

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

Appellants,

vs.

KIMBERLY TAYLOR, AN
INDIVIDUAL,

Respondent.

Supreme Court Case No.:
84492/84881 Electronically Filed
Dec 14 2022 04:38 PM
Elizabeth A. Brown
Dist. Court Case No. A7/2472
Clerk of Supreme Court

APPELLANTS' SUPPLEMENTAL APPENDIX – VOL. V

ROBERT C. McBRIDE, ESQ.
Nevada Bar No.: 007082
HEATHER S. HALL, ESQ.
Nevada Bar No.: 010608
McBRIDE HALL
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113
Phone: (702) 792-5855
Fax: (702) 796-5855
Attorneys for Appellants
Keith Brill, M.D. and Women's Health
Associates of Southern Nevada-Martin, PLLC

	CHRONOLOGICAL APPENDIX	Bates No.
1	Notice of Entry of Judgment.....	APPX 000001 – APPX 000008
2	Defendants’ Verified Memorandum of Costs.....	APPX 000009 – APPX 000230
3	Defendants’ Motion for Attorneys’ Fees and Costs.....	APPX 000231 – APPX 000261
4	Plaintiff’s Motion to Re-Tax Costs.....	APPX 000262 – APPX 000500
5	Defendants’ Opposition to Plaintiffs’ Motion to Retax Costs.....	APPX 000501 – APPX 000528
6	Plaintiff’s Opposition to Defendants’ Motion for Attorneys’ Fees and Costs.....	APPX 000529 – APPX 000544
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11	Notice of Entry of Order Denying Defendants' Motion for Attorneys' Fees.....	APPX 000580 – APPX 000589
12	Complaint.....	APPX 000590 – APPX 000614
13	Proposed Order submitted by Taylor.....	APPX 000615 – APPX 000619
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VOLUME APPENDIX	Bates No.
<u>Volume I</u>	
Notice of Entry of Judgment.....	APPX 000001 – APPX 000008
Defendants' Verified Memorandum of Costs.....	APPX 000009 – APPX 000230

<u>Volume II</u>	Bates No.
Defendants' Motion for Attorneys' Fees and Costs.....	APPX 000231 – APPX 000261
Plaintiff's Motion to Re-Tax Costs.....	APPX 000262 – APPX 000500

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<u>Volume III</u>	Bates No.
Defendants' Opposition to Plaintiffs' Motion to Retax Costs.....	APPX 000501 – APPX 000528
Plaintiff's Opposition to Defendants' Motion for Attorneys' Fees and Costs.....	APPX 000529 – APPX 000544
Plaintiff's Reply in Support of Plaintiff's Motion to Re-Tax and Settle Costs.....	APPX 000545 – APPX 000550
Defendants' Reply in Support of Motion for Attorneys' Fees and Costs	APPX 000551 – APPX 000560
Transcript of January 18, 2022 hearing on Motion to Retax and Motion for Attorneys' Fees and Costs.....	APPX 000561 – APPX 000572
Notice of Entry of Order Granting in Part and Denying in Part Plaintiff's Motion to Re-Tax and Settle Costs.....	APPX 000573 - APPX 000579
Notice of Entry of Order Denying Defendants' Motion for Attorneys' Fees.....	APPX 000580 – APPX 000589

VOLUME APPENDIX	Bates No.
<u>Volume IV</u>	
Complaint.....	APPX 000590 – APPX 000614
Proposed Order submitted by Taylor.....	APPX 000615 – APPX 000619

VOLUME APPENDIX	Bates No.
<u>Volume V</u>	
Order Granting in Part and Denying in Part Plaintiff's Motion to Re-Tax and Settle Costs.....	APPX 000620 – APPX 000625

CERTIFICATE OF COMPLIANCE

I hereby certify that on this appendix consists of true and correct copies of papers in the Clark County District Court file as required by NRAP 30(g).

DATED: December 14, 2022.

McBRIDE HALL

/s/ Heather S. Hall

ROBERT C. MCBRIDE, ESQ.

Nevada Bar No. 7082

HEATHER S. HALL, ESQ.

Nevada Bar No. 10608

8329 W. Sunset Road, Suite 260

Las Vegas, Nevada 89113

Telephone No. (702) 792-5855

Attorneys for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of December 2022, service of the foregoing **APPELLANTS' SUPPLEMENTAL APPENDIX – VOL. V** was served electronically to all parties of interest through the Court's CM/ECF system as follows:

ADAM J. BREEDEN, ESQ.
Nevada Bar No. 008768
BREEDEN & ASSOCIATES, PLLC
376 E. Warm Springs Rd., Suite 120
Las Vegas, NV 89119
Attorney for Appellant

/s/Candace Cullina_____

An employee of
McBRIDE HALL

ORDR

ROBERT C. McBRIDE, ESQ.

Nevada Bar No.: 7082

HEATHER S. HALL, ESQ.

Nevada Bar No.: 10608

McBRIDE HALL

8329 W. Sunset Road, Suite 260

Las Vegas, Nevada 89113

Telephone No. (702) 792-5855

Facsimile No. (702) 796-5855

E-mail: rcmcbride@mcbridehall.com

E-mail: hshall@mcbridehall.com

Attorneys for Defendants,

Keith Brill, M.D., FACOG and

Women's Health Associates of Southern Nevada –

MARTIN, PLLC

DISTRICT COURT

CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR, an Individual,

Plaintiff,

vs.

KEITH BRILL, MD, FACOG, FACS, an
Individual; WOMEN'S HEALTH
ASSOCIATES OF SOUTHERN NEVADA –
MARTIN, PLLC, a Nevada Professional
Limited Liability Company; TODD W.
CHRISTENSEN, MD, an Individual; DOES I
through XXX, inclusive; and ROE
CORPORATIONS I through XXX, inclusive;

Defendants.

CASE NO.: A-18-773472-C

DEPT: III

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO RE-TAX AND SETTLE
COSTS**

DATE OF HEARING: 1/18/2022

TIME OF HEARING: 9:00 A.M.

On November 19, 2021 Defendants filed their Verified Memorandum of Costs. Plaintiff filed her Motion to Re-tax and Settle Costs on November 22, 2021. Plaintiff's Motion to Re-tax and Settle cCosts came on for hearing on January 18, 2022 at 9:00 a.m. Plaintiff appeared by and through her attorney of record ADAM BREEDEN, ESQ. of the law firm of BREEDEN & ASSOCIATES. Defendants appeared by and through their attorney of record HEATHER S.

HALL, ESQ. of the law firm of McBRIDE HALL. The Court, having reviewed all pleadings and papers on file herein, and having considered the written and oral argument of counsel, finds as follows:

Defendants' Verified Memorandum of Costs requests costs in the amount of \$60,167.20. Plaintiff's Motion to Re-Tax and Settle Costs asks this Court to limit any award of costs to \$3,889.12.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants' request for litigation costs is **GRANTED IN PART, DENIED IN PART** and Plaintiff's Motion to Re-tax and Settle Costs is **GRANTED IN PART, DENIED IN PART**. Specifically, the Court finds some of the costs requested are reasonable and awards Defendants the following costs:

1. All Clerk's Fees as set forth in Defendants' verified memorandum of costs at pages 1 – 2, totaling \$3,889.12;

2. All Reporters' Fees for depositions, hearings and trial as set forth in Defendants' verified memorandum of costs at page 3, totaling \$21,093.60 which includes the amount sought for daily trial transcripts; and

3. \$1,500 in expert fees for Stephen McCarus, M.D.

The total costs awarded to Defendants is \$26,482.72. The remaining costs are denied.

IT IS SO ORDERED.

Respectfully Submitted by:

DATED this 14th day of February, 2022.

McBRIDE HALL

/s/ Heather S. Hall

Heather S. Hall, Esq.
Nevada Bar No. 10608
8329 W. Sunset Road, Suite 260
Las Vegas, Nevada 89113
Attorneys for Defendants
*Keith Brill, M.D., FACOG, FACS and
Women's Health Associates of Southern
Nevada – Martin, PLLC*

Approved as to Form and Content by:

DATED this day of February 2022.

BREEDEN & ASSOCIATES, PLLC

REFUSED TO SIGN

Adam J. Breeden, Esq.
Nevada Bar No.: 008768
376 E. Warm Springs Road, Suite 120
Las Vegas, Nevada 89119
Attorneys for Plaintiff

From: [Heather S. Hall](#)
To: [Adam Breeden](#)
Cc: sarah@breedenandassociates.com; [Robert McBride](#); [Candace P. Cullina](#)
Subject: RE: FW: Taylor v. Brill, MD/WHASN
Date: Wednesday, February 16, 2022 8:26:44 AM
Attachments: [image001.png](#)

My belief is that he awarded all fees including the daily transcripts. It is illogical that he would allow the daily transcripts but not the other reporting fees when the focus of your Opposition was the daily transcripts. Let's submit competing orders.

From: Adam Breeden <adam@breedenandassociates.com>
Sent: Wednesday, February 16, 2022 7:53 AM
To: Heather S. Hall <hshall@mcbridehall.com>
Cc: sarah@breedenandassociates.com; Robert McBride <rcmcbride@mcbridehall.com>; Candace P. Cullina <ccullina@mcbridehall.com>
Subject: Re: FW: Taylor v. Brill, MD/WHASN

Heather,

My understanding from both my notes and now reviewing the transcript is that Judge Cherry awarded the following:

\$1,500 in expert fees
\$3,889.12 in court filing fees
\$16,260.75 for daily trial transcripts

All other requested fees being denied, including additional deposition and transcript costs. He specifically referred to the approximately \$16,000 figure. Because the proposed order awards in excess of \$21,000 for transcripts, in my opinion this does not comport with the Order and I cannot approve as is. If you changed #2 on the costs awarded to "\$16,260.75 for the costs of daily transcripts of the trial proceedings" and the total accordingly, I could agree.

Please let me know if you will make that adjustment.

Adam Breeden, Esq.
Trial Attorney, [Breeden & Associates](#)

☐ 376 E. Warm Springs Rd. Ste. 120 Las Vegas, NV 89119
☐ [702.819.7770](tel:702.819.7770) ☐ [702.819.7771](tel:702.819.7771) ☐ adam@breedenandassociates.com ☐
☐ <http://www.breedenandassociates.com/>

☐ ☐ ☐ ☐

This e-mail may contain or attach attorney-client privileged, confidential or protected information intended only for the use of the intended recipient. If you are not the intended recipient or received this email by error, please notify the sender.

On Tue, Feb 15, 2022 at 5:07 PM Heather S. Hall <hshall@mcbridehall.com> wrote:

Following up on your review of this Order.

Heather S. Hall, Esq.

hshall@mcbridehall.com | www.mcbridehall.com

8329 West Sunset Road

Suite 260

Las Vegas, Nevada 89113

Telephone: (702) 792-5855

Facsimile: (702) 796-5855



MCBRIDE HALL
ATTORNEYS AT LAW

NOTICE: THIS MESSAGE IS CONFIDENTIAL, INTENDED FOR THE NAMED RECIPIENT(S) AND MAY CONTAIN INFORMATION THAT IS (I) PROPRIETARY TO THE SENDER, AND/OR, (II) PRIVILEGED, CONFIDENTIAL, AND/OR OTHERWISE EXEMPT FROM DISCLOSURE UNDER APPLICABLE STATE AND FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, PRIVACY STANDARDS IMPOSED PURSUANT TO THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 ("HIPAA"). IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY REPLY E-MAIL OR BY TELEPHONE AT [\(702\) 792-5855](tel:7027925855), AND DESTROY THE ORIGINAL TRANSMISSION AND ITS ATTACHMENTS WITHOUT READING OR SAVING THEM TO DISK. THANK YOU.

From: Heather S. Hall

Sent: Monday, February 14, 2022 2:31 PM

To: Adam Breeden <adam@breedenandassociates.com>; 'sarah@breedenandassociates.com'

<sarah@breedenandassociates.com>

Cc: Robert McBride <rcmcbride@mcbriehall.com>; Candace P. Cullina

<ccullina@mcbriehall.com>; Kristine Herpin <kherpin@mcbriehall.com>

Subject: Taylor v. Brill, MD/WHASN

Adam,

Attached is the draft Order on litigation costs. Please review and let me know if you have any changes. If you have no changes, please advise whether I may submit with your e-signature.

Heather S. Hall, Esq.

hshall@mcbriehall.com | www.mcbriehall.com

8329 West Sunset Road

Suite 260

Las Vegas, Nevada 89113

Telephone: (702) 792-5855

Facsimile: (702) 796-5855



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