



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
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LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

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Mar 09 2023 07:27 AM
Elizabeth A. Brown
Clerk of Supreme Court

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

March 9, 2023

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: ESTATE OF REBECCA POWELL, through BRIAN POWELL, as special administrator; DARCI CREECY; TARYN CREECY ISAAH KHOSROF; LLOYD CREECY vs. VALLEY HEALTH SYSTEM, LLC dba CENTENNIAL HILLS HOSPITAL MEDICAL CENTER; DR. CONRADO C.D. CONCIO, M.D.; DR. VISHAL S. SHAH, M.D.

S.C. CASE: 84861
D.C. CASE: A-19-788787-C

Dear Ms. Brown:

In regards to your Order, dated February 3, 2023, enclosed is a certified copy of the Order Denying Motion Requesting Increase and/or Posting of Supersedeas bond filed March 8, 2023 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk

Heather S. Heer
CLERK OF THE COURT

ORD

PAUL S. PADDA, ESQ.
Nevada Bar No. 10417
Email: psp@paulpaddalaw.com

PAUL PADDA LAW, PLLC
4560 South Decatur Boulevard, Suite 300
Las Vegas, Nevada 89103
Tele: (702) 366-1888

Attorney for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

VALLEY HEALTH SYSTEM, LLC (doing
business as "Centennial Hills Hospital Medical
Center"), a foreign limited liability company;
UNIVERSAL HEALTH SERVICES, INC., a
foreign corporation; DR. DIONICE S.
JULIANO, M.D., an individual; DR.
CONRADO C.D. CONCIO, M.D., an
individual; DR. VISHAL S. SHAH, M.D., an
individual; DOES 1-10; ROES A-Z;

Defendants.

CASE NO. A-19-788787-C

DEPT. XXV (25)

**ORDER DENYING MOTION
REQUESTING INCREASE AND/OR
POSTING OF SUPERSEDEAS BOND**

By Order filed February 3, 2023, this matter was remanded to this Court by the Supreme Court of Nevada "for the limited purpose of allowing the district court to consider the motion to increase the supersedeas bond on its merits." The Supreme Court's Order, citing Nelson v. Heer, 121 Nev. 832 (2005), states "the district court is better positioned to resolve any factual disputes

1 concerning the adequacy of any proposed security while this court [the Supreme Court] is ill
2 suited to such task.”

3 Following remand, the respective parties fully briefed the issues before the Court and
4 the Court convened a hearing on February 14, 2023. At the hearing, counsel for the parties
5 presented arguments and the Court, following careful consideration of the arguments, briefing
6 and evidence submitted, rendered a decision denying Valley Health System, LLC’s¹ motion for
7 increase and/or posting of supersedeas bond. This Order memorializes the Court’s findings and
8 conclusions of law.

9 This Court having carefully considered all of the factors identified by the Supreme Court
10 under the Nelson v. Heer case hereby renders the following findings and conclusions of law:

11 1. The Court finds there is no complexity to the collection process in this case. The
12 collection process prior to the stay and after the stay is the same. VHS is going to collect with
13 whatever methodology is available.

14 2. The Court further finds that the amount of time to obtain a judgment after it is
15 affirmed on appeal, if that does in fact occur, is not a factor of significance because the
16 judgment is already in place and collection can commence as soon as the appeal is complete.

17 3. The Court further finds that while there is some lack of information regarding the
18 availability of funds to pay the judgment, there is no contrary information indicating that the
19 Plaintiffs/Judgment Debtors cannot in fact pay. At the end of the day, and in this particular
20 case, there is a lack of evidence to indicate that there is an inability on the part of the
21 Plaintiffs/Judgment Debtors to pay. Accordingly, this factor, like the prior two factors, militates
22 in favor of Plaintiffs/Judgment Debtors.

23 4. The Court further finds that there is, again, a lack of information regarding whether
24
25
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27

28 ¹ “VHS”

the Plaintiffs/Judgment Debtors' ability to pay the judgment is so plain that the cost of a bond would be a waste of time. Since the goal of the Court is to maintain the status quo between the parties, this factor also weighs in favor of Plaintiffs/Judgment Debtors.

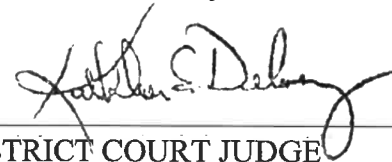
5. Finally, the Court finds that, with respect to whether Plaintiffs/Judgment Debtors are in such a precarious financial situation that the requirement to post a bond would place other creditors in an insecure position, there is again a lack of information such that the better course is for the Court to simply maintain the status quo.

In sum total, weighing up all of the Nelson v. Heer factors and taking into consideration the evidence before the Court, this Court finds that there are no facts/evidence that require the imposition of additional security in this case.

In light of the foregoing, it is hereby ordered that VHS's motion to increase and/or require the posting of a supersedeas bond is denied and no additional security is required in this case.

IT IS SO ORDERED:

Dated this 8th day of March, 2023



DISTRICT COURT JUDGE

Respectfully Submitted By:

/s/ Paul S. Padda

Paul S. Padda, Esq.
Counsel for Plaintiffs/Judgment Debtors

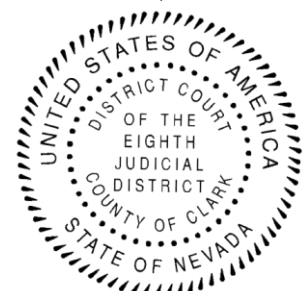
Approved As To Form & Content:

Per attached email, counsel declined to review or sign.

Brent Vogel, Esq.
Adam Garth, Esq.
Counsel for Valley Health System, LLC

7E8 80C D396 BD52
Kathleen E. Delaney
District Court Judge

March 9, 2023



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

Paul Padda

From: Paul Padda
Sent: Wednesday, March 1, 2023 12:20 PM
To: Garth, Adam; Vogel, Brent
Cc: Brown, Heidi; DeSario, Kimberly; Kim-Mistrille, Gaylene
Subject: RE: Re: Powell Order Denying Supersedeas Bond

Mr. Garth,

I am disappointed by your emotional reaction and overheated rhetoric. It's completely unnecessary. Since you don't want to focus on the issue at hand, I will submit our proposed order to the court with your email below. I believe the Court's preference would be for the parties to work cooperatively. Clearly, you do not wish to do that.

In case you didn't know, the State Bar has enacted a Creed of Professionalism and Civility. You should read it: <https://nvbar.org/for-lawyers/ethics-discipline/creed-of-professionalism-and-civility/>

In the meantime, I sincerely hope you can find some time to relax and enjoy the remainder of this week.

Regards
Paul Padda

Paul S. Padda, Esq.

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From: Garth, Adam <Adam.Garth@lewisbrisbois.com>
Sent: Wednesday, March 1, 2023 8:17 AM
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>; Kim-Mistrille, Gaylene <Gaylene.Kim-Mistrille@lewisbrisbois.com>
Subject: RE: Re: Powell Order Denying Supersedeas Bond

Since you failed to comply with the court's directive and submit your order to us or the court in a timely manner, we undertook the responsibility of submitting the order on Monday as you are aware. Therefore, we find no need to involve ourselves with the one you prepared.

Moreover, stop lying to the court or misrepresenting facts. You didn't order the transcript, I did. You didn't pay for it, I did. These constant misrepresentations to the court are getting old. Behave like a professional.



Adam Garth
Partner
Adam.Garth@lewisbrisbois.com
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From: Paul Padda <psp@paulpaddalaw.com>
Sent: Tuesday, February 28, 2023 6:43 PM
To: Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Garth, Adam <Adam.Garth@lewisbrisbois.com>
Subject: [EXT] Re: Powell Order Denying Supersedeas Bond

Please advise if we can affix your e-signature to this Order and submit to Chambers.

Paul S. Padda, Esq.
PAUL PADDA LAW, PLLC
(702) 366-1888

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Estate of Rebecca Powell,
7 Plaintiff(s)

CASE NO: A-19-788787-C

8 vs.

DEPT. NO. Department 25

9 Valley Health System, LLC,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 3/8/2023

| | |
|---------------------|-------------------------------|
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