Pursuant to the Nevada Rules of Appellate Procedure, I hereby certify that on this day, December 9, 2022, the foregoing document entitled **MOTION TO PERMIT APPELLANTS ADDITIONAL TIME TO RESPOND TO RESPONDENT'S MOTION REGARDING BOND** was filed with the Supreme Court of Nevada through its electronic filing system. Service of the foregoing document shall be made in accordance with the Master Service List upon all registered parties and/or participants and their counsel.

/s/ *Shelbi Schram*

---

Shelbi Schram, Paralegal

# EXHIBIT G

IN THE SUPREME COURT OF THE STATE OF NEVADA

ESTATE OF REBECCA POWELL,  
THROUGH BRIAN POWELL, AS  
SPECIAL ADMINISTRATOR; DARCI  
CREECY, INDIVIDUALLY AND AS  
HEIR; TARYN CREECY,  
INDIVIDUALLY AND AS HEIR;  
ISAIAH KHOSROF, INDIVIDUALLY  
AND AS HEIR; AND LLOYD CREECY,  
INDIVIDUALLY,

Appellants,

vs.

VALLEY HEALTH SYSTEM, LLC,  
D/B/A CENTENNIAL HILLS HOSPITAL  
MEDICAL CENTER, A FOREIGN  
LIMITED LIABILITY COMPANY,

Respondent.

No. 84861

**FILED**

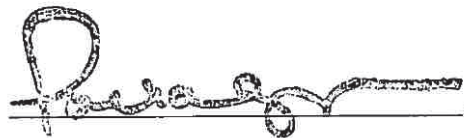
DEC 16 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER*

Appellants have filed a motion for an extension of time, until January 6, 2023, to file an opposition to respondent's motion to require posting of or increasing amount of supersedeas bond. The extension motion is granted, in part, to the following extent. Appellants shall have until December 23, 2022, to file and serve an opposition to the motion. Respondent shall have 7 days from service of the opposition to file and serve any reply.

It is so ORDERED.

 C.J.

cc: Paul Padda Law, PLLC  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas