

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  
Mar 10 2023 09:28 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

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**RESPONDENT'S APPENDIX TO MOTION TO REQUIRE POSTING OF  
OR INCREASING AMOUNT OF SUPERSEDEAS BOND BY  
APPELLANTS VOLUME I**

---

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ADAM GARTH  
Nevada Bar No. 15045  
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*Attorneys for Respondent*

## INDEX TO APPENDIX VOLUME I

Number	Document	Date	Pages
A	Notice of Entry of Judgment and Defendant Valley Health System, LLC's Judgment of Costs and Attorneys' Fees Per NRS 18.020, 18.005, 18.110, 17.117, and N.R.C.P. 68(f) as Against Plaintiff	6/7/2022	1-49
B	Plaintiffs' Notice of Appeal	6/7/2022	50-57
C	Docket Information for Clark County, Nevada State Court Case for Case Number A-19-788787-C	11/16/2022	58-97
D	Docket Information for Nevada Supreme Court Case Number 84861	Various	98-99
E	Notice of Entry of Order and Order Directing Examination of Judgment Debtors and Production of Documents	8/19/2022	100-107
F	Plaintiffs' Motion to Stay Execution on Judgment for Attorneys' Fees and Costs Including Stay of Examination of Judgment Debtors and Production of Documents	9/27/2022	108-126

DATED this 10<sup>th</sup> day of March, 2023.

LEWIS BRISBOIS BISGAARD &  
SMITH LLP

By /s/ Adam Garth

S. BRENT VOGEL

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Tel. 702.893.3383

*Attorneys for Respondent Valley Health  
System, LLC*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of March, 2023, a true and correct copy of **RESPONDENT’S APPENDIX TO MOTION TO REQUIRE POSTING OF OR INCREASING AMOUNT OF SUPERSEDEAS BOND BY APPELLANTS VOLUME I** was served by electronically filing with the Clerk of the Court using the Odyssey E-File & Serve system and serving all parties with an email-address on record, who have agreed to receive electronic service in this action.

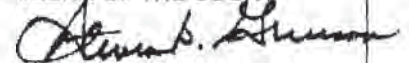
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*Attorneys for Defendants Dionice S.  
Juliano, M.D., Conrado Concio, M.D  
And Vishal S. Shah, M.D.*

By /s/ Heidi Brown

An Employee of  
LEWIS BRISBOIS BISGAARD &  
SMITH LLP

# EXHIBIT A



1 **NJUD**  
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12 Facsimile: 702.893.3789  
13 *Attorneys for Defendant Valley Health System,*  
14 *LLC dba Centennial Hills Hospital Medical*  
15 *Center*

9 DISTRICT COURT  
10 CLARK COUNTY, NEVADA  
11

12 ESTATE OF REBECCA POWELL, through  
13 BRIAN POWELL, as Special Administrator;  
14 DARCI CREECY, individually and as Heir;  
15 TARYN CREECY, individually and as an  
16 Heir; ISIAH KHOSROF, individually and as  
17 an Heir; LLOYD CREECY, individually,

18 Plaintiffs,

19 vs.

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

Defendants.

Case No. A-19-788787-C

Dept. No.: 30

**NOTICE OF ENTRY OF JUDGMENT**

1 PLEASE TAKE NOTICE that the Defendant Valley Health System LLC' Judgment of Costs  
2 and Attorneys' Fees per NRS 18.020, 18.005, 18.110, 17.117, and N.R.C.P. 68(f) as Against  
3 Plaintiffs was entered on June 2, 2022, a true and correct copy of which is attached hereto as **Exhibit**  
4 **A.**

5  
6 DATED this 7<sup>th</sup> day of June, 2022

7 LEWIS BRISBOIS BISGAARD & SMITH LLP

8 By /s/ Adam Garth

9 S. BRENT VOGEL

10 Nevada Bar No. 6858

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15 Tel. 702.893.3383

16 *Attorneys for Attorneys for Defendant Valley*

17 *Health System, LLC dba Centennial Hills Hospital*  
18 *Medical Center*

19  
20  
21  
22 JUN - 8 2022

23 CERTIFIED COPY  
24 DOCUMENT ATTACHED IS A  
25 TRUE AND CORRECT COPY  
26 OF THE ORIGINAL ON FILE

27 *Adam L. Johnson*  
28 CLERK OF THE COURT



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 7<sup>th</sup> day of June, 2022, a true and correct copy of **NOTICE OF**  
3 **ENTRY OF JUDGMENT** was served by electronically filing with the Clerk of the Court using the  
4 Odyssey E-File & Serve system and serving all parties with an email-address on record, who have  
5 agreed to receive electronic service in this action.

6 Paul S. Padda, Esq.  
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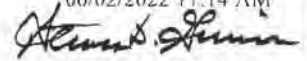
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*Attorneys for Defendants Dionice S. Juliano,*  
*M.D., Conrado Concio, M.D And Vishal S.*  
*Shah, M.D.*

14  
15  
16 By /s/ Maria T. San Juan  
17 an Employee of  
18 LEWIS BRISBOIS BISGAARD & SMITH LLP  
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# EXHIBIT A



  
CLERK OF THE COURT

1 **JUDG**  
2 S. BRENT VOGEL  
3 Nevada Bar No. 6858  
4 Brent.Vogel@lewisbrisbois.com  
5 ADAM GARTH  
6 Nevada Bar No. 15045  
7 Adam.Garth@lewisbrisbois.com  
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13 *Attorneys for Defendant Valley Health System,*  
14 *LLC dba Centennial Hills Hospital Medical*  
15 *Center*

9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 ESTATE OF REBECCA POWELL, through  
12 BRIAN POWELL, as Special Administrator;  
13 DARCI CREECY, individually and as Heir;  
14 TARYN CREECY, individually and as an  
15 Heir; ISAAH KHOSROF, individually and as  
16 an Heir; LLOYD CREECY, individually;

17 Plaintiffs,

18 vs.

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

28 Defendants.

Case No. A-19-788787-C

Dept. No.: 30

**DEFENDANT VALLEY HEALTH  
SYSTEM LLC'S JUDGMENT OF COSTS  
AND ATTORNEYS' FEES PER NRS  
18.020, 18.005, 18.110, 17.117, and N.R.C.P.  
68(f) AS AGAINST PLAINTIFFS**

23 Pursuant to the Order granting Defendant Valley Health System, LLC's motion for summary  
24 judgment dated and entered on November 19, 2021 (**Exhibit "A"**), the Order granting Defendant  
25 Valley Health System, LLC's motion for reconsideration regarding motion for attorneys' fees dated  
26 and entered on May 4, 2022 (**Exhibit "B"**), and pursuant to Defendant Valley Health System, LLC's  
27 notice of withdrawal of appeal dated and filed in the Nevada Supreme Court on May 12, 2022  
28

1 (Exhibit "C"),

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

3 That the Plaintiffs, take nothing, and that the action be dismissed on the merits.

4 Defendants Valley Health System, LLC shall be awarded their reasonable costs and  
5 attorneys' fees pursuant to NRS 18.020, 18.005, 18.110, 17.117, and N.R.C.P. 68(f) in the amounts  
6 of \$110,849.85 for attorneys' fees, and costs of \$8,056.93, for a total of \$118,906.78 in accordance  
7 with the Court's orders attached hereto as Exhibits "A" and "B" based upon the withdrawal of  
8 Defendant's appeal as attached hereto as Exhibit "C".

9 DATED this \_\_\_\_ day of \_\_\_\_\_, 2022.

Dated this 2nd day of June, 2022

10  
11  
12 DISTRICT COURT JUDGE

13 Respectfully Submitted By: **7B8 6E9 6A6B C7E9**  
14 LEWIS BRISBOIS BISGAARD & SMITH LLP  
15 **Jerry A. Wiese**  
16 **District Court Judge**

17 By Is/ Adam Garth

18 S. BRENT VOGEL  
19 Nevada Bar No. 6858  
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24 Tel. 702.893.3383  
25 *Attorneys for Attorneys for Defendant Valley*  
26 *Health System, LLC dba Centennial Hills Hospital*  
27 *Medical Center*  
28

1 Agreed as to form and substance by:

2

Refused to sign

3

4 Paul S. Padda, Esq.

Srilata Shah, Esq.

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*Attorneys for Plaintiffs*

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on this \_\_\_\_ day of May, 2022, a true and correct copy of **DEFENDANT**  
3 **VALLEY HEALTH SYSTEM LLC'S JUDGMENT OF COSTS AND ATTORNEYS' FEES**  
4 **PER NRS 18.020, 18.005, 18.110, 17.117, and N.R.C.P. 68(f) AS AGAINST PLAINTIFFS** was  
5 served by electronically filing with the Clerk of the Court using the Odyssey E-File & Serve system  
6 and serving all parties with an email-address on record, who have agreed to receive electronic service  
7 in this action.

8 Paul S. Padda, Esq.  
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12 *Attorneys for Plaintiffs*

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15 By /s/ Heidi Brown  
16 An Employee of  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
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**From:** [Paul Padda](#)  
**To:** [Garth, Adam](#); [Srilata Shah](#)  
**Cc:** [Vogel, Brent](#); [Brown, Heidi](#); [San Juan, Maria](#)  
**Subject:** [EXT] RE: Powell v Valley - CHH's Judgment for Costs #2.pdf  
**Date:** Monday, May 16, 2022 1:26:18 PM  
**Attachments:** [\\_image001.png](#)  
[\\_image002.png](#)  
[\\_image003.png](#)  
[\\_image004.png](#)  
[\\_image005.png](#)  
[\\_image006.png](#)



We cannot agree to this. Thanks.

**Paul S. Padda, Esq.**

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**PAUL PADDALAW**

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

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

**Sent:** Thursday, May 12, 2022 12:43 PM

**To:** Paul Padda <psp@paulpaddalaw.com>; Srilata Shah <sri@paulpaddalaw.com>

**Cc:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; San Juan, Maria <Maria.SanJuan@lewisbrisbois.com>

**Subject:** Powell v Valley - CHH's Judgment for Costs #2.pdf

Counsel,

Please see attached. Please advise if we may affix your e-signature to the judgment.

Adam Garth



Adam Garth

Partner

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

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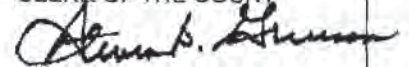
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# EXHIBIT A





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13 *Attorneys for Defendant Valley Health System,*  
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15 *Center*

DISTRICT COURT

CLARK COUNTY, NEVADA

11 ESTATE OF REBECCA POWELL, through  
12 BRIAN POWELL, as Special Administrator;  
13 DARCI CREECY, individually and as Heir;  
14 TARYN CREECY, individually and as an  
15 Heir; ISAIAH KHOSROF, individually and as  
16 an Heir; LLOYD CREECY, individually;  
17 Plaintiffs,

18 vs.

19 VALLEY HEALTH SYSTEM, LLC (doing  
20 business as "Centennial Hills Hospital Medical  
21 Center"), a foreign limited liability company;  
22 UNIVERSAL HEALTH SERVICES, INC., a  
23 foreign corporation; DR. DIONICE S.  
24 JULIANO, M.D., an individual; DR.  
25 CONRADO C.D. CONCIO, M.D., an  
26 individual; DR. VISHAL S. SHAH, M.D., an  
27 individual; DOES 1-10; and ROES A-Z;,  
28 Defendants.

Case No. A-19-788787-C

Dept. No. 30

**NOTICE OF ENTRY OF ORDER**

24 PLEASE TAKE NOTICE that an ORDER was entered with the Court in the above-  
25 captioned matter on the 19<sup>th</sup> day of November 2021, a copy of which is attached hereto.

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DATED this 19<sup>th</sup> day of November, 2021.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ Adam Garth  
S. BRENT VOGEL  
Nevada Bar No. 06858  
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Las Vegas, Nevada 89118  
702.893.3383  
*Attorneys for Attorneys for Defendant Valley  
Health System, LLC dba Centennial Hills Hospital  
Medical Center*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 19<sup>th</sup> day of November, 2021, a true and correct copy of  
3 **NOTICE OF ENTRY OF ORDER** was served by electronically filing with the Clerk of the  
4 Court using the Odyssey E-File & Serve system and serving all parties with an email-address on  
5 record, who have agreed to receive electronic service in this action.

6 Paul S. Padda, Esq.  
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*Attorneys for Defendants Dionice S. Juliano,*  
*M.D., Conrado Concio, M.D And Vishal S.*  
*Shah, M.D.*

14  
15  
16 By /s/ Roya Rokni  
17 An Employee of  
18 LEWIS BRISBOIS BISGAARD & SMITH LLP  
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1 **ORDR**

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14 *LLC dba Centennial Hills Hospital Medical*

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DISTRICT COURT

CLARK COUNTY, NEVADA

16 ESTATE OF REBECCA POWELL, through  
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25 business as "Centennial Hills Hospital Medical  
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individual; DOES 1-10; and ROES A-Z;;

Defendants.

Case No. A-19-788787-C

Dept. No.: 30

**ORDER VACATING PRIOR ORDER  
DENYING DEFENDANT VALLEY  
HEALTH SYSTEM, LLC DBA  
CENTENNIAL HILLS HOSPITAL  
MEDICAL CENTER'S MOTION FOR  
SUMMARY JUDGMENT AND  
GRANTING SAID DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
PER MANDAMUS OF NEVADA  
SUPREME COURT**

25 This matter, coming before this Honorable Court on November 18, 2021 at 10:30 a.m. in  
26 accordance with the order granting the petition for a writ of mandamus issued by the Nevada  
27 Supreme Court dated October 18, 2021, directing that this Court vacate its order of October 29,  
28 2020, which previously denied Defendant VALLEY HEALTH SYSTEM, LLC's motion for



1 summary judgment and co-defendants Concio and Shah's joinder thereto (collectively  
2 "Defendants"), and ordering this Court to issue an order entering summary judgment in favor of  
3 said Defendants due to the expiration of the statute of limitations, with Paul S. Padda, Esq. and  
4 Srilata Shah, Esq. of PAUL PADDA LAW, PLLC, appearing on behalf of Plaintiffs, Adam Garth,  
5 Esq., S. Brent Vogel, Esq. and Shady Sirsy, Esq., of the Law Offices of LEWIS BRISBOIS  
6 BISGAARD & SMITH LLP, appearing on behalf of the Defendant VALLEY HEALTH SYSTEM,  
7 LLC and John H. Cotton, Esq. and Brad Shipley, Esq. of JOHN H. COTTON AND ASSOCIATES,  
8 appearing on behalf of DR. CONRADO C.D. CONCIO, M.D. and DR. VISHAL S. SHAH, M.D.,  
9 with the Honorable Court having reviewed the order of the Nevada Supreme Court, finds and orders  
10 as follows:

11 THE COURT FINDS that Defendants argued that undisputed evidence demonstrated  
12 Plaintiffs were on inquiry notice of their alleged professional negligence, wrongful death, and  
13 negligent infliction of emotional distress claims by June 11, 2017, at the latest, and

14 THE COURT FURTHER FINDS that Defendants contended that Plaintiffs' February 4,  
15 2019 complaint was time-barred under NRS 41A.097(2) (providing that plaintiffs must bring an  
16 action for injury or death based on the negligence of a health care provider within three years of the  
17 date of injury and within one year of discovering the injury, whichever occurs first), and

18 THE COURT FURTHER FINDS that the term injury in NRS 41A.097 means "legal injury."  
19 *Massey v. Litton*, 99 Nev. 723, 726, 669 P.2d 248, 251 (1983). A plaintiff "discovers his legal injury  
20 when he knows or, through the use of reasonable diligence, should have known of facts that would  
21 put a reasonable person on inquiry notice of his cause of action." *Id.* at 728, 669 P.2d at 252. A  
22 plaintiff "is put on 'inquiry notice' when he or she should have known of facts that 'would lead an  
23 ordinarily prudent person to investigate the matter further.'" *Winn v. Sunrise Hosp. & Med. Ctr.*,  
24 128 Nev. 246, 252, 277 P.3d 458, 462 (2012) (quoting *Inquiry Notice*, *Black's Law Dictionary* (9th  
25 ed. 2009)), and

26 THE COURT FURTHER FINDS that while the accrual date for NRS 41A.097(2)'s one-  
27 year period is generally a question for the trier of fact, this Court may decide the accrual date as a  
28 matter of law when the evidence is irrefutable. *Winn*, 128 Nev. at 251, 277 P.3d at 462, and



1        THIS COURT FURTHER FINDS that here, irrefutable evidence demonstrated that  
2 Plaintiffs were on inquiry notice by June 11, 2017, at the latest, when Plaintiff Brian Powell, special  
3 administrator for the estate, filed a complaint with the State Board of Nursing. There, Brian alleged  
4 that the decedent, Rebecca Powell, "went into respiratory distress" and her health care providers did  
5 not appropriately monitor her, abandoning her care and causing her death, and

6        THIS COURT FURTHER FINDS that Brian Powell's own allegations in the aforesaid  
7 Board complaint demonstrate that he had enough information to allege a prima facie claim for  
8 professional negligence-that in treating Rebecca Powell, her health care providers failed "to use the  
9 reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained  
10 and experienced providers of health care." NRS 41A.015 (defining professional negligence); *Winn*,  
11 128 Nev. at 252-53; 277 P.3d at 462 (explaining that a "plaintiffs general belief that someone's  
12 negligence may have caused his or her injury" triggers inquiry notice), and

13        THIS COURT FURTHER FINDS that the evidence shows that Plaintiff Brian Powell was  
14 likely on inquiry notice even earlier than the aforesaid Board complaint, wherein Plaintiffs alleged  
15 they had observed in real time, following a short period of recovery, the rapid deterioration of  
16 Rebecca Powell's health while in Defendants' care, and

17        THIS COURT FURTHER FINDS that Plaintiff Brian Powell filed a complaint with the  
18 Nevada Department of Health and Human Services (NDHHS) on or before May 23, 2017. Similar  
19 to the Nursing Board complaint, this complaint alleged facts, such as the Defendants' failure to  
20 upgrade care, sterilize sutures properly, and monitor Rebecca Powell, all of which suggest he already  
21 believed, and knew of facts to support his belief, that negligent treatment caused Rebecca Powell's  
22 death by the time he made these complaints to NDHHS and the Nursing Board, and

23        THIS COURT FURTHER FINDS that even though Plaintiffs received Rebecca Powell's  
24 death certificate 17 days later, erroneously listing her cause of death as suicide, that fact did not  
25 change the conclusion that Plaintiffs received inquiry notice prior to that date, and

26        THE COURT FURTHER FINDS that Plaintiffs did not adequately address why tolling  
27 should apply under NRS 41A.097(3) (providing that the limitation period for a professional  
28 negligence claim "is tolled for any period during which the provider of health care has concealed



1 any act, error or omission upon which the action is based”), and

2 THIS COURT FURTHER FINDS that even if Plaintiffs did adequately address the tolling  
3 issue, such an argument would be unavailing, as the medical records provided were sufficient for  
4 their expert witness to conclude that petitioners were negligent in Rebecca Powell’s care. *See Winn*,  
5 128 Nev. at 255, 277 P.3d at 464 (holding that tolling under NRS 41A.097(3) is only appropriate  
6 where the intentionally concealed medical records were “material” to the professional negligence  
7 claims), and

8 THE COURT FURTHER FINDS that the doctrine of equitable tolling has not been extended  
9 to NRS 41A.097(2), and

10 THIS COURT FURTHER FINDS that Plaintiffs did not adequately address whether such  
11 an application of equitable tolling is appropriate under these facts. *See Edwards v. Emperor’s*  
12 *Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (refusing to consider  
13 arguments that a party did not cogently argue or support with relevant authority). and

14 THE COURT FURTHER FINDS that Plaintiffs had until June 11, 2018, at the latest, to file  
15 their professional negligence claim, making Plaintiffs’ February 4, 2019 complaint untimely, and

16 THE COURT FURTHER FINDS that given the uncontroverted evidence demonstrating that  
17 Defendants were entitled to judgment as a matter of law because the complaint was time-barred  
18 under NRS 41A.097(2), *see* NRCP 56(a); *Wood*, 121 Nev. at 729, 121 P.3d at 1029 (recognizing  
19 that courts must grant summary judgment when the pleadings and all other evidence on file, viewed  
20 in a light most favorable to the nonmoving party, “demonstrate that no genuine issue as to any  
21 material fact [remains] and that the moving party is entitled to a judgment as a matter of law”  
22 (internal quotations omitted));

23 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this Court’s prior order  
24 of October 29, 2020 denying VALLEY HEALTH SYSTEM, LLC’s motion for summary judgment  
25 and co-defendants’ joinder thereto is vacated in its entirety, and

26 ///

27 ///

28 ///



1 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
2 VALLEY HEALTH SYSTEM, LLC's motion for summary judgment and co-defendants' joinders  
3 thereto are granted in their entirety due to the untimely filing of this action by Plaintiffs.

4 Dated this 19th day of November, 2021

5 Dated: \_\_\_\_\_

  
DISTRICT COURT JUDGE

6  
7  
8 DATED this \_\_\_\_ day of November, 2021.

DATED this 18th day of November, 2021  
Jerry A. Wiese  
District Court Judge

9  
10 \*UNSIGNED\*

11 Paul S. Padda, Esq.  
12 Srilata Shah, Esq.  
13 PAUL PADDALAW, PLLC  
14 4560 S. Decatur Blvd., Suite 300  
15 Las Vegas, NV 89103  
16 Tel: 702.366.1888  
17 Fax: 702.366.1940  
18 [psp@paulpaddalaw.com](mailto:psp@paulpaddalaw.com)  
19 Attorneys for Plaintiffs

20 DATED this 18th day of November, 2021

21 /s/ Brad Shipley

22 John H. Cotton, Esq.  
23 Brad Shipley, Esq.  
24 JOHN H. COTTON & ASSOCIATES  
25 7900 W. Sahara Ave., Suite 200  
26 Las Vegas, NV 89117  
27 Tel: 702.832.5909  
28 Fax: 702.832.5910  
[jhcotton@jhcottonlaw.com](mailto:jhcotton@jhcottonlaw.com)  
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Attorneys for Defendants Dionice S. Juliano,  
M.D., Conrado Concio, M.D And Vishal S.  
Shah, M.D.

/s/ Adam Garth

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ADAM GARTH, ESQ.  
Nevada Bar No. 15045  
SHADY SIRSY, ESQ.  
Nevada Bar No. 15818  
LEWIS BRISBOIS BISGAARD & SMITH  
LLP  
6385 S. Rainbow Boulevard, Suite 600  
Las Vegas, Nevada 89118  
Attorneys for Defendant Valley Health  
System, LLC dba Centennial Hills Hospital  
Medical Center

**From:** Brad Shipley  
**To:** Garth, Adam; Srilata Shah; Paul Padda  
**Cc:** Vogel, Brent; Rokni, Roya; Sirsy, Shady; San Juan, Maria  
**Subject:** [EXT] RE: Adam Garth sent you "Powell v Valley - Proposed Order Vacating Prior MSJ and Ordering SJ on SOL"  
**Date:** Friday, November 12, 2021 10:00:14 AM  
**Attachments:** image001.png

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Adam,

I believe the bracketed word [proposed] in the title caption should be removed before submission to the court, but please use my e-signature with or without making that change. Thank you for taking the time to draft the order.

Brad Shipley, Esq.  
John H. Cotton & Associates, Ltd.  
7900 W. Sahara ave. #200  
Las Vegas, NV 89117  
[bshipley@jhcottonlaw.com](mailto:bshipley@jhcottonlaw.com)  
702 832 5909

**From:** Garth, Adam <Adam.Garth@lewisbrisbois.com>  
**Sent:** Friday, November 12, 2021 8:50 AM  
**To:** Srilata Shah <sri@paulpaddalaw.com>; Paul Padda <psp@paulpaddalaw.com>; Brad Shipley <bshipley@jhcottonlaw.com>  
**Cc:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Rokni, Roya <Roya.Rokni@lewisbrisbois.com>; Sirsy, Shady <Shady.Sirsy@lewisbrisbois.com>; San Juan, Maria <Maria.SanJuan@lewisbrisbois.com>; John Cotton <jhcotton@jhcottonlaw.com>  
**Subject:** FW: Adam Garth sent you "Powell v Valley - Proposed Order Vacating Prior MSJ and Ordering SJ on SOL"  
**Importance:** High

Counsel,

As a reminder, we have not heard from any party with respect to an agreement on submitting the proposed order to the Court. Given that the hearing is scheduled for 11/18, we previously indicated that if we did not hear from all parties by 12:00 noon today, we would proceed to submit this order to the court indicating no agreement between the parties. Please advise your position on this proposed order. Many 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:** Garth, Adam <Adam.Garth@lewisbrisbois.com>

**Sent:** Tuesday, November 9, 2021 10:33 AM

**To:** Srilata Shah <sri@paulpaddalaw.com>; Paul Padda <psp@paulpaddalaw.com>; Brad Shipley <bshipley@jhcottonlaw.com>

**Cc:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Rokni, Roya <Roya.Rokni@lewisbrisbois.com>; San Juan, Maria <Maria.SanJuan@lewisbrisbois.com>; Sirsy, Shady <Shady.Sirsy@lewisbrisbois.com>; jhcotton@jhcottonlaw.com

**Subject:** Adam Garth sent you "Powell v Valley - Proposed Order Vacating Prior MSJ and Ordering SJ on SOL"

**Importance:** High

Counsel:

Attached is a proposed order reflecting the Supreme Court's ruling on the writ petition for Judge Wiese's consideration and signature. In accordance with the Supreme Court's order, Judge Wiese was directed to vacate his order denying the respective summary judgment motions and issuing a new order granting said motions. This proposed order does exactly that and reflects the rationale utilized by the Supreme Court in its decision. It is our intention to submit this proposed order to Judge Wiese in advance of the hearing he scheduled for November 18, 2021. Please respond whether we have your consent to use your e-signature on the proposed order prior to submission. If you have proposed changes, please advise accordingly and we can see whether they can be incorporated. We would like to submit the order on or before Friday, November 12, 2021, so please indicate your agreement to the order or if you have an objection. If we do not hear from you by before 11/12 by 12:00 noon, we will submit the order with a letter of explanation as to those parties unwilling to sign and they will have an opportunity to submit any competing order to the Court. Many thanks for your attention to this matter.

Adam Garth

Adam Garth  
Partner  
Las Vegas Rainbow  
702.693.4335 or x7024335



**From:** [Garth, Adam](#)  
**To:** [Paul Padda](#); [Srilata Shah](#); [Brad Shipley](#)  
**Cc:** [Vogel, Brent](#); [Rokni, Roya](#); [Sirsy, Shady](#); [San Juan, Maria](#); [jhcotton@jhcottonlaw.com](#)  
**Subject:** RE: Adam Garth sent you "Powell v Valley - Proposed Order Vacating Prior MSJ and Ordering SJ on SOL"  
**Date:** Friday, November 12, 2021 9:59:40 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

We are not willing to do that. As you were unwilling to stay anything at our request, we will return the courtesy.

**From:** Paul Padda <psp@paulpaddalaw.com>  
**Sent:** Friday, November 12, 2021 9:56 AM  
**To:** Garth, Adam <Adam.Garth@lewisbrisbois.com>; Srilata Shah <sri@paulpaddalaw.com>; Brad Shipley <bshipley@jhcottonlaw.com>  
**Cc:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Rokni, Roya <Roya.Rokni@lewisbrisbois.com>; Sirsy, Shady <Shady.Sirsy@lewisbrisbois.com>; San Juan, Maria <Maria.SanJuan@lewisbrisbois.com>; jhcotton@jhcottonlaw.com  
**Subject:** [EXT] RE: Adam Garth sent you "Powell v Valley - Proposed Order Vacating Prior MSJ and Ordering SJ on SOL"

**Caution:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As you know, there is a motion for rehearing pending in the Supreme Court. Given that fact, and the lack of prejudice to Defendants, please advise if Defendants are willing to stay enforcement of the Supreme Court's decision which is the subject of a motion for rehearing?  
Thanks.

**Paul S. Padda, Esq.**  
**PAUL PADDALAW, PLLC**  
Websites: [paulpaddalaw.com](#)

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

**California Office:**  
One California Plaza  
300 South Grand Avenue, Suite 3840  
Los Angeles, California 90071  
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**From:** Garth, Adam <Adam.Garth@lewisbrisbois.com>

**Sent:** Friday, November 12, 2021 8:50 AM

**To:** Srilata Shah <[sri@paulpaddalaw.com](mailto:sri@paulpaddalaw.com)>; Paul Padda <[psp@paulpaddalaw.com](mailto:psp@paulpaddalaw.com)>; Brad Shipley <[bshipley@jhcottonlaw.com](mailto:bshipley@jhcottonlaw.com)>

**Cc:** Vogel, Brent <[Brent.Vogel@lewisbrisbois.com](mailto:Brent.Vogel@lewisbrisbois.com)>; Rokni, Roya <[Roya.Rokni@lewisbrisbois.com](mailto:Roya.Rokni@lewisbrisbois.com)>; Sirsy, Shady <[Shady.Sirsy@lewisbrisbois.com](mailto:Shady.Sirsy@lewisbrisbois.com)>; San Juan, Maria <[Maria.SanJuan@lewisbrisbois.com](mailto:Maria.SanJuan@lewisbrisbois.com)>; [jhcotton@jhcottonlaw.com](mailto:jhcotton@jhcottonlaw.com)

**Subject:** FW: Adam Garth sent you "Powell v Valley - Proposed Order Vacating Prior MSI and Ordering SJ on SOL"

**Importance:** High

Counsel,

As a reminder, we have not heard from any party with respect to an agreement on submitting the proposed order to the Court. Given that the hearing is scheduled for 11/18, we previously indicated that if we did not hear from all parties by 12:00 noon today, we would proceed to submit this order to the court indicating no agreement between the parties. Please advise your position on this proposed order. Many thanks.

Adam Garth



Adam Garth

Partner

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

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

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

**Sent:** Tuesday, November 9, 2021 10:33 AM

**To:** Srilata Shah <[sri@paulpaddalaw.com](mailto:sri@paulpaddalaw.com)>; Paul Padda <[psp@paulpaddalaw.com](mailto:psp@paulpaddalaw.com)>; Brad Shipley <[bshipley@jhcottonlaw.com](mailto:bshipley@jhcottonlaw.com)>

**Cc:** Vogel, Brent <[Brent.Vogel@lewisbrisbois.com](mailto:Brent.Vogel@lewisbrisbois.com)>; Rokni, Roya <[Roya.Rokni@lewisbrisbois.com](mailto:Roya.Rokni@lewisbrisbois.com)>; San Juan, Maria <[Maria.SanJuan@lewisbrisbois.com](mailto:Maria.SanJuan@lewisbrisbois.com)>; Sirsy, Shady <[Shady.Sirsy@lewisbrisbois.com](mailto:Shady.Sirsy@lewisbrisbois.com)>; [jhcotton@jhcottonlaw.com](mailto:jhcotton@jhcottonlaw.com)

**Subject:** Adam Garth sent you "Powell v Valley - Proposed Order Vacating Prior MSI and Ordering SJ on SOL"

**Importance:** High

Counsel:

Attached is a proposed order reflecting the Supreme Court's ruling on the writ petition for Judge Wiese's consideration and signature. In accordance with the Supreme Court's order, Judge Wiese was directed to vacate his order denying the respective summary judgment motions and issuing a new order granting said motions. This proposed order does exactly that and reflects the rationale utilized by the Supreme Court in its decision. It is our intention to submit this proposed order to Judge Wiese in advance of the hearing he scheduled for November 18, 2021. Please respond whether we have your consent to use your e-signature on the proposed order prior to submission. If you have proposed changes, please advise accordingly and we can see whether they can be incorporated. We would like to submit the order on or before Friday, November 12, 2021, so please indicate your agreement to the order or if you have an objection. If we do not hear from you by before 11/12 by 12:00 noon, we will submit the order with a letter of explanation as to those parties unwilling to sign and they will have an opportunity to submit any competing order to the Court. Many thanks for your attention to this matter.

Adam Garth

Adam Garth

Partner  
Las Vegas Rainbow  
702.693.4335 or x7024335



1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

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

CASE NO: A-19-788787-C

8 vs.

DEPT. NO. Department 30

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

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

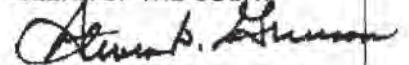
15 Service Date: 11/19/2021

16 Paul Padda	psp@paulpaddalaw.com
17 S. Vogel	brent.vogel@lewisbrisbois.com
18 Jody Foote	jfoote@jhcottonlaw.com
19 Jessica Pincombe	jpinnacle@jhcottonlaw.com
20 John Cotton	jhcotton@jhcottonlaw.com
21 Paul Padda	civil@paulpaddalaw.com
22 Brad Shipley	bshipley@jhcottonlaw.com
23 Tony Abbatangelo	Tony@thevegaslawyers.com
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# EXHIBIT B



1 S. BRENT VOGEL  
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3 Nevada Bar No. 15045  
Adam.Garth@lewisbrisbois.com  
4 LEWIS BRISBOIS BISGAARD & SMITH LLP  
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5 Las Vegas, Nevada 89118  
Telephone: 702.893.3383  
6 Facsimile: 702.893.3789  
*Attorneys for Defendant Valley Health System,  
7 LLC dba Centennial Hills Hospital Medical  
Center*

8  
9 DISTRICT COURT  
10 CLARK COUNTY, NEVADA  
11

12 ESTATE OF REBECCA POWELL, through  
BRIAN POWELL, as Special Administrator;  
13 DARCI CREECY, individually and as Heir;  
TARYN CREECY, individually and as an  
14 Heir; ISAAH KHOSROF, individually and as  
an Heir; LLOYD CREECY, individually,

15 Plaintiffs,

16 vs.

17 VALLEY HEALTH SYSTEM, LLC (doing  
business as "Centennial Hills Hospital Medical  
18 Center"), a foreign limited liability company;  
UNIVERSAL HEALTH SERVICES, INC., a  
19 foreign corporation; DR. DIONICE S.  
JULIANO, M.D., an individual; DR.  
20 CONRADO C.D. CONCIO, M.D., an  
individual; DR. VISHAL S. SHAH, M.D., an  
21 individual; DOES 1-10; and ROES A-Z;,  
22

23 Defendants.

Case No. A-19-788787-C

Dept. No.: 30

**NOTICE OF ENTRY OF ORDER**

24 PLEASE TAKE NOTICE that the Order Regarding Valley Health System's Motion for  
25 Reconsideration Regarding Motion for Attorneys' Fees was entered on May 4, 2022, a true and  
26 correct copy of which is attached hereto.

27 ///

28 ///

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DATED this 4<sup>th</sup> day of May, 2022

LEWIS BRISBOIS BISGAARD & SMITH LLP

By           /s/ Adam Garth            
S. BRENT VOGEL  
Nevada Bar No. 6858  
ADAM GARTH  
Nevada Bar No. 15045  
6385 S. Rainbow Boulevard, Suite 600  
Las Vegas, Nevada 89118  
Tel. 702.893.3383  
*Attorneys for Attorneys for Defendant Valley  
Health System, LLC dba Centennial Hills Hospital  
Medical Center*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of May, 2022, a true and correct copy of **NOTICE OF ENTRY OF ORDER** was served by electronically filing with the Clerk of the Court using the Odyssey E-File & Serve system and serving all parties with an email-address on record, who have agreed to receive electronic service in this action.

Paul S. Padda, Esq.  
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[bshipleyr@jhcottonlaw.com](mailto:bshipleyr@jhcottonlaw.com)  
*Attorneys for Defendants Dionice S. Juliano,  
M.D., Conrado Concio, M.D And Vishal S.  
Shah, M.D.*

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



*Heidi L. Smith*  
CLERK OF THE COURT

**DISTRICT COURT  
CLARK COUNTY, NEVADA  
-oOo-**

ESTATE OF REBECCA POWELL, through )  
BRIAN POWELL, as Special Administrator; )  
DARCI CREECY, individually and as an Heir; )  
TARYN CREECY, individually and as an Heir; )  
ISAIAH KHOSROF, individually and as an )  
Heir; 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; and ROES A-Z, )

Defendants. )

CASE NO.: A-19-788787-C  
DEPT. NO.: XXX

**ORDER RE: VALLEY  
HEALTH SYSTEM'S  
MOTION FOR  
RECONSIDERATION RE  
MOTION FOR  
ATTORNEYS' FEES**

**INTRODUCTION**

The above-referenced matter was scheduled for a hearing on <sup>4/1/22</sup>~~3/30/22~~, with regard to Defendant, Valley Health System (Centennial Hospital's) Motion for Reconsideration of the Court's Order re: Defendant's Motion for Attorneys' Fees. Pursuant to the Administrative Orders of the Court, as well as EDCR 2.23, this matter may be decided with or without oral argument. This Court has determined that it would be appropriate to decide this matter on the pleadings, and consequently, this Order issues.

**FACTUAL AND PROCEDURAL HISTORY**

On May 3, 2017, Rebecca Powell ("Plaintiff") was taken to Centennial Hills Hospital, a hospital owned and operated by Valley Health System, LLC ("Defendant") by EMS services after she was discovered with labored breathing and vomit on her face. Plaintiff remained in Defendant's care for a week, and her condition improved.



1 However, on May 10, 2017, her condition began to deteriorate and on May 11, 2017, she  
2 suffered an acute respiratory failure, resulting in her death.

3 Plaintiffs brought suit on February 4, 2019 alleging negligence/medical  
4 malpractice, wrongful death pursuant to NRS 41.085, and negligent infliction of  
5 emotional distress. Defendants filed Motions to Dismiss and for Summary Judgment,  
6 which this Court denied. After a recent remand from the Nevada Supreme Court, on  
7 11/19/21, the Court entered an Order Vacating Prior Order Denying Defendant Valley  
8 Health System, LLC DBA Centennial Hills Hospital Medical Center's Motion for  
9 Summary Judgment and Granting Said Defendant's Motion for Summary Judgment  
10 Per Mandamus of Nevada Supreme Court. A Notice of Entry of Order was entered that  
11 same day. On 11/22/21, Defendant Valley Health Systems filed a Motion for Attorneys  
12 Fee and Verified Memorandum of Costs. On 12/3/21, Plaintiffs filed a Motion to  
13 Extend Time to Respond to Defendants' Valley Health Systems, Dr. Dionice S. Juliano,  
14 Dr. Conrado Concio, and Dr. Vishal Shah's Memorandums of Costs. Plaintiffs received  
15 an Order Shortening Time on 12/10/21. Following briefing, the Court entered an Order  
16 denying Plaintiffs' Motion to Extend Time to Respond, because of a lack of diligence on  
17 part of the Plaintiffs. On 12/20/21, Valley filed an Opposition to Plaintiff's Motion to  
18 Extend Time to Retax Costs, and Countermotion for Fees and Costs. This Court  
19 entered an Order on 2/15/22 denying Valley's Motion for Fees and Countermotion for  
20 Fees and Costs. Thereafter, Valley filed an Appeal dealing specifically with the Court's  
21 denial of fees and costs. Consequently, this Court no longer has jurisdiction to address  
22 the issue of fees and costs. If the Court were inclined to reconsider its previous  
23 decision, the most it could do would be to enter a *Honeycutt* Order (See *Honeycutt v.*  
24 *Honeycutt*, 94 Nev. 79, 575 P.2d 585 (1978); and *Foster v. Dingwall*, 126 Nev. 49, 228  
25 P.3d 453 (2010)), indicating its intention.

### 26 **SUMMARY OF LEGAL AND FACTUAL ARGUMENTS**

27 Valley Health System, d/b/a Centennial Hills Hospital (CHH) requests that the  
28 Court reconsider its 2/15/22 Order denying attorneys' fees and costs and award it  
\$110,930.85 in attorneys' fees per N.R.C.P. 68 and NRS § 17.117, plus \$58,514.36 in  
pre-NRCP 68 offer fees and expenses pursuant to N.R.S. §§ 7.085, 18.010(2) and EDCR  
7.60. Additionally, CHH requests this Court sign the judgment already submitted for  
the undisputed \$42,492.03.



1 CHH contends that this Court conflated two issues- (1) the memorandum of  
2 costs and disbursements previously submitted totaling \$42,492.038, "an amount which  
3 is undisputed, and for which this Court has refused to sign a judgment," and (2) the  
4 additional costs, disbursements and attorneys' fees addressed by CHH's instant motion  
5 and the initial motion which sought \$110,930.85 in attorneys' fees per N.R.C.P. 68 and  
6 N.R.S. §§ 17.117, plus \$58,514.36 in pre-NRCP 68 offer fees and expenses pursuant to  
7 N.R.S. §§ 7.085, 18.010(2) and EDCR 7.60.

8 With regard to first "issue," CHH argues that because the Court denied Plaintiff's  
9 Motion to Extend Time to Retax Costs, the \$42,492.03 claimed in CHH's Verified  
10 Memorandum of Costs is undisputed and therefore judgment must be signed and  
11 entered. CHH stated that, "[t]his Court cannot revisit an issue which has been finally  
12 decided and therefore, at a minimum, a judgment for the unchallenged \$42,492.03 in  
13 statutory costs and disbursements must be signed.

14 The majority of CHH's Motion for Reconsideration concentrates on the second  
15 "issue," that this Court's decision to deny CHH's request for an additional \$169,445.21  
16 in costs, disbursements and attorneys' fees was clearly erroneous. See *Masonry & Tile*  
17 *Contractors v. Jolley, Urga & Wirth Ass'n*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997).  
18 As a preliminary matter, CHH is concerned by the Court's comparison to the Motion  
19 for Fees filed by Drs. Concio and Shaw. Further, CHH contends it is "more concerning,"  
20 that the Court's prior order stated, "Finally, in considering the result, the Court notes  
21 that although the Court found insufficient evidence to establish irrefutably that the  
22 statute of limitations had expired, Defense counsel was successful in convincing the  
23 Supreme Court of that, and consequently, Defendants prevailed." According to CHH,  
24 "the record needs to be corrected here- there was no convincing the Supreme Court of  
25 anything."

26 CHH argues that although the Court correctly found that CHH's offer of  
27 judgment was made in good faith and its timing was proper, it erroneously found  
28 "Plaintiffs' decision to reject the offer and proceed to trial was not grossly unreasonable  
or in bad faith. Plaintiffs believed they had a valid claim, and the Court cannot find  
that wanting some recovery, as opposed to \$0.00, to be 'grossly unreasonable' or in  
'bad faith'." CHH contends that this finding is unreasonable in light of the Nevada  
Supreme Court's determination that Plaintiffs were on notice of any alleged malpractice



1 no more than one month after decedent's death. Similarly, CHH argues that this Court  
2 incorrectly found Plaintiffs' decision to reject the Offer of Judgment was not made in  
3 bad faith and was not grossly unreasonable.

4 As for the reasonableness of the attorneys' fees requested pursuant to NRCP 68,  
5 CHH states that it offered to present the Court supporting documentation for in camera  
6 review, but, "instead of granting a hearing to which Plaintiffs could interpose whatever  
7 opposition they may have had, the Court rejected this offer and suggestion." In  
8 addition, Plaintiffs did not oppose the amount of costs and fees incurred in the original  
9 motion, even without the attached bills. Additionally, CHH provides that, "[s]ince this  
10 Court insisted that the bills be attached, CHH has provided the entirety thereof for  
judicial review and review by Plaintiffs."

11 In Opposition, Plaintiffs argue that CHH's Motion must be summarily denied,  
12 without the Court addressing the merits of the Motion because CHH did not present  
13 any new or substantially different evidence than what it had the opportunity to present  
14 when it filed its Verified Memorandum of Costs and separate Motion for Attorney's  
15 Fees on 11/22/21. Further, Plaintiffs contend that CHH's Motion for Reconsideration is  
16 "clearly a transparent attempt to bolster a potential appeal by inviting the Court to  
17 engage with the merits," because a motion for reconsideration is only appealable if  
18 decided on the merits. *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589  
(2010).

19 Further, Plaintiffs argue that CHH falsely claims that it attached evidence to its  
20 Motion for Reconsideration that "was originally submitted to this Court." Plaintiffs also  
21 state that CHH's Motion lacks any authority showing the Court's denial of costs was  
22 clearly erroneous, and it does not even engage with the authorities cited on pages 7  
23 through 9 of the Court's 2/15/22 Order. Plaintiffs argue they should not be liable for  
24 CHH's negligence in failing to follow both the statutory and common law requirements  
25 for establishing entitlement to costs. Plaintiffs argue that this Court was thus correct in  
26 denying CHH costs in their entirety for lack of proper documentation and reliable  
evidence.

27 With regard to CHH's request to reconsider the denial of fees, Plaintiffs note that  
28 the Court's denial was based upon its finding that (1) Plaintiffs did not act in bad faith  
or in a grossly unreasonable manner when they rejected CHH zero dollar Offer of



Judgment and (2) the documentation in support of the request for attorney's fees was lacking. While the first finding by itself ends the inquiry into whether fees can be awarded, in this case the Court also found that "[a]lthough the Defendant [CHH] has offered to submit a billing ledger to the Court in camera, it would have been necessary for the Defendant to have submitted such ledger, and disclosed it to the Plaintiffs so that the reasonableness could have been addressed by all parties, and by the Court." Plaintiffs argue that since this never happened, there was no reasonable basis for this Court to assess the reasonableness of fees being claimed by CHH. Plaintiffs argue that CHH merely rehashes the same arguments presented in its original Motion for Fees.

Moreover, Plaintiffs argue that the Court's decision to deny fees was not clearly erroneous because the disposition of this case turned on a legal question, which the Nevada Supreme Court decided, well after the time Plaintiffs rejected the Offer of Judgment. It would be ridiculous to expect Plaintiffs, grieving the death of their mother, to anticipate the legal issue and foresee its resolution by the Nevada Supreme Court when they rejected the Offer of Judgment. CHH itself acknowledges this fact when it admits, "[m]edical malpractice cases are complex and require an in-depth understanding of both unique legal issues as well as the medical care and course that is at issue." VHS' Motion for Reconsideration, p. 21 (lines 1-2).

Finally, Plaintiffs argue that the CHH fails to address the deficiency of withholding a billing ledger when it made its fee request and instead asking the Court to rely only upon the declaration of its counsel.

In Reply, CHH argues that Plaintiff incorrectly asserts CHH "has not presented any new or substantially different evidence than what it had the opportunity to present when it filed its original Verified Memorandum of Costs and separate Motion for Attorneys' Fees..." CHH's instant motion is predicated on this Court's clearly erroneous decision to: (1) refuse to sign a judgment for an undisputed amount of legally awardable costs to which CHH is entitled, and (2) to deny additional costs and attorneys' fees stemming from Plaintiff's commencement and maintenance of an action that the Supreme Court found was not only untimely, but that this Court's decision to deny summary judgment in light of the evidence was a manifest abuse of discretion.



1 Noting that the Court decided the underlying Motion on the papers and without  
2 oral argument, CHH contends that this Court ignored the request for in camera review  
3 of any evidence it required, with Plaintiffs' opportunity to review same as well. The  
4 Court also denied any request for statutorily permitted costs and fees, which was never  
5 opposed by Plaintiffs, and denied the discretionary motion for attorneys' fees and costs  
6 predicated on other legal and statutory bases. CHH suggests that these denials were  
7 based upon this Court's abuse of its discretion and refusal to accept the underlying  
8 findings of the Supreme Court pertaining to the evidence Plaintiffs knowingly  
9 possessed which demonstrated clear inquiry notice within one month of the decedent's  
10 death.

11 CHH argues that this Court erroneously concluded that CHH submitted no  
12 documentary evidence or explanation of costs attendant to the verified memorandum  
13 of costs. However, the verified memorandum of costs contained not only a complete  
14 listing of disbursements which are allowable under the law for these purposes, but the  
15 declaration explained that the expenses were accurate and were incurred and were  
16 reasonable. Moreover, the memorandum explained and justified each of the costs,  
17 supported by case authority and an application of the respective factors considered to  
18 the specific facts and circumstances of this case. As such, CHH claims there was more  
19 than ample evidentiary justification for the costs claimed including court filing fees and  
20 the expert fees which were justified by the explanations contained in the verified  
21 memorandum. For this Court to somehow assert complete ignorance of the legal and  
22 appellate history of this case was clearly erroneous.

23 Moreover, CHH states that Plaintiffs never disputed, nor to this day dispute, the  
24 veracity and accuracy of the costs contained in the verified memorandum of costs. CHH  
25 argues that, "There was no absence of evidence justifying the costs. The Court just  
26 chose to ignore it and improperly declared they were insufficient, citing to the  
27 aforenoted authority." CHH argues that the authority does stand for the proposition for  
28 which they are cited or was misapplied by the Court. The authority cited involved no  
evidence or documentation. CHH not only provided evidence, it justified the costs,  
especially of the voluminous number of experts needed for retention due to the  
blunderbuss of allegations.



CHH further states:

Rather than accepting the Supreme Court's decision and rationale, this Court's denial of CHH's motion and the rationale behind that decision continues to perpetuate the false notion that the action was either brought or maintained in good faith, a fact completely dispelled by the Supreme Court's decision. Thus, denying costs and attorneys' fees in light of the Supreme Court's decision is not only clearly erroneous, it is also a manifest abuse of discretion which the instant motion seeks to redress.

Again, this Court possessed admissible evidence of the work, time and expenses on the original motion. This Court wanted more than that. This motion gives the Court everything it could possibly need. Moreover, all of this could have been obviated by a hearing with an opportunity for all parties to participate to consider the totality of the evidence which has now been submitted, and would have been submitted had the in camera inspection thereof been considered.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Pursuant to EDCR 2.24(a), "[n]o motion once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced by reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties."

Nevada courts have inherent authority to reconsider their prior orders. See, *Trail v. Faretto*, 91 Nev. 401 (1975). A party may, "for sufficient cause shown ... request that a court ... amend, correct, resettle, modify, or vacate, as the case may be, an order previously made and entered ... in the case or proceeding. *Id.* at 403. A court may exercise its discretion to revisit and reverse a prior ruling if any one of five circumstances is present: (1) a clearly erroneous ruling; (2) an intervening change in controlling law; (3) substantially different evidence; (4) other changed circumstances; or (5) that manifest injustice would result if the prior ruling is permitted to stand. *United States v. Real Prop\_*. *Located at Incline Village*, 976 F. Supp. 1327, 1353 (D.Nev. 1997). A motion for reconsideration should be granted where new issues of fact or law are raised which support a "ruling contrary to the ruling already reached." *Moore v. City of Las Vegas*, 92 Nev. 402, 405 (1976).

Although the Defendants take offense at the language the Court used in its previous Order, this Court intended nothing negative by indicating that Defendants were able to "convince" the Supreme Court of their position. Such statement was made



1 simply to convey the "fact" that the Supreme Court was "convinced" that the  
2 Defendant's position was correct. Defendants argue that the Court's denial of fees and  
3 costs was somehow a continuation of the Court's position in favor of the Plaintiff, but  
4 this is also incorrect. In fact, the Court found that the *Beattie* and *Brunzell* factors  
5 weighed in favor of the Defense, but since the Defense had not supported its request for  
6 fees and costs, as required by the Nevada Supreme Court, this Court was unable to  
7 award fees and costs. *Beattie v. Thomas*, 99 Nev. 579, 588, 668 P.2d 268 (1983);  
8 *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31 (1969).

9 Additionally, Defendants argue that because they submitted a Memorandum of  
10 Costs, which was not timely objected to, they are "entitled" to whatever they asked for.  
11 This is also incorrect. A party is only entitled to costs if they are substantiated, and the  
12 Court finds that such costs were reasonable, and incurred in the subject litigation.  
13 *Frazier v. Drake*, 131 Nev. 632, 357 P.3d 365 (NV.Ct.of App., 2015); *Bobby Berosini,*  
14 *Ltd. V. People for the Ethical Treatment of Animals*, 114 Nev. 1348, 1353, 971 P.2d 383  
(1998); *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114, 121, 345 P.3d 1049 (2015).

15 Finally, Defendants suggest that the Court would have been able to review the  
16 supporting documents, which Defendant failed to initially provide, if the Court had  
17 held a "hearing" and allowed the Defendant to present such documents. Part of the  
18 Court's previous inability to award fees was based on the Defendant's failure to provide  
19 support for the fees requested, although such documentation was offered to the Court  
20 "in camera." It is simply not "fair" to an opposing party, to offer supporting documents  
21 "in camera," implying that the opposing party will not have the opportunity to  
22 challenge such documents. Based on the Defendant's suggestion that they would make  
23 billing records available to the Court "in camera," the Court was led to believe that such  
documents would not be provided to the Plaintiff.

24 The Defendant has now submitted documentation supporting the claim for  
25 attorney's fees. Because the Court has now been presented with substantially different  
26 or additional evidence, reconsideration is appropriate.

27 Defendant has now provided billing records indicating the following:

5/27/20	\$725.00
6/1/20-6/28/20	\$3,510.00
7/1/20-7/31/20	\$10,192.50
8/10/20-8/28/20	\$8,865.00
9/1/20-9/25/20	\$19,642.50



10/1/20-10/29/20	\$12,559.50
11/2/20-11/30/20	\$14,392.80
12/1/20-12/22/20	\$3,690.00
1/5/21-1/21/21	\$4,449.00
2/4/21-2/19/21	\$1,489.50
3/4/21-3/30/21	\$2,150.00
4/2/21-4/30/21	\$11,200.00
5/5/21-5/21/21	\$905.00
6/4/21-6/25/21	\$6,629.50
7/7/21-7/29/21	\$1,026.50
8/3/21-8/31/21	\$5,841.50
9/8/21-9/30/21	\$4,375.00
10/1/21-10/27/21	\$10,700.00
11/9/21-11/23/21	\$2,826.50
12/2/21-12/29/21	\$7,975.00
1/3/22-1/25/22	<u>\$4,925.00</u>
<b>Total:</b>	<b>\$138,069.80</b>

Defendant has now provided documentation supporting the following costs:

American Legal Investigation	\$27.43
Ruffalo & Associates	\$4,350.00
	\$1,800.00
	\$10,350.00
Abraham Ishaaya, M.D.	\$6,710.00
	\$1,375.00
	\$6,187.50
	\$2,970.00
	\$3,437.50
	\$4,675.00
Cohen Volk Economic Counseling	\$688.50
	\$3,855.60
JAMS	\$3,000.00
Filing Fees	<u>\$529.50</u>
<b>Total:</b>	<b>\$49,956.03</b>

Defendant argues that it is entitled to \$42,492.03, and \$110,930.85 in attorneys' fees per N.R.C.P. 68 and N.R.S. §§17.117, plus \$58,514.36 in pre-NRCP 68 offer fees and expenses pursuant to N.R.S. §§ 7.085, 18.010(2) and EDCR 7.60.

On August 28, 2020, Defendant served an Offer of Judgment on Plaintiff pursuant to N.R.C.P. 68, N.R.S. 17.1151, and *Busick v. Trainor*, 2019 Nev. Unpub. LEXIS 378, 437 P.3d 1050 (2019) for a waiver of any presently or potentially recoverable costs in full and final settlement of the matter. At the time of the Offer,



1 Defendants' expended costs and fees totaled \$58,514.36. The Offer was not accepted by  
2 Plaintiff and expired on September 11, 2020.

3 Since the date of the Offer of Judgment, Defendant argues that it incurred  
4 \$106,619.85 in attorney's fees, and paralegal's fees in the amount of \$4,230.00. This  
5 Court finds and concludes that the fees incurred by Defendant were reasonable and  
6 necessarily incurred in the defense of the case. This Court adopts by reference its prior  
7 reasoning and analysis relating to the requested attorney's fees, and now that the Court  
8 has been provided with the documentary support of such fees, and finds that such fees  
9 were reasonable, pursuant to *Beattie* and *Brunzell*, the Court finds and concludes that  
10 such fees are appropriate and recoverable. The Court further finds that the Defendant  
11 has now met the requirements of *Frazier*, with regard to documenting the costs  
12 incurred. The Court is still not convinced that the expert fees, in addition to the \$1,500  
13 recoverable by statute, are necessary or recoverable. Consequently, in reducing each of  
14 the expert's fees to \$1,500.00, the above-referenced costs, which have been  
documented, must be reduced to \$8,056.93.

15 **CONCLUSION/ORDER**

16 Based upon the foregoing, and good cause appearing,

17 This Court now indicates its intention, pursuant to *Huneycutt v. Huneycutt*, 94  
18 Nev. 79, 575 P.2d 585 (1978); and *Foster v. Dingwall*, 126 Nev. 49, 228 P.3d 453  
19 (2010), that if this Court had jurisdiction to decide this matter, the Court would now  
award attorney's fees of \$110,849.85, and costs of \$8,056.93.

20 Because this matter has been decided on the pleadings, any future hearings  
21 relating to this matter are taken off calendar. The Court requests that counsel for  
22 Defendant prepare and process a Notice of Entry with regard to this matter, and convey  
23 this Decision to the Supreme Court, pursuant to *Huneycutt* and *Dingwall*.

24 Dated this 4th day of May, 2022

25 

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**0D9 DD7 5826 D5EB**  
**Jerry A. Wiese**  
**District Court Judge**

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

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

CASE NO: A-19-788787-C

8 vs.

DEPT. NO. Department 30

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: 5/4/2022

16 Paul Padda	psp@paulpaddalaw.com
17 S. Vogel	brent.vogel@lewisbrisbois.com
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27  
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7	Karen Cormier	karen@paulpaddalaw.com
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11	Heidi Brown	Heidi.Brown@lewisbrisbois.com
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# EXHIBIT C

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

VALLEY HEALTH SYSTEM, LLC,

Appellant,

vs.

ESTATE OF REBECCA POWELL, DARCI  
CREECY, TARYN CREECY, ISAIAH  
KHOSROF, and LLOYD CREECY,

Respondents.

Supreme Court No.: 84402

Electronically Filed

May 12 2022 10:56 a.m.

District Court No. A-19-788787-C  
Elizabeth A. Brown  
Clerk of Supreme Court

**NOTICE OF WITHDRAWAL OF APPEAL**

VALLEY HEALTH SYSTEM, LLC, appellant named above, hereby  
moves to voluntarily withdraw the appeal mentioned above.

I, Adam Garth, Esq., as counsel for the appellant, explained and informed  
VALLEY HEALTH SYSTEM, LLC of the legal effects and consequences of this  
voluntary withdrawal of this appeal, including that VALLEY HEALTH SYSTEM,  
LLC cannot hereafter seek to reinstate this appeal and that any issues that were or  
could have been brought in this appeal are forever waived. Having been so  
informed, VALLEY HEALTH SYSTEM, LLC hereby consents to a voluntary  
dismissal of the above-mentioned appeal.

### VERIFICATION

I recognize that pursuant to N.R.A.P. 3C I am responsible for filing a notice of withdrawal of appeal and that the Supreme Court of Nevada may sanction an attorney for failing to file such a notice. I therefore certify that the information provided in this notice of withdrawal of appeal is true and complete to the best of my knowledge, information and belief.

DATED this 12<sup>th</sup> day of May, 2022

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 Appellant*



### **CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of May, 2022, a true and correct copy of **NOTICE OF WITHDRAWAL OF APPEAL** 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

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 30

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 Judgment was served via the court's electronic eFile system to all  
recipients registered for e-Service on the above entitled case as listed below:

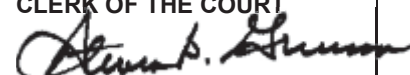
15 Service Date: 6/2/2022

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21 Paul Padda	civil@paulpaddalaw.com
22 Brad Shipley	bshipley@jhcottonlaw.com
23 Tony Abbatangelo	Tony@thevegaslawyers.com
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# EXHIBIT B



Electronically Filed  
Jun 14 2022 03:07 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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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; ISIAH 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. XXX (30)

**PLAINTIFFS' NOTICE OF APPEAL**

Pursuant to the provisions of Nevada Rules of Appellate Procedure 3 and 4, Plaintiffs  
hereby appeal to the Nevada Supreme Court from the Judgment entered by this Court on June  
2, 2022 awarding costs and attorney's fees in favor of Defendant Valley Health System, LLC

(Notice of which was entered on June 7, 2022). This appeal encompasses all interlocutory orders leading to the entry of the monetary Judgment that is the subject of this appeal, including the Court's May 4, 2022 Order granting reconsideration of its prior denial of attorney's fees and costs to Valley Health System, LLC.

PAUL PADDA LAW

/s/ Paul S. Padda

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Paul S. Padda, Esq.  
Nevada Bar No. 10417  
4560 South Decatur Boulevard, Suite 300  
Las Vegas, Nevada 89103

*Attorney for Plaintiffs*

Dated: June 7, 2022

**CERTIFICATE OF SERVICE**

Pursuant to the Nevada Rules of Civil Procedure, the undersigned hereby certifies that on this day, June 7, 2022, a copy of **PLAINTIFFS' NOTICE OF APPEAL** was served upon all parties/counsel in the above-entitled matter through the Court's electronic filing system.

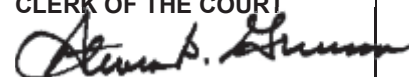
/s/ Karen Cormier

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Karen Cormier, Paralegal  
PAUL PADDA LAW



PAUL PADDALAW, PLLC  
4560 South Decatur Blvd., Suite 300  
Las Vegas, Nevada 89103  
Tele: (702) 366-1888 • Fax (702) 366-1940



ASTA  
PAUL S. PADDALAW, ESQ.  
Nevada Bar No. 10417  
Email: psp@paulpaddalaw.com  
PAUL PADDALAW, PLLC  
4560 South Decatur Boulevard, Suite 300  
Las Vegas, Nevada 89103  
Tele: (702) 366-1888

Attorneys for Plaintiffs/Appellants

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

ESTATE OF REBECCA POWELL, through  
Brian Powell as Special Administrator;  
DARCI CREECY, individually; TARYN  
CREECY, individually; ISIAH 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. XXX (30)

**PLAINTIFFS' CASE APPEAL  
STATEMENT**

Plaintiffs, by and through their undersigned counsel of record, hereby submit this Case  
Appeal Statement as follows:

• • •

**1. Name of appellants filing this case appeal statement:**

Estate of Rebecca Powell, Darci Creecy, Taryn Creecy, Isaiah Khosrof and Lloyd Creecy.

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

The Honorable Jerry A. Wiese, Eighth Judicial District Court of the State of Nevada (Clark County).

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

Appellants are Estate of Rebecca Powell, Darci Creecy, Taryn Creecy, Isaiah Khosrof And Lloyd Creecy. Counsel for Appellants is Paul S. Padda, Esq. of Paul Padda Law, 4560 South Decatur Blvd., Suite 300, Las Vegas, Nevada 89103.

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

Respondent is Valley Health Systems, LLC. Counsel for this party is S. Brent Vogel, Esq. and Adam Garth, Esq. of Lewis Brisbois Bisgaard & Smith, 6385 South Rainbow Blvd., Suite 600, Las Vegas, Nevada 89118.

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

All attorneys identified in response to questions 3 and 4 are licensed to practice in the State of Nevada.

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

3           Each appellant was represented by retained counsel in the district court action.

4       **7. Indicate whether appellant is represented by appointed or retained counsel on**  
5 **appeal:**

6           Appellants are represented by retained counsel acting *pro bono*.

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

9           No.

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

12           The Complaint was filed on February 4, 2019.

13       **10. Provide a brief description of the nature of the action and result in district court,**  
14 **Including the type of judgment or order being appealed and the relief granted by the**  
15 **district court:**

16           This case arises from an alleged wrongful death. Plaintiffs contend that Rebecca Powell  
17 died on account of medical malpractice.

18           Following a remand from the Nevada Supreme Court, which granted a writ of  
19 mandamus, the district court initially denied Defendant Valley Health System, LLC's motion  
20 for fees and costs but later granted reconsideration of that decision culminating in a monetary  
21 judgment against Plaintiffs for fees and costs.



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

*See* Valley Health System, LLC, et. al. v. The Eighth Judicial District Court, et. al., Case No. 82250 (NV Supreme Court).

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

No.

**13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

It is unlikely this case will result in a settlement given Valley Health System, LLC's posture during prior settlement proceedings in the Nevada Supreme Court.

PAUL PADDA LAW, PLLC

/s/ *Paul S. Padda*

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Paul S. Padda, Esq.  
Nevada Bar No. 10417  
4560 South Decatur Blvd., Suite 300  
Las Vegas, Nevada 89103

*Attorney for Plaintiffs*

Dated: June 7, 2022

PAUL PADDA LAW, PLLC  
4560 South Decatur Blvd., Suite 300  
Las Vegas, Nevada 89103  
Tele: (702) 366-1888 • Fax (702) 366-1940

**CERTIFICATE OF SERVICE**

Pursuant to the Nevada Rules of Civil Procedure 5, the undersigned certifies that on this day, June 7, 2022, a copy of the foregoing **PLAINTIFFS' CASE APPEAL STATEMENT** was filed with the Court and served upon all parties/counsel of record in the above-entitled matter through the Court's electronic filing system - efileNV eservice.

/s/ Karen Cormier

Karen Cormier, Paralegal  
PAUL PADDA LAW

# EXHIBIT C



Case Information

A-19-788787-C | Estate of Rebecca Powell, Plaintiff(s) vs. Valley Health System, LLC, Defendant(s)

Case Number	Court	Judicial Officer
A-19-788787-C	Department 7	Bell, Linda Marie
File Date	Case Type	Case Status
02/04/2019	Malpractice - Medical/Dental	Closed

Party

Special Administrator  
Powell, Brian

Plaintiff  
Estate of Rebecca Powell

Active Attorneys ▼  
Lead Attorney  
Padda, Paul S.  
Retained

Attorney  
Shah, Srilata Rao  
Retained

Plaintiff  
Khosrof, Isaiah

Active Attorneys ▼  
Lead Attorney  
Padda, Paul S.  
Retained

Attorney  
Shah, Srilata Rao  
Retained

Plaintiff  
Creecy, Lloyd

Active Attorneys ▼  
Lead Attorney  
Padda, Paul S.  
Retained

Attorney  
Shah, Srilata Rao  
Retained

Plaintiff  
Creecy, Taryn

Active Attorneys ▼  
Lead Attorney  
Padda, Paul S.  
Retained

Attorney  
Shah, Srilata Rao  
Retained

Plaintiff  
Creecy, Darci

Active Attorneys ▼  
Lead Attorney  
Padda, Paul S.  
Retained

Attorney  
Shah, Srilata Rao  
Retained

Defendant  
Valley Health System, LLC  
  
Aliases  
DBA Centennial Hills Hospital Medical Center

Active Attorneys ▼  
Lead Attorney  
Garth, Adam  
Retained

## Disposition Events

12/05/2019 Judgment ▼

Judicial Officer

Wiese, Jerry A.

Judgment Type

Order of Dismissal Without Prejudice

Monetary Judgment

Debtors: Estate of Rebecca Powell (Plaintiff), Isaiah Khosrof (Plaintiff), Lloyd Creecy (Plaintiff), Taryn Creecy (Plaintiff), Darci Creecy (Plaintiff)

Judgment: 12/05/2019 Docketed: 12/05/2019

10/29/2020 Judgment ▼

Judicial Officer

Wiese, Jerry A.

Judgment Type

Summary Judgment

Monetary Judgment

Debtors: Estate of Rebecca Powell (Plaintiff), Isaiah Khosrof (Plaintiff), Lloyd Creecy (Plaintiff), Taryn Creecy (Plaintiff), Darci Creecy (Plaintiff)

Judgment: 10/29/2020 Docketed: 11/04/2020

10/29/2020 Judgment ▼

Judicial Officer

Wiese, Jerry A.



Judgment Type  
Order of Dismissal Without Prejudice

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Monetary Judgment

Debtors: Estate of Rebecca Powell (Plaintiff), Isaiah Khosrof (Plaintiff), Lloyd Creecy (Plaintiff), Taryn Creecy (Plaintiff), Darci Creecy (Plaintiff)

Judgment: 10/29/2020 Docketed: 11/04/2020

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02/15/2022 Judgment ▼

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Judicial Officer  
Wiese, Jerry A.

Judgment Type  
Order

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Monetary Judgment

Debtors: Estate of Rebecca Powell (Plaintiff), Isaiah Khosrof (Plaintiff), Lloyd Creecy (Plaintiff), Taryn Creecy (Plaintiff), Darci Creecy (Plaintiff)

Judgment: 02/15/2022 Docketed: 02/16/2022

Total Judgment: \$21,057.28

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06/02/2022 Judgment ▼

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Judicial Officer  
Wiese, Jerry A.

Judgment Type  
Judgment

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Monetary Judgment

Debtors: Estate of Rebecca Powell (Plaintiff), Isaiah Khosrof (Plaintiff), Lloyd Creecy (Plaintiff), Taryn Creecy (Plaintiff), Darci Creecy (Plaintiff)

Creditors: Valley Health System, LLC (Defendant)

Judgment: 06/02/2022 Docketed: 06/03/2022

Total Judgment: \$118,906.78

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06/02/2022 Judgment ▼

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Judicial Officer  
Wiese, Jerry A.

Judgment Type  
Order of Dismissal

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Monetary Judgment

Debtors: Estate of Rebecca Powell (Plaintiff), Isaiah Khosrof (Plaintiff), Lloyd Creecy (Plaintiff), Taryn Creecy (Plaintiff), Darci Creecy (Plaintiff)

Creditors: Valley Health System, LLC (Defendant)

Judgment: 06/02/2022 Docketed: 06/03/2022

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07/20/2022 Judgment ▼

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Judicial Officer  
Bell, Linda Marie

Judgment Type  
Clerk's Certificate

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Monetary Judgment

Debtors: Estate of Rebecca Powell (Plaintiff), Isaiah Khosrof (Plaintiff), Lloyd Creecy (Plaintiff), Taryn Creecy (Plaintiff), Darci Creecy (Plaintiff)

Judgment: 07/20/2022 Docketed: 07/20/2022

Comment: Supreme Court No. 84424; Appeal Dismissed

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## Events and Hearings

02/04/2019 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure - IAFD (CIV)

Comment

[1] Initial Appearance Fee Disclosure

02/04/2019 Complaint ▼

Complaint - COMP (CIV)

Comment

[2] Complaint

05/30/2019 Summons Electronically Issued - Service Pending ▼

Comment

[3] Summons - Valley Health System, LLC

05/30/2019 Summons Electronically Issued - Service Pending ▼

Comment

[4] Summons - Valley Health System, LLC (1)

05/30/2019 Summons Electronically Issued - Service Pending ▼

Comment

[5] Summons - Dr. Dionice S. Juliano, M.D.

05/30/2019 Summons Electronically Issued - Service Pending ▼

Comment

[6] Summons- Dr. Conrad C.D. Concio, M.D.

05/30/2019 Summons Electronically Issued - Service Pending ▼

Comment

[7] Summons- Dr. Vishal S. Shah M.D.

06/03/2019 Ex Parte Motion ▼

Ex Parte Motion - EXMT (CIV)

Comment

[8] Plaintiffs' ExParte Motion To Extend Time To Serve

06/04/2019 Affidavit of Service ▼



## Affidavit of Service - AOS (CIV)

## Comment

[9] Affidavit of Service - Universal Health Services, Inc.

## 06/04/2019 Affidavit of Service ▼

## Affidavit of Service - AOS (CIV)

## Comment

[10] AOS - Dr. Canrado C.D. Concio, MD

## 06/04/2019 Affidavit of Service ▼

## Affidavit of Service - AOS (CIV)

## Comment

[11] AOS -Valley Health System, LLC

## 06/11/2019 Order ▼

## Order - ORDR (CIV)

## Comment

[12] Order Granting Plaintiffs' Exparte Motion to Extend Time For Service

## 06/11/2019 Notice of Entry of Order ▼

## Notice of Entry of Order - NEOJ (CIV)

## Comment

[13] Notice of Entry of Order Granting Plaintiffs' Exparte Motion to Extend Time For Service

## 06/12/2019 Motion to Dismiss ▼

## Motion to Dismiss - MDSM (CIV)

## Comment

[14] Defendant Conrado Concio, M.D. and Dionice Juliano, M.D's Motion to Dismiss

## 06/12/2019 Initial Appearance Fee Disclosure ▼

## Initial Appearance Fee Disclosure - IAFD (CIV)

## Comment

[15] Initial Appearance Fee Disclosure

## 06/12/2019 Clerk's Notice of Hearing ▼

## Clerk's Notice of Hearing - CNOC (CIV)

## Comment

[16] Notice of Hearing

## 06/13/2019 Joinder ▼

Joinder - JOIN (CIV)

Comment

[17] Defendant Vishal Shah, M.D.'s Joinder to Defendants Concio and Juliano's Motion to Dismiss

06/13/2019 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure - IAFD (CIV)

Comment

[18] Initial Appearance Fee Disclosure

06/19/2019 Motion to Dismiss ▼

Motion to Dismiss - MDSM (CIV)

Comment

[19] Defendant Centennial Hills Hospital's Motion to Dismiss Plaintiffs' Complaint

06/19/2019 Initial Appearance Fee Disclosure ▼

Initial Appearance Fee Disclosure - IAFD (CIV)

Comment

[20] Defendant Centennial Hills Hospital's Initial Appearance Fee Disclosure

06/20/2019 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[21] Notice of Hearing

06/25/2019 Waiver ▼

Waiver - WAIV (CIV)

Comment

[22] Waiver of Service of Summons Under Rule 4.1 of the Nevada Rules of Civil Procedure As To Dr. Dionice S. Juliano, M.D.

06/25/2019 Waiver ▼

Waiver - WAIV (CIV)

Comment

[23] Waiver of Service of Summons Under Rule 4.1 of the Nevada Rules of Civil Procedure As To Dr. Vishal S. Shah, M.D.

06/26/2019 Joinder ▼

Joinder - JOIN (CIV)

Comment

[24] DEFENDANT CENTENNIAL HILLS HOSPITAL S JOINDER TO DEFENDANTS CONRADO CONCIO, MD, AND DIONICE JULIANO, MD S MOTION TO DISMISS

06/28/2019 Minute Order ▼

Minute Order

Judicial Officer

Escobar, Adriana

Hearing Time

7:30 AM

Result

Recused

Comment

Recusal

06/28/2019 Notice of Department Reassignment ▼

Notice of Department Reassignment - NODR (CIV)

Comment

[25] Notice of Department Reassignment

07/08/2019 Stipulation and Order ▼

Stipulation and Order - SAO (CIV)

Comment

[26] Stipulation and Order To Reset Hearing And Briefing Schedule For Defendants' Motions To Dismiss

07/08/2019 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[27] Notice of Entry of Order re Stipulation and Order to Reset Hearing and Briefing Schedule For Defendants Motions To Dismiss

07/22/2019 Stipulation and Order ▼

Stipulation and Order - SAO (CIV)

Comment

[28] Stipulation and Order to Reset Hearing and Briefing Schedule for Defendants' Motion to Dismiss and Related Joinders

07/22/2019 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[29] Notice of Entry of Order - Stipulation and Order to Reset Hearing and Briefing Schedule for Defendants' Motion to Dismiss and Related Joinders



08/13/2019 Notice of Appearance ▼

Notice of Appearance - NOTA (CIV)

Comment

[30] Notice of Appearance

08/13/2019 Opposition to Motion to Dismiss ▼

Opposition - OPPS (CIV)

Comment

[31] Plaintiffs' Opposition to Motion to Dismiss Filed by Defendants Dr. Conrado C.D. Concio, M.D. and Dr. Dionice S. Juliano, M.D.

09/17/2019 Reply ▼

Reply - RPLY (CIV)

Comment

[32] Defendant Conrado Concio, MD, Vishal Shah, MD, and Dionice Juliano, MD's Reply in Support of Motion to Dismiss and Joinder thereto

09/18/2019 Reply in Support ▼

Reply in Support - RIS (CIV)

Comment

[33] Defendant Centennial Hills Hospital's Reply in Support of Motion to Dismiss Plaintiff's Complaint

09/23/2019 Motion to Dismiss ▼

Motion to Dismiss - MDSM (CIV)

Comment

[34] Defendant Universal Health Services, Inc.'s Motion to Dismiss or, Alternatively, Motion for Summary Judgment for Lack of Jurisdiction

09/23/2019 Joinder To Motion ▼

Joinder To Motion - JMOT (CIV)

Comment

[35] Defendant Universal Health Services, Inc.'s Joinder to Defendant Centennial Hills Hospital's Motion to Dismiss Plaintiffs' Complaint and Joinder to Defendants Conrado Concio, MD, and Dionice Juliano, MD's Motion to Dismiss

09/24/2019 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[36] Notice of Hearing

09/25/2019 Motion to Dismiss ▼

Judicial Officer  
**Wiese, Jerry A.**

Hearing Time  
**9:00 AM**

Result  
**Denied**

Comment  
Defendant Conrado Concio, MD, and Dionice Juliano, MD's Motion to Dismiss

09/25/2019 Joinder ▼

Judicial Officer  
**Wiese, Jerry A.**

Hearing Time  
**9:00 AM**

Result  
**Denied**

Comment  
Defendant Vishal Shah, M.D. Joinder to Defendant's Concio and Juliano's Motion to dismiss

09/25/2019 Motion to Dismiss ▼

Judicial Officer  
**Wiese, Jerry A.**

Hearing Time  
**9:00 AM**

Result  
**Denied**

Comment  
Defendant Centennial Hills Hospital's Motion to Dismiss Plaintiffs' Complaint

09/25/2019 Joinder ▼

Judicial Officer  
**Wiese, Jerry A.**

Hearing Time  
**9:00 AM**

Result  
**Denied**

Comment  
Defendant Centennial Hills Hospital's Joinder to Defendants Conrado Concio, MD and Dionice Juliano, MD's Motion to Dismiss

09/25/2019 Joinder ▼

Judicial Officer  
Wiese, Jerry A.

Hearing Time  
9:00 AM

Result  
Denied

Comment  
Defendant Universal Health Services, Inc.'s Joinder to Defendant Centennial Hills Hospital's Motion to Dismiss Plaintiffs' Complaint and Joinder to Defendants Conrado Concio, MD, and Dionice Juliano, MD's Motion to Dismiss

09/25/2019 Joinder ▼

Judicial Officer  
Wiese, Jerry A.

Hearing Time  
9:00 AM

Result  
Denied

Comment  
Defendant Universal Health Services, Inc.'s Joinder to Defendant Centennial Hills Hospital's Motion to Dismiss Plaintiffs' Complaint and Joinder to Defendants Conrado Concio, MD, and Dionice Juliano, MD's Motion to Dismiss

09/25/2019 All Pending Motions ▼

All Pending Motions

Judicial Officer  
Wiese, Jerry A.

Hearing Time  
9:00 AM

Result  
Matter Heard

Parties Present ▲

Plaintiff  
Attorney: Padda, Paul S.

Plaintiff  
Attorney: Padda, Paul S.

Plaintiff  
Attorney: Padda, Paul S.

Plaintiff  
Attorney: Padda, Paul S.

Plaintiff  
Attorney: Padda, Paul S.

10/01/2019 Notice of Change of Address ▼

Notice of Change of Address - NCOA (CIV)

Comment

[37] Notice of Change of Address

10/02/2019 Answer to Complaint ▼

Answer - ANS (CIV)

Comment

[38] Defendants Conrado Concio, MD, Dionice Juliano, MD, and Vishal Shah, MD's Answer to Plaintiffs' Complaint

10/02/2019 Demand for Jury Trial ▼

Demand for Jury Trial - DMJT (CIV)

Comment

[39] Defendants Donice S. Juliano, MD, Contrado Concio, MD and Vishal Shah, MD's Demand for Jury Trial

10/30/2019 Motion to Dismiss ▼

Motion to Dismiss

Minutes - Motion to Dismiss

Judicial Officer

Wiese, Jerry A.

Hearing Time

9:00 AM

Result

Matter Continued

Comment

Defendant Universal Health Services, Inc.'s Motion to Dismiss or, Alternatively, Motion for Summary Judgment for Lack of Jurisdiction

10/30/2019 Opposition to Motion to Dismiss ▼

Opposition to Motion to Dismiss - OMD (CIV)

Comment

[40] Plaintiffs' Opposition To Defendant Universal Health Services, INC.'s, Motion to Dismiss Or, In The Alternative, For Summary Judgment

10/30/2019 Motion to Withdraw As Counsel ▼

Motion to Withdraw As Counsel - MWCN (CIV)

Comment

[41] Plaintiffs' Motion For Withdrawal of Suneel Nelson, Esq., Joshua Y. Ang, Esq., And Michael Lafia, Esq., As Retained Counsel



10/31/2019 Clerk's Notice of Nonconforming Document ▼

Clerk's Notice of Nonconforming Document - CNND (CIV)

Comment

[42] Clerk's Notice of Nonconforming Document

11/18/2019 Disclosure Statement ▼

Disclosure Statement - DSST (CIV)

Comment

[43] DEFENDANT VALLEY HEALTH SYSTEM, LLC, dba CENTENNIAL HILLS HOSPITAL MEDICAL CENTER S NRCP 7.1 DISCLOSURE STATEMENT

12/05/2019 Stipulation and Order ▼

Stipulation and Order - SAO (CIV)

Comment

[44] Stipulation and Order to Dismiss Universal Health Services, Inc. without Prejudice

12/05/2019 Notice of Entry ▼

Notice of Entry - NEO (CIV)

Comment

[45] Notice of Entry of Stipulation and Order to Dismiss Universal Health Services, Inc. without Prejudice

02/21/2020 Notice of Appearance ▼

Notice of Appearance - NOTA (CIV)

Comment

[46] Notice of Appearance By Brandon C. Verde, Esq.

03/10/2020 Substitution of Attorney ▼

Substitution of Attorney - SUBT (CIV)

Comment

[47] Substitution of Counsel

03/16/2020 Order to Show Cause ▼

Order - ORDR (CIV)

Comment

[48] Order to Show Cause

03/16/2020 Notice of Early Case Conference ▼

Notice of Early Case Conference - NECC (CIV)

## Comment

[49] Notice of NRCP 16.1(b) (1) Early Case Conference\_Estate of Rebecca Powell, et. al., v. Valley Health System, et. al.

## 03/20/2020 Joint Case Conference Report ▼

Joint Case Conference Report - JCCR (CIV)

## Comment

[50] Joint Case Conference Report

## 03/23/2020 Mandatory Rule 16 Conference Order ▼

Order - ORDR (CIV)

## Comment

[51] Mandatory Rule 16 Conference Order

## 03/24/2020 Minute Order ▼

Minute Order

Judicial Officer

Wiese, Jerry A.

Hearing Time

3:00 AM

Result

Minute Order - No Hearing Held

## 04/01/2020 Show Cause Hearing ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

9:00 AM

Cancel Reason

Vacated

Comment

Show Cause Hearing - Failure to Conduct Rule 16.1 ECC and/or file JCCR

## 04/13/2020 Notice of Association of Counsel ▼

Notice of Association of Counsel - NOAC (CIV)

Comment

[52] Notice of Association of Counsel

## 04/15/2020 Answer to Complaint ▼

Answer - ANS (CIV)

<p>Comment</p> <p>[53] Defendant Valley Health System, Llc, Dba Centennial Hills Hospital Medical Center s Answer To Plaintiffs Complaint</p>
<p>04/15/2020 Demand for Jury Trial ▼</p> <p>Demand for Jury Trial - DMJT (CIV)</p> <p>Comment</p> <p>[54] Demand for Jury Trial</p>
<p>04/29/2020 Motion to Associate Counsel ▼</p> <p>Motion to Associate Counsel - MASS (CIV)</p> <p>Comment</p> <p>[55] Defendant Valley Health System, Llc Dba Centennial Hills Hospital Medical Center's Motion to Associate Richard Douglas Carroll as Counsel</p>
<p>04/29/2020 Clerk's Notice of Hearing ▼</p> <p>Clerk's Notice of Hearing - CNOC (CIV)</p> <p>Comment</p> <p>[56] Notice of Hearing</p>
<p>05/05/2020 Mandatory Rule 16 Conference ▼</p> <p>Mandatory Rule 16 Conference</p> <p>Judicial Officer</p> <p>Wiese, Jerry A.</p> <p>Hearing Time</p> <p>12:00 PM</p> <p>Result</p> <p>Trial Date Set</p>
<p>05/05/2020 Substitution of Attorney ▼</p> <p>Substitution of Attorney - SUBT (CIV)</p> <p>Comment</p> <p>[57] Substitution of Attorneys</p>
<p>05/06/2020 Scheduling and Trial Order ▼</p> <p>Scheduling and Trial Order - SCHTO (CIV)</p> <p>Comment</p> <p>[58] Scheduling Order and Order Setting</p>
<p>06/02/2020 Order Admitting to Practice ▼</p> <p>Order - ORDR (CIV)</p>

Comment

[59] Order Admitting to Practice

06/03/2020 Motion to Associate Counsel ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

9:00 AM

Cancel Reason

Vacated

Comment

Defendant Valley Health System, Llc Db a Centennial Hills Hospital Medical Center's Motion to Associate Richard Douglas Carroll as Counsel

06/08/2020 Substitution of Attorney ▼

Substitution of Attorney - SUBT (CIV)

Comment

[60] Substitution Of Attorney For Defendant Valley Health System, LLC dba Centennial Hills Hospital Medical Center

08/07/2020 Motion for Summary Judgment ▼

Motion for Summary Judgment - MSJD (CIV)

Comment

[61] Defendant Juliano's Motion for Summary Judgment, and Defendant Concio and Shah's Motion for Partial Summary Judgment on Emotional Distress Claims

08/10/2020 Non Opposition ▼

Non Opposition - NONO (CIV)

Comment

[62] Defendants Valley Health Systems' Non-Opposition to Defendant Juliano's Motion for Summary Judgment and Joinder to Defendant Concio and Shah's Motion for Partial Summary Judgment

08/24/2020 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[63] Notice of Hearing

08/24/2020 Stipulation and Order ▼

Stipulation and Order

Comment

[64] Stipulation and Order Regarding Plaintiffs' Responses to Defendants Juliano, Concio and Shah's Interrogatories and Requests for Production



08/24/2020 Stipulation and Order ▼

Stipulation and Order

Comment

[65] Stipulation and Order Regarding Defendant Juliano's Motion for Summary Judgment and Defendant Concio And Shah's Motion for Partial Summary Judgment on Emotional Distress Claims

09/02/2020 Motion for Summary Judgment ▼

Comment

[66] Valley Health System, LLC and Universal Health Services, Inc.'s Motion for Summary Judgment Based Upon the Expiration of The Statute of Limitations

09/02/2020 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[67] Notice of Hearing

09/02/2020 Redacted Version ▼

Redacted Version

Comment

[83] Redacted version of Motion for Summary Judgment per Order 10/28/20

09/03/2020 Joinder to Motion For Summary Judgment ▼

Joinder To Motion - JMOT (CIV)

Comment

[68] Defendants Dionice Juliano, MD, Conrado Concio, MD and Vishal Shah, MD's Joinder to Defendant's Motion for Summary Judgment on the Statute of Limitations

09/04/2020 Filing Fee Remittance ▼

Comment

[69] Filing Fee Remittance

09/16/2020 Opposition to Motion For Summary Judgment ▼

Opposition to Motion For Summary Judgment - OMSJ (CIV)

Comment

[70] Plaintiffs Opposition to Valley Health System, LLC s Motion For Summary Judgment Seeking Dismissal on Statute of Limitations Grounds

10/13/2020 Opposition and Countermotion ▼

Opposition to Motion For Summary Judgment - OMSJ (CIV)

## Comment

[71] Plaintiffs' Opposition to Defendant Juliano's Motion for Summary Judgment, And Defendants' Concio and Shah's Motion for Partial Summary Judgment on Emotional Distress Claims and Counter-Motion to Amend or Withdraw Plaintiffs' Responses to Defendants' Request for Admissions

## 10/21/2020 Minute Order ▼

## Minute Order

## Judicial Officer

Wiese, Jerry A.

## Hearing Time

3:00 AM

## Result

Minute Order - No Hearing Held

## 10/21/2020 Reply to Opposition ▼

## Reply to Opposition - ROPP (CIV)

## Comment

[72] Defendants Valley Health System, LLC and Universal Health Services, Inc. s Reply To Plaintiffs Opposition To Defendants Motion For Summary Judgment Based Upon The Expiration Of The Statute Of Limitations

## 10/21/2020 Reply in Support ▼

## Reply in Support - RIS (CIV)

## Comment

[73] Defendants Valley Health Systems, LLC d/b/a Centennial Hills Hospital Medical Center and Universal Health Systems, Inc. s Reply To Plaintiffs Opposition To Defendant Juliano s Motion For Summary Judgment, Reply To Plaintiffs Opposition To Valley Health s Joinder Of Defendants Concio and Shah s Motion For Partial Summary Judgment On Emotional Distress Claims, and Opposition To Plaintiffs Countermotion To Amend Or Withdraw Plaintiffs Responses To Defendants Requests For Admission

## 10/21/2020 Joinder ▼

## Joinder - JOIN (CIV)

## Comment

[74] Joinder to Defendants Valley Health System, LLC and Universal Health Services, Inc.'s Reply to Plaintiffs' Opposition to Defendants' Motion for Summary Judgment Based Upon the Expiration of the Statute of Limitations

## 10/21/2020 Joinder ▼

## Joinder - JOIN (CIV)

## Comment

[75] Joinder to Defendant Valley Health System's Reply in Support of Defendant Juliano's Motion for Summary Judgment, and Defendant Concio and Shah's Motion for Partial Summary Judgment on Emotion Distress Claims

10/21/2020 Reply in Support ▼

Reply in Support - RIS (CIV)

Comment

[76] Reply in Support of Defendant Julano's Motion for Summary Judgment, and Defendant Concio and Shah's Motion for Partial Summary Judgment on Emotional Distress Claims

10/26/2020 Minute Order ▼

Minutes - Minute Order

Judicial Officer

Wiese, Jerry A.

Hearing Time

3:00 AM

Result

Minute Order - No Hearing Held

10/26/2020 Ex Parte Application ▼

Ex Parte Application - EPAP (CIV)

Comment

[77] Defendants' Application to Strike Non-Conforming Document Pursuant to EDCR 8.03 and Replace Non-Conforming Document on Defendants' Motion for Summary Judgment Based Upon Expiration of Statute of Limitations

10/26/2020 Ex Parte ▼

Ex Parte - EXPT (CIV)

Comment

[78] Defendants Valley Health System, LLC And Universal Health Services, Inc. s Amended Ex Parte Application To Strike Non-Conforming Document Pursuant To EDCR 8.03 And Replace Non-Conforming Pages With Conforming Document On Defendants Motion For Summary Judgment Based Upon Expiration Of Statute Of Limitations

10/28/2020 Order ▼

Order

Comment

[79] ORDER GRANTING DEFENDANTS VALLEY HEALTH SYSTEM, LLC AND UNIVERSAL HEALTH SERVICES, INC.'S EX PARTE APPLICATION TO STRIKE NON-CONFORMING DOCUMENT PURSUANT TO EDCR 8.03 AND REPLACE NON CONFORMING PAGES WITH CONFORMING DOCUMENT ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT BASED UPON EXPIRATION OF STATUTE OF LIMITATIONS

10/28/2020 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

<p>Comment</p> <p>[80] Notice of Entry of Order</p>
<p>10/29/2020 Order ▼</p> <p>Order</p> <p>Comment</p> <p>[81] Order</p>
<p>11/02/2020 Notice of Entry of Order ▼</p> <p>Notice of Entry of Order - NEOJ (CIV)</p> <p>Comment</p> <p>[82] Notice of Entry of Order</p>
<p>11/03/2020 Order Shortening Time ▼</p> <p>Order Shortening Time</p> <p>Comment</p> <p>[84] Powell v Valley - Motion for Stay Pending Writ (continued revisions #2)</p>
<p>11/04/2020 Motion for Summary Judgment ▼</p> <p>Judicial Officer</p> <p>Wiese, Jerry A.</p> <p>Hearing Time</p> <p>9:00 AM</p> <p>Cancel Reason</p> <p>Vacated</p> <p>Comment</p> <p>Defendant Juliano's Motion for Summary Judgment, and Defendant Concio and Shah's Motion for Partial Summary Judgment on Emotional Distress Claims</p>
<p>11/04/2020 Motion for Summary Judgment ▼</p> <p>Judicial Officer</p> <p>Wiese, Jerry A.</p> <p>Hearing Time</p> <p>9:00 AM</p> <p>Cancel Reason</p> <p>Vacated</p> <p>Comment</p> <p>Valley Health System, LLC and Universal Health Services, Inc.'s Motion for Summary Judgment Based Upon the Expiration of The Statute of Limitations</p>
<p>11/04/2020 Joinder ▼</p>



Judicial Officer  
Wiese, Jerry A.

Hearing Time  
9:00 AM

Cancel Reason  
Vacated

Comment  
Defendants Dionice Juliano, MD, Conrado Concio, MD and Vishal Shah, MD's Joinder to Defendant's Motion for Summary Judgment on the Statute of Limitations

11/04/2020 Opposition and Countermotion ▼

Judicial Officer  
Wiese, Jerry A.

Hearing Time  
9:00 AM

Cancel Reason  
Vacated

Comment  
Plaintiffs' Opposition to Defendant Juliano's Motion for Summary Judgment, And Defendants' Concio and Shah's Motion for Partial Summary Judgment on Emotional Distress Claims and Counter-Motion to Amend or Withdraw Plaintiffs' Responses to Defendants' Request for Admissions

11/05/2020 Motion ▼

Order

Comment  
[85] Defendant Valley Health System LLC's Motion for Stay on Order Shortening Time

11/19/2020 Opposition to Motion ▼

Opposition - OPPS (CIV)

Comment  
[86] Plaintiffs' Opposition to Defendant Valley Health System LLC's Motion for Stay of Proceedings

11/20/2020 Reply to Opposition ▼

Reply to Opposition - ROPP (CIV)

Comment  
[87] Defendant Valley Health System LLC s Reply To Plaintiff s Opposition To Motion For Stay On Order Shortening Time

11/23/2020 Minute Order ▼

Minute Order

Judicial Officer  
Wiese, Jerry A.

Hearing Time

3:00 AM

Result

Minute Order - No Hearing Held

11/25/2020 Motion to Stay ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

9:00 AM

Cancel Reason

Vacated - Previously Decided

Comment

Defendant VHS's Motion for Stay on OST

12/17/2020 Order ▼

Order

Comment

[88] Order Denying Defendant Valley Health System, LLC's Motion to Stay on Order Shortening Time

12/17/2020 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[89] Notice of Entry of Order

01/01/2021 Recorders Transcript of Hearing ▼

Recorders Transcript of Hearing - RTRAN (CIV)

Comment

[90] Recorders Transcript of Hearing: All Pending Motions

01/21/2021 Stipulation and Order ▼

Stipulation and Order

Comment

[91] Stipulation and Order to Continue Status Check Hearing

01/21/2021 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[92] Notice of Entry of Order

02/04/2021 Order ▼

Order - ORDR (CIV)

Comment

[93] ORDER RESETTING STATUS CHECK HEARING AS TELECONFERENCE

02/06/2021 Order ▼

Order

Comment

[94] Order Denying Defendants Conrado Concio, M.D. and Dionice Juliano, M.D.'s Motion to Dismiss Plaintiff's Complaint

02/06/2021 Order ▼

Order

Comment

[95] Order Denying Defendant Centennial Hills Hospital Medical Center's Motion to Dismiss Plaintiff's Complaint

02/10/2021 Status Check ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

9:00 AM

Cancel Reason

Vacated

Comment

Status Check: Submission/Filing of Order from 09/25/19 hearing

03/10/2021 Notice ▼

Notice - NOTC (CIV)

Comment

[96] Notice of Appearance

04/06/2021 Motion to Reconsider ▼

Motion to Reconsider - MRCN (CIV)

Comment

[97] Defendant Valley Health System LLC's Motion to Reconsider Motion for Stay Pending Petition for Writ of Mandamus

04/06/2021 Exhibits ▼

Exhibits - EXHS (CIV)

Comment

[98] Exhibits G-M to Defendant Valley Health System LLC's Motion to Reconsider Motion for Stay Pending Petition for Writ of Mandamus

04/06/2021 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[99] Notice of Hearing

04/07/2021 Notice of Entry ▼

Notice of Entry - NEO (CIV)

Comment

[100] Notice of Entry of Order Denying Defendant Centennial Hills Hospital Medical Center's Motion to Dismiss Plaintiffs' Complaint

04/07/2021 Notice of Entry of Order ▼

Notice of Entry - NEO (CIV)

Comment

[101] Notice of Entry of Order Denying Defendants Conrado Concio M.D. and Dionice Juilano, M.D.'s Motion to Dismiss Plaintiffs' Complaint

04/09/2021 Order Shortening Time ▼

Order Shortening Time

Comment

[102] Order Shortening Time to Hear Motion to Reconsider Stay Pending Writ of Mandamus

04/09/2021 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[103] Notice of Entry of Order

04/15/2021 Opposition ▼

Opposition - OPPS (CIV)

Comment

[104] Plaintiffs' Opposition to Defendant Valley Health System LLC's Motion to Reconsider Motion for Stay Pending Petition for Writ of Mandamus

04/16/2021 Reply in Support ▼

Reply in Support - RIS (CIV)

Comment

[105] Defendant Valley Health System LLC s Reply In Further Support Of Its Motion To Reconsider Motion For Stay Pending Petition For Writ Of Mandamus And In Reply To Plaintiffs Opposition

04/20/2021 Minute Order ▼



Minute Order

Judicial Officer

Wiese, Jerry A.

Hearing Time

3:00 AM

Result

Minute Order - No Hearing Held

04/21/2021 Motion to Reconsider ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

9:00 AM

Cancel Reason

Vacated - Previously Decided

Comment

Defendant Valley Health System LLC's Motion to Reconsider Motion for Stay Pending Petition for Writ of Mandamus

04/28/2021 Order ▼

Order

Comment

[106] Order Denying Defendant Valley Health System, LLC's Motion to Reconsider Motion to Stay Pending Petition for Writ of Mandamus on Order Shortening Time

04/28/2021 Notice of Entry ▼

Notice of Entry - NEO (CIV)

Comment

[107] Notice of Entry of Order Denying Defendant Valley Health System, LLC's Motion to Stay Pending Petition for Writ of Mandamus on Order Shortening Time

06/04/2021 Order ▼

Order

Comment

[108] Confidentiality Agreement and Protective Order

06/04/2021 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[109] Notice of Entry of Order

06/18/2021 Initial Expert Disclosure ▼

## Initial Expert Disclosure - IED (CIV)

## Comment

[110] Defendant Valley Health System, LLC dba Centennial Hills Hospital Medical Center s Initial Expert Disclosure

## 08/18/2021 Status Report ▼

## Status Report - SR (CIV)

## Comment

[111] Joint Status Report

## 09/07/2021 Minute Order ▼

## Minute Order

## Judicial Officer

Wiese, Jerry A.

## Hearing Time

3:00 AM

## Result

Minute Order - No Hearing Held

## 10/05/2021 Notice ▼

## Notice - NOTC (CIV)

## Comment

[112] Defendant Valley Health System, LLC dba Centennial Hills Hospital Medical Center's Notice of Trial Conflict

## 11/03/2021 Order ▼

## Order - ORDR (CIV)

## Comment

[113] Order Setting Further Proceedings Re: Supreme Court Order

## 11/18/2021 Further Proceedings ▼

## Original Type

Further Proceedings

## Further Proceedings

## Judicial Officer

Wiese, Jerry A.

## Hearing Time

10:00 AM

## Result

Matter Heard

## Comment

Further Proceedings: Writ of Mandamus

11/19/2021 Order ▼

Order

Comment

[114] Order Vacating Prior Order Denying Valley Health System, LLC dba Centennial Hills Hospital Medical Center's Motion for Summary Judgment and Granting Said Defendant's Motion for Summary Judgment Per Mandamus of Nevada Supreme Court

11/19/2021 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[115] Notice of Entry of Order

11/22/2021 Memorandum ▼

Memorandum of Costs and Disbursements - MEMC (CIV)

Comment

[116] Defendant Valley Health System LLC's Verified Memorandum of Costs

11/22/2021 Motion for Attorney Fees ▼

Motion for Attorney Fees - MATF (CIV)

Comment

[117] Defendant Valley Health System, LLC DBA Centennial Hills Hospital Medical Center's Motion for Attorneys' Fees Pursuant to N.R.C.P. 68, N.R.S. 17.117, 7.085, 18.010(2), and EDCR 7.60

11/23/2021 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[118] Notice of Hearing

11/23/2021 Memorandum of Costs and Disbursements ▼

Memorandum of Costs and Disbursements - MEMC (CIV)

Comment

[119] Defendants Conrado Concio, MD and Vishal Shah, MD's Memorandum of Costs and Disbursements

12/01/2021 Status Check: Settlement/Trial Setting ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

9:00 AM

Cancel Reason

Vacated - Case Closed

12/03/2021 Motion to Extend ▼

Motion to Extend - MEX (CIV)

Comment

[120] Plaintiffs' Motion to Extend Time to Respond to Defendants' Valley Health Systems, Dr. Dionice S. Juliano, Dr. Conrado Concio, and Dr. Vishal Shah's Memorandums of Costs

12/06/2021 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[121] Notice of Hearing

12/06/2021 Application ▼

Application - APPL (CIV)

Comment

[122] Plaintiffs Application for Order Shortening Time on Plaintiffs Motion to Extend Time to Respond to Defendant's Memorandum for Costs

12/10/2021 Order ▼

Order

Comment

[123] Order Shortening Time Regarding Plaintiff's Motion to Extend Time to Respond to Defendant's Memorandums of Costs

12/10/2021 Motion for Attorney Fees and Costs ▼

Motion for Attorney Fees and Costs - MAFC (CIV)

Comment

[124] Defendants Conrado Concio, MD and Vishal Shah, MD's Motion for Attorneys' Fees and Costs

12/11/2021 Order Setting Medical/Dental Malpractice Status Check ▼

Order Setting Medical/Dental Malpractice Status Check

Comment

[125] Order Setting Medical/Dental Malpractice Status Check and Trial Setting Conference

12/13/2021 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[126] Notice of Hearing



12/16/2021 Opposition ▼

Opposition - OPPS (CIV)

Comment

[127] Plaintiff's Opposition to Defendant Valley Health System LLC'S Motion for Attorney's Fees

12/20/2021 Opposition and Countermotion ▼

Opposition and Countermotion - OPPC (CIV)

Comment

[128] Defendant Valley Health System, LLC dba Centennial Hills Hospital's Opposition to Plaintiff's Motion to Retax Costs and Countermotion for Costs and Fees Pursuant to EDCR 7.60

12/21/2021 Opposition to Motion ▼

Opposition to Motion - OPPM (CIV)

Comment

[129] Defendants Conrado Concio, MD and Vishal Shah, MD's Opposition to Plaintiff's Motion to Extend Time

12/23/2021 Opposition to Motion ▼

Opposition to Motion - OPPM (CIV)

Comment

[130] Plaintiffs' Opposition to Defendants aConrado Concio. M.D. and Vishal Sha, M.D.'s Motion for Attorneys' Fee and Costs

12/27/2021 Reply to Opposition ▼

Reply to Opposition - ROPP (CIV)

Comment

[131] Plaintiffs' Reply to Defendant Valley Health System, LLC DBA Centennial Hills Hospital's Opposition to Plaintiffs' Motion to Extend Time to Retax Costs and Opposition to Countermotion for Costs and Fees Pursuant to EDCR 7.60

12/27/2021 Reply to Opposition ▼

Reply to Opposition - ROPP (CIV)

Comment

[132] Plaintiffs Reply to Defendant Conrado Concio, M.D. and Vishal Shah, M.D.'s Opposition to Plaintiffs Motion to Extend Time to Retax Cost

01/11/2022 Status Check: Medical/Dental Malpractice ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

8:00 AM

Cancel Reason

Vacated - Case Closed

01/24/2022 Order ▼

Order

Comment

[133] Order Re: Plaintiffs' Motion to Extend Time to Respond To Defendants' Valley Health Systems, Dr. Dionice S. Juliano, Dr. Conrado Concio, and Dr. Fishal S. Shah's Memoranda of Costs

01/25/2022 Notice of Entry ▼

Notice of Entry - NEO (CIV)

Comment

[134] NOTICE OF ENTRY OF ORDER

01/26/2022 Motion ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

3:00 AM

Cancel Reason

Vacated

Comment

Plaintiffs' Motion to Extend Time to Respond to Defendants' Valley Health Systems, Dr. Dionice S. Juliano, Dr. Conrado Concio, and Dr. Vishal Shah's Memorandums of Costs

02/02/2022 Reply in Support ▼

Reply in Support - RIS (CIV)

Comment

[135] DEFENDANT VALLEY HEALTH SYSTEM, LLC DBA CENTENNIAL HILLS HOSPITAL MEDICAL CENTER S REPLY IN FURTHER SUPPORT OF MOTION FOR ATTORNEYS FEES PURSUANT TO N.R.C.P. 68, N.R.S. 17.117, 7.085, 18.010(2), AND EDCR 7.60

02/02/2022 Reply in Support ▼

Reply in Support - RIS (CIV)

Comment

[136] Defendants Conrado Concio, MD and Vishal Shah, MD's Reply in Support of Their Motion for Fees and Costs

02/09/2022 Opposition and Countermotion ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

9:00 AM

Cancel Reason

Vacated - per Order

Comment

Defendant Valley Health System, LLC dba Centennial Hills Hospital's Opposition to Plaintiff's Motion to Retax Costs and Countermotion for Costs and Fees Pursuant to EDCR 7.60

02/15/2022 Order ▼

Order

Comment

[137] ORDER RE: CONCIO'S AND SHAH'S MOTION FOR FEES AND COSTS

02/15/2022 Order ▼

Order

Comment

[138] ORDER RE: VALLEY HEALTH SYSTEM'S MOTION FOR FEES AND COUNTERMOTION FOR FEES AND COSTS

02/16/2022 Notice of Entry of Decision and Order ▼

Notice of Entry of Decision and Order - NOED (CIV)

Comment

[139] Notice of Entry of Order and Decision Regarding Valley Health System's Motion for Fees and Countermotion for Fees and Costs

02/16/2022 Notice of Entry of Order ▼

Notice of Entry of Order - NEOJ (CIV)

Comment

[140] Notice of Entry of Order Re: Concio's and Shah's Motion for Fees and Costs

02/18/2022 Motion for Attorney Fees ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

9:00 AM

Cancel Reason

Vacated - per Order

Comment

Defendant Valley Health System, LLC DBA Centennial Hills Hospital Medical Center's Motion for Attorneys' Fees Pursuant to N.R.C.P. 68, N.R.S. 17.117, 7.085, 18.010(2), and EDCR 7.60

02/18/2022 Motion for Attorney Fees and Costs ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

9:00 AM

Cancel Reason

Vacated - per Order

Comment

Defendants Conrado Concio, MD and Vishal Shah, MD's Motion for Attorneys' Fees and Costs

02/23/2022 Motion to Reconsider ▼

Motion to Reconsider - MRCN (CIV)

Comment

[141] Defendant Valley Health System, LLC DBA Centennial Hills Hospital Medical Center's Motion for Reconsideration Regarding its Motion for Attorneys' Fees Pursuant to N.R.C.P. 6, N.R.S. 17.117, 7.085, 18.010(2), and EDCR 7.60

02/23/2022 Clerk's Notice of Hearing ▼

Clerk's Notice of Hearing - CNOC (CIV)

Comment

[142] Notice of Hearing

03/09/2022 Opposition to Motion ▼

Opposition to Motion - OPPM (CIV)

Comment

[143] Plaintiffs' Opposition to Defendant Valley Health System LLC's Motion For Reconsideration of the Court's Denial of its Application for Fees and Costs

03/14/2022 Notice of Appeal ▼

Notice of Appeal - NOAS (CIV)

Comment

[144] Defendant Valley Health System LLC DBA Centennial Hills Hospital Medical Center's Notice of Appeal

03/14/2022 Case Appeal Statement ▼

Case Appeal Statement - ASTA (CIV)

Comment

[145] DEFENDANT VALLEY HEALTH SYSTEM, LLC DBA CENTENNIAL HILLS HOSPITAL MEDICAL CENTER S CASE APPEAL STATEMENT

03/17/2022 Notice of Appeal ▼

Notice of Appeal - NOAS (CIV)



## Comment

[146] Plaintiff's Notice of Appeal

03/17/2022 Case Appeal Statement ▼

Case Appeal Statement - ASTA (CIV)

## Comment

[147] Plaintiffs Case Appeal Statement

03/23/2022 Reply in Support ▼

Reply in Support - RIS (CIV)

## Comment

[148] Defendant Valley Health System, LLC DBA Centennial Hills Hospital Medical Center's Reply in Further Support of Motion for Reconsideration Regarding its Motion for Attorneys' Fees Pursuant to N.R.C.P. 68, N.R.S. 17.117, 7.085, 18.010(2), and EDCR 7.60

04/01/2022 Motion For Reconsideration ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

3:00 AM

Cancel Reason

Vacated - per Order

## Comment

Defendant Valley Health System, LLC DBA Centennial Hills Hospital Medical Center's Motion for Reconsideration Regarding its Motion for Attorneys' Fees Pursuant to N.R.C.P. 6, N.R.S. 17.117, 7.085, 18.010(2), and EDCR 7.60

04/25/2022 Pre Trial Conference ▼

Judicial Officer

Wiese, Jerry A.

Hearing Time

9:00 AM

Cancel Reason

Vacated - Case Closed

05/04/2022 Order ▼

Order

## Comment

[149] Order RE: Valley Health System's Motion for Reconsideration RE: Motion for Attorney's Fees

05/04/2022 Notice of Entry of Order ▼

Notice of Entry - NEO (CIV)

<p>Comment</p> <p>[150] Notice of Entry of Order</p>
<p>05/16/2022 Calendar Call ▼</p> <p>Judicial Officer</p> <p>Wiese, Jerry A.</p> <p>Hearing Time</p> <p>9:00 AM</p> <p>Cancel Reason</p> <p>Vacated - Case Closed</p>
<p>05/23/2022 Jury Trial - FIRM ▼</p> <p>Judicial Officer</p> <p>Wiese, Jerry A.</p> <p>Hearing Time</p> <p>10:30 AM</p> <p>Cancel Reason</p> <p>Vacated - Case Closed</p>
<p>06/02/2022 Judgment ▼</p> <p>Judgment</p> <p>Comment</p> <p>[151] DEFENDANT VALLEY HEALTH SYSTEM LLC'S JUDGMENT OF COSTS AND ATTORNEYS' FEES PER NRS 18.020, 18.005, 18.110, 17.117, AND N.R.C.P. 68(f) AS AGAINST PLAINTIFFS</p>
<p>06/07/2022 Notice of Entry of Judgment ▼</p> <p>Notice of Entry of Judgment - NJUD (CIV)</p> <p>Comment</p> <p>[152] Notice of Entry of Judgment</p>
<p>06/07/2022 Notice of Appeal ▼</p> <p>Notice of Appeal - NOAS (CIV)</p> <p>Comment</p> <p>[153] Plaintiffs' Notice of Appeal</p>
<p>06/07/2022 Case Appeal Statement ▼</p> <p>Case Appeal Statement - ASTA (CIV)</p> <p>Comment</p> <p>[154] Plaintiffs' Case Appeal Statement</p>
<p>07/05/2022 Case Reassigned to Department 7 ▼</p>

## Comment

Pursuant to Administrative Order 22-09 - Case Reassigned from Judge Jerry A. Wiese to Judge Linda Marie Bell

07/19/2022 Ex Parte Application for Examination of Judgment Debtor ▼

Ex Parte Application for Examination of Judgment Debtor - EAJD (CIV)

## Comment

[155] Ex Parte Application for Judgment Debtors Examination and Production of Documents

07/20/2022 NV Supreme Court Clerks Certificate/Judgment - Dismissed ▼

NV Supreme Court Clerks Certificate/Judgment - Dismissed

## Comment

[156] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

08/18/2022 Order for Examination of Judgment Debtor ▼

Order for Examination of Judgment Debtor

## Comment

[157] Order Directing Examination of Judgment Debtors and Production of Documents

08/19/2022 Notice of Entry ▼

Notice of Entry - NEO (CIV)

## Comment

[158] NOTICE OF ENTRY OF ORDER

09/27/2022 Motion for Stay of Execution ▼

Motion for Stay of Execution - MSTE (CIV)

## Comment

[159] Plaintiffs Motion To Stay Execution On Judgment For Attorneys Fees And Costs Including Stay Of Examination Of Judgment Debtors And Production Of Documents

09/27/2022 Exhibits ▼

Exhibits - EXHS (CIV)

## Comment

[160] Exhibits 1 to 6 to Plaintiffs' Motion to Stay Execution on Judgment for Attorneys' Fees and Costs Including Stay of Examination of Judgment Debtors and Production of Documents

09/28/2022 Hearing for Examination of Judgment Debtor ▼

Minutes - Hearing for Examination of Judgment Debtor

Judicial Officer

Bell, Linda Marie

Hearing Time

9:00 AM

Result

Matter Heard

Parties Present ▲

Plaintiff

Attorney: Padda, Paul S.

Plaintiff

Attorney: Padda, Paul S.

Plaintiff

Attorney: Padda, Paul S.

Plaintiff

Attorney: Padda, Paul S.

Plaintiff

Attorney: Padda, Paul S.

Defendant

Attorney: Garth, Adam

09/29/2022 Notice of Intent ▼

Notice of Intent - NI (CIV)

Comment

[161] NOTICE OF INTENT TO APPEAR ELECTRONICALLY

10/28/2022 Opposition and Countermotion ▼

Opposition and Countermotion - OPPC (CIV)

Comment

[162] Defendant/Judgment Creditor Valley Health System, LLCs Opposition To Plaintiffs Motion To Stay Execution On Judgment For Attorneys Fees And Costs Including Stay Of Examination Of Judgment Debtors And Production Of Documents And Countermotion For Contempt And Attorneys Fees

10/28/2022 Appendix ▼

Appendix - APEN (CIV)

Comment

[163] Appendix to Defendant/Judgment Creditor Valley Health System, LLCs Opposition To Plaintiffs Motion To Stay Execution On Judgment For Attorneys Fees And Costs Including Stay Of Examination Of Judgment Debtors And Production Of Documents And Countermotion For Contempt And Attorneys Fees

11/04/2022 Response ▼

Response - RSPN (CIV)



## Comment

[164] Plaintiffs' Response to Defendant Valley Health System, LLC's Opposition to Motion to Stay Execution on Judgment for Attorneys' Fee and Costs (Including Stay of Judgment Debtors and Production of Documents) and Plaintiffs Opposition to Defendants Countermotion for Contempt and Attorney's Fees

11/04/2022 Appendix ▼

Appendix - APEN (CIV)

## Comment

[165] Appendix in Support of Plaintiffs' Motion to Stay Judgment and Response to VHS's Opposition and Countermotion

11/08/2022 Minute Order ▼

Minute Order

Judicial Officer

**Bell, Linda Marie**

Hearing Time

**3:15 PM**

Result

**Minute Order - No Hearing Held**

11/08/2022 Notice ▼

Notice - NOTC (CIV)

## Comment

[166] Plaintiff's Notice of Filing Consent to Use Electronic Signature of Lloyd Creecy

11/09/2022 Notice of Intent ▼

Notice of Intent - NI (CIV)

## Comment

[167] NOTICE OF INTENT TO APPEAR ELECTRONICALLY

11/16/2022 Motion for Stay of Execution ▼

Judicial Officer

**Bell, Linda Marie**

Hearing Time

**9:00 AM**

## Comment

[159] PLAINTIFFS MOTION TO STAY EXECUTION ON JUDGMENT FOR ATTORNEYS FEES AND COSTS INCLUDING STAY OF EXAMINATION OF JUDGMENT DEBTORS AND PRODUCTION OF DOCUMENTS

11/16/2022 Opposition and Countermotion ▼

Judicial Officer  
Bell, Linda Marie

Hearing Time  
9:00 AM

Comment  
Defendant/Judgment Creditor Valley Health System, LLCs Opposition To Plaintiffs Motion To Stay Execution On Judgment For Attorneys Fees And Costs Including Stay Of Examination Of Judgment Debtors And Production Of Documents And Countermotion For Contempt And Attorneys Fees

11/16/2022 Motion to Set Aside ▼

Motion to Set Aside - MSTA (CIV)

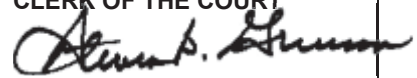
Comment  
[168] PLAINTIFFS' MOTION TO SET ASIDE JUDGMENT AND RELATED RELIEF AND EXHIBITS 1 to 6

# EXHIBIT D



# EXHIBIT E





1 S. BRENT VOGEL  
Nevada Bar No. 6858  
2 Brent.Vogel@lewisbrisbois.com  
ADAM GARTH  
3 Nevada Bar No. 15045  
Adam.Garth@lewisbrisbois.com  
4 LEWIS BRISBOIS BISGAARD & SMITH LLP  
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*Attorneys for Defendant Valley Health System,  
7 LLC dba Centennial Hills Hospital Medical  
Center*  
8

9 DISTRICT COURT  
10 CLARK COUNTY, NEVADA  
11

12 ESTATE OF REBECCA POWELL, through  
BRIAN POWELL, as Special Administrator;  
13 DARCI CREECY, individually and as Heir;  
TARYN CREECY, individually and as an  
14 Heir; ISAIAH KHOSROF, individually and as  
an Heir; LLOYD CREECY, individually,

15 Plaintiffs,

16 vs.  
17

18 VALLEY HEALTH SYSTEM, LLC (doing  
business as "Centennial Hills Hospital Medical  
Center"), a foreign limited liability company;  
19 UNIVERSAL HEALTH SERVICES, INC., a  
foreign corporation; DR. DIONICE S.  
20 JULIANO, M.D., an individual; DR.  
CONRADO C.D. CONCIO, M.D., an  
21 individual; DR. VISHAL S. SHAH, M.D., an  
individual; DOES 1-10; and ROES A-Z;,  
22

23 Defendants.  
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Case No. A-19-788787-C

Dept. No.: 30

**NOTICE OF ENTRY OF ORDER**

1 PLEASE TAKE NOTICE that the Order Directing Examination of Judgment Debtors and  
2 Production of Documents was entered on August 18, 2022, a true and correct copy of which is  
3 attached hereto.

4 DATED this 19<sup>th</sup> day of August, 2022

5 LEWIS BRISBOIS BISGAARD & SMITH LLP

6 By /s/ Adam Garth

7 S. BRENT VOGEL

8 Nevada Bar No. 6858

9 ADAM GARTH

10 Nevada Bar No. 15045

11 6385 S. Rainbow Boulevard, Suite 600

12 Las Vegas, Nevada 89118

13 Tel. 702.893.3383

14 *Attorneys for Attorneys for Defendant Valley*

15 *Health System, LLC dba Centennial Hills Hospital*

16 *Medical Center*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 19<sup>th</sup> day of August, 2022, a true and correct copy of **NOTICE**  
3 **OF ENTRY OF ORDER** was served by electronically filing with the Clerk of the Court using the  
4 Odyssey E-File & Serve system and serving all parties with an email-address on record, who have  
5 agreed to receive electronic service in this action.

6 Paul S. Padda, Esq.  
7 PAUL PADDALAW, PLLC  
8 4560 S. Decatur Blvd., Suite 300  
9 Las Vegas, NV 89103  
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*M.D., Conrado Concio, M.D And Vishal S.*  
*Shah, M.D.*

14  
15  
16 By /s/ Heidi Brown  
17 an Employee of  
18 LEWIS BRISBOIS BISGAARD & SMITH LLP  
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1 **ORDJ**

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13 *Attorneys for Defendant Valley Health System,*

14 *LLC dba Centennial Hills Hospital Medical*

15 *Center*

DISTRICT COURT

CLARK COUNTY, NEVADA

16 ESTATE OF REBECCA POWELL, through  
17 BRIAN POWELL, as Special Administrator;  
18 DARCI CREECY, individually and as Heir;  
19 TARYN CREECY, individually and as an  
20 Heir; ISIAH KHOSROF, individually and as  
21 an Heir; LLOYD CREECY, individually,

22 Plaintiffs,

23 vs.

24 VALLEY HEALTH SYSTEM, LLC (doing  
25 business as "Centennial Hills Hospital Medical  
26 Center"), a foreign limited liability company;  
27 UNIVERSAL HEALTH SERVICES, INC., a  
28 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; and ROES A-Z,;

Defendants.

Case No. A-19-788787-C

Dept. No.: 7

**ORDER DIRECTING EXAMINATION OF  
JUDGMENT DEBTORS AND  
PRODUCTION OF DOCUMENTS**

After having reviewed the Judgment Creditor's Motion for Examination of Judgment Debtors and good cause otherwise appearing:

IT IS HEREBY ORDERED that Judgment Debtors Estate of Rebecca Powell, through Brian Powell as Special Administrator, Darci Creecy, Taryn Creecy, Isaiah Khosrof, and Lloyd Creecy

1 shall each appear before this Court located at \_\_\_\_\_ in Courtroom 5B of the \_\_\_\_\_ on Wednesday,  
2 beginning at 9:00 am \_\_\_\_\_ and on such further days as the Court shall determine, if  
3 necessary, to then and there answer upon oath concerning their respective property and assets as  
4 identified in the Judgment Creditor's Ex Parte Examination of Judgment Debtors. The Judgment  
5 Debtors are hereby forbidden in the meantime from selling, transferring, or otherwise disposing of  
6 any property or assets not exempt from execution pursuant to NRS 21.005, *et seq.*

7 IT IS HEREBY FURTHER ORDERED that Judgment Debtors Estate of Rebecca Powell,  
8 through Brian Powell as Special Administrator, Darci Creecy, Taryn Creecy, Isaiah Khosrof, and  
9 Lloyd Creecy shall each individually respond to each of the Requests for Production set forth in  
10 Judgment Creditor's Ex Parte Application for Examination of Judgment Debtors and shall produce  
11 the requested information, documents, and other materials **no later than fourteen (14) days** prior  
12 to the date of the examination as set forth herein. The information, documents, and other materials  
13 shall be produced to the law offices of **Lewis Brisbois Bisgaard & Smith LLP, located at 6385 S.**  
14 **Rainbow Boulevard, Suite 600, Las Vegas, Nevada 89118.**

15 Failure to produce the requested materials or failure to appear for the examination at the  
16 dates and times specified above may result in an Order to Show Cause being issued.

17 DATED this \_\_\_\_ day of \_\_\_\_\_, 2022. Dated this 18th day of August, 2022

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19   
DISTRICT COURT JUDGE

20 FC8 154 0748 30FD  
21 Linda Marie Bell  
22 District Court Judge  
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1 **CSERV**

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3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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6 Estate of Rebecca Powell,  
Plaintiff(s)

CASE NO: A-19-788787-C

7 vs.

DEPT. NO. Department 7

8  
9 Valley Health System, LLC,  
Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

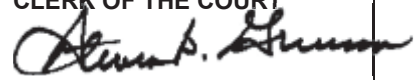
15 Service Date: 8/18/2022

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# EXHIBIT F



MTSE  
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Attorneys for Plaintiffs

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

ESTATE OF REBECCA POWELL, through  
Brian Powell as Special Administrator;  
DARCI CREECY, individually; TARYN  
CREECY, individually; ISIAIAH 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. 7

**PLAINTIFFS' MOTION TO STAY  
EXECUTION ON JUDGMENT FOR  
ATTORNEYS' FEES AND COSTS  
INCLUDING STAY OF EXAMINATION  
OF JUDGMENT DEBTORS AND  
PRODUCTION OF DOCUMENTS**

Plaintiffs, by and through their undersigned counsel of record, hereby submit their  
Motion to Stay Execution on Judgment for Attorneys' Fees and Costs, including, stay of  
Examination of Judgment Debtors and Production of Documents based on Defendants

1

Estate of Rebecca Powell, et al. v. Valley Health System, LLC, et al.  
Eighth Judicial District Court, Case No. A-19-788787-C (Dept. 7)

*Plaintiffs' Motion to Stay Execution on Judgment for Attorneys' Fees & Costs Including Stay of Judgment Debtors  
Examination*

PPL #201297-15-04

PAUL PADDA LAW, PLLC  
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(purported Judgment Creditors') failure to comply with requirements of Nevada probate statutes governing claims/judgments against a decedent's estate, its special administrator, and/or other beneficiaries, particularly where there is an open, pending probate case established for the administration of debts and assets of the decedent's estate. As such, Defendants' efforts to execute the judgment for attorney's fees and costs, including, efforts to take *judgment debtor examinations of individual beneficiaries and the special administrator of the decedent's estate must be stayed, pending compliance with probate requirements* and Plaintiffs' appeal to the Nevada Supreme Court. This Motion is based on the points and authorities and Exhibits attached hereto, the papers and pleadings on file herein, and any argument the Court may choose to entertain in this matter.

PAUL PADDA LAW, PLLC

/s/ Paul S. Padda

---

Paul S. Padda, Esq.  
Nevada Bar No. 10417  
4560 South Decatur Blvd., Suite 300  
Las Vegas, Nevada 89103

*Attorney for Plaintiffs*

Dated: September 27, 2022

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. INTRODUCTION**

This motion seeks an immediate stay of Defendant Valley Health System LLC's, (the purported Judgment Creditor), and its aggressive efforts to circumvent the statutory requirements



of Nevada’s probate laws by compelling several individuals, including the court-appointed Special Administrator of the decedent’s estate, to appear for several judgment debtor examinations in an apparent effort to hold each collectively and/or individually personally accountable for a money judgment award of attorneys’ fees and costs, outside of the open, pending probate case, styled *In the Matter of the Estate of Rebecca Powell, Deceased*, No. P-19-098361-E, created by the Probate Court for purposes of administering the assets **and debts** of the decedent’s estate.

Defendant moved for reconsideration after initially being denied its attorneys’ fees and costs and subsequently obtained an award of attorney fees and costs for the total amount of **\$118,906.78** against the Plaintiffs (hereinafter “Attorneys’ Fees Judgment”). The Defendants were awarded fees and costs as a result of a summary judgment order entered in their favor in a lawsuit commenced by Plaintiffs against Defendant/Judgment Creditors alleging negligence claims, wrongful death, and medical malpractice.

This request for a stay of execution of judgment includes a stay of the judgment debtor examinations presently scheduled for September 28, 2022 at 9:00 a.m. in Courtroom 5B of the Regional Justice Center, District Court.

A stay of execution of the Attorneys’ Fees Judgment and the judgment debtor examinations are warranted because (1) Defendant and its counsels failed to follow procedures for asserting judgments or claims against the Estate; (2) the Special Administrator of the Estate, Brian Powell, cannot, by statute, be personally held responsible for debts of the Estate; (3) the Order for Judgment Debtor Depositions is defective insofar as it is based on the Attorneys’ Fees

Judgment which failed to assert “joint and several liability” among the several purported Judgment Debtors, failed to apportion judgment amount as to between the Estate and the individual heirs of decedent, and failed to state factual findings necessary to support money judgment against the Special Administrator of the Estate and the individual Plaintiffs; (4) the Defendant/Judgment Creditor, who is represented by counsels, failed to file their judgment or file a claim with the Probate Case prior to seeking an order for judgment debtor examination with the District Court and (5) the application was filed *ex parte* depriving Plaintiffs proper notice.

For these reasons, and in the interests of justice pending Plaintiffs’ appeal of said Judgment to the Nevada Supreme Court (Case No. 84861), Plaintiffs respectfully request that this Court stay all efforts to execute upon said judgment, including, a stay on the multiple judgment debtors’ depositions scheduled for September 28, 2022, at 9:00 a.m.

## II. RELEVANT PROCEDURAL FACTS

### A. The Plaintiffs/Alleged Judgment Creditors

On February 4, 2019, a civil action was filed against several Defendants by Plaintiff “Estate of Rebecca Powell” which “administers the affairs of Rebecca Powell (“Rebecca”) who died in Clark County, Nevada on May 11, 2017.” See Complaint, at ¶3; ¶4. Plaintiff “Brian Powell” is identified in the Complaint in his capacity as “ex-husband of Rebecca as well as the Special Administrator of Rebecca’s Estate.” **Exhibit “1,”** Petition for Appointment of Special Administrator filed 2/21/2019. The remaining Plaintiffs are the surviving father and adult children, respectively, and heirs of the decedent, Rebecca. See Complaint, at ¶6-9. Notably, Brian Powell was “nominated by the Decedent’s father, Lloyd Creecy, to serve as Special

Administrator,” to which Mr. Powell consented. **Exhibit “2,”** Order Approving Petition for Appointment of Special Administrator, at p. 1-2, ¶3; ¶4. Pursuant to the Order of Appointment, Mr. Powell was empowered by the Probate Court, **without bond,** to “investigate, marshal, secure, and account for any assets in the name of Decedent for administration...” **Ex. 2** (emphasis added).

On February 21, 2019, a Petition for Special Letters of Administration was filed with the Eighth Judicial District Probate Court (“Probate”) requesting the appointment of Brian Powell as Special Administrator of the Estate of Rebecca Powell, resulting in the creation of Probate Case **No. P-19-098361-E, *In the Matter of Rebecca Powell, Deceased*** before Judge Gloria Sturman (hereinafter the “Probate Case”). **Ex. 1.**

On March 25, 2019, Probate issued Letters of Special Administration “appointing Brian Powell as Special Administrator of the Decedent’s Estate,” with the Order including “a directive for no bond,” and “[a] directive for all liquid assets to be deposited in the Trust Account of Shannon L. Evans, Esq.,” **Ex. 2**<sup>1</sup>

#### **B. The “Reconsidered” Order Awarding Attorney’s Fees**

On June 2, 2022, Defendant filed its “Judgment of Costs and Attorneys’ Fees Per NRS 18.020, 10.005, 18.110, 17.117, and NRCP 68(f) as against Plaintiffs.” **Exhibit “3,”** Notice of Entry of Judgment, at Exhibit “A.” The Order provided that:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That the Plaintiffs, take nothing, and that the action be dismissed on the merits.

---

<sup>1</sup> Plaintiff Taryn Creecy, an alleged Judgment Debtor, also filed a Petition with Probate Court, Case No. P-17-091793-E, *In the Matter of Rebecca Powell, Deceased*.

Defendants Valley Health System, LLC shall be awarded their reasonable costs and attorneys' fees ... in the amounts of \$110,849.85 for attorneys' fees, and costs of \$8,056.93, for a total of \$118,906.78 in accordance with the Court's orders...

**Ex. 3**, at Ex. A, p. 2, lines 2-7.

In doing so, the District Court issued two orders: First, an order vacating its prior order initially denying Defendant's motion for summary judgment. Second, an order regarding Defendant's Motion for Reconsideration re: Motion for Attorneys' Fees. **Ex. 3**, at p. 3, lines 7-8.

Significantly, nowhere within the Order itself is there any indication whatsoever that the "Plaintiffs" were "jointly and severally liable" for the total judgment amount. **Ex. 3**. Nor did the Order apportion liability for the total money judgment among the Plaintiffs. **Ex. 3**. In fact, the Order itself makes no specific references to any of the individually named Plaintiffs. **Ex. 2**.

The First Order contains findings of fact to support summary judgment in Defendant's favor and sets forth specific "court findings" that repeatedly identify Brian Powell, the court-appointed Special Administrator, as follows:

- 1) "Plaintiffs were on inquiry notice by June 11, 2017, at the latest, when Plaintiff Brian Powell, special administrator for the estate, filed a complaint with the State Board of Nursing. There, Brian alleged that the decedent, Rebecca Powell, 'went into respiratory distress' ... **Ex. 3**, at Ex. A, p. 3, lines 2-4.
- 2) that "Brian Powell's own allegations in the aforesaid complaint demonstrate that he had enough information to allege a prima facie claim for professional negligence..." **Ex. 3**, at Ex. A, p. 3, lines 6-9;
- 3) "Plaintiff Brian Power was likely on inquiry notice even earlier than the aforesaid Board complaint, wherein Plaintiffs alleged they had observed in real time..." **Ex. 3**, at p. 3, lines 13-15;
- 4) "Plaintiff Brian Powell filed a complaint with the Nevada Department of Health and Human Services (NDHHS) on or before May 23, 2017." **Ex. 3**, at p. 3, lines 17-18.

Notably, apart from the above specific reference to Mr. Powell, there are no specific references or findings of fact with respect to the individual Plaintiffs other than generalizing them as “Plaintiffs.” **Ex. 3.** Therefore, the Order is vague and it does not distinguish between the liability of the Estate, the Special Administrator of the Estate, whether liability is joint or several or apportioned while asking Judgment Debtor Plaintiffs to answer questions about “the property and assets of each of the Judgment Debtors,” and produce “information and materials” so that “Judgment Creditor may identify property and assets so as to satisfy the Judgment.” See Exhibit “6,” Defendant’s Ex Parte Motion for Judgment Debtor Examination (without Exhibits), at p. 6, lines 17-21.

### C. Order Granting Judgment Debtor Depositions

After entry of the above orders, Defendant, through its attorneys, quickly filed a notice of entry of an order for judgment debtor examinations, as follows:

“**Judgment Debtors Estate of Rebecca Powell, through Brian Powell as Special Administrator,** Darci Creecy, Taryn Creecy, Isaiah Khosrof, and Lloyd Creecy shall appear before this Court...” to “answer upon oath concerning their respective property and assets as identified in Judgment Creditors Ex Party examination of Judgment Debtors.” **Exhibit “4,”** at p. 1, 27-28, p. 2, lines 1-4, “Order Directing Examination of Judgment Debtors and Production of Documents.” In the same Order, “[t]he Judgment Debtors are hereby forbidden in the meantime from selling, transferring, or otherwise disposing of any property or assets not exempt from execution pursuant to NRS 21.005 *et. seq.*” **Ex. 4,** p. 1, lines 27-28; p. 2, lines 1-6.



**D. Pending Appeal of Attorneys' Fees Judgment**

On June 7, 2022, Plaintiffs' filed their Notice of Appeal from "judgment entered on June 2, 2022, awarding costs and attorney's fees in favor of Defendant Valley Health System, LLC (Notice of which was entered on June 7, 2022)" with the "appeal encompass(ing) all interlocutory orders leading to the entry of the monetary Judgment that is the subject of this appeal, including the Court's May 4, 2022 Order granting reconsideration of its prior denial of attorney's fees and costs to Valley Health System, LLC." **Exhibit "5,"** Plaintiffs' Notice of Appeal. By filing this Motion, Plaintiffs make no concession concerning the validity of the Attorneys' Fees Judgment.

**III. ARGUMENT**

The Probate Court first assumed jurisdiction over property and debts of the Powell Estate and therefore "is entitled to maintain and exercise its jurisdiction, to the exclusion of any other court, even to the point of enjoining proceedings in the other court." *Bergeron v. Loeb*, 100 Nev. 54, 58 (1984) (citing *Kline v. Burke Const. Co.*, 260 U.S. 226, 229, 43 S.Ct. 79, 81, 67 L.Ed. 226 (1922)). "Probate matters are 'in the nature of an 'in rem' proceeding and therefore 'the court acquires jurisdiction over the estate and all persons for the purpose of determining their rights to any portion of the estate.'" *Id.* at 58. Moreover, Nevada Probate laws prohibit execution on claims or money judgments against an estate and govern the disposition of any judgment entered against an estate, in probate, as follows:

1. **The effect of a judgment rendered against a personal representative upon a claim for money against the estate of the decedent is only to establish the claim in the same manner as if it had been allowed by the personal representative, and the judgment must be that the personal representative pay, in due course of administration, the amount ascertained to be due.**
2. A certified copy of the judgment must be filed in the estate proceedings.
3. **No execution may issue upon the judgment, nor does it create any lien upon the property of the estate, nor give the judgment creditor any priority of payment.**

...

Nev. Rev. Stat. § 147.200(1)-(3) (emphasis added).

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For this reason, Defendant should not be permitted pursuant to an overly broad, unspecified judgment to execute upon assets of Mr. Powell or otherwise compel Mr. Powell to sit for a judgment deposition, particularly when Defendant failed to comply with mandates of Nevada probate statutes, as set forth herein.

**B. JUDGMENT CREDITOR OF ESTATE MUST FOLLOW PROBATE PROCEDURES INCLUDING NRS CHAPTER 147, *et. seq.***

The Powell Estate, through its court-appointed special administrator, Brian Powell is charged with the administration, receipt of assets, and payment of debts or judgments, if any, of the Powell Estate. Nev. Rev. Stat. § 147.195(1)-(9). The debts of the Estate, include any judgments entered against the Estate, and such judgments are among the lowest priority in terms of order of payment by the Estate, with order or payment priority in order as follows:

1. Expenses of administration,
2. Funeral Expenses.
3. The expenses of the last illness
4. Family allowance,
5. Debts having preference by laws of the United States.
6. Money owed to the Department of Health and Human Services as a result of the payment of benefits of Medicaid.
7. Wages to the extent of \$600, of each employee of decedent, for work done or personal services rendered within 3 months before the death of the employer. If there is no sufficient money with which to pay all such labor claims in full, the money available must be distributed among claimants in accordance with the amounts of their respective claims.
8. Judgments rendered against the decedent in his or her lifetime, and mortgages in order of their date....
9. **All other demands against the estate.**

Nev. Rev. Stat. § 147.195(1)-(9) (emphasis added).

To this end, the Nevada Supreme Court further held where “the estate stands to be diminished if the creditor makes a successful claim,” **the procedures of NRS Chapter 147**

1 **“must be followed**...[u]nder NRS 147.040, **the claimant must first file a claim with the**  
2 **administrator.”** *Id.*, at 512; Nev. Rev. Stat. § 147, *et. seq.* (NRS Chapter 147 governing “Priority  
3 Of Payment” Of Debts And Charges Of The Estate, Including Judgments Against The Estate)  
4 (emphasis added).

5  
6 **C. A SUPERSEDEAS BOND IS UNNECESSARY TO STAY THESE**  
7 **PROCEEDINGS UNDER APPLICABLE PROBATE STATUTES AND**  
8 **THE FIVE CRITERIA ESTABLISHED BY THE NEVADA SUPREME**  
9 **COURT**

10 Generally, “the power to stay proceedings is incidental to the power inherent in every  
11 court to control the disposition of the causes on its docket with economy of time and effort for  
12 itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Moreover,  
13 NRCP Rule 62 provides for stays pending appeal by giving a supersedeas bond. Nev. R. Civ. P.  
14 (NRCP) Rule 62(d). The Nevada Supreme Court looks at five factors in determining whether “a  
15 full supersedeas bond may be waived and/or alternate security substituted, as follows:

- 16 (1) [T]he complexity of the collection process; (2) the amount of time required to obtain  
17 a judgment after it is affirmed on appeal; (3) the degree of confidence the district court  
18 has in the availability of funds to pay the judgment; (4) whether the defendant’s ability  
19 to pay the judgment is so plain that the cost of a bond would be a waste of money; and  
20 (5) whether the defendant is in such a precarious financial situation that the  
21 requirement to post a bond would place other creditors of the defendant in an insecure  
22 position.

23 *Nelson v. Heer*, 121 Nev. 832, 835-836 (2006).

24 Here, an analysis of the five factors supports a stay of execution of judgment without  
25 bond. First, the collection process is not complicated. The claim procedures are specifically  
26 provided for in the Nevada probate laws governing claims and judgments against an estate of the  
27 decedent. Defendant simply did not follow these procedures before compelling Plaintiffs, based

1 upon a self-styled “*ex parte* application,” to collectively appear for judgment debtor  
2 examinations. Second, little if any time will be required to obtain a judgment after it is affirmed  
3 on appeal because the judgment has been entered. Third, in considering “the degree of confidence  
4 the district court has in the availability of funds to pay the judgment,” the Court should take into  
5 consideration that the Defendant is and has been on notice, even before filings its motion for  
6 reconsideration, that there are presently no assets in the Estate. Knowing this, and without going  
7 through proper probate procedures, Defendant nevertheless sought to obtain its judgment, without  
8 indicating apportionment among Plaintiffs and *why* the individual Plaintiffs are individually  
9 liable to Defendant for said fees and costs. Fourth, the Plaintiffs’ ability to pay the judgment is  
10 made irrelevant by the fact that the probate court has specifically ordered Mr. Powell, as Special  
11 Administrator, to serve without bond. Coupled with probate statutes prohibition against the  
12 execution of Estate assets prior to administration, it is clear under the facts of this case that a stay  
13 of proceedings bond should be waived pending appeal. Finally, publicly available information  
14 indicates that Defendant Valley Health System’s annual revenues are “\$10-\$50 million,” with  
15 “100-500 employees.” See [https://incfact.com/company/valleyhealthsystems-huntington-](https://incfact.com/company/valleyhealthsystems-huntington-wv/#fastfacts)  
16 [wv/#fastfacts](https://incfact.com/company/valleyhealthsystems-huntington-wv/#fastfacts). On the other hand, individual Plaintiffs are in a precarious financial situation that  
17 would place their other creditors in an insecure position. Mr. Lloyd Creecy is an elderly  
18 gentleman in his seventies that survives on social security payments. Darci and Taryn Creecy, as  
19 well as Isaiah Khosroff (Rebecca Powell’s children) each have limited financial resources.

20 All of the *Nelson* factors favor staying judgment and waiving the requirement of a  
21 supersedeas bond.  
22



**D. DEFECTS IN JUDGMENT SUPPORT STAY OF EXECUTION**

The Attorneys' Fees Judgment does not apportion the amounts of judgment attributable to the Plaintiffs, including the Estate and the individual Plaintiffs and heirs of the decedent. Nor does the Attorneys Fee Judgment specify that liability for said Attorneys' Fees Judgment is "joint and several." Instead, the Attorneys' Fees Judgment simply lumps all Plaintiffs into a set of "Judgment Debtors," requiring all individual plaintiffs to appear for Judgment Debtor deposition together with the Special Administrator of the Estate, Brian Powell, who as stated above is not subject to personal liability for the debts of the Estate.

**IV. CONCLUSION**

For the foregoing reasons, this Court should stay all Defendant/Judgment Creditor efforts to execute upon the Attorneys' Fees Judgment and stay execution of said Judgment, including, ordering a stay of judgment debtor examinations, pending the outcome the of Plaintiffs' pending appeal, based on for failure of Defendant to comply with Nevada probate statutes in relation to judgments obtained against an Estate in probate and/or otherwise stay all judgment enforcement proceedings, without bond, as set forth herein above.

Respectfully submitted,

/s/ Paul S. Padda

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Paul S. Padda, Esq.  
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Attorney for Plaintiffs

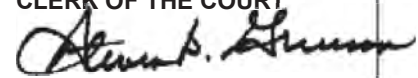
Dated: September 27, 2022

**CERTIFICATE OF SERVICE**

Pursuant to the Nevada Rules of Civil Procedure 5, the undersigned certifies that on this 27<sup>th</sup> day of September 2022, a copy of the foregoing **PLAINTIFFS' MOTION TO STAY EXECUTION ON JUDGMENT FOR ATTORNEYS' FEES AND COSTS INCLUDING STAY OF EXAMINATION OF JUDGMENT DEBTORS AND PRODUCTION OF DOCUMENTS** was filed with the Court and served upon all parties/counsel of record (identified on the master service list) in the above-entitled matter through the Court's electronic filing system - efileNV e-service.

/s/ Lani Esteban

An employee of  
PAUL PADDALAW, PLLC



APEN  
PAUL S. PADDA, ESQ.  
Nevada Bar No. 10417  
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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 and as heir;  
TARYN CREECY, individually and as heir;  
ISAAH KHOSROF, individually and as heir;  
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. 7

APPENDIX IN SUPPORT OF  
PLAINTIFFS' MOTION TO STAY  
JUDGMENT AND RESPONSE TO VHS'  
OPPOSITION AND COUNTERMOTION

This Appendix is submitted and filed in support of Plaintiffs' motion to stay execution of judgment and judgment debtor examinations, as well as in support of Plaintiffs' response to Valley Health System, LLC's opposition to that motion and counter-motion for contempt.

1

Estate of Rebecca Powell, et al. v. Valley Health System, LLC, et al.  
Eighth Judicial District Court, Case No. A-19-788787-C (Dept. 7)  
*Plaintiffs' Response To Defendant VHS' Opposition to Motion To Stay*  
*And Opposition To Defendant's Counter-motion*  
PPL #201297-15-04

Respectfully submitted,

/s/ Paul S. Padda

Paul S. Padda, Esq.  
Counsel for Plaintiffs

Dated: November 4, 2022

**CERTIFICATE OF SERVICE**

Pursuant to the Nevada Rules of Civil Procedure, the undersigned certifies that on this day, November 4, 2022, a copy of the foregoing **APPENDIX IN SUPPORT OF PLAINTIFFS' MOTION TO STAY JUDGMENT AND RESPONSE TO VHS' OPPOSITION AND COUNTERMOTION** was filed with the Court and served upon all parties/counsel of record (identified on the master service list) in the above-entitled matter through the Court's electronic filing system - efileNV e-service.

/s/ Ashley Pourghareman

Ashley Pourghareman, Paralegal  
PAUL PADDA LAW

# APPENDIX



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Attorneys for Plaintiffs

CLARK COUNTY DISTRICT COURT

CLARK COUNTY, NEVADA

ESTATE OF REBECCA POWELL,  
through BRIAN POWELL, as Special  
Administrator; DARCI CREECY,  
individually and as an Heir; TARYN  
CREECY, individually and as an Heir;  
ISAIAH KHOSROF, individually and as an  
Heir; LLOYD CREECY, individually;

Plaintiffs,

vs.

VALLEY HEALTH SYSTEM, LLC (doing  
business as "Centennial Hills Hospital Medical  
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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; and ROES A-Z;

Defendants.

A-19-788787-C

Case No.

Department 14

Dept No.

COMPLAINT

JURY TRIAL DEMANDED

SUBJECT TO AUTOMATIC  
ARBITRATION EXEMPTION –

1. Pursuant To N.A.R. 3(A)-  
Medical Malpractice
2. Amount In Controversy Exceeds  
\$50,000.00