

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

vs.

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

Respondent.

Electronically Filed
Apr 06 2023 01:55 PM
Elizabeth A. Brown
Clerk of Supreme Court

Appeal No. 84861

**APPELLANTS’ OPPOSITION TO RESPONDENT’S SECOND MOTION
TO REQUIRE POSTING OF OR INCREASING AMOUNT OF
SUPERSEDEAS BOND BY APPELLANTS**

On December 22, 2022, Respondent, Valley Health System, LLC (“VHS”), filed a motion with this Court seeking to have this Court compel Appellants to post a supersedeas bond and/or increase the amount of any bond already posted.

Without adjudicating the motion, this Court remanded the matter “for the limited purpose of allowing the district court to consider the motion to increase the supersedeas bond on its merits.” *See* Exhibit A. In ordering remand, the Court cited its prior opinion involving issues of this kind in which it held that a district

court has “vastly greater familiarity with the facts and circumstances of the particular case and that the district court is better positioned to resolve any factual disputes concerning the adequacy of any proposed security, while this [C]ourt is ill suited to such a task.” Id (citing Nelson v. Heer, 121 Nev. 832 (2005)).

Following remand, the district court (Hon. Kathleen E. Delaney) promptly convened a hearing following full and extensive briefing by the parties. *See* Exhibit B. At the hearing “counsel for the parties presented arguments and the Court, following careful consideration of the arguments, briefing and evidence submitted, rendered a decision denying [VHS’s] motion for increase and/or posting of supersedeas bond.” Id.

Notwithstanding the highly deferential standard afforded a district court’s findings and decisions on bond issues under this Court’s Heer decision, VHS would like this Court to revisit the issues it sought to previously raise in its December 22, 2022 motion and find an abuse of discretion on the part of the district court. For the reasons set forth in this Opposition, the motion should be denied. Specifically, the motion is frivolous because it presents no new arguments or demonstrates how and why the district court’s decision is incorrect. Rather, VHS rehashes the same conclusory arguments previously raised.

As the Court can readily determine, the district court carefully weighed all of the Heer factors before rendering a decision. The lower court determined that at least four out of the five factors to be considered (or 80%) weighed in favor of denying Respondent's motion.

I. THIS COURT'S STANDARD OF REVIEW REQUIRES DEFERENCE TO THE DISTRICT COURT BELOW

Although VHS conspicuously fails to address the point in its motion, this Court has consistently held that the decision of a district court in issuing a stay or setting a bond is favored and entitled to deference. *See* TRP Fund VI, LLC v. PHH Mortgage Corporation, 138 Nev. Adv. Op. 21 (2022) (“[T]his court's strong policy favoring an initial stay decision from the district court is based on that court's vastly greater familiarity with the facts and circumstances of the case and better position to resolve such factual issues, including those of duration and bond necessity and amount.”). The Court has further noted that **“the district court is better positioned to resolve any factual disputes concerning the adequacy of any proposed security, while this court is ill suited to such a task.** Nelson v. Heer, 121 Nev. 832, 836 (2005) (emphasis supplied).

The United States Court of Appeals for the Seventh Circuit, from which the Nevada Supreme Court has adopted much of its jurisprudential standards in this area, has noted that “[r]esponsibility for deciding whether to require a bond as a

condition of staying execution of the judgment pending appeal is vested initially in the district judge, and we shall reverse his decision only if convinced that he has acted unreasonably.” Dillon v. City of Chicago, 866 F. 2d 902 (7th Cir. 1988).

In light of the foregoing, the applicable standard of review in this area is whether an abuse of discretion occurred by the lower court. Id.

II. RESPONDENT’S MOTION IS NOT PERMITTED BY ANY RULE OR STATUTE

In Nevada, appellate courts are courts of limited jurisdiction and no appeal may be brought unless explicitly permitted by rule or statute. Pengilly v. Rancho Santa Fe Homeowners Association, 116 Nev. 646 (2000); Taylor Construction Company v. Hilton Hotels Corporation, 100 Nev. 207 (1984).

While Nevada Rule of Appellate Procedure (“NRAP”) 8(a)(2) allows for certain motions to be brought before this Court without being required to be directly appealable matters, such motions are explicitly limited to those matters contained in NRAP 3A (“appealable determinations”). Similarly, NRAP (8)(a)(1) allows for certain motions but only after the same motion has been first made in the district court. The rule is limited to motions for a stay, a motion for approval of a supersedeas bond, and an order for an injunction. *See* NRAP (8)(a)(1).

It is clear that the present motion is not a motion for stay, nor for an injunction. The remaining type of motion which is allowed (a motion for approval

of a supersedeas bond) has similarities to the present motion filed by VHS as they both involve the subject of a supersedeas bond but that is where the similarity ends. Indeed, a motion seeking to have a *bond approved* in the first instance is clearly distinct in purpose from a motion challenging the *sufficiency of a bond* (or waiver of bond) that was approved by the district court.

Defendant's present motion is clearly one described by NRAP 7(c), which allows for objections to the form or sufficiency of the security to be raised *in the district court* and not the appellate courts.

Because a motion challenging the sufficiency of security for a stay is not authorized by NRAP 3A, nor by NRAP 8, it is simply not a matter “permitted by rule or statute” that can be raised to the appellate courts.

III. THE DISTRICT COURT’S DETERMINATION WAS APPROPRIATE UNDER ALL APPLICABLE FACTORS

The amount and sufficiency of the bond, which was explicitly within the discretion of the district court, cannot be appealed to this Court pursuant to NRAP 8. However, even if it were allowed, VHS would have to demonstrate a clear abuse of discretion by the district court. In other words, that the district court acted unreasonably.

As the purpose of a supersedeas bond is to protect against prejudice to a judgment creditor's ability to collect caused by the stay, VHS must demonstrate how waiting the length of the stay would make the judgment more difficult to collect than it currently is. Respondent/Defendant (i.e. VHS) appears to be operating under the misplaced assumption that the purpose of the bond is to guarantee its ability to collect; it is not. The purpose of a supersedeas bond on appeal under current law is to "protect the judgment creditor's ability to collect the judgment if it is affirmed by preserving the status quo and preventing prejudice to the creditor arising from the stay." Heer, 121 Nev. at 835 (2005) (emphasis supplied). That case explicitly abandoned the standard of "unusual circumstances" and instead adopted the rule that the bond was to ensure that the delay during appeal did not make collecting the judgment at the end of the appeal more difficult. Id. Further, the factors adopted by the Court in the Heer case clearly show that the concern was solely about protecting the ability to collect, and not about compensating for delay.¹ Id., 121 Nev. at 836 (*citing* Dillon v. City of Chicago, 866 F. 2d 902 (7th Cir. 1988)).

1 The Dillon factors are: "(1) the complexity of the collection process; (2) the amount of time required to obtain a judgment after it is affirmed on appeal; (3) the degree of confidence that the district court has in the availability of funds to pay the judgment; (4) whether the defendant's ability to pay the judgment is so plain that the cost of a bond would be a waste of money; and (5) whether the defendant

VHS's motion provides no explanation whatsoever as to how Plaintiffs'/Appellants' ability to satisfy the judgment, or Defendant VHS's ability to collect the judgment would be harmed by waiting the course of the stay (i.e. maintaining the status quo). Absent a clear showing of such harm, VHS (the Defendant/Respondent) cannot challenge the sufficiency of the security set by the district court.

The district court below, in examining each of the Dillon factors adopted by this Court in Heer, clearly made well-reasoned findings that are neither unreasonable or an abuse of discretion.

1. The complexity of the collection process

VHS has argued that this case involves a complex collection process because some Plaintiffs live out of state. While it is true that Plaintiffs do live outside of Nevada, there is no indication that such complexity would be increased by the length of the stay; nor has VHS provided any credible facts to support this claim.

is in such a precarious financial situation that the requirement to post a bond would place other creditors of the defendant in an insecure position.” Nelson v. Heer, 121 Nev. 832, 836 (2005). Notably, none of these factors involve compensation for delay. Instead, all relate to either the judgment debtor's ability to pay the bond or whether the delay would significantly change the ability to collect.

As correctly noted by the district court, “the collection process prior to the stay and after the stay is the same.” Exhibit B. And that VHS is going to be able to “collect with whatever methodology is available.” Id.

2. The amount of time required to obtain a judgment after it is affirmed on appeal

VHS has complained about the length of time involving appeals in Nevada. The time cited by VHS is no greater than any other appeal before the Nevada appellate courts. Thus, this argument cannot possibly justify imposing any greater burden than any other stay on appeal. As properly noted by the district court, this issue is not a factor in Respondent’s favor because “the judgment is already in place and collection can commence as soon as the appeal is complete.” Exhibit B.

3. The degree of confidence that the district court has in the availability of funds to pay the judgment

VHS has argued that it believes the judgment debtors are currently unable to pay the judgment. Again, VHS fails to explain how this would change during the course of the stay. Common sense dictates that if the ability to pay today is zero and the ability to pay at the conclusion of the stay is also zero, then VHS would suffer no prejudice to its ability to collect “arising from the stay.”

The district court in addressing this issue, noted that VHS failed to present any evidence or information “indicating that the Plaintiffs/Judgment Debtors

cannot in fact pay.” Exhibit B. While a party may claim financial hardship, that is not the same as demonstrating an inability to pay. Because VHS could produce no facts that would support its position, the district court properly found that this factor weighs in favor of Appellants. This Court, under the applicable standard of review, must accord the district court’s findings deference.

4. Whether the defendant’s ability to pay the judgment is so plain that the cost of a bond would be a waste of money

Regardless of Plaintiffs’ actual ability to pay (as such information is not contained in the record), it is clear that their ability to pay is not “plain.” While this factor does not necessarily weigh in Plaintiffs’ favor, it also does not weigh against Plaintiffs as there is *no showing* by VHS that this would change during the course of the stay.

In evaluating this factor, the district court correctly noted that the court’s overall mandate is to maintain the “status quo between the parties.” Exhibit B. Given the lack of information produced by VHS, this factor was correctly found to favor Appellants.

5. Whether the defendant is in such a precarious financial situation that the requirement to post a bond would place other creditors of the defendant in an insecure position

VHS’s interpretation of the final factor is novel as it appears to suggest that Plaintiffs holding a precarious financial position, to the point that the bond would

put their other creditors at risk, would argue against relaxing the bond requirement. If the interpretation is not clear from the text of the rule itself, the cases cited in support of that element make absolutely clear that a precarious financial position is interpreted as an argument in *favor* of relaxing the bond requirement. *See Olympia Equipment Leasing Company v. Western Union Telegraph Co.*, 786 F. 2d 794 (7th Cir. 1986) (*cited* by Dillon as the basis for element #5) (“[A]n inflexible requirement of a bond would be inappropriate in two sorts of cases: where the defendant's ability to pay the judgment is ... plain ... and — the opposite case ... — where the requirement would put the defendant's other creditors in undue jeopardy.”).² VHS has clearly taken the position that it believes Plaintiffs would be unable to pay the judgment. Assuming this is true, then this factor must weigh heavily in favor of waiving the bond, as a bond requirement was never intended to be used to close off a party's access to a lawful appeal.

Once again, recognizing the overarching goal of maintaining the status quo and the lack of evidentiary support provided by VHS, the district court found that this factor also weighs in favor of Appellants.

² Dillon, 866 F. 2d at 902 (7th Cir. 1988).

IV. VHS' MOTION REQUESTS A BOND EXCEEDING THE MAXIMUM ALLOWED BY STATUTE

State law, specifically NRS 20.037(1), sets the maximum bond amount allowable. The statute provides as follows:

NRS 20.037 Limitation on amount of bond to secure stay of execution of judgment pending appeal; exceptions.

1. Notwithstanding any other provision of law or court rule, and except as otherwise provided in this section and NRS 20.035, if an appeal is taken of a judgment in a civil action in which an appellant is required to give a bond in order to secure a stay of execution of the judgment during the pendency of any or all such appeals, the total cumulative sum of all the bonds required from all the appellants involved in the civil action must not exceed the lesser of \$50,000,000 or the amount of the judgment.

NRS 20.037(1)(emphasis added). This statute was passed by the Nevada legislature in the 2015 session for the stated intent of limiting the discretion of courts to set supersedeas bonds above a set amount. Even if VHS were entitled to bring the present motion before this Court (which it is not) and even if review of the *Dillon* factors demonstrated that the determination of the district court was a clear abuse of discretion (which it was not), the amount of bond that VHS is seeking is demonstrably improper (undermining the entire credibility of VHS's position) as it clearly exceeds the amount allowable by NRS 20.037 -- which limits a bond to the amount of the judgment. The statute could not be any clearer. Thus, VHS's attempt to seek a bond *greater* than the judgment amount is simply illegal.

CONCLUSION

For the reasons set forth herein, VHS's motion must be denied. VHS failed to produce any evidence that would have given the district court a basis to increase the amount of bond in this case. Instead, VHS now seeks to quibble with the district court's findings which were well-reasoned and reasonable based upon the information the district court had before it. Respondent's motion should be denied.

Respectfully submitted,

/s/ *Paul S. Padda*

Paul S. Padda, Esq.

Counsel for Appellants

Dated: March 31, 2023

CERTIFICATE OF SERVICE

Pursuant to the Nevada Rules of Appellate Procedure, I hereby certify that on this day, March 31, 2023, the foregoing document entitled **APPELLANTS' OPPOSITION TO RESPONDENT'S SECOND MOTION TO REQUIRE POSTING OF OR INCREASING AMOUNT OF SUPERSEDEAS BOND BY APPELLANTS** was filed with the Supreme Court of Nevada through its electronic filing system. Service of the foregoing document shall be made in accordance with the Master Service List upon all registered parties and/or participants and their counsel.

/s/ *Von Witbeck*

Von Witbeck, Paralegal

EXHIBIT A

EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

vs.

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

No. 84861

FILED

FEB 03 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER

On December 2, 2022, respondent filed a motion requesting this court increase the supersedeas bond. Appellants oppose the motion and respondent has filed a reply. At a November 16, 2022, hearing, respondent requested the district court increase the supersedeas bond amount from the already posted \$500 amount. The district court denied respondent's request based on concerns over its jurisdiction to consider the request. However, this court remands the matter for the limited purpose of allowing the district court to consider the motion to increase the supersedeas bond on its merits. See NRAP 8(a)(1); *Nelson v. Heer*, 121 Nev. 832, 122 P.3d 1252 (2005) (stating that the requirement that a party move first in district court is grounded in the district court's vastly greater familiarity with the facts and circumstances of the particular case, and that the district court is better positioned to resolve any factual disputes concerning the adequacy of any

23-03345

proposed security, while this court is ill suited to such a task). The district court shall have 30 days after entry of this order to determine the appropriate security amount. Appellants shall have 30 days from the date of the district court's order to provide any additional security ordered and to submit proof of security to the clerk of this court.

On January 9, 2023, appellants filed a motion seeking a third extension of time to file the opening brief. Respondent opposes the motion and appellants have filed a reply. Having reviewed these filings, appellants' motion is granted.¹ NRAP 26(b)(1)(B). The opening brief and appendix were filed on January 30, 2023. However, the six-volume appendix was filed as a single submission and should have been filed as six separate submissions. Accordingly, the clerk shall strike the appendix filed on January 30, 2023. Appellants shall have 7 days from the date of this order to re-file the six-volume appendix in six separate submissions. Respondent shall have 30 days from the date of this order to file and serve the answering brief.

It is so ORDERED.

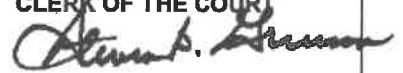
 Higley , C.J.

cc: Hon. Jerry A. Wiese, Chief Judge
Paul Padda Law, PLLC
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk

¹Respondent's motion to dismiss this appeal is denied.

EXHIBIT B

EXHIBIT B



1 **NEO**
2 **S. BRENT VOGEL**
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4 Brent.Vogel@lewisbrisbois.com
5 **ADAM GARTH**
6 Nevada Bar No. 15045
7 Adam.Garth@lewisbrisbois.com
8 **LEWIS BRISBOIS BISGAARD & SMITH LLP**
9 6385 S. Rainbow Boulevard, Suite 600
10 Las Vegas, Nevada 89118
11 Telephone: 702.893.3383
12 Facsimile: 702.893.3789
13 *Attorneys for Judgment Creditor Valley Health*
14 *System, LLC dba Centennial Hills Hospital*
15 *Medical Center*

9
10 **EIGHTH JUDICIAL DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

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; ISAAH 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 ORDER

25 **PLEASE TAKE NOTICE** that a Order Denying Motion Requesting Increase and/or Posting
26 of Bond was entered with the Court in the above-captioned matter on the 8th day of March, 2023, a
27 copy of which is attached hereto as **Exhibit A**.

28 **///**

1 DATED this 9th day of March, 2023

2 LEWIS BRISBOIS BISGAARD & SMITH LLP

3 By /s/ Adam Garth

4 S. BRENT VOGEL
5 Nevada Bar No. 6858
6 ADAM GARTH
7 Nevada Bar No. 15045
8 6385 S. Rainbow Boulevard, Suite 600
9 Las Vegas, Nevada 89118
10 Tel. 702.893.3383
11 *Attorneys for Attorneys for Judgment Creditor*
12 *Valley Health System, LLC dba Centennial Hills*
13 *Hospital Medical Center*
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 9th day of March, 2023, a true and correct copy of **NOTICE OF**
3 **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.

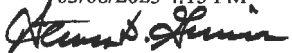
6 Paul S. Padda, Esq.
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Attorneys for Defendants Dionice S. Juliano,
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14
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16 By /s/ Heidi Brown
17 an Employee of
18 LEWIS BRISBOIS BISGAARD & SMITH LLP
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EXHIBIT A


CLERK OF THE COURT

ORD

PAUL S. PADDA, ESQ.

Nevada Bar No. 10417

Email: psp@paulpaddalaw.com

PAUL PADDA LAW, PLLC

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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; ISAAH KHOSROF,
individually; LLOYD CREECY, individually;

Plaintiffs,

vs.

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

Defendants.

CASE NO. A-19-788787-C

DEPT. XXV (25)

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

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

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

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

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

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

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

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

23 4. The Court further finds that there is, again, a lack of information regarding whether
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25
26

27
28 ¹ “VHS”

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

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

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

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

14 IT IS SO ORDERED:

15 Dated this 8th day of March, 2023

16
17 
18 DISTRICT COURT JUDGE

19 Respectfully Submitted By:

20 /s/ Paul S. Padda

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

23 Approved As To Form & Content:

24 Per attached email, counsel declined to review or sign.

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

Paul Padda

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

Mr. Garth,

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

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

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

Regards
Paul Padda

Paul S. Padda, Esq.

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Las Vegas, Nevada 89173



PAUL PADDALAW

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

CONFIDENTIALITY NOTICE: The information in this electronic mail communication contains confidential information which is the property of the sender and may be protected by the attorney-client privilege and/or attorney work product doctrine. It is intended solely for the addressee. Access to this e-mail by anyone else is unauthorized by the sender. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution of the contents of this e-mail transmission or the taking or omission of any action in reliance thereon or pursuant thereto, is prohibited, and may be unlawful. If you received this e-mail in error, please notify us immediately of your receipt of this message by e-mail and destroy this communication, any attachments, and all copies thereof. Thank you for your cooperation.

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

Sent: Wednesday, March 1, 2023 8:17 AM

To: Paul Padda <psp@paulpaddalaw.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>

Cc: Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; DeSario, Kimberly <Kimberly.DeSario@lewisbrisbois.com>; Kim-Mistrille, Gaylene <Gaylene.Kim-Mistrille@lewisbrisbois.com>

Subject: RE: Re: Powell Order Denying Supersedeas Bond

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

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



Adam Garth

Partner

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From: Paul Padda <psp@paulpaddalaw.com>

Sent: Tuesday, February 28, 2023 6:43 PM

To: Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Garth, Adam <Adam.Garth@lewisbrisbois.com>

Subject: [EXT] Re: Powell Order Denying Supersedeas Bond

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

Paul S. Padda, Esq.

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

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