

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

ALI KIA, M.D.,

Petitioner,

v.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF  
NEVADA, THE HONORABLE  
CRYSTAL ELLER, PRESIDING,

Respondent,

and

CHLOE GREEN, FRANK J.  
DELEE, M.D., FRANK J. DELEE,  
MD, PC, SUNRISE HOSPITAL AND  
MEDICAL CENTER, LLC, AND  
NEVADA HOSPITALIST GROUP,  
LLP,

The Real Parties in Interest.

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**APPENDIX, VOL. IV**

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***Kia v. Eller***

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# EXHIBIT G

1 DISTRICT COURT  
2 CLARK COUNTY, NEVADA  
3 \* \* \* \* \*  
4 CHOLOE GREEN, an individual, )  
5 )  
6 Plaintiff, )  
7 )  
8 vs. ) Case No.: A-17-757722-C  
9 ) Dept. No.: VIII  
10 FRANK J. DELEE, M.D., an )  
11 individual; FRANK J. DELEE )  
12 MD, PC, a Domestic )  
13 Professional Corporation, )  
14 SUNRISE HOSPITAL AND MEDICAL )  
15 CENTER, LLC, a Foreign )  
16 Limited-Liability Company, )  
17 )  
18 Defendants. )  
19 \_\_\_\_\_ )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )

**CONDENSED  
TRANSCRIPT**

16 DEPOSITION OF ALI KIA, M.D.  
17 Taken on Wednesday, November 14, 2018  
18 At 1:35 p.m.  
19 Taken at 610 South Ninth Street  
20 Las Vegas, Nevada  
21  
22  
23  
24  
25 Reported By: Terri M. Hughes, CCR No. 619

<p style="text-align: right;">Page 2</p> <p>1 DEPOSITION OF ALI KIA, M.D., taken at the Law Office of  2 Daniel Marks, 610 South Ninth Street, Las Vegas, Nevada,  3 on Wednesday, November 14, 2018, at 1:35 p.m., before  4 Terri M. Hughes, Certified Court Reporter, in and for the  5 State of Nevada  6 APPEARANCES:  7 For the Plaintiff:  8 DANIEL MARKS, ESQ  9 NICOLE M. YOUNG, ESQ  10 Law Office of Daniel Marks  11 610 South Ninth Street  12 Las Vegas, Nevada 89101  13 (702) 386-0536  14  15 For the Defendants, Frank J. DeLee, M.D. and Frank J.  16 DeLee, M.D., P.C.:  17 ERIC K. STRYKER, ESQ  18 Wilson Elser Moskowitz Edelman &amp; Dicker LLP  19 300 South Fourth Street  20 11th Floor  21 Las Vegas, Nevada 89101  22 (702) 727-1400  23  24 For the Defendant, Sunrise Hospital and Medical Center,  25 LLC:  26 MICHAEL E. PRANGLE, ESQ  27 Hall Prangle and Schoonveld LLC  28 1160 North Town Center Drive  29 Suite 200  30 Las Vegas, Nevada 89144  31 (702) 212-1457  32  33 For the Deponent:  34 LAURA S. LUCERO, ESQ  35 Collinson, Daehnke, Inlow &amp; Greco  36 2110 East Flamingo Road  37 Suite 305  38 Las Vegas, Nevada 89119  39 (702) 979-2132</p>	<p style="text-align: right;">Page 4</p> <p>1 (In an off-the-record discussion held prior to the  2 commencement of the deposition proceedings, counsel  3 agreed to waive the court reporter requirements under  4 Rule 30(b)(4) of the Nevada Rules of Civil Procedure.)  5 Whereupon --  6 ALI KIA, M.D.,  7 being first duly sworn to tell the truth, the whole truth,  8 and nothing but the truth, was examined and testified as  9 follows:  10 EXAMINATION  11 BY MR. MARKS:  12 Q. State your name, please.  13 A. Ali Kia.  14 Q. And what's your business address?  15 A. 3022 South Durango Drive, 89119.  16 Q. And who are --  17 A. Las Vegas.  18 Q. Who are you employed by?  19 A. I'm self-employed.  20 Q. Okay. Have you had your deposition taken before?  21 A. No, first time.  22 Q. Okay. So you had an opportunity to discuss the  23 rules of a deposition with your attorney?  24 A. I have.  25 Q. Okay. So just in addition to what she told you,</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX  2 Witness: ALI KIA, M.D.  3 Examination Further Examination  4 By Mr. Marks 4 62, 70, 73  5 By Mr. Prangle 48 68  6 By Mr. Stryker 50 72  7  8 EXHIBITS  9 Plaintiff's Page  10 1 - Copy of Deponent's Documents..... 74  11 2 - SH000706-SH000707..... 20  12 3 - Discharge Summary..... 26  13 4 - Emergency Provider Report..... 40  14 5 - Progress Note..... 41  15 6 - History and Physical..... 43  16 7 - Discharge Report..... 46  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">Page 5</p> <p>1 I'll just highlight. Everything is being taken down by  2 the court reporter, and you'll have an opportunity in a  3 couple of weeks to read your deposition. Under our rules  4 you can make changes if you think either the court  5 reporter got it wrong or if you when you reread it think  6 the answer is wrong, you can change your answer.  7 A. Okay.  8 Q. If the matter went to trial, we could read what  9 you said here today and then read your change to the court  10 or the jury and that could affect your credibility or  11 believability. Do you understand?  12 A. I do.  13 Q. The court reporter administered an oath. Even  14 though we're in informal surroundings, meaning there's no  15 judge, it's not a courthouse, the oath is exactly the same  16 oath as if we were in court, so it carries the same  17 obligation to tell the truth and the same penalties of  18 perjury for failing to tell the truth. Do you understand?  19 A. I do.  20 Q. Okay. I'll try to let you finish your question,  21 try to let me finish my -- my question, you finish your  22 answer, because the court reporter can only take down one  23 person at a time. Do you understand?  24 A. I do.  25 Q. All right. If you don't understand a question,</p>

<p style="text-align: right;">Page 6</p> <p>1 tell me, I'll rephrase it. Your attorney could make  2 objections from time to time. Unless she would instruct  3 you not to answer a question, normally the objections are  4 preserved and you would answer. Do you understand?  5 A. I do.  6 Q. Okay. So when you say you're self-employed, do  7 you have your own professional practice?  8 A. I do.  9 Q. Can you give us the name?  10 A. Ali Kia, M.D., Inc., Incorporated.  11 Q. And how long have you had that?  12 A. Since 2008, February.  13 Q. Okay. And what's your -- do you have a specialty  14 in medicine?  15 A. Internal medicine.  16 Q. Okay. Are you board certified?  17 A. I am.  18 Q. And when did you become board certified?  19 A. 2006 and renewed in 2016.  20 Q. Okay. And I'm going to ask a little about your  21 educational background. Your attorney said she could  22 supplement with your CV, but I'll hit the highlights.  23 Where did you go to college?  24 A. UC -- University of California-Riverside.  25 Q. Okay. UNLV played them last night.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. No, just the USMLE, the board exam. There's three  2 total, and I took and passed all of them on the first  3 attempt.  4 Q. Okay. And then did you -- after medical school  5 did you start your internship/residency?  6 A. I did. At UMC, University of Nevada School of  7 Medicine, which now it's UNLV as of this last year.  8 Q. Okay. So you started your residency I assume July  9 of '02 right after you graduated?  10 A. July of -- July of '03.  11 Q. Okay.  12 A. Uh-huh. I did a cardiology research fellowship in  13 Southern California prior to that.  14 Q. Okay. All right. We'll come back to that  15 fellowship. Well, why don't you explain that fellowship?  16 A. It was a research-based fellowship.  17 Q. At what school?  18 A. University of Southern California.  19 Q. USC?  20 A. The county, USC County.  21 Q. And was it in cardiology?  22 A. In the cardiology department.  23 Q. Okay. And then you went to -- you did your  24 internship/residency. Was it considered University of  25 Nevada-Reno at that point?</p>
<p style="text-align: right;">Page 7</p> <p>1 A. I missed that one.  2 Q. Right. And then what year did you graduate?  3 A. 1997.  4 Q. And I assume you got a Bachelor of Science in a  5 field?  6 A. In biology and minored in psychology.  7 Q. Okay. And then you went to -- did you go to  8 medical school right away?  9 A. In 1998 I did, yes.  10 Q. Okay. And what medical school did you go to?  11 A. Ross University.  12 Q. Which one?  13 A. Ross University.  14 Q. And where is that?  15 A. It's a Caribbean-based school.  16 Q. Which island?  17 A. Dominica.  18 Q. Okay. And how many years were you in Dominica?  19 A. Two years on the island and then two years  20 clinical rotations in Chicago and Southern California.  21 Q. Okay. And when did you get your -- you got an  22 M.D. degree; correct?  23 A. In June of 2002.  24 Q. Okay. And after that did you have to take any  25 sort of exam as an international student?</p>	<p style="text-align: right;">Page 9</p> <p>1 A. It was.  2 Q. Okay. But you were based here in Las Vegas at UMC  3 Hospital?  4 A. Yes, that's correct.  5 Q. And how long was that -- is your residency/  6 internship combined four years?  7 A. Three years for internal medicine.  8 Q. Three years?  9 A. Uh-huh.  10 Q. Okay. And then after that you passed your boards?  11 A. I did. So I took my boards August of 2006 and got  12 the results, passed it in September and --  13 Q. Sorry. Go ahead.  14 A. Yeah, and then started my practice October of  15 2006.  16 Q. And I was going to ask, did you do any other  17 training before you started your practice?  18 A. No.  19 Q. Okay. The fellowship that you did, how does that  20 relate to residency and internship?  21 A. It increases your credibility in trying to obtain  22 a specialty after residency. So I had the opportunity to  23 do approximately eight months. It was a research trial  24 that we did at USC through the cardiology department.  25 Q. Okay.</p>

<p style="text-align: right;">Page 10</p> <p>1 A. So we were enrolling patients and randomizing 2 them to do two different medications. 3 Q. So then when you started your -- so in '06 did you 4 then start your private practice? 5 A. I did, yes. 6 Q. And were you employed by anyone in private 7 practice? 8 A. At the time it was a group called Rancho Internal 9 Medicine. 10 Q. Okay. And did you see patients in the office as 11 well as the hospital? 12 A. Just in the hospital. 13 Q. Okay. And for how long did you work at Rancho 14 Internal Medicine? 15 A. For one year. 16 Q. And then where did you work? 17 A. And then we were solo practitioners, so we were 18 independent contractors helping out other groups. 19 Q. Okay. What is your relationship then with Sunrise 20 Hospital. Did you work as a hospitalist at Sunrise? 21 A. Yes, I did. I started there in -- at the end of 22 2007. 23 Q. And are you still there? 24 A. I am. 25 Q. And is that the only hospital you generally work</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Okay. In terms of your working at Sunrise now -- 2 A. Uh-huh. 3 Q. -- do you get a schedule, the days you're on call, 4 so to speak, at Sunrise? 5 A. For the group of Nevada Hospitalist Group, and we 6 cover one of the insurance -- major insurances in town, 7 namely Health Plan of Nevada. 8 Q. Okay. So you have your own P.C., professional 9 corporation, but through Nevada Hospitalist you're 10 assigned Sunrise Hospital? 11 A. Yes, correct. So as an independent contractor. 12 Q. But you go virtually every day to Sunrise to see 13 patients? 14 A. Yeah, the days I'm covering. We do get days off 15 also. 16 Q. But you work five, six days a week? 17 A. Roughly. 18 Q. Okay. And was that the same in 2016? 19 A. It was roughly the same. It's been since 2016 20 about the same. 21 Q. So you were employed -- you were an independent 22 contractor but employed through Nevada Hospitalist 23 covering patients at Sunrise in July of 2016? 24 A. That's correct. 25 Q. So the patient didn't choose you, the patient</p>
<p style="text-align: right;">Page 11</p> <p>1 at? 2 A. It's not. I also cover University Medical Center. 3 I'm on teaching staff at UNLV for the School of Medicine. 4 Q. When did you get on teaching staff? 5 A. July of 2017. 6 Q. And what do you do as teaching staff? 7 A. My title is an adjunct professor of medicine. 8 Q. So adjunct means clinical? 9 A. Clinical, teaching rounds with the residents and 10 seeing patients, admitting and -- 11 Q. So how often do you do UMC versus Sunrise? 12 A. I'm at UMC every day now, so not too many 13 patients, but we break up our teaching weeks. Whenever 14 they need, I help them out. 15 Q. And how often are you at Sunrise? 16 A. Every day. 17 Q. So you're at both every day? 18 A. I alternate a little. I cover the Pioneer Group, 19 which is a group at UMC, and then Nevada Hospitalist Group 20 at Sunrise Hospital. 21 Q. Okay. So in terms of your interaction at Sunrise, 22 calling your attention to the year 2016, is it the same 23 now as it was in 2016, your interactions or working at 24 Sunrise? 25 A. I'm not quite sure I understand the question.</p>	<p style="text-align: right;">Page 13</p> <p>1 through Sunrise was assigned to you? 2 A. Yes, correct, through mostly the emergency 3 department. 4 Q. Okay. And could you tell me what a hospitalist 5 does? 6 A. They oversee inpatient services and management 7 including patient care and also very close association 8 with the medical staff and administration of the facility 9 to see that we follow the hospital guidelines as well as 10 the national guidelines and the insurance guidelines. 11 Q. You mean for patient care? 12 A. That's correct, yes. 13 Q. For how many days you can stay in a hospital? 14 A. I'm not quite sure. 15 Q. Is it for the days of stay, patient care when you 16 say the national guidelines and hospital guidelines? 17 A. Yes, for the patient's stay during their 18 hospitalization, but then we also do clerical type work, 19 so overseeing charts and signing off and -- well, at UMC 20 we do co-signing for the residents. At Sunrise I don't 21 have residents. It's just my private patients. 22 Q. So as a hospitalist are you essentially the 23 attending, what they used to call the attending for the 24 patient? 25 A. Majority of the time I'm the attending, oftentimes</p>

<p style="text-align: right;">Page 14</p> <p>1 I'm a consulting physician.</p> <p>2 Q. And why would you be consulting versus attending?</p> <p>3 How do you explain the difference?</p> <p>4 A. Some of the times patients are in the intensive</p> <p>5 care unit, and Sunrise Hospital has a closed ICU. So the</p> <p>6 intensivist, the ICU physicians would consult me for</p> <p>7 medicine, and then I typically take over the case and</p> <p>8 discharge the patient from that point.</p> <p>9 Q. If it's not an ICU patient, then effectively you'd</p> <p>10 be the attending at Sunrise if the patient is assigned to</p> <p>11 you?</p> <p>12 A. No. The only other case is if I'm consulted by a</p> <p>13 surgeon that the patient is under their service, I'm still</p> <p>14 a consultant.</p> <p>15 Q. Okay. And you're paid directly Sunrise to you or</p> <p>16 through Nevada Hospitalist?</p> <p>17 A. Through Nevada Hospitalist Group.</p> <p>18 Q. So it goes Sunrise, Nevada Hospitalist to you?</p> <p>19 A. No. Sunrise is separate. I do my billing through</p> <p>20 Nevada Hospitalist Group.</p> <p>21 Q. Okay. And they bill Sunrise?</p> <p>22 A. No, they don't. They bill the insurance of the</p> <p>23 patient.</p> <p>24 Q. Okay. What about Medicare and Medicaid, how does</p> <p>25 that work?</p>	<p style="text-align: right;">Page 16</p> <p>1 I was supplied the records that he authored, and he did</p> <p>2 review those. However, as a hospitalist and seeing</p> <p>3 patients in the hospital, he has access generally while</p> <p>4 he's seeing the patient to all of the records. So his</p> <p>5 answers today to questions that you ask are going to be</p> <p>6 somewhat limited to the documents he's seeing in front of</p> <p>7 him because he doesn't have access to all of the records</p> <p>8 that I had requested.</p> <p>9 MR. MARKS: Okay.</p> <p>10 BY MR. MARKS:</p> <p>11 Q. Let's see -- Doctor, if there's something in a</p> <p>12 different record, let me know and we'll have to try to</p> <p>13 deal with it, but I intend to ask you questions about</p> <p>14 records that I thought you had signed off on so that you'd</p> <p>15 be familiar with. But my question was really, what did</p> <p>16 you review? Did someone provide you a stack of records?</p> <p>17 You have something in front of you?</p> <p>18 A. Yes.</p> <p>19 Q. So could I see what records you have?</p> <p>20 A. Sure.</p> <p>21 MR. STRYKER: Counsel, could you perhaps read</p> <p>22 the Bates numbers so all of us know what those documents</p> <p>23 are?</p> <p>24 MR. MARKS: Sure. I'm just trying to see if</p> <p>25 this is all in order.</p>
<p style="text-align: right;">Page 15</p> <p>1 A. I'll get those as my private patients, and then I</p> <p>2 bill through -- not through Nevada Hospitalist Group. I</p> <p>3 have a billing company, Management Solutions, that I bill</p> <p>4 through.</p> <p>5 Q. So if a patient has Medicare or Medicaid, you are</p> <p>6 their doctor, not through another agency, it's through</p> <p>7 your own private practice?</p> <p>8 A. Typically under the umbrella of another group.</p> <p>9 Q. Nevada Hospitalist?</p> <p>10 A. Nevada Hospitalist. Sometimes I cover for</p> <p>11 physicians that are out of town through Pioneer Group or</p> <p>12 there's also the other physicians that would round at</p> <p>13 Sunrise Hospital are primary physicians that have office</p> <p>14 outpatient, so they're not -- they do hospitalist type</p> <p>15 work but they ask me to follow their patients.</p> <p>16 Q. Okay. Let me ask -- you have records in front of</p> <p>17 you. Did you review some records?</p> <p>18 A. For?</p> <p>19 Q. In preparation for this deposition?</p> <p>20 A. For our case I have, yes.</p> <p>21 Q. Could you tell us what you reviewed?</p> <p>22 MS. LUCERO: And before we dive into that, I</p> <p>23 just want to put something on the record. I did request</p> <p>24 the hospital chart in preparation for the doctor to</p> <p>25 prepare for his deposition. I wasn't given those records.</p>	<p style="text-align: right;">Page 17</p> <p>1 MS. LUCERO: They're not in order I don't</p> <p>2 believe.</p> <p>3 MR. MARKS: They're not in order?</p> <p>4 MS. LUCERO: I don't believe so. I was only</p> <p>5 provided documents that he authored.</p> <p>6 MR. MARKS: Did you get them from Sunrise</p> <p>7 counsel?</p> <p>8 MS. LUCERO: Yes, and only the documents he</p> <p>9 authored.</p> <p>10 MR. MARKS: They're not in order. I can make</p> <p>11 copies and give them to everybody.</p> <p>12 MR. STRYKER: That'd be great. Thank you.</p> <p>13 MR. MARKS: Because --</p> <p>14 MS. LUCERO: I believe they're his orders as</p> <p>15 well.</p> <p>16 MR. MARKS: All right. Just so the record is</p> <p>17 clear, I guess we'll mark as Exhibit 1 records that Dr.</p> <p>18 Kia's counsel obtained from Sunrise.</p> <p>19 BY MR. MARKS:</p> <p>20 Q. And then, Doctor, if I ask you about records, I'll</p> <p>21 obviously give you a chance to read it. It's not going to</p> <p>22 be a closed book exam or anything like that, okay?</p> <p>23 So I'm just trying to see if these are the same</p> <p>24 that I copied so we don't duplicate everything. All</p> <p>25 right. So at a break we'll mark your set as Exhibit 1.</p>

<p style="text-align: right;">Page 18</p> <p>1 A. Thank you.</p> <p>2 Q. And then everyone can get a copy.</p> <p>3 Talking about Choloe Green, do you remember her at</p> <p>4 all?</p> <p>5 A. I do.</p> <p>6 Q. Okay. How did she become your patient?</p> <p>7 A. I was consulted through the emergency department</p> <p>8 and became her attending physician on July 14, 2016.</p> <p>9 Q. And was that the emergency department at Sunrise?</p> <p>10 A. Yes, correct.</p> <p>11 Q. So they really assigned her to you?</p> <p>12 A. They did. I was on call at the time.</p> <p>13 Q. Okay. And do you remember how she presented at</p> <p>14 the emergency room? What were her complaints? You can</p> <p>15 look at your records.</p> <p>16 A. I do. Chief complaint was abdominal pain.</p> <p>17 Q. Okay. And she presented at the emergency room on</p> <p>18 June -- was it July 14th?</p> <p>19 A. July 14th.</p> <p>20 Q. July 14th, 2016; correct?</p> <p>21 A. Yes, correct.</p> <p>22 Q. And was she admitted?</p> <p>23 A. She was, to inpatient status.</p> <p>24 Q. And when she's admitted from the emergency room to</p> <p>25 inpatient, she's then assigned to you?</p>	<p style="text-align: right;">Page 20</p> <p>1 medications in case she did have some nausea, vomiting.</p> <p>2 And in the emergency department what was ordered was a CAT</p> <p>3 scan, an ultrasound, and those were the two imaging</p> <p>4 studies that we had.</p> <p>5 MR. MARKS: All right. Let me mark some</p> <p>6 exhibits. So this, I guess, would be number 2, because</p> <p>7 we'll mark his as number 1.</p> <p>8 (Plaintiff's Exhibit 2 was marked for</p> <p>9 identification.)</p> <p>10 BY MR. MARKS:</p> <p>11 Q. So, Doctor, Exhibit 2, which is Bates stamped</p> <p>12 SH000706 may be part of what was produced to you, but it</p> <p>13 will be easier, I think, if we just go through this.</p> <p>14 MR. PRANGLE: What's the exhibit?</p> <p>15 MS. YOUNG: 2.</p> <p>16 MR. PRANGLE: This is 2?</p> <p>17 MS. YOUNG: Yes.</p> <p>18 BY MR. MARKS:</p> <p>19 Q. So this indicates 7/14 at 6:50 p.m. Would this be</p> <p>20 from the emergency room and then she was assigned to you?</p> <p>21 A. Yes, correct.</p> <p>22 Q. And Wayne Jacobs is in the emergency room?</p> <p>23 A. He's a radiologist that works at Sunrise Hospital.</p> <p>24 Q. And what about Dr. Lev?</p> <p>25 A. Dr. Lev is an interventional -- a</p>
<p style="text-align: right;">Page 19</p> <p>1 A. She was.</p> <p>2 Q. Okay. So once she was assigned to you on July</p> <p>3 14th, 2016, could you give me an overview of what you did</p> <p>4 medically?</p> <p>5 A. Initially we did --</p> <p>6 MS. LUCERO: An overview just on July 14th or</p> <p>7 her whole hospitalization?</p> <p>8 BY MR. MARKS:</p> <p>9 Q. Well, start with July 14th.</p> <p>10 A. Uh-huh.</p> <p>11 Q. I don't want you to go for three days. Why don't</p> <p>12 you kind of start what you -- you saw her, you know, if</p> <p>13 you examined her, your plan, and then at some point I'll</p> <p>14 ask follow-up questions.</p> <p>15 A. Sure. So I was called through the emergency</p> <p>16 department around 20 hundred on the evening of the 14th of</p> <p>17 July, and I typically review the records, labs prior to</p> <p>18 seeing the patient.</p> <p>19 Q. Right.</p> <p>20 A. At that time they moved Ms. Green up to the floor,</p> <p>21 to the medical floor, and then I saw her that evening with</p> <p>22 her nurse present and asked her about her symptoms. So</p> <p>23 she came in with abdominal pain, and she did have a fever</p> <p>24 on admission, just a single temperature, and we admitted</p> <p>25 her, gave her IV fluids, pain medications and some nausea</p>	<p style="text-align: right;">Page 21</p> <p>1 neurointerventional radiologist at Sunrise Hospital, works</p> <p>2 in the same group.</p> <p>3 Q. Okay. So she appeared increasing abdominal pain,</p> <p>4 nausea, vomiting and bloating for several days following</p> <p>5 cesarean section. Is that what you recall?</p> <p>6 A. I recalled abdominal pain.</p> <p>7 Q. Okay. And you recall being contacted at about</p> <p>8 8:00 p.m., which is 20 hundred hours --</p> <p>9 A. Yes.</p> <p>10 Q. -- or 20 hours?</p> <p>11 A. Around the time of 8:00 p.m. on the 14th of July.</p> <p>12 Q. Okay.</p> <p>13 A. Correct.</p> <p>14 Q. And the impression was gas and fluid distention of</p> <p>15 stomach and proximal small bowel compatible small bowel</p> <p>16 obstruction, moderate amount of free fluid in the abdomen</p> <p>17 and pelvis with several small gas bubbles anterior to the</p> <p>18 uterus, intraperitoneal abscess suspected. Was that</p> <p>19 communicated to you?</p> <p>20 A. Yes, it was.</p> <p>21 Q. Okay. So based on that did you undertake certain</p> <p>22 medical plans and treatment of Ms. Green?</p> <p>23 A. I did at the time.</p> <p>24 Q. Okay. And what did you do then?</p> <p>25 A. We kept her NPO, nothing by mouth.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. Right.</p> <p>2 A. Gave her IV fluids, IV antibiotics empirically,</p> <p>3 pain control, nausea control, admitted her to the medical</p> <p>4 floor.</p> <p>5 Q. Right.</p> <p>6 A. Initially she coded. She had a fever and elevated</p> <p>7 white blood cell count.</p> <p>8 Q. And what is that indicative of?</p> <p>9 A. It could be indicative of a sepsis and --</p> <p>10 although --</p> <p>11 Q. Do you recall -- I'm sorry. Do you recall her</p> <p>12 fever, how high it was?</p> <p>13 A. The highest throughout the entire three days was</p> <p>14 38.1 degrees Celsius.</p> <p>15 Q. What does that --</p> <p>16 A. That's a low grade fever.</p> <p>17 Q. Okay. All right. So did you -- what tests, if</p> <p>18 any, did you do?</p> <p>19 A. She had a CBC, complete blood count, she had a</p> <p>20 comprehensive metabolic panel. So it's basically a</p> <p>21 chemistry panel including liver enzymes and liver studies.</p> <p>22 She had a urinalysis, and the CAT scan ultrasound she had</p> <p>23 declined to have.</p> <p>24 Q. So did you reach a conclusion as to what her</p> <p>25 medical condition was?</p>	<p style="text-align: right;">Page 24</p> <p>1 her white blood cell count stay elevated, but her fever</p> <p>2 resolved. She only had one episode of elevation in her</p> <p>3 temperature.</p> <p>4 Q. But you thought still that she -- at the time of</p> <p>5 discharge you thought she still had a small bowel</p> <p>6 obstruction?</p> <p>7 A. That --</p> <p>8 MR. STRYKER: Object to the form. Misstates</p> <p>9 the testimony. Go ahead.</p> <p>10 MR. MARKS: You can answer.</p> <p>11 BY MR. MARKS:</p> <p>12 Q. In other words, people can object.</p> <p>13 A. Okay.</p> <p>14 Q. There's no judge in the room. So I know it's</p> <p>15 distracting, but they're allowed to object.</p> <p>16 A. Okay.</p> <p>17 Q. And unless your attorney tells you, "Don't</p> <p>18 answer," we would say, "Please answer."</p> <p>19 A. Okay.</p> <p>20 Q. And that may happen from time to time.</p> <p>21 A. Okay. Sure.</p> <p>22 Q. All right. So I can repeat the question.</p> <p>23 A. Can you?</p> <p>24 Q. At the time of discharge she still had a small</p> <p>25 bowel obstruction?</p>
<p style="text-align: right;">Page 23</p> <p>1 A. She had post -- she was five days post C-section,</p> <p>2 abdominal pain. We thought -- we admitted her for a</p> <p>3 possible small bowel obstruction or ileus, and then there</p> <p>4 was fluid collection in her abdomen, so I kept her on</p> <p>5 antibiotics.</p> <p>6 Q. Okay.</p> <p>7 A. So sepsis possibly related to --</p> <p>8 Q. Small bowel obstruction?</p> <p>9 A. Or the fluid within her abdomen.</p> <p>10 Q. Okay.</p> <p>11 A. Abdominal pain, low grade fever and sepsis and</p> <p>12 leukocytosis, so elevated white blood cell count was also</p> <p>13 on my problem list.</p> <p>14 Q. Your what list, I'm sorry?</p> <p>15 A. My problem list.</p> <p>16 Q. Okay. So you go through a list of what it could</p> <p>17 be, you get the results of the tests. Did you reach a</p> <p>18 conclusion as to what was wrong with her?</p> <p>19 A. Not that night. We were -- we had just a working</p> <p>20 diagnosis.</p> <p>21 Q. What about later over the three days; did you ever</p> <p>22 reach a conclusion?</p> <p>23 A. We did. Abdominal pain was resolving, she had</p> <p>24 better pain. Small bowel obstruction I thought became an</p> <p>25 ileus. She was passing gas and had bowel movements, and</p>	<p style="text-align: right;">Page 25</p> <p>1 MR. STRYKER: Same objection.</p> <p>2 THE WITNESS: She -- which seemed to be</p> <p>3 resolving.</p> <p>4 BY MR. MARKS:</p> <p>5 Q. Okay. Tell me about -- but -- so she did have it,</p> <p>6 you thought it was resolving?</p> <p>7 A. Yes. Sometimes an ileus type picture can -- a</p> <p>8 small bowel obstruction or ileus sometimes go hand-in-</p> <p>9 hand.</p> <p>10 Q. What's an ileus?</p> <p>11 A. Ileus, it's the intestinal wall, it's not</p> <p>12 contracting. It doesn't have the normal or typical</p> <p>13 peristalsis that we see for different reasons. Sometimes</p> <p>14 postoperative, sometimes medication related. And so</p> <p>15 sometimes what's an ileus is read or thought of as a small</p> <p>16 bowel obstruction.</p> <p>17 Q. Okay. Did you think there might be a perforation</p> <p>18 in the bowel?</p> <p>19 A. No, I had not.</p> <p>20 Q. Okay. Does small bowel obstructions not resolve</p> <p>21 where surgery is needed?</p> <p>22 A. Yes.</p> <p>23 Q. What did you base your opinion that this one was</p> <p>24 resolving?</p> <p>25 A. Clinically how the patient is doing, their level</p>



<p style="text-align: right;">Page 26</p> <p>1 of pain. She wasn't having any nausea or vomiting. Her  2 abdomen initially was slightly distended, but there's no  3 rigidity and no guarding, and within 24 hours she had a  4 soft abdomen with normal bowel sounds.  5 MR. MARKS: All right. Let me show you the  6 next exhibit.  7 (Plaintiff's Exhibit 3 was marked for  8 identification.)  9 BY MR. MARKS:  10 Q. I'm showing you Exhibit 3, Doctor. This is your  11 discharge summary; correct?  12 A. This is my discharge summary, correct.  13 Q. Okay. It lists you as the admitting physician;  14 correct?  15 A. Yes.  16 Q. And she's in the hospital from 7/14 to 7/16 of  17 2016; correct?  18 A. Yes, that's correct.  19 Q. Where it says, Condition: Fair, is that her  20 condition at discharge?  21 A. Yes, it was.  22 Q. Diet: Clear liquid diet as tolerated to advance as  23 per OB/GYN, Dr. DeLee. So she wasn't eating solid foods;  24 correct?  25 A. No, not at the time of discharge.</p>	<p style="text-align: right;">Page 28</p> <p>1 or --  2 A. Oh, no, it's electronic.  3 Q. So you're saying in the chart for the patient at  4 Sunrise you charted phone calls with Dr. DeLee?  5 A. I did.  6 Q. And are those part of the records you've had an  7 opportunity to review?  8 A. Not part of the records that I reviewed, no.  9 Q. So where in the records would they be so we can  10 look for them?  11 A. They may have been in the progress notes or --  12 mostly in the progress notes.  13 Q. And those are computerized?  14 A. Yes.  15 Q. Okay. So tell me, do you recall without looking  16 at your notes what you and Dr. DeLee discussed on the  17 15th?  18 A. I do.  19 Q. Okay. What do you recall?  20 A. I called Dr. DeLee and explained that Ms. Green  21 was in the hospital on the date and her presenting  22 symptoms and what we were treating and how we were  23 managing her. He agreed with what we were doing, and I  24 explained to him that we did have a CT scan, a CAT scan of  25 her abdomen on admission that did show a small bowel</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Okay. Now, did you have any phone calls with Dr.  2 DeLee?  3 A. I did.  4 Q. And do you recall how many calls?  5 A. I'm sorry?  6 Q. Do you recall how many phone calls during this  7 three-day period?  8 A. What I recall was three phone calls.  9 Q. Do you recall what days?  10 A. On 7/15 and twice on 7/16/2016, so the day of  11 discharge.  12 Q. Okay. And are those calls documented?  13 A. I believe so. I'd have to --  14 Q. Are they in the records that were provided by  15 Sunrise?  16 A. No.  17 Q. So where would they be?  18 A. I -- I had charted on the records that I did  19 discuss with Dr. DeLee.  20 Q. What do you mean you charted? You have to explain  21 that.  22 A. But as far as phone logs, I don't have phone logs,  23 no.  24 Q. Okay. I'm saying, are they in the Sunrise  25 records, the paper -- is it paper records in those days</p>	<p style="text-align: right;">Page 29</p> <p>1 obstruction and the fluid collection. He stated that was  2 typically post C-section type of findings that we do see  3 and that we can keep her overnight and see how her  4 symptoms are throughout the next 24 to 48 hours.  5 Q. Okay. Anything else about that call?  6 A. No.  7 Q. What about on the 16th, the first call you  8 remember on the 16th?  9 A. I gave Dr. DeLee updates as to her condition, her  10 vitals, her labs, any new imaging, which would have been a  11 KUB, it's an x-ray of the abdomen on the 16th, how she  12 felt, what our plans for discharge would be and that she  13 was ambulating or walking around and she was tolerating a  14 liquid diet okay and that she had passed gas one time and  15 had three small bowel movements as per the nurse's  16 documentation -- the patient's nurse's documentation.  17 Q. Okay. And what about -- and what did he say  18 relating to that?  19 A. He said, If she looks okay and stable, she can go  20 home and follow up with me.  21 Q. Did he come in to visit her at the hospital during  22 those three days?  23 A. I'm not aware.  24 Q. What about the third call?  25 A. I'm sorry, was that a question?</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. Was there a third call? Do you recall the 2 conversation, the second call on the 16th with Dr. DeLee? 3 A. I believe I spoke with the patient, her sister and 4 then called the patient's mother and then called Dr. DeLee 5 to give him a second update on the 16th prior to her being 6 discharged. 7 Q. And do you recall any of the substance of that 8 call? 9 A. Not -- no, it's been quite a while. I don't. 10 Q. Okay. Did you ever get an OB/G consult for 11 Ms. Green? 12 A. I'm sorry? 13 Q. Did you ever obtain an OB/G consult, an OB/GYN 14 consult? 15 A. Dr. DeLee was consulted. 16 Q. Okay. But anybody that actually in the hospital 17 came to see her? 18 A. He was her OB, so he was consulted. 19 Q. So you're saying you consulted him by phone? 20 A. Initially the emergency room physician who 21 admitted the patient to me placed a call to Dr. DeLee as 22 well. 23 Q. Right. 24 A. And then I placed a follow-up call on the 15th and 25 16th.</p>	<p style="text-align: right;">Page 32</p> <p>1 surgical, but I did have surgery on the case as a 2 consultant, but she did not require surgery, so there was 3 no surgical report. 4 Q. Okay. 5 A. Or op note, is that what you're -- 6 Q. Let me rephrase it or just ask another question. 7 Dr. Kim was the trauma surgeon on call in the emergency 8 room or just on call? 9 A. On call throughout the hospital. 10 Q. Okay. So on the 14th you requested a surgical 11 consult with Dr. Kim? 12 A. I did, yes. 13 Q. Do you know whether Dr. Kim ever saw the patient? 14 A. I'm not aware. 15 Q. Okay. Did you ever get any sort of report orally 16 or in writing from Dr. Kim? 17 A. Via telephone consultation. 18 Q. And what was Dr. Kim's telephone call to you? 19 What did he say? 20 A. I gave him a brief history of Ms. Green to Dr. Kim 21 stating that she came in, presented with abdominal pain 22 and we had a CT scan that showed a small bowel 23 obstruction, gave him her vitals, her history, she was 24 C-section. And typically the way we manage medically with 25 a small bowel obstruction or ileus is keep the patient NPO</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Okay. But all contact with Dr. DeLee was by 2 phone? 3 A. Yes. 4 Q. Okay. So nobody -- there are no OB/Gs that saw 5 the patient in the hospital between July 14th and July 6 16th? 7 A. I'm not aware. 8 Q. Okay. What about did you request a surgical 9 consult? 10 A. I did. On the 14th of July when the -- first 11 night the patient came in, typically with the small bowel 12 obstruction I get general surgery on the case as well. 13 Q. Okay. And who -- did a surgeon see her? 14 A. I consulted Dr. Kitae Kim who was the trauma 15 surgeon/general surgeon on for that night. 16 Q. Did that person examine Ms. Green? 17 A. I'm not aware. 18 MS. LUCERO: Objection. Calls for speculation. 19 Only answer if you know. 20 THE WITNESS: Oh, okay. 21 I'm not aware. Yeah, I don't know. 22 BY MR. MARKS: 23 Q. Did you ever get a report from Dr. Kim, a surgical 24 report? 25 A. We spoke on the -- well, there was nothing</p>	<p style="text-align: right;">Page 33</p> <p>1 or nothing by mouth, sometimes we place an NG tube that 2 goes in through the nose into the stomach. She did not 3 require that. IV fluid hydration, repleting her 4 electrolytes, and sometimes we give IV antibiotics. 5 Because she had a fever when she came in, we gave her IV 6 antibiotics. 7 Q. I'm just asking, did the surgeon -- what did the 8 surgeon tell you? 9 A. His recommendation was to keep her NPO, so nothing 10 by mouth, no food, no liquids, and if I recall, it was 11 strict NPO, so no water, no ice chips. If she was to get 12 worse throughout the night, my instruction was to order an 13 NG tube, a nasogastric tube, which she did not require, to 14 give her IV fluids and repeat imaging. So that would have 15 been a KUB, an x-ray of her abdomen within the next 24 to 16 48 hours, which we did obtain. 17 Q. Did you ever call the surgeon back after -- 18 A. I did. I spoke with Dr. Kim the following day, 19 which was on 7/15 -- 20 Q. Right. 21 A. -- and gave him updates as to how she was doing. 22 Q. But you don't know if he ever saw her, saw Choloe 23 Green? 24 A. I'm not aware. 25 Q. Okay. And there are times a small bowel</p>

<p style="text-align: right;">Page 34</p> <p>1 obstruction doesn't resolve itself; correct?</p> <p>2 A. Correct.</p> <p>3 Q. And then you need surgery?</p> <p>4 A. It can be managed medically, but it's really a</p> <p>5 clinical judgment from the surgeon and the hospitalist.</p> <p>6 Q. Okay. And also if you don't get better, you can</p> <p>7 become septic, right, because there's a blockage?</p> <p>8 A. That's correct, that would be a complication.</p> <p>9 Q. And if you become septic, often you need emergency</p> <p>10 surgery; correct?</p> <p>11 A. If that's the true source, then, yes, you would</p> <p>12 need emergency surgery.</p> <p>13 Q. All right. Returning to Exhibit 3, to follow-up</p> <p>14 with Dr. DeLee by Monday, in two days. Do you know what</p> <p>15 day of the week 7/16 was?</p> <p>16 A. I would have to look at the calendar. I don't.</p> <p>17 Q. Okay. All right. So discharge diagnosis, she</p> <p>18 still had abdominal pain; correct?</p> <p>19 A. She -- yes, correct.</p> <p>20 Q. Everything in the discharge diagnosis is what you</p> <p>21 think she has at discharge; correct?</p> <p>22 A. Yes, correct.</p> <p>23 Q. So she had an ileus, possible partial small bowel</p> <p>24 obstruction you said resolving; correct?</p> <p>25 A. So my clinical judgment was that it was more an</p>	<p style="text-align: right;">Page 36</p> <p>1 as needed.</p> <p>2 Q. But she was in pain?</p> <p>3 A. She was in pain.</p> <p>4 Q. Okay. So I'm going to look at the hospital</p> <p>5 course. The patient was claiming she was in pain and the</p> <p>6 medicine wasn't what, helping her pain?</p> <p>7 A. I believe it was. She was on two different pain</p> <p>8 medications. Dilaudid was the IV pain medication and then</p> <p>9 the -- she was also given an oral pain medication as well.</p> <p>10 Q. The white count was high; right?</p> <p>11 A. Yes.</p> <p>12 Q. So that was -- white count high is an indication</p> <p>13 of infection; right?</p> <p>14 A. It can be.</p> <p>15 MR. STRYKER: Object to the form.</p> <p>16 THE WITNESS: Not -- there are times where the</p> <p>17 white blood cell count is high in the setting of no</p> <p>18 infection.</p> <p>19 BY MR. MARKS:</p> <p>20 Q. Okay. But you said she does have ileus and small</p> <p>21 bowel obstruction in the narrative section at the bottom</p> <p>22 of the page of Exhibit 3; correct?</p> <p>23 A. She did have ileus and small bowel obstruction.</p> <p>24 Yes, correct, uh-huh.</p> <p>25 Q. Now, what was her creatine of 0.47, what is that</p>
<p style="text-align: right;">Page 35</p> <p>1 ileus rather than a small bowel obstruction.</p> <p>2 Q. Post C-section five days prior to admission. So</p> <p>3 we're now on seven or eight days?</p> <p>4 A. That would be correct.</p> <p>5 Q. Status post abscess, you're saying she came in</p> <p>6 septic?</p> <p>7 A. She came in with triggering sepsis parameters.</p> <p>8 Q. Okay. What's the leukocytosis?</p> <p>9 A. Leukocytosis is elevated white blood cell count.</p> <p>10 Q. So when she was discharged she still had that?</p> <p>11 A. That's correct.</p> <p>12 Q. And then what's the next thing, number 6?</p> <p>13 A. Number 6 is hypokalemia, so a low potassium level.</p> <p>14 Q. And what is the significance of that?</p> <p>15 A. Sometimes lack of fluid, dehydration, fluid</p> <p>16 shifts, a number of different causes. Medications can</p> <p>17 cause that.</p> <p>18 Q. And then you say possible narcotic dependence.</p> <p>19 What did you base that on?</p> <p>20 A. When the patient came in, she was requesting IV</p> <p>21 pain medication, specifically Dilaudid, and she was</p> <p>22 requesting increasing IV pain medications. However, in my</p> <p>23 clinical judgment I felt given her age and circumstance I</p> <p>24 thought it would be safe to cap her Dilaudid at one</p> <p>25 milligram IV every four hours, not scheduled PRN, meaning</p>	<p style="text-align: right;">Page 37</p> <p>1 significance?</p> <p>2 A. Oh, creatinine is -- it's a number of -- a measure</p> <p>3 of kidney function.</p> <p>4 Q. Right.</p> <p>5 A. And it's a substance that our body excretes.</p> <p>6 Q. Okay.</p> <p>7 A. Typically the normal creatinine would be around</p> <p>8 1.0.</p> <p>9 Q. So this is low?</p> <p>10 A. She was in the normal range.</p> <p>11 Q. Okay. And you say trace bacteria, what does that</p> <p>12 mean?</p> <p>13 A. She had a urinalysis on admission, only one that</p> <p>14 I'm aware, and the urinalysis give us a spectrum or a</p> <p>15 picture as to if a urinary tract infection could have been</p> <p>16 causing abdominal pain, which that's a possibility. So</p> <p>17 the urinalysis typically just looks at how much white</p> <p>18 blood cell counts there are, the cell counts, the red</p> <p>19 blood cells, and there's also two -- two additional</p> <p>20 components that would indicate a urine infection, a</p> <p>21 nitrite and leukocyte esterase, which were both negative,</p> <p>22 so that would not -- it did not indicate a urinary tract</p> <p>23 infection at the time.</p> <p>24 Q. Okay. If you go to page 2 of the exhibit,</p> <p>25 radiographic imaging, a KUB. That's a type of imaging?</p>

<p style="text-align: right;">Page 38</p> <p>1 A. Yes, it is.</p> <p>2 Q. On July 16th showed multiple dilated left small</p> <p>3 bowel abdominal loops related to a small bowel obstruction</p> <p>4 versus ileus, gastric banding. What does that mean?</p> <p>5 A. A KUB is a kidney ureter bladder. It's an x-ray</p> <p>6 of the abdomen. It's a very useful short study that we</p> <p>7 look at, and we typically do serial imaging. So it's a</p> <p>8 good, easy, quick test to assess whether her bowel</p> <p>9 obstruction was getting worse, was there more loops of</p> <p>10 bowel or another thing the KUB picks up is if there's any</p> <p>11 free air, that would indicate a perforation of bowel.</p> <p>12 Q. Okay. This is saying multiple dilated left small</p> <p>13 bowel abdominal loops related to small bowel obstruction?</p> <p>14 A. Which are typically seen with an ileus and/or a</p> <p>15 small bowel obstruction.</p> <p>16 Q. Okay. Then you say later on in that narrative, CT</p> <p>17 abdomen and pelvis showed a gas and fluid filled</p> <p>18 distention of the stomach and proximal small bowel</p> <p>19 compatible to a small bowel obstruction. Do you see that?</p> <p>20 A. I do.</p> <p>21 Q. Then you say, moderate amount of free fluid in the</p> <p>22 abdomen and pelvis with several small gas bubbles anterior</p> <p>23 to the uterus. What does that signify?</p> <p>24 A. The CT scan, it -- this was the CT scan on</p> <p>25 admission, so the small bowel loops are typically seen</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. In terms of the treatment, you did all these</p> <p>2 tests, your conclusion was was a small bowel obstruction</p> <p>3 was there but would resolve itself?</p> <p>4 A. Yes, correct.</p> <p>5 Q. Is that it?</p> <p>6 And you thought she wasn't -- even though she had</p> <p>7 an elevated white count, you thought she was no longer</p> <p>8 septic?</p> <p>9 A. No, she did not meet criteria for sepsis on</p> <p>10 discharge.</p> <p>11 Q. Okay. Let me show you -- is this the -- okay.</p> <p>12 MR. MARKS: Let's mark this next in order.</p> <p>13 (Plaintiff's Exhibit 4 was marked for</p> <p>14 identification.)</p> <p>15 THE REPORTER: Exhibit 4.</p> <p>16 BY MR. MARKS:</p> <p>17 Q. Doctor, I found some records from Sunrise that I</p> <p>18 think referenced one of your comments. Do you recognize</p> <p>19 these as computer-generated notes or chart notes?</p> <p>20 A. I do.</p> <p>21 Q. For this patient, Ms. Green?</p> <p>22 A. I do.</p> <p>23 Q. Okay. There's a Bates stamp at the bottom on the</p> <p>24 right-hand side, but if you go to 782, in the middle of</p> <p>25 the page under Re-Evaluation &amp; MDM, is this you or was</p>
<p style="text-align: right;">Page 39</p> <p>1 with an ileus or a small bowel obstruction. And then the</p> <p>2 second component, bubbles anterior to the uterus, would be</p> <p>3 typical of post C-section.</p> <p>4 Q. What is intraperitoneal abscess suspected, what</p> <p>5 does that mean?</p> <p>6 A. I believe that was referring to fluid collection</p> <p>7 within the abdomen.</p> <p>8 Q. Okay. Which is a sign of what?</p> <p>9 A. Typically postoperative after a C-section or any</p> <p>10 type of abdominal surgery.</p> <p>11 Q. For how long would there be fluid in the abdomen?</p> <p>12 A. It varies per patient.</p> <p>13 Q. But would it be -- would you have fluid in the</p> <p>14 abdomen eight days after C-section?</p> <p>15 A. I can't --</p> <p>16 MR. STRYKER: Incomplete hypothetical. Go</p> <p>17 ahead.</p> <p>18 THE WITNESS: I can't comment from an OB</p> <p>19 standpoint, but from an internal medicine standpoint I've</p> <p>20 seen fluid collection one to two weeks after surgical</p> <p>21 intervention, yes.</p> <p>22 BY MR. MARKS:</p> <p>23 Q. So after she was discharged, your idea was she'd</p> <p>24 go back to Dr. DeLee two days later?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 41</p> <p>1 this the emergency room or someone else? It says general</p> <p>2 surgeon called, stated to consult OB and then will be</p> <p>3 reconsulted if needed. Dr. Frank DeLee will see patient,</p> <p>4 requested admission to OB?</p> <p>5 A. I believe this was emergency department.</p> <p>6 Q. Okay.</p> <p>7 MR. MARKS: Could you mark this next in order?</p> <p>8 (Plaintiff's Exhibit 5 was marked for</p> <p>9 identification.)</p> <p>10 THE REPORTER: Exhibit 5.</p> <p>11 BY MR. MARKS:</p> <p>12 Q. I'm showing you Exhibit 5. Are those additional</p> <p>13 chart notes for Choloe Green?</p> <p>14 Is that correct? I didn't hear an answer.</p> <p>15 A. Yes, this is -- this is my -- this would be my</p> <p>16 note.</p> <p>17 Q. And are these the chart notes for 7/15 of 2016?</p> <p>18 A. Yes, that's correct.</p> <p>19 Q. Okay. So on page 1 of the exhibit under patient</p> <p>20 reports, she was not passing gas and no bowel movement;</p> <p>21 correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And then if you go to the last page, 7/15 where it</p> <p>24 says Plan, what does CPM mean?</p> <p>25 A. Continue present management.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. So hold discharge, meaning she wasn't going to be 2 released on the 15th; correct? 3 A. I'm sorry? 4 Q. Hold discharge, meaning she wasn't going to be 5 released on the 15th? 6 A. That's correct, yes. 7 Q. Then it says, patient not passing gas, no bowel 8 movement; correct? 9 A. That's correct. 10 Q. Optimize symptom control. What does SUPP care 11 mean? 12 A. Supportive care. So with the IV fluids, pain 13 management and keeping her on a medical floor and 14 continuing ongoing nursing care that she required. 15 Q. Then it says, trial of clears tonight to tomorrow. 16 What does it mean, trial of clears tonight to tomorrow? 17 A. We were going to see how she would tolerate a 18 clear liquid diet. Typically we denote it as "clears". 19 Q. Then it says DC home tomorrow. What does DC mean? 20 A. Discharge. 21 Q. Well, so you were planning on the 15th to 22 discharge her on the 16th even though she still wasn't 23 passing gas? 24 A. We were anticipating a discharge within 24 hours. 25 Q. I had lengthy -- what is DW?</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Well, look at a page 2. It looks like it was 2 electronically signed by you on 7/17? 3 A. That's correct. 4 Q. So this is something you did after she was 5 discharged? 6 A. No. 7 MR. PRANGLE: Just object. 8 THE WITNESS: Yeah. 9 MR. PRANGLE: It has a different date for the 10 dictation. 11 MS. LUCERO: Join. 12 MR. MARKS: You can answer. 13 THE WITNESS: Oh, yeah. 14 My dictation was on 7/14/2016, and typically 15 within 48 hours of discharge we have our patient's chart 16 review for our history and physical, discharge summary 17 that we do sign electronically. 18 BY MR. MARKS; 19 Q. Okay. But -- so the top part showing discharge 20 date, that -- is that on a form that's automatically 21 printed? In other words, you're saying you dictated this 22 on the 14th, but it's showing the discharge date of the 23 16th? 24 MR. PRANGLE: Just object to foundation. 25 MS. LUCERO: Objection. Join. Calls for</p>
<p style="text-align: right;">Page 43</p> <p>1 A. Discussion with. 2 Q. Patient, patient sister at bedside. I also 3 discussed with patient's OB, Dr. DeLee, recommends 4 discharge when patient stable and to follow up in 5 outpatient in Dr. DeLee's office. I explained this to 6 patient. She is agreeable to trial clears, requesting 7 Dilaudid for pain. So you're saying in this note she's 8 going to be treated by Dr. DeLee in his office for this? 9 A. Yes, we were anticipating that. 10 Q. And what were you waiting for, just to see if she 11 passed gas? 12 A. I wanted to make sure she was stable as far as not 13 requiring inpatient hospitalization any longer. So that 14 would be waiting to pass gas, have a bowel movement, have 15 better pain control and continue to have normal vital 16 signs, which she did on 7/15. 17 MR. MARKS: Can you mark this next in order? 18 (Plaintiff's Exhibit 6 was marked for 19 identification.) 20 THE REPORTER: Exhibit 6. 21 BY MR. MARKS: 22 Q. So this is your history and physical? 23 A. Yes, it is. 24 Q. And do you know when you would have done this? 25 A. On 7/14/2016.</p>	<p style="text-align: right;">Page 45</p> <p>1 speculation. 2 MR. MARKS: Okay. I'm just asking him. He 3 signed the document. 4 BY MR. MARKS: 5 Q. So can you explain it to me? 6 A. Was there -- 7 Q. Is this a document -- 8 A. -- a question? 9 Q. All right. Let me rephrase it. Did you draft 10 this document on the 14th? 11 A. On July 14th I did, yes, electronically. 12 Q. And then it wasn't transcribed till the 17th? 13 A. I'm not aware of when it was actually transcribed. 14 However, typically they're transcribed much sooner than 15 that. 16 Q. Okay. So when you say review of symptoms under -- 17 towards the bottom of page 1 where it says review of 18 systems -- 19 A. Correct. 20 Q. -- it says she has severe abdominal pain. Is that 21 as of the 14th? 22 A. Yes, on admission. So my history, physical exam, 23 one component would be the review of systems, and that was 24 on the date of admission, which, yes, would have been July 25 14th of 2016.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. Okay. And under history, which is towards the</p> <p>2 top, you say she was found to have a partial small bowel</p> <p>3 obstruction?</p> <p>4 A. Yes, correct.</p> <p>5 MR. MARKS: Would you mark that, please?</p> <p>6 (Plaintiff's Exhibit 7 was marked for</p> <p>7 identification.)</p> <p>8 THE REPORTER: Exhibit 7.</p> <p>9 BY MR. MARKS:</p> <p>10 Q. This is another document. I think it was produced</p> <p>11 by Sunrise, SH638 Bates stamped at the bottom. Towards</p> <p>12 the top it says, Comment: Per Dr. Kia, do not call for KUB</p> <p>13 result. M.D. will follow up in a m., 7/16/16. Can you</p> <p>14 explain that?</p> <p>15 A. I couldn't recall. I'm sorry.</p> <p>16 Q. Do you know what M.D. will follow up in a m.?</p> <p>17 A. I'm not --</p> <p>18 Q. Okay. Did you see -- as the hospitalist you saw</p> <p>19 Choloe Green on the 14th, 15th and 16th?</p> <p>20 A. I did, yes.</p> <p>21 Q. And you agreed that she should be discharged?</p> <p>22 A. On the 16th of July, yes.</p> <p>23 Q. And she was discharged on the 16th; correct?</p> <p>24 A. I believe she was, yes.</p> <p>25 Q. All right.</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Did you ever review the records from Centennial</p> <p>2 Hospital?</p> <p>3 A. I was not aware she was at another hospital.</p> <p>4 Q. You know nothing about that?</p> <p>5 A. I had not followed up after this.</p> <p>6 Q. And you never saw her or saw any records of her?</p> <p>7 A. I'm sorry?</p> <p>8 Q. You never saw her or saw any records regarding</p> <p>9 what happened after?</p> <p>10 A. I don't understand.</p> <p>11 Q. After Sunrise, after she was discharged?</p> <p>12 A. After Sunrise I'm not aware of what transpired.</p> <p>13 MR. MARKS: Okay. I'll pass the witness.</p> <p>14 MR. STRYKER: Go ahead.</p> <p>15 EXAMINATION</p> <p>16 BY MR. PRANGLE:</p> <p>17 Q. Doctor, my name is Mike Prangle. I represent</p> <p>18 Sunrise. And I think you told us this earlier, but is it</p> <p>19 correct to say that you were not an employee of Sunrise</p> <p>20 Hospital while you cared for this patient?</p> <p>21 A. That's correct.</p> <p>22 Q. You were an independent contractor?</p> <p>23 A. Yes, correct.</p> <p>24 Q. The group that you were affiliated with was Nevada</p> <p>25 Hospitalist Group?</p>
<p style="text-align: right;">Page 47</p> <p>1 A. Uh-huh.</p> <p>2 Q. Did you -- just so I'm clear, so she came in with</p> <p>3 a small bowel obstruction, she left with a small bowel</p> <p>4 obstruction; is that right?</p> <p>5 MS. LUCERO: Objection. Mischaracterizes the</p> <p>6 testimony.</p> <p>7 MR. STRYKER: Join.</p> <p>8 BY MR. MARKS:</p> <p>9 Q. Didn't she leave with a small bowel obstruction?</p> <p>10 Isn't that in your discharge diagnosis?</p> <p>11 A. I stated that it had resolved.</p> <p>12 Q. Didn't it say resolving?</p> <p>13 A. Yes.</p> <p>14 Q. But she still had a small bowel obstruction;</p> <p>15 correct?</p> <p>16 If you go to Exhibit 3, she still had abdominal</p> <p>17 pain, she still had ileus, possible partial small bowel</p> <p>18 obstruction resolving; correct?</p> <p>19 A. Discharge summary. Yes, correct.</p> <p>20 Q. And she had a high white count?</p> <p>21 A. Yes, correct.</p> <p>22 Q. All right. Do you know what happened to her</p> <p>23 shortly thereafter she was released from Sunrise,</p> <p>24 discharged from Sunrise Hospital?</p> <p>25 A. I do not.</p>	<p style="text-align: right;">Page 49</p> <p>1 A. That's correct.</p> <p>2 Q. When did you begin your affiliation with that</p> <p>3 group?</p> <p>4 A. Nevada Hospitalist Group?</p> <p>5 Q. Yes.</p> <p>6 A. That would have been January of 2016.</p> <p>7 Q. And in terms of how it was that you were at</p> <p>8 Sunrise Hospital on July 14th, the day that this patient</p> <p>9 was assigned to you, was that done pursuant to a call</p> <p>10 schedule?</p> <p>11 A. Yes, correct.</p> <p>12 Q. And who prepared that call schedule?</p> <p>13 A. It would have been Nevada Hospitalist Group.</p> <p>14 Q. And so --</p> <p>15 A. They have a team that they set up the call</p> <p>16 schedule for the HPN or --</p> <p>17 Q. So Nevada Hospitalist Group per that schedule is</p> <p>18 the one who selected you to be at Sunrise on July 14th?</p> <p>19 A. Yes.</p> <p>20 Q. Would you agree with me that Sunrise Hospital did</p> <p>21 not in any way select you to be the on-call physician for</p> <p>22 July 14th?</p> <p>23 A. I wasn't aware, no.</p> <p>24 Q. Okay. Because that scheduling -- that</p> <p>25 decision-making process was done by Nevada Hospitalist</p>

<p style="text-align: right;">Page 50</p> <p>1 Group; true?</p> <p>2 A. Yes, correct.</p> <p>3 Q. And then just lastly, with regard to -- it was</p> <p>4 your decision to discharge this patient?</p> <p>5 A. It was.</p> <p>6 Q. In your opinion was it reasonable within the</p> <p>7 standard of care to discharge this patient notwithstanding</p> <p>8 the fact that she still had symptoms consistent with</p> <p>9 either an ileus or a resolving small bowel obstruction?</p> <p>10 A. I felt at that point that she would -- was</p> <p>11 reasonably safe for discharge.</p> <p>12 Q. And, Doctor, considering all of your care over</p> <p>13 those three days, would you agree with me that all of your</p> <p>14 care fully complied with the standard of care?</p> <p>15 A. I do.</p> <p>16 MR. PRANGLE: Thank you, Doctor.</p> <p>17 I'm done.</p> <p>18 EXAMINATION</p> <p>19 BY MR. STRYKER:</p> <p>20 Q. Doctor, my name is Eric Stryker.</p> <p>21 A. Sure.</p> <p>22 Q. I represent defendant, Dr. DeLee. He's an</p> <p>23 obstetrician who I think you discussed some telephonic</p> <p>24 discussions with earlier in the course of your deposition.</p> <p>25 I'm going to have you, please, fish out of the stack of</p>	<p style="text-align: right;">Page 52</p> <p>1 patient?</p> <p>2 A. I was.</p> <p>3 Q. Because his patient had presented to Sunrise</p> <p>4 Hospital?</p> <p>5 A. Yes, correct.</p> <p>6 Q. Okay. Were you calling him formally to have him</p> <p>7 come to the hospital and walk into the room and treat the</p> <p>8 patient at the bedside?</p> <p>9 A. Not necessarily.</p> <p>10 Q. Okay.</p> <p>11 A. Just a consult.</p> <p>12 Q. And just a telephonic informal consult?</p> <p>13 A. To initially notify him that his patient was</p> <p>14 admitted under my service at Sunrise Hospital on 7/14.</p> <p>15 Q. And you do that as a courtesy?</p> <p>16 A. I typically do.</p> <p>17 Q. Okay. Could I have you direct your attention to</p> <p>18 Exhibit 4 again?</p> <p>19 A. Sure.</p> <p>20 Q. I apologize. I'm going to have you turn to page 9</p> <p>21 of 11. It's two pages from the end.</p> <p>22 A. Uh-huh. I got it.</p> <p>23 Q. I apologize, three pages from the end.</p> <p>24 A. Uh-huh.</p> <p>25 Q. But it's Bates stamped SH000783. Is it common</p>
<p style="text-align: right;">Page 51</p> <p>1 exhibits in front of you what I believe has been marked</p> <p>2 for identification as Exhibit 5. And if I numbered it</p> <p>3 correctly, it would be the progress note from July 14th.</p> <p>4 It looks a little like this. I'll show you page 1 of my</p> <p>5 document, and you tell me if it matches page 1 of your</p> <p>6 document.</p> <p>7 A. It looks different.</p> <p>8 Q. I may have mismarked it. I apologize.</p> <p>9 MR. PRANGLE: This is our 5.</p> <p>10 MR. STRYKER: It's SH000775 is the Bates number</p> <p>11 on the bottom.</p> <p>12 MR. MARKS: That's 4, Counsel.</p> <p>13 MR. STRYKER: Oh, my apologies.</p> <p>14 MR. MARKS: It's our Exhibit 4.</p> <p>15 MR. STRYKER: Okay. If I can have you turn to</p> <p>16 Plaintiff's Exhibit 4, please.</p> <p>17 MS. LUCERO: This one.</p> <p>18 THE WITNESS: Oh, okay.</p> <p>19 BY MR. STRYKER:</p> <p>20 Q. And before I get too far into the document, during</p> <p>21 your discussion with Dr. DeLee, do you recall anything</p> <p>22 else that you told him that you haven't already described</p> <p>23 for us today?</p> <p>24 A. Not that I recall.</p> <p>25 Q. Were you calling him to keep him updated on his</p>	<p style="text-align: right;">Page 53</p> <p>1 practice for practitioners at Sunrise Hospital to make a</p> <p>2 note of consultants that they call on a patient?</p> <p>3 A. I'm sorry. I didn't hear you. I apologize.</p> <p>4 Q. I apologize. Let me rephrase the question.</p> <p>5 A. Uh-huh.</p> <p>6 Q. Is it common for physicians at Sunrise Hospital to</p> <p>7 make a notation of consultants that they call on a</p> <p>8 patient?</p> <p>9 A. It varies based on the practitioner.</p> <p>10 Q. Okay. Looking at what we see under consultant at</p> <p>11 the bottom of the page, Consultation 1, it says</p> <p>12 Referral/Consultant Name, Frank -- DeLee, Frank J M.D.?</p> <p>13 A. Yes, correct.</p> <p>14 Q. And it looks like a requested call time was at</p> <p>15 1920 hours or 7:20 p m. That would be prior to your</p> <p>16 involvement with the patient care?</p> <p>17 A. Yes.</p> <p>18 Q. Because I think you testified earlier you came on</p> <p>19 board at approximately 2000 hours?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And it indicates at the bottom of the page,</p> <p>22 Call returned?</p> <p>23 A. Yes.</p> <p>24 Q. Would that indicate to you that Dr. DeLee returned</p> <p>25 the call?</p>

<p style="text-align: right;">Page 54</p> <p>1 A. Not to me. These are not --</p> <p>2 Q. But to whoever called him?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Next page. Top line of Bates SH000784</p> <p>5 would seem to indicate to me that the call was returned at</p> <p>6 1933 hours. Would that be in layperson's terms 7:33 p.m.?</p> <p>7 A. Yes.</p> <p>8 Q. So that's 13 minutes after he got the call?</p> <p>9 A. My math. Yes, it would.</p> <p>10 Q. Would you consider that to be a timely response if</p> <p>11 you had called an obstetrician?</p> <p>12 A. A reasonable response.</p> <p>13 Q. Okay. And then under Call Returned Date, it was</p> <p>14 returned the same date, July 14, 2016?</p> <p>15 A. I'm sorry?</p> <p>16 Q. I apologize. Right under the 1933, the Call</p> <p>17 Returned Date was July 14, 2016?</p> <p>18 A. Oh, okay. Correct.</p> <p>19 Q. Okay. And under Consultant it reads, and I'll</p> <p>20 read slowly, quote, Will see patient, agrees with eval,</p> <p>21 agrees with plan, says to admit to medicine, for he will</p> <p>22 be out of town, close quote.</p> <p>23 Did I read that correctly?</p> <p>24 A. You did, yes.</p> <p>25 Q. Would that indicate to you based on your</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. And the patient was not administered -- the</p> <p>2 patient was not admitted to the obstetrics unit?</p> <p>3 A. She would not require -- typically it's a labor</p> <p>4 and delivery. So she would not be -- they -- we typically</p> <p>5 don't admit patients to labor and delivery.</p> <p>6 Q. And based on this chart entry, it would indicate</p> <p>7 that Dr. DeLee informed the treatment team that he was out</p> <p>8 of town; correct?</p> <p>9 MR. MARKS: Calls for speculation.</p> <p>10 BY MR. STRYKER:</p> <p>11 Q. Is that your interpretation of that note?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. For he will be out of town you take to</p> <p>14 understand that the patient should be admitted to the</p> <p>15 medicine unit because Dr. DeLee would be out of town?</p> <p>16 A. Yes, correct.</p> <p>17 Q. Okay. Thank you very much. Do you recall Dr.</p> <p>18 DeLee ever telling you that he would come in and see the</p> <p>19 patient at Sunrise Hospital?</p> <p>20 A. I don't recall.</p> <p>21 Q. Okay. If a small bowel obstruction does not --</p> <p>22 strike that.</p> <p>23 Sitting here today do you know for a fact whether</p> <p>24 or not this patient actually had a small bowel</p> <p>25 obstruction?</p>
<p style="text-align: right;">Page 55</p> <p>1 understanding of the Sunrise Hospital medical</p> <p>2 recordkeeping system that Dr. DeLee communicated to</p> <p>3 whoever it was that called him that the patient should be</p> <p>4 admitted to the medicine floor because he would be out of</p> <p>5 town?</p> <p>6 A. I don't understand the question.</p> <p>7 Q. Sure. Based on your review of that document,</p> <p>8 would that indicate to you that my client, Dr. DeLee, told</p> <p>9 whoever it was that called him that the patient should be</p> <p>10 admitted to the medicine floor because Dr. DeLee would be</p> <p>11 out of town?</p> <p>12 MR. MARKS: Calls for speculation.</p> <p>13 THE WITNESS: His -- that would tell me the</p> <p>14 instruction was to admit the patient to medicine, and I</p> <p>15 happened to be on call for this patient's insurance during</p> <p>16 that time, which she was admitted under my service,</p> <p>17 correct.</p> <p>18 BY MR. STRYKER:</p> <p>19 Q. And what is the medical floor?</p> <p>20 A. A non-ICU, a non-PACU or postanesthesia recovery</p> <p>21 floor. So typically if there's two tiers, there's a</p> <p>22 medical-surgical floor and a medical-telemetry floor.</p> <p>23 Telemetry we just monitor heart rate.</p> <p>24 Q. Is there an obstetrics unit?</p> <p>25 A. There is, yes.</p>	<p style="text-align: right;">Page 57</p> <p>1 A. I don't.</p> <p>2 Q. For example, findings can appear on medical</p> <p>3 imaging that might be consistent with an ileus or a small</p> <p>4 bowel obstruction, but does that mean a hundred percent of</p> <p>5 the time that the patient always has a small bowel</p> <p>6 obstruction or an ileus?</p> <p>7 A. Medically in my expertise, no, not one hundred</p> <p>8 percent of the time.</p> <p>9 Q. Okay. Dr. DeLee never saw any medical records for</p> <p>10 this patient, did he, to your knowledge?</p> <p>11 A. I'm not aware.</p> <p>12 Q. Okay. You've never given him any?</p> <p>13 A. I have not provided Dr. DeLee any medical records.</p> <p>14 Q. And to clarify, you never gave him any of this</p> <p>15 patient's medical records during her July 14, 2016</p> <p>16 admission to Sunrise Hospital?</p> <p>17 A. I don't understand the question. I apologize.</p> <p>18 Q. You never provided Dr. DeLee with copies of any</p> <p>19 medical records or copies of any medical imaging for this</p> <p>20 patient's admission to Sunrise Hospital during her July</p> <p>21 14, 2016 admission?</p> <p>22 A. No, I did not.</p> <p>23 Q. Okay. He never issued any orders for this patient</p> <p>24 during her admission at Sunrise Hospital July 14th, 2016,</p> <p>25 did he?</p>



<p style="text-align: right;">Page 58</p> <p>1 A. Telephonically?</p> <p>2 Q. In any way?</p> <p>3 A. I don't understand the question.</p> <p>4 Q. Did he write any orders or issue any orders for</p> <p>5 this patient's treatment?</p> <p>6 MS. LUCERO: I'm just going to object, because</p> <p>7 it may call for speculation, that he hasn't seen all of</p> <p>8 the records.</p> <p>9 MR. STRYKER: Fair enough.</p> <p>10 BY MR. STRYKER:</p> <p>11 Q. And that's a fair point. You have not seen all of</p> <p>12 the medical records from this patient's admission at</p> <p>13 Sunrise Hospital on July 14th, 2016, have you?</p> <p>14 A. I have not.</p> <p>15 Q. Okay. And you would reserve your right to offer</p> <p>16 additional testimony or opinions at trial if you were</p> <p>17 shown additional pages of the medical records you have not</p> <p>18 seen today, wouldn't you?</p> <p>19 A. Yes.</p> <p>20 MS. LUCERO: Yes.</p> <p>21 BY MR. STRYKER:</p> <p>22 Q. Okay. Given the documents that you have been</p> <p>23 shown regarding this patient's presentation at Sunrise</p> <p>24 Hospital on July 14 through her discharge in 2016, have</p> <p>25 you seen any orders that were issued by Dr. DeLee for</p>	<p style="text-align: right;">Page 60</p> <p>1 A. No.</p> <p>2 Q. Did she say who called who, whether she called Dr.</p> <p>3 DeLee or whether Dr. DeLee called her?</p> <p>4 A. She did not specify, no.</p> <p>5 Q. Do you have any other information regarding any of</p> <p>6 those conversations that the patient may have had with my</p> <p>7 client?</p> <p>8 A. I don't.</p> <p>9 Q. Okay. Are you aware of any instance in which Dr.</p> <p>10 DeLee came to Sunrise Hospital during that admission of</p> <p>11 July 14, 2016 to discharge to physically examine this</p> <p>12 patient?</p> <p>13 A. I'm not aware.</p> <p>14 Q. Are you aware of any compensation or payment Dr.</p> <p>15 DeLee received to provide care and treatment to this</p> <p>16 patient during her admission at Sunrise Hospital from July</p> <p>17 14, 2016 to the date of her discharge?</p> <p>18 A. I'm not aware.</p> <p>19 Q. Is it fair to say that you were in control over</p> <p>20 management of this patient's treatment while you were the</p> <p>21 attending physician for this patient from July 14th, 2016</p> <p>22 until the time of discharge?</p> <p>23 A. Control? I'm not quite understanding.</p> <p>24 Q. For example, if you wanted her to see a consultant</p> <p>25 of any particular medical specialty, that's something that</p>
<p style="text-align: right;">Page 59</p> <p>1 patient treatment?</p> <p>2 A. I'm not aware. I -- the records I was provided, I</p> <p>3 did not have access to knowing that.</p> <p>4 Q. To your knowledge did Dr. DeLee have any direct</p> <p>5 communication with this patient during her admission at</p> <p>6 Sunrise Hospital from July 14, 2016 until her discharge?</p> <p>7 A. Uhm --</p> <p>8 Q. To your knowledge?</p> <p>9 A. Can you clarify that question?</p> <p>10 Q. Sure. Are you aware of any direct communications</p> <p>11 by telephone or e-mail or text message between this</p> <p>12 patient and my client, Dr. DeLee, during the time she was</p> <p>13 at Sunrise Hospital from July 14, 2016 until she was</p> <p>14 discharged?</p> <p>15 A. I'm not certain. I believe the patient did</p> <p>16 mention that she did speak with Dr. DeLee at some time</p> <p>17 during her hospital stay between July 14 to July 16.</p> <p>18 Q. And what did she tell you about that?</p> <p>19 A. She said she spoke with Dr. DeLee and gave him</p> <p>20 updates and that he was aware that she was in the</p> <p>21 hospital.</p> <p>22 Q. Did she say specifically what updates she gave</p> <p>23 him?</p> <p>24 A. No.</p> <p>25 Q. Did she say what day that phone call was made?</p>	<p style="text-align: right;">Page 61</p> <p>1 you could have made happen if you considered it to be</p> <p>2 necessary?</p> <p>3 A. I felt I was, yes.</p> <p>4 Q. And you maintained that control right up until the</p> <p>5 time of her discharge?</p> <p>6 A. I did, yes.</p> <p>7 Q. Okay. Do you recall any other conversations with</p> <p>8 my client, Dr. DeLee, that we have not already covered</p> <p>9 during the course of this deposition?</p> <p>10 A. No.</p> <p>11 Q. How many patients have you treated with a small</p> <p>12 bowel -- strike that.</p> <p>13 How many patients have you treated with a suspected</p> <p>14 small bowel obstruction or ileus prior to July 14, 2016?</p> <p>15 Hundreds?</p> <p>16 A. I don't know the number, but there's -- I've seen</p> <p>17 it quite a lot. I've been in practice since 2006, so...</p> <p>18 Q. Would it be over a hundred patients?</p> <p>19 A. Yes.</p> <p>20 Q. With that type of condition?</p> <p>21 A. Yes.</p> <p>22 Q. Have some of them done well after discharge when</p> <p>23 they've had a resolving small bowel -- suspected small</p> <p>24 bowel obstruction or ileus?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 62</p> <p>1 MR. STRYKER: No further questions. I thank 2 you for your time. 3 FURTHER EXAMINATION 4 BY MR. MARKS: 5 Q. I have a couple of follow-up. 6 Doctor, did you ever tell Dr. DeLee not to show up? 7 A. I'm sorry? 8 Q. Did you ever tell Dr. DeLee not to show up -- 9 A. Not to show up? 10 Q. -- at Sunrise Hospital from July 14th to July 11 16th? 12 A. No. 13 Q. In fact, do you recall Dr. DeLee ever telling you 14 he was going out of town -- 15 A. No. 16 Q. -- personally? 17 If Dr. DeLee was going out of town, wouldn't the 18 normal practice be he would have coverage with another 19 OB/G? 20 MR. STRYKER: Foundation. Speculation. 21 MR. MARKS: You can answer. 22 BY MR. MARKS: 23 Q. If he's a one-man OB/G and was going out of town, 24 wouldn't he have coverage? 25 MR. STRYKER: Same objection.</p>	<p style="text-align: right;">Page 64</p> <p>1 fine. 2 BY MR. MARKS: 3 Q. I mean, I think we -- I thought we got you 4 everything that we were going to show you for the depo, 5 but I think you got it from Sunrise or from someone 6 anyway. This stuff that we gave that you had your name on 7 it, you either authored or dealt with; correct? 8 A. Just what I was provided. 9 Q. Right. And I didn't ask you anything that you 10 didn't author or sign or provide; correct? 11 A. I don't -- 12 Q. We never asked you questions about anything that 13 you didn't author or see, it all had your name on it? 14 A. That's not correct. 15 Q. We showed you things that you didn't -- that were 16 not signed by you? 17 A. Yes. 18 Q. What did we show you that was not signed by you? 19 A. Namely Exhibit -- 20 MS. LUCERO: This one. 21 THE WITNESS: Oh, Exhibit 4, Exhibit 2. 22 BY MR. MARKS: 23 Q. Well, let's take Exhibit 4. Isn't Exhibit 4 we 24 showed you because it related to a note of a conversation 25 with Dr. DeLee that you referenced?</p>
<p style="text-align: right;">Page 63</p> <p>1 THE WITNESS: I'm not aware. 2 BY MR. MARKS: 3 Q. Okay. Regarding the medical records, you keep 4 saying about you haven't seen all the records. The 5 records that you were prevented from seeing, you were 6 prevented from seeing by Sunrise Hospital; correct? 7 A. No, that's not correct. 8 Q. Who prevented you from seeing the records? 9 MS. LUCERO: For the record, I requested them 10 of plaintiff's counsel, of you, and I was provided a 11 discharge summary was the only thing I was provided. And 12 in light of that, Sunrise Hospital was kind enough to 13 provide at least the medical records that he authored. 14 But in light of the fact that you were unwilling to 15 provide my office with medical records, Sunrise counsel 16 was unwilling to provide the complete set of medical 17 record. 18 MR. MARKS: All right. I don't think that 19 we're not willing to provide. 20 MS. LUCERO: I spoke with Ms. Young. 21 MR. MARKS: This is kind of an unfortunate 22 process. 23 MS. LUCERO: She refused to give them to me. 24 MR. MARKS: All right. 25 MS. YOUNG: No, incorrect statement, but that's</p>	<p style="text-align: right;">Page 65</p> <p>1 A. Is this a question? 2 Q. Yeah. Exhibit 4 references a note of a phone call 3 with Dr. DeLee. 4 A. Where in my -- 5 MS. LUCERO: Objection. Mischaracterizes his 6 testimony. 7 BY MR. MARKS: 8 Q. Exhibit 2 is something you would have had access 9 to at the time you received the patient from the emergency 10 room; correct? 11 A. That's correct. 12 Q. Okay. And I thought Exhibit 4 was your chart 13 notes? 14 A. No, not Exhibit 4. 15 Q. Okay. It's the emergency room record that you 16 would have seen on or about the 14th of July? 17 A. I believe so. 18 Q. Okay. Regarding how you got involved in the care 19 of Ms. Green, I think you said you worked for Nevada 20 Hospitalist? 21 A. Yes. 22 Q. Okay. They have a regular contract with Sunrise 23 to provide hospitalist care in July of 2016; correct? 24 A. For a particular insurance. 25 MS. LUCERO: Objection. Calls for speculation.</p>

<p style="text-align: right;">Page 66</p> <p>1 BY MR. MARKS:</p> <p>2 Q. For particular insurance. And you regularly go to</p> <p>3 Sunrise and provide that care; correct?</p> <p>4 A. Can you rephrase?</p> <p>5 Q. In other words, I think you said earlier in the</p> <p>6 deposition you regularly go to Sunrise, provide</p> <p>7 hospitalist care pursuant to arrangements between Nevada</p> <p>8 Hospitalist and Sunrise?</p> <p>9 A. Correct.</p> <p>10 Q. And you're the attending for a certain amount of</p> <p>11 patients including Ms. Green in July of 2016?</p> <p>12 A. For some of the patients, correct.</p> <p>13 Q. But including Ms. Green, you were the attending</p> <p>14 physician for Ms. Green --</p> <p>15 A. That is correct.</p> <p>16 Q. -- in July of 2016?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And you're saying -- counsel asked you, do</p> <p>19 some people that have a small bowel obstruction, it</p> <p>20 resolves without surgery; correct?</p> <p>21 A. They're -- that can be an outcome of small bowel</p> <p>22 obstruction.</p> <p>23 Q. Others don't resolve without surgery and need</p> <p>24 surgery, can become septic and don't have a great recovery</p> <p>25 or a great outcome; correct?</p>	<p style="text-align: right;">Page 68</p> <p>1 I was provided.</p> <p>2 Q. I'm just saying, you're not aware sitting here</p> <p>3 today --</p> <p>4 A. I'm not aware.</p> <p>5 Q. -- whether the surgeon actually examined</p> <p>6 Ms. Green?</p> <p>7 A. I'm not aware.</p> <p>8 MR. MARKS: Okay. That's all I have.</p> <p>9 FURTHER EXAMINATION</p> <p>10 BY MR. PRANGLE:</p> <p>11 Q. Doctor, I have two quick things.</p> <p>12 A. Sure.</p> <p>13 Q. And I apologize. On this issue of why it was that</p> <p>14 you were called to care for this patient, earlier I asked</p> <p>15 you about the scheduling for call. Counsel raised an</p> <p>16 interesting point, and I think you did allude to this</p> <p>17 earlier, but that there were something to do with</p> <p>18 Ms. Green's insurance that dictated that you would become</p> <p>19 her attending physician; is that correct?</p> <p>20 A. Yes, correct.</p> <p>21 Q. And do you know what insurance she had?</p> <p>22 A. It's been a while. I believe it was Health Plan</p> <p>23 of Nevada, and it would have been a Medicaid product under</p> <p>24 Smart Choice.</p> <p>25 Q. Gotcha. So let's assume that you're correct, that</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Correct.</p> <p>2 MR. STRYKER: Incomplete hypothetical.</p> <p>3 BY MR. MARKS:</p> <p>4 Q. And you don't know what the outcome was for Ms.</p> <p>5 Green?</p> <p>6 MR. STRYKER: Compound.</p> <p>7 BY MR. MARKS:</p> <p>8 Q. You don't know what the outcome was because you</p> <p>9 didn't -- no one told you what happened?</p> <p>10 A. Not after July -- not after the patient was</p> <p>11 discharged.</p> <p>12 Q. And you never talked to Dr. DeLee about what</p> <p>13 happened?</p> <p>14 A. No, I have not.</p> <p>15 Q. Had you ever worked with Dr. DeLee before this</p> <p>16 patient?</p> <p>17 A. I believe so, yes.</p> <p>18 Q. Okay. And as far as you know, there was no OB/G,</p> <p>19 OB/GYN doctor who saw Ms. Green at Sunrise Hospital</p> <p>20 between the 14th and the 16th?</p> <p>21 A. I'm not aware.</p> <p>22 Q. Okay. And you're not aware of whether the surgeon</p> <p>23 actually examined Ms. Green between the 14th and the 16th;</p> <p>24 correct?</p> <p>25 A. I'm not aware. I was limited the medical records</p>	<p style="text-align: right;">Page 69</p> <p>1 it was Health Plan of Nevada. There was some, and I'll</p> <p>2 call it requirement that because this patient had Health</p> <p>3 Plan of Nevada as insurance they had to pick you as the</p> <p>4 physician who would be her attending?</p> <p>5 A. Yes.</p> <p>6 Q. Lastly, you alluded earlier to a consultation you</p> <p>7 made with a surgeon, and I believe you told us it was Dr.</p> <p>8 Kim?</p> <p>9 A. Dr. Kitae Kim, yes.</p> <p>10 Q. And what prompted me to this is -- you still have</p> <p>11 Exhibit 4 in front of you?</p> <p>12 A. I do.</p> <p>13 Q. If you can turn to page 784, which is the third to</p> <p>14 last page or second to last page.</p> <p>15 A. Sure.</p> <p>16 Q. Do you see the reference to Dr. Kim on this?</p> <p>17 MS. LUCERO: (Indicating.)</p> <p>18 THE WITNESS: Yes, I do.</p> <p>19 BY MR. PRANGLE:</p> <p>20 Q. Okay. So -- and it's Kitae Kim?</p> <p>21 A. Yes.</p> <p>22 Q. K-I-T-A-E Kim. Dr. Kim is a surgeon?</p> <p>23 A. Yes, a general and trauma surgeon.</p> <p>24 Q. Okay. And so in leaving this aside, I believe you</p> <p>25 told us that on at least two occasions during the</p>

<p style="text-align: right;">Page 70</p> <p>1 admission you had conversations with Dr. Kim, the surgeon, 2 as to how to manage this patient; true? 3 A. I consulted him for the patient, not -- and I was 4 looking for feedback from his -- 5 Q. Sure. 6 A. -- point of view. 7 Q. You were seeking the superior knowledge of a 8 surgeon as to the best way to care for this patient? 9 A. Correct. 10 Q. And so you provided Dr. Kim information about this 11 patient, and am I correct that Dr. Kim agreed with your 12 plan? 13 A. I believe so, yes. 14 MR. PRANGLE: All right. Thank you, Doctor. 15 FURTHER EXAMINATION 16 BY MR. MARKS: 17 Q. Let me just follow up. You don't recall Dr. Kim 18 ever examining the patient? 19 A. I'm not aware. 20 Q. Regarding the whole issue of how you were 21 assigned, I think counsel said she or they chose you. You 22 were assigned through arrangements between the company, 23 Nevada Hospitalist, and Sunrise to be assigned to 24 Ms. Green; correct? 25 MR. PRANGLE: Objection. Misstates the</p>	<p style="text-align: right;">Page 72</p> <p>1 Do you want us to make copies, Counsel? So while we're 2 waiting should we -- do you want copies of what's Exhibit 3 1 or you just want it attached? 4 MR. PRANGLE: Attached is fine for me. 5 MR. STRYKER: Attached is fine for me. 6 MR. MARKS: Okay. 7 FURTHER EXAMINATION 8 BY MR. STRYKER: 9 Q. Doctor, you were taught in medical school how to 10 treat a suspected small bowel obstruction or ileus; true? 11 A. I was. 12 Q. Okay. And at the same time you reached out to a 13 general surgeon because if the suspected small bowel 14 obstruction or ileus were to get worse, you would want to 15 have someone available to perform surgery to surgically 16 address that condition? 17 A. Yes, correct. 18 Q. Okay. Did you ever tell my client, Dr. DeLee, 19 that an obstetric examination was essential prior to this 20 patient's discharge? 21 A. I'm not aware. I could not recall. 22 Q. Is that something that you would tell an 23 obstetrician in this type of patient's presentation, that 24 she needs to have an obstetrical examination before 25 discharge?</p>
<p style="text-align: right;">Page 71</p> <p>1 testimony. 2 MR. MARKS: Isn't that correct, sir? 3 THE WITNESS: Can I answer that? 4 MS. LUCERO: You can answer. 5 THE WITNESS: Oh, okay. 6 Yes, I was. I was actually on call. 7 BY MR. MARKS: 8 Q. Right. Ms. Green never called you, you were 9 assigned? 10 A. That's correct. 11 Q. Okay. Regarding her insurance, HPN, did that 12 affect the amount of days she was allowed to be in the 13 hospital for something like a small bowel obstruction? 14 A. No. 15 Q. Okay. So you felt she was ready to be discharged 16 based on your medical judgment? 17 A. I did. 18 Q. Okay. And you don't know what happened the next 19 day? 20 A. No. 21 MR. MARKS: All right. That's all I have. 22 Thank you for coming. 23 MR. STRYKER: I have more. I apologize. 24 MR. MARKS: You do? Oh, sorry. Okay. 25 That's fine. Just jump right in. That's fine.</p>	<p style="text-align: right;">Page 73</p> <p>1 A. That would be their judgment, an obstetrician's 2 judgment. 3 Q. If the suspected small bowel obstruction or ileus 4 were to proceed to the point that you were concerned this 5 patient would require surgery to address it, who would you 6 call to perform surgery to address a small bowel 7 obstruction or ileus that required surgical intervention? 8 A. For small bowel obstruction, ileus, it's typically 9 the general surgeon on call. 10 Q. Okay. 11 A. And so the general surgeon. 12 Q. And of the doctors whose names have been discussed 13 today, would that have been Dr. Kitae Kim? 14 A. Yes. 15 MR. STRYKER: Okay. Thank you very much. 16 MR. PRANGLE: Nothing further from me. 17 MR. MARKS: I just have one clarification. 18 FURTHER EXAMINATION 19 BY MR. MARKS: 20 Q. Dr. Kim -- you would be calling whoever's on call 21 that day, right, Dr. Kim who was on call just different 22 days? 23 A. On call for that shift, yes, correct. 24 Q. Okay. 25 A. For that day.</p>

<p style="text-align: right;">Page 74</p> <p>1 Q. And, again, you talked to Dr. Kim by phone, but</p> <p>2 you don't know whether Dr. Kim ever examined the patient?</p> <p>3 A. I spoke with Dr. Kim.</p> <p>4 Q. But you don't know whether he ever examined the</p> <p>5 patient?</p> <p>6 A. I'm not aware.</p> <p>7 MR. MARKS: Okay. That's all I have.</p> <p>8 MR. PRANGLE: Nothing.</p> <p>9 MR. MARKS: Okay. You'll take care of the</p> <p>10 reading and signing, Counsel?</p> <p>11 MS. LUCERO: Yes, we'll read and sign.</p> <p>12 MR. STRYKER: E-Tran.</p> <p>13 THE REPORTER: Mr. Prangle, E-Tran; right?</p> <p>14 MR. PRANGLE: E-Tran only for me.</p> <p>15 (Plaintiff's Exhibit 1 was marked for</p> <p>16 identification.)</p> <p>17 (Thereupon, the taking of the deposition was</p> <p>18 concluded at 3:03 p.m.)</p> <p>19 * * * * *</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 76</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 STATE OF NEVADA )</p> <p>4 ) ss:</p> <p>5 COUNTY OF CLARK )</p> <p>6</p> <p>7 I, Terri M Hughes, CCR No 619, do hereby</p> <p>8 certify: That I reported the deposition of ALI KIA, M D.,</p> <p>9 commencing on Wednesday, November 14, 2018, at 1:35 p m</p> <p>10 That prior to being deposed, the witness was</p> <p>11 duly sworn by me to testify to the truth, the whole truth</p> <p>12 and nothing but the truth That I thereafter transcribed</p> <p>13 my said shorthand notes into typewritten form, and that</p> <p>14 the typewritten transcript of said deposition is a</p> <p>15 complete, true and accurate transcription of my said</p> <p>16 shorthand notes That prior to the conclusion of the</p> <p>17 proceedings, pursuant to NRCP 30(e) the reading and</p> <p>18 signing of the transcript was requested by the witness or</p> <p>19 a party</p> <p>20 I further certify that I am not a relative or</p> <p>21 employee of counsel of any of the parties, nor a relative</p> <p>22 or employee of the parties involved in said action, nor a</p> <p>23 person financially interested in said action</p> <p>24 IN WITNESS WHEREOF, I have set my hand in my</p> <p>25 office in the County of Clark, State of Nevada, this 4th</p> <p>day of December, 2018</p> <p style="text-align: right; margin-top: 20px;">_____ Terri M Hughes, CCR No 619</p>																																																								
<p style="text-align: right;">Page 75</p> <p>1 CERTIFICATE OF DEPONENT</p> <p>2</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">PAGE</th> <th style="width: 10%;">LINE</th> <th style="width: 20%;">CHANGE</th> <th style="width: 60%;">REASON</th> </tr> <tr><td>3</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>4</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>5</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>6</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>7</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>8</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>9</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>10</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>11</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>12</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>13</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>14</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>15</td><td>_____</td><td>_____</td><td>_____</td></tr> </table> <p>16 * * * * *</p> <p>17 I, ALI KIA, M D., deponent herein, do hereby</p> <p>18 certify and declare the within and foregoing transcription</p> <p>19 to be my deposition in said action; that I have read,</p> <p>20 corrected and do hereby affix my signature to said</p> <p>21 deposition.</p> <p>22</p> <p style="text-align: right; margin-top: 20px;">_____ Ali Kia, M.D., Deponent</p> <p>23</p> <p>24</p> <p>25</p>	PAGE	LINE	CHANGE	REASON	3	_____	_____	_____	4	_____	_____	_____	5	_____	_____	_____	6	_____	_____	_____	7	_____	_____	_____	8	_____	_____	_____	9	_____	_____	_____	10	_____	_____	_____	11	_____	_____	_____	12	_____	_____	_____	13	_____	_____	_____	14	_____	_____	_____	15	_____	_____	_____	
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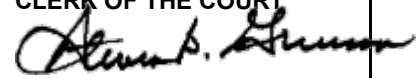
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# EXHIBIT H



COMP  
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Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHOLOE GREEN, an individual,  
  
Plaintiff,

Case No. A-17-757722-C  
Dept. No. IX

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D. an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

**Arbitration Exempt - - Action  
for Medical Malpractice**

Defendants.

**AMENDED COMPLAINT FOR MEDICAL MALPRACTICE**

COMES NOW Plaintiff Choloe Green, by and through undersigned counsel Daniel Marks, Esq., and  
Nicole M. Young, Esq., of the Law Office of Daniel Marks, and for her claims against Defendants herein  
allege as follows:

1. That at all times material hereto, Plaintiff Choloe Green (hereinafter "Choloe") was a  
resident of Clark County, Nevada.
2. That at all times material hereto, Defendant FRANK J. DELEE, M.D., was a licensed  
medical doctor in the State of Nevada, and practiced in his professional corporation entitled  
FRANK J. DELEE MD, PC.

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3. That at all times material hereto, Defendant FRANK J. DELEE MD, PC, was a domestic professional corporation organized and existing under the laws of the state of Nevada and registered to do business, and doing business in the State of Nevada in Clark County, Nevada.
4. That Defendant FRANK J. DELEE, MD, is the President of Defendant FRANK J. DELEE MD, PC (hereinafter collectively referred to as “Dr. DeLee”).
5. That Defendant SUNRISE HOSPITAL AND MEDICAL CENTER, LLC, (hereinafter “Sunrise Hospital”), was a foreign limited-liability company, registered to do business and doing business in the State of Nevada in Clark County, Nevada.
6. That at all times material hereto, Defendant ALI KIA, M.D., was a licensed medical doctor in the State of Nevada, and who practices through the limited-liability partnership entitled NEVADA HOSPITALIST GROUP, LLP.
7. That Defendant NEVADA HOSPITALIST GROUP, LLP, was a limited-liability partnership, registered to do business and doing business in the State of Nevada in Clark County, Nevada.
8. That on or about July 9, 2016, Dr. DeLee performed a cesarean section (C-Section) on Choloe at Sunrise Hospital. Choloe was discharged from the hospital the following day, on July 10, 2016, even though she did not have bowel movement prior to being discharged from the hospital.
9. On July 13, 2016, Choloe had an appointment with Dr. DeLee. At that appointment, Choloe notified Dr. Delee that she had not had a bowel movement post C-section. He did not provide any care or treatment to Choloe regarding her lack of a bowel movement.
10. On July 14, 2016, after still not having a bowel movement post C-section, Choloe went to the emergency room at Sunrise Hospital, with severe abdominal pain and reports of nausea, vomiting, fever, and chills. She was admitted to the medical/surgical unit because of the diagnosis of sepsis. Sunrise Hospital, through Ali Kia, M.D., discharged Choloe on July 16, 2016, despite having a small bowel obstruction. The discharge was discussed and confirmed by Dr. DeLee.

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- 1 11. That Choloe presented at Sunrise Hospital on July 14, 2016, seeking treatment from the  
2 hospital, not a specific doctor. Upon her admission, Sunrise Hospital provided various  
3 healthcare professionals, including doctors and nurses to provide emergency care/treatment  
4 to Choloe. Throughout her stay from July 14-16, 2016, Choloe believed all healthcare  
5 professionals that provided her care/treatment were employees and/or agents of the hospital.  
6 She was never provided the opportunity to affirmatively chose who provided her  
7 care/treatment. She was never informed the doctors or nurses providing care/treatment were  
8 not employees and/or agents of the hospital.
- 9 12. On July 17, 2016, Choloe went to the emergency room at Centennial Hills Hospital where  
10 she was admitted until she was finally discharged on September 2, 2016. Centennial Hills  
11 admitted Choloe with the diagnosis of small bowel obstruction. She had an NG Tube placed,  
12 underwent surgery, had diffuse pulmonary infiltrates, suggestive of pulmonary edema or ARDS,  
13 and eventually needed a tracheostomy and PEG tube placement.
- 14 13. Plaintiff restates and incorporates the allegations set forth in Paragraphs 1 through 13 herein  
15 by reference.
- 16 14. That Defendant Dr. DeLee, Sunrise Hospital, Dr. Kia, and Nevada Hospitalist Group, LLP,  
17 breached the standard of care in their treatment of Choloe and as a direct and proximate  
18 result of that breach, Choloe has been damaged.
- 19 15. That as a direct and proximate result of all of the Defendants' negligence, Choloe has been  
20 damaged in an amount in excess of \$15,000.00.
- 21 16. This Complaint is supported by the Affidavit of Lisa Karamardian, M.D., a copy of which  
22 is attached hereto as Exhibit "A".
- 23 17. This Complaint is supported by the Affidavit of Robert Savluk, M.D., a copy of which is  
24 attached hereto as Exhibit "B".
- 25 18. Choloe has been forced to retain counsel to bring this action and should be awarded his  
26 reasonable attorneys fees and costs.

27 ////

28 ////

1 WHEREFORE, Choloe prays for judgment against the Defendants, and each of them, as follows:

- 2 1. For special damages in a sum in excess of \$15,000.00;
- 3 2. For compensatory damages in a sum in excess of \$15,000.00;
- 4 3. For reasonable attorney's fees and litigation costs incurred;
- 5 4. For such other and further relief as the Court deems just and proper.

6 DATED this 16th day of December, 2020.

7 LAW OFFICE OF DANIEL MARKS

8

9 /s/ Nicole M. Young

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11 Nevada State Bar No. 002003

12 NICOLE M. YOUNG, ESQ.

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14 610 South Ninth Street

15 Las Vegas, Nevada 89101

16 Attorneys for Plaintiff

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Attorneys for Sunrise Hospital and Medical Center LLC.

An employee of the  
LAW OFFICE OF DANIEL MARKS

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## **EXHIBIT A**

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AFFIDAVIT OF DR. LISA KARAMARDIAN

STATE OF California }  
COUNTY OF Orange } s.

DR. LISA KARAMARDIAN, being first duly sworn, under penalty of perjury, does say and  
depose the following:

1. That I am a medical doctor licensed in the State of California and am board certified in the field of Obstetrics and Gynecology.
2. This affidavit is executed pursuant to NRS 41A.071 in support of a Complaint for Medical Malpractice against Dr. Frank DeLee and Sunrise Hospital and Medical Center.
3. That I have reviewed Plaintiff Choloe Green's medical records relating to the care and treatment she received from Dr. Frank DeLee, Sunrise Hospital and Medical Center, Valley Hospital Medical Center and Centennial Hills Medical Center.
4. A review of the medical records reveals that on July 9, 2016, Ms. Green had a cesarean section birth at Sunrise Hospital with Dr. DeLee as the obstetrician. She was released home on post-operative day number one. This was a breach of the standard of care by Dr. DeLee and Sunrise Hospital. The typical post-operative course for a routine cesarean is a 3-4 night stay in the hospital. The standard of care was also breached because Ms. Green had not even attempted to tolerate clear liquids and she had not passed flatus when she was released on post-operative day number one.
5. A review of the medical records also reveals that on July 14, 2016, Ms. Green presented again to Sunrise Hospital, now five (5) days post-partum, with severe abdominal pain and reports of nausea, vomiting, fever, and chills. She was admitted to the medical/surgical unit because of the diagnosis of sepsis. She was discharged on July 16, 2016. The discharge was discussed and confirmed by Dr. DeLee. This discharge violated the standard of care. Ms. Green was discharged despite the fact that she was not able to tolerate a regular diet. Further, on the day of her discharge, her KUB showed multiple dilated loops of bowel, thought to be related to a small bowel obstruction, yet she was sent home. An intraperitoneal abscess was suspected on a CT scan, yet she was still sent home. This was a violation of the standard of care by Sunrise Hospital and Dr. DeLee.

6. The day after she was released from Sunrise Hospital, Ms. Green presented at Centennial Hills Hospital, on July 17, 2016. At the time of presentation she was now 7 days postpartum, had not had a bowel movement, and was unable to even tolerate liquids. She was still in severe pain. Her imaging studies had worsened and she was now admitted, again, with the diagnosis of small bowel obstruction. An NG tube was finally placed and a general surgery evaluation ordered. She was admitted for concern for bowel perforation. She underwent an exploratory laparotomy on July 18th for what was presumed to be a perforated viscus, but none was found intraoperatively, just diffuse ascites. Infarcted mesentery was removed and post-op her condition deteriorated, culminating in a rapid response call on July 20th when she was found to be hypoxic. By the 22nd she had diffuse pulmonary infiltrates, suggestive of pulmonary edema or ARDS, and her condition worsened. CT guided drain placement cultures of fluid revealed enterococcus faecalis, supporting the fact that there must have been a bowel perforation. She then developed a pneumothorax and eventually needed a tracheostomy and PEG tube placement. On August 5, 2016, there was difficulty with her airway support.

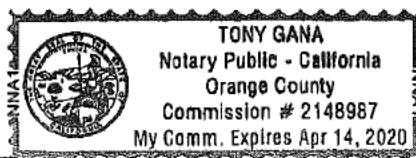
7. Because of the violations of the standard of care, her hospital course was protracted with multiple complications and she was apparently discharged to a step down facility once her antibiotic course was felt to be completed, still on a feeding tube and in need of rehabilitation.

8. That in my professional opinion, to a degree of medical probability, the standard of care was breached by both Dr. DeLee and Sunrise Hospital and Medical Center in their treatment of Ms. Green.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
LISA KARAMARDIAN, MD.

SUBSCRIBED and SWORN to before me  
this 29 day of June, 2017.



NOTARY PUBLIC in and for said  
COUNTY and STATE

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## **EXHIBIT B**

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**AFFIDAVIT OF ROBERT S. SAVLUK, M.D.**

STATE OF CALIFORNIA )  
 ) ss:  
COUNTY OF SAN LUIS OBISPO )

ROBERT S. SAVLUK, M.D., being first duly sworn under penalty of perjury, deposes and says:

1. That I have been asked to address issues relating to the care and treatment of patient Choloe Green provided at the Sunrise Hospital by Dr. Ali Kia (hospitalist).
2. That I practiced Internal Medicine (functioning as a hospitalist before the term was coined) and Critical Care Medicine for 36 years.
3. I graduated from the University of California at Los Angeles School of Medicine in 1977 with a doctor of medicine degree and completed my residency in Internal Medicine at University of Medical Center, Fresno, California.
4. That I am board certified in Internal Medicine and was boarded in Critical Care Medicine through 2018.
5. That I am familiar with the roles of hospitalist, and subspecialists in taking care of their patients in a hospital setting.
6. That I am particularly familiar with the case of a septic patient including but not limited to fluid resuscitation, antibiotics, and all manners of supporting medications and equipment.
7. That I am particularly familiar with the source identification and its importance in the treatment of a septic patient. In addition, I am very familiar with the coordination of the various physicians to treat that condition.

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- 1 8. In preparation for this affidavit, I have reviewed summaries of the two hospitalizations at  
2 Sunrise Hospital between August 9 and August 16, 2016 consisting of 33 pages plus an  
3 additional 45 pages of organized records related to medications and vital signs. I also  
4 reviewed 337 pages of Centennial Hills hospital records and the affidavit of Dr. Lisa  
5 Karamardian.  
6
- 7 9. That Choloe Green was a 29 year old G5 P3 obese individual at the time she was  
8 admitted to Sunrise Hospital on 7/09/2016 for repeat c-section for a transverse  
9 presentation. She underwent the procedure through the previous surgical scar (low  
10 transverse), under spinal anesthesia, delivering a 6 lb 7 oz male child.  
11
- 12 10. Post operatively she developed itching secondary to the spinal anesthetic. By the next day  
13 she was ambulatory and taking a regular diet. No mention of bowel activity or urination.  
14 She was deemed ready for discharge and sent home on Norco and Ibuprofen for pain.
- 15 11. That on July 14, 2016 she presented to the Sunrise Hospital ED with 2 days history of  
16 nausea, vomiting, and abdominal pain. She had 2 BM's that day. She was febrile and  
17 tachycardic with a marked leucocytosis. She met the criteria for sepsis and the sepsis  
18 bundle was initiated. She had blood cultures drawn, a fluid bolus given and a broad  
19 spectrum antibiotics initialed appropriately for an intra-abdominal source. An ultra sound  
20 of the pelvis and CT scan of the abdomen and pelvis were ordered. The ultra sound  
21 showed no retained products of conception but a moderate amount of complex free fluid  
22 in the cul-de-sac. The CT scan showed a gastric band in place, distention of doudenum  
23 and jejunum and free fluid with small amount of gas in the peritoneal cavity in the lower  
24 abdomen, anterior to an enlarged uterus. The impressions were 1) small bowel  
25 obstruction and 2) intraperitoneal abscess suspected.  
26  
27  
28

12. The patient was admitted to medicine at the request of Dr. DeLee (who was going to be out of town) by Dr. Ali Kia at 9:10 p.m. on July 14, 2016. Dr. Kim also consulted by ED but did not see patient stating "OB can manage care on an out-patient basis." On July 15, 2016, the WBC was 20,600 with left shift. No additional antibiotics were given outside the first dose. At 17:33 patient seen by case worker with plan that patient would go home with sister or mother on out patient antibiotics and follow up with Dr. DeLee.

13. At 22:31 on July 15, 2016, Dr. Ali Kia saw the patient and noted patient having abdominal pain with distention. Additionally she was agitated and having no flatus on bowel movements. The discharge was halted. On the morning of July 16, 2016 an x-ray of the abdomen was done which revealed multiple dilated small bowel loops, small bowel obstruction versus ileus. Despite this, patient discharged home at 20:26 on Norco, dilaudid, motrin iron, and prenatal vitamins but no antibiotics. She was to follow up with Dr. DeLee in two days.


14. The patient presented to Centennial Hills Hospital the next day with an acute abdomen and was taken to surgery on July 18, 2016 where she was noted to have more than a liter of foul smelling fluid in her abdomen, plus an omental infarct which was resected. She then went on to develop severe ARDS and severe physical deconditioning requiring 6 plus weeks in the ICU, a PEG, a trach and finally discharge to a sub-acute facility.

15. Dr. Ali Kia's care of his patient Choloe Green fell below the standard of care for a hospitalist for the following reasons:

1. Failure to continue appropriate antibiotics during the patients hospitalizations when she was clearly fighting an infection.
2. Failure to continue antibiotics post-discharge in a patient clearly not having

- 1 recovered from her infection.
- 2 3. Failure to follow up the radiographic studies which were clearly suspicious for an
- 3 intra-abdominal abscess.
- 4
- 5 4. Discharging a patient with evidence of a small bowel obstruction or ileus without
- 6 any explanation or resolution.
- 7
- 8 5. Pre maturely discharging the patient before she had adequately recovered from the
- 9 septic process.
- 10 16. Finally due to the failures noted above, Choloe Green went on to develop an acute
- 11 abdomen requiring surgery, intra-abdominal abscess requiring percutaneous drainage and
- 12 sepsis related ARDS (severe) which required 6 plus weeks in the ICU and resulted in
- 13 severe physical deconditioning and prolonged sub-acute care.
- 14 17. The conduct described in paragraph 5 of Dr. Karamardian's affidavit dated June 29, 2017
- 15 relating to Ms. Green's discharge from Sunrise Hospital relates to the care provided to
- 16 Ms. Green at Sunrise by Dr. Ali Kia and any other medical providers that were involved
- 17 in the decision to discharge Ms. Green on July 16, 2016, this decision to discharge her
- 18 violated the standard of care.
- 19
- 20 18. My opinions are expressed to a reasonable decree of medical probability and/or certainty
- 21 and are based on my education, training, experience, and review of the medical records
- 22 outlined previously which reflect the care given Choloe Green by the aforementioned
- 23 Physician.
- 24
- 25 19. This affidavit is intended as a summary of my opinion and there obviously may be further
- 26 explanation of these opinions at the time of trial and/or depositions, should I be asked
- 27 follow-up questions related to any opinions.
- 28

FURTHER YOUR AFFLIANT SAYETH NAUGHT.

  
ROBERT S. SAVLUK, M.D.

SUBSCRIBED and SWORN TO  
Before me this \_\_\_\_ day of October, 2020.

See attached

NOTARY PUBLIC in and for said  
COUNTY and STATE

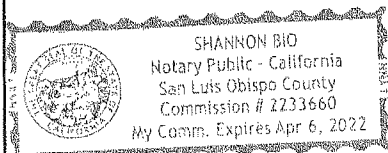


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Luis Obispo

Subscribed and sworn to (or affirmed) before me on this 16th  
day of October, 2020, by Robert S. Savluk

proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in black ink, appearing to read "Robert S. Savluk", written over a horizontal line.

# EXHIBIT I

1 Patricia Egan Daehnke  
Nevada Bar No. 4976  
2 [Patricia.Daehnke@cdiglaw.com](mailto:Patricia.Daehnke@cdiglaw.com)  
3 Laura S. Lucero  
Nevada Bar No. 8843  
4 [Laura.Lucero@cdiglaw.com](mailto:Laura.Lucero@cdiglaw.com)  
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5 2110 E. Flamingo Road, Suite 212  
Las Vegas, Nevada 89119  
6 (702) 979-2132 Telephone  
7 (702) 979-2133 Facsimile  
8 *Attorneys for Third- Party Defendant*  
*ALI KIA, M.D.*

9  
10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVEDA**

12 CHOLOE GREEN, an individual,  
13 Plaintiffs,

14 vs.

15  
16 FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
17 Professional Corporation, SUNRISE  
HOSPITAL AND MEDICAL CENTER, LLC,  
18 a Foreign Limited-Liability Company.

19 Defendants.

20  
21 SUNRISE HOSPITAL AND MEDICAL  
CENTER, LLC, a Foreign Limited-Liability  
22 Company,

Third-Party Plaintiff,

23 vs

24 ALI KAI, M.D., Individually and his employer,  
25 NEW NEVADA HOSPIOTALIST GROUP,  
LLP; DOES 1-10; and ROE CORPORATION  
26 1-10; inclusive.

27 Third-Party Defendants.  
28

CASE NO.: A-17-757722-C  
DEPT. NO.: IX

**THIRD-PARTY DEFENDANT ALI  
KIA, M.D.'S RESPONSE TO FIRST  
SET OF REQUESTS FOR  
ADMISSIONS PROPOUNDED BY  
THIRD-PARTY PLAINTIFF  
SUNRISE HOSPITAL AND  
MEDICAL CENTER, LLC**

COLLINSON, DAEHNKE, INLOW & GRECO  
2110 E. Flamingo Road, Suite 305  
LAS VEGAS, NEVADA 89119  
TEL. (702) 979-2132 | FAX (702) 979-2133

Pursuant to Rule 36 and Rule 26 of the Nevada Rules of Civil Procedure, Third-Party Defendant, Ali Kia, M.D., by and through his attorneys of record, Patricia Egan Daehnke and Laura S. Lucero, and the law firm Collinson, Daehnke, Inlow & Greco, hereby provides these responses to Requests for Admission propounded by Third-Party Plaintiff, as follows:

**RESPONSES TO REQUESTS FOR ADMISSIONS**

**REQUEST NO. 1:**

Admit that from July 14, 2016 to July 16, 2016 Ali Kia, M.D. was a Medical Doctor licensed in the State of Nevada.

**RESPONSE TO REQUEST NO. 1:**

Admit.

**REQUEST NO. 2:**

Admit that Ali Kia, M.D. is not now, and has never been, an employee of Sunrise Hospital and Medical Center, LLC.

**RESPONSE TO REQUEST NO. 2:**

Admit.

**REQUEST NO. 3:**

Admit that Ali Kia, M.D. was a treating physician of Choloe Green during her Sunrise Hospital Admission from July 14, 2016 through July 16, 2016.

**RESPONSE TO REQUEST NO. 3:**

Admit.

**REQUEST NO. 4:**

Admit that Ali Kia, M.D. wrote an order to discharge Choloe Green, from Sunrise Hospital and Medical Center, on July 16, 2016.

**RESPONSE TO REQUEST NO. 4:**

Admit.

///

///

1 **REQUEST NO. 5:**

2 Admit that Ali Kia, M.D. was covering for Nevada Hospitalist Group, LLP, and that  
3 such group's call schedule resulted in him becoming a treating physician of Choloe Green  
4 during her admission to Sunrise Hospital and Medical Center commencing on July 14, 2016  
5 (and discharged on July 16, 2016).

6 **RESPONSE TO REQUEST NO. 5:**

7 Objection. This Request is vague and ambiguous as to "covering". Without waiving  
8 stated objection, Defendant responds as follows: Admit.

9 **REQUEST NO. 6:**

10 Admit that Sunrise Hospital and Medical Center, LLC did not select Ali Kia, M.D. to  
11 treat Choloe Green during her July 14, 2016 – July 16, 2016 hospital admission.

12 **RESPONSE TO REQUEST NO. 6:**

13 Admit.

14 **REQUEST NO. 7:**

15 Admit that Ali Kia, M.D. had hospital staff privileges at University Medical Center  
16 (U.M.C.) in Las Vegas, Nevada and had such privileges during July 2016.

17 **RESPONSE TO REQUEST NO. 7:**

18 Deny.

19 **REQUEST NO. 8:**

20 Admit that Ali Kia, M.D. had hospital staff privileges at other hospitals in Clark  
21 County, Nevada, in addition to Sunrise Hospital and U.M.C. during the month of July 2016.

22 **RESPONSE TO REQUEST NO. 8:**

23 Deny.

24 **REQUEST NO. 9:**

25 Admit that Ali Kia, M.D. has never received a W-2 income tax form from Sunrise  
26 Hospital and Medical Center, LLC.  
27  
28

**RESPONSE TO REQUEST NO. 9:**

Admit.

**REQUEST NO. 10:**

Admit that Ali Kia, M.D. maintained his own private medical practice during the month of July 2016.

**RESPONSE TO REQUEST NO. 10:**

Objection. This Response is vague and ambiguous as to “private medical practice”. Without waiving stated objection, Defendant responds as follows: Admit.

**REQUEST NO. 11:**

Admit that Ali Kia, M.D.’s professional liability insurance, applicable to Choloe Green’s July 14, 2016 – July 16, 2016 Sunrise Hospital stay was not provided by or through Sunrise Hospital and Medical Center, LLC.

**RESPONSE TO REQUEST NO. 11:**

Admit.

DATED: January 28, 2020

**COLLINSON, DAEHNKE, INLOW & GRECO**

BY: /s/ Laura S. Lucero

PATRICIA EGAN DAEHNKE

Nevada Bar No. 4976

LAURA S. LUCERO

Nevada Bar No.

2110 E. Flamingo Road, Suite 212

Las Vegas, Nevada 89119

Tel. (702) 979-2132

Fax (702) 979-2133

*Attorneys for Third-Party Defendant*

*ALI KIA, M.D.*

**CERTIFICATE OF SERVICE**

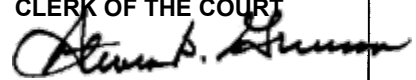
I hereby certify that on this 28<sup>th</sup> day of January 2020, a true and correct copy of  
**THIRD-PARTY DEFENDANT ALI KIA, M.D.'S RESPONSE TO FIRST SET  
OF REQUESTS FOR ADMISSIONS PROPOUNDED BY THIRD-PARTY  
PLAINTIFF SUNRISE HOSPITAL AND MEDICAL CENTER, LLC** was served  
by electronically filing with the Clerk of the Court using the Odyssey File & Serve system  
and serving all parties with an email address on record, who have agreed to receive Electronic  
Service in this action.

DANIEL MARKS, ESQ.  
NICOLE M. YOUNG, ESQ.  
Law Office of Daniel Marks  
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(702) 386-0536  
*Attorneys for Plaintiff Choloe Green*

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Wilson Elser Moskowitz Edelman & Dicker LLP  
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11th Floor  
Las Vegas, Nevada 89101  
(702) 727-1400  
*Attorneys for Defendants  
Frank J. DeLee, M.D. and Frank J. DeLee, M.D., P.C.:*

MICHAEL E. PRANGLE, ESQ.  
TYSON J. DOBBS, ESQ.  
SHERMAN B. MAYOR, ESQ.  
Hall Prangle and Schoonveld LLC  
1140 N. Town Center Drive, Suite 350  
20 Las Vegas, Nevada 89144  
*Attorneys for Defendant and Third-Party Plaintiff  
Sunrise Hospital and Medical Center, LLC*

By /s/ Hannah C. Lockard  
An employee of COLLINSON, DAEHNKE,  
INLOW & GRECO



LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
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(702) 386-0536; Fax (702) 386-6812  
[Office@danielmarks.net](mailto:Office@danielmarks.net)  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No. A-17-757722-C  
Dept. No. 20

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**NOTICE OF ENTRY OF STIPULATION AND ORDER TO EXTEND PLAINTIFF'S  
OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that an Stipulation and Order to Extend Plaintiff's Opposition to  
Defendants' Motion for Summary Judgment, a copy of which is attached hereto.

DATED this 16<sup>th</sup> day of March, 2023.

LAW OFFICE OF DANIEL MARKS

/s/ Nicole M. Young  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Attorneys for Plaintiff

APPENDIX 000735



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Patricia E. Daehnke, Esq.  
Linda K. Rurangirwa, Esq.  
COLLISON, DAENHKE, INLOW & GRECO  
2110 E. Flamingo Road, Suite 212  
Las Vegas, Nevada 89119  
*Attorneys for Defendant Ali Kia, M.D.*

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Justin Shiroff, Esq.  
WILSON ELSE MOSKOWITZ EDELMAN & DICKER LLP  
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Las Vegas, Nevada 89119  
*Attorneys for Defendant Frank J. Delee, M.D. and  
Frank J. Delee, M.D., P.C.*

Michael E. Prangle, Esq.  
Tyson J. Dobbs, Esq.  
Sherman B. Mayor, Esq.  
HALL PRANGLE and SCHOONVELD LLC  
1140 North Town Center Drive, Suite 350  
Las Vegas, Nevada 89114  
*Attorneys for Defendant and Third-Party Plaintiff  
Sunrise Hospital and Medical Center, LLC*

MELANIE THOMAS, ESQ.  
Lewis Brisbois Bisgaard & Smith  
6385 S. Rainbow Blvd., Suite 600  
Las Vegas, Nevada 89118  
Attorney for Nevada Hospitalist Group, LLP

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1 SAO  
2 LAW OFFICE OF DANIEL MARKS  
3 DANIEL MARKS, ESQ.  
4 Nevada State Bar No. 002003  
5 NICOLE M. YOUNG, ESQ.  
6 Nevada State Bar No. 12659  
7 610 South Ninth Street  
8 Las Vegas, Nevada 89101  
9 (702) 386-0536; Fax (702) 386-6812  
10 Office@danielmarks.net  
11 Attorneys for Plaintiff

7 DISTRICT COURT  
8  
9 CLARK COUNTY, NEVADA

10 CHOLOE GREEN, an individual,  
11  
12 Plaintiff,

Case No. A-17-757722-C  
Dept. No. 19

13 v.

14 FRANK J. DELEE, M.D., an individual;  
15 FRANK J. DELEE MD, PC, a Domestic  
16 Professional Corporation, SUNRISE HOSPITAL  
17 AND MEDICAL CENTER, LLC, a Foreign  
18 Limited-Liability Company; ALI KIA, M.D., an  
19 individual; and NEVADA HOSPITALIST  
20 GROUP, LLP.

21 Defendants.  
22  
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19 **STIPULATION AND ORDER TO EXTEND PLAINTIFF'S OPPOSITION TO DEFENDANTS'**  
20 **MOTION FOR SUMMARY JUDGMENT**

21 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Choloe Green, by and  
22 through her counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law Office of Daniel Marks;  
23 Defendant Sunrise Hospital and Medical Center, LLC, by and though its counsel Tyson J. Dobbs, of Hall  
24 Prangle & Schoonveld, LLC; Defendant Ali Kia, M.D., by and through his counsel Linda Rurangirwa, Esq.,  
25 of Collinson, Daehnke, Inlow & Greco, as follows, :

26 ////

27 ////

28 ////

1 That Plaintiff's Opposition to Sunrise Hospital's Motion for Summary Judgment and Plaintiff's  
2 Opposition to Ali Kia, M.D.'s Motion for Summary Judgment be extended to March 24, 2023.

3  
4 Approved as to form and content:

5 DATED this 13<sup>th</sup> day of March, 2023.

DATED this 13<sup>th</sup> day of March, 2023.

6 LAW OFFICE OF DANIEL MARKS

HALL PRANGLE & SCHOONVELD, LLC

7 /s/ Daniel Marks

/s/ Tyson J. Dobbs

8 DANIEL MARKS, ESQ.  
9 Nevada State Bar No. 002003  
10 NICOLE M. YOUNG, ESQ.  
11 Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Attorney for Plaintiff

TYSON J. DOBBS, ESQ.  
Nevada State Bar No. 11953  
1140 N. Town Center Drive Suite #350  
Las Vegas, Nevada 89144  
Attorney for Sunrise Hospital

12 Approved as to Form and Content:

13 DATED this 13<sup>th</sup> day of March, 2023.

14 COLLINSON, DAEHNKE, INLOW & GRECO

15  
16 /s/ Linda K. Rurangirwa

17 LAURA LUCERO, ESQ.  
18 Nevada State Bar No. 008843  
19 LINDA K. RURANGIRWA, ESQ.  
20 Nevada State Bar No. 9172  
21 2110 E. Flamingo Road, Suite 212  
22 Las Vegas, Nevada 89119  
23 Attorneys for Defendant Ali Kia, M.D.

**ORDER**

It is hereby ORDERED:

1. That Plaintiff's Opposition to Sunrise Hospital's Motion for Summary Judgment and Plaintiff's Opposition to Ali Kia, M.D.'s Motion for Summary Judgment be extended to March 24, 2023.

Dated this 16th day of March, 2023



BC9 B0A 7DA6 1721  
Crystal Eller  
District Court Judge

Submitted by:

LAW OFFICE OF DANIEL MARKS

/s/ Daniel Marks

DANIEL MARKS, ESQ.

Nevada State Bar No. 002003

NICOLE M. YOUNG, ESQ.

Nevada State Bar No. 12659

610 South Ninth Street

Las Vegas, Nevada 89101

Attorney for Plaintiff

## Kathryne Land

---

**From:** Tyson Dobbs <tdobbs@HPSLAW.COM>  
**Sent:** Monday, March 13, 2023 9:58 AM  
**To:** Kathryne Land  
**Cc:** Office; Nicole M. Etienne; Kim Watson  
**Subject:** RE: Green v. DeLee et al

I am agreeable to a deadline of March 24, 2023, for Plaintiff's Opposition to Sunrise Hospital's Motion for Summary Judgment.



**Tyson Dobbs**  
*Partner*  
O: 702.212.1457  
Email: [tdobbs@HPSLAW.COM](mailto:tdobbs@HPSLAW.COM)

**Legal Assistant:** Nicole Etienne  
O: 702.212.1446  
Email: [netienne@hpslaw.com](mailto:netienne@hpslaw.com)

NOTICE: The information contained in this electronic message is intended only for the personal and confidential use of the designated recipient(s) named above. This message may be attorney-client communication, and as such, is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone or return e-mail and permanently destroy all original messages. Thank you.

**From:** Kathryne Land <[KLand@danielmarks.net](mailto:KLand@danielmarks.net)>  
**Sent:** Monday, March 13, 2023 9:25 AM  
**To:** Tyson Dobbs <tdobbs@HPSLAW.COM>  
**Cc:** Office <[office@danielmarks.net](mailto:office@danielmarks.net)>  
**Subject:** Green v. DeLee et al

---

[External Email] CAUTION!

---

Good morning:

Mr. Marks is requesting an extension for our Opposition to Sunrise Hospital's Motion for Summary Judgment to be submit on March 24, 2023. Please advise us if this extension is granted.

**Thank You,**

Kathryne Land, Office Assistant  
**Law Office of Daniel Marks**

## Kathryne Land

---

**From:** Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>  
**Sent:** Monday, March 13, 2023 10:02 AM  
**To:** Kathryne Land  
**Cc:** Office; Deborah Rocha  
**Subject:** RE: Green v. DeLee et al

That is fine. Please check with the court to see if they will need a stip and order regarding the extension. I am OK either way.

Thanks,

Linda

Linda K. Rurangirwa  
Collinson, Daehnke, Inlow & Greco

**From:** Kathryne Land <[KLand@danielmarks.net](mailto:KLand@danielmarks.net)>  
**Sent:** Monday, March 13, 2023 9:21 AM  
**To:** Linda K. Rurangirwa <[Linda.Rurangirwa@cdiglaw.com](mailto:Linda.Rurangirwa@cdiglaw.com)>  
**Cc:** Office <[office@danielmarks.net](mailto:office@danielmarks.net)>  
**Subject:** Green v. DeLee et al

Good morning:

Mr. Marks is requesting an extension for our Opposition to Dr. Kia's Motion for Summary Judgment to be submit on March 24, 2023. Please advise us if this extension is granted.

**Thank You,**

Kathryne Land, Office Assistant  
**Law Office of Daniel Marks**  
610 South Ninth Street  
Las Vegas, Nevada 89101  
O: (702) 386-0536; F: (702) 386-6812

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Choloe Green, Plaintiff(s)

CASE NO: A-17-757722-C

7 vs.

DEPT. NO. Department 19

8 Frank Delee, M.D., Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/16/2023

15 E-File Admin

efile@hpslaw.com

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17 Eric Stryker

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19 Angela Clark

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20 Tyson Dobbs

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22 Patricia Daehnke

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24 Linda Rurangirwa

linda.rurangirwa@cdiglaw.com

25 Amanda Rosenthal

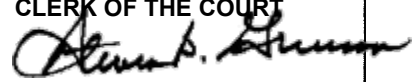
amanda.rosenthal@cdiglaw.com

26 Laura Lucero

laura.lucero@cdiglaw.com



1	Daniel Marks	office@danielmarks.net
2	Nicolle Etienne	netienne@hpslaw.com
3	Nicole Young	nyoung@danielmarks.net
4	Reina Claus	rclaus@hpslaw.com
5	Camie DeVoge	cdevoge@hpslaw.com
6	Melanie Thomas	Melanie.Thomas@lewisbrisbois.com
7	Deborah Rocha	deborah.rocha@cdiglaw.com
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10	Heidi Brown	Heidi.Brown@lewisbrisbois.com
11	Catherine Galvez	catherine.galvez@lewisbrisbois.com
12	Tiffany Dube	tiffany.dube@wilsonelser.com
13	Lora Schneider	lora.schneider@cdiglaw.com
14	Gaylene Kim-Mistrille	Gaylene.Kim-Mistrille@lewisbrisbois.com
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LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
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[Office@danielmarks.net](mailto:Office@danielmarks.net)  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No. A-17-757722-C  
Dept. No. 20

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**NOTICE OF ENTRY OF STIPULATION AND ORDER TO EXTEND THE  
DISCOVERY DEADLINES (NINTH REQUEST)**

PLEASE TAKE NOTICE that an Stipulation and Order to Extend the Discovery Deadlines (Ninth Request), a copy of which is attached hereto.

DATED this 21<sup>st</sup> day of March, 2023.

LAW OFFICE OF DANIEL MARKS

/s/ Nicole M. Young  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Attorneys for Plaintiff

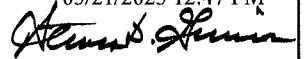
APPENDIX 000745

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Patricia E. Daehnke, Esq.  
Linda K. Rurangirwa, Esq.  
COLLISON, DAENHKE, INLOW & GRECO  
2110 E. Flamingo Road, Suite 212  
Las Vegas, Nevada 89119  
*Attorneys for Defendant Ali Kia, M.D.*

Michael E. Prangle, Esq.  
Tyson J. Dobbs, Esq.  
Sherman B. Mayor, Esq.  
HALL PRANGLE and SCHOONVELD LLC  
1140 North Town Center Drive, Suite 350  
Las Vegas, Nevada 89114  
*Attorneys for Defendant and Third-Party Plaintiff  
Sunrise Hospital and Medical Center, LLC*

/s/ Rayne Forrester  
An employee of the  
LAW OFFICE OF DANIEL MARKS

  
CLERK OF THE COURT

SAO  
LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
(702) 386-0536; Fax (702) 386-6812  
Office@danielmarks.net  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHOLOE GREEN, an individual,  
  
Plaintiff,

Case No. A-17-757722-C  
Dept. No. 19

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**STIPULATION AND ORDER TO EXTEND THE**  
**DISCOVERY DEADLINES**  
**(Ninth Request)**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Choloe Green, by and through her counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law Office of Daniel Marks; Defendants Frank J. DeLee, M.D., and Frank J. DeLee Md, PC, by and through their counsel Eric Stryker, Esq., of Wilson Elser, Moskowitz Edelman & Dicker, LLP; Defendant Sunrise Hospital and Medical Center, LLC, by and through its counsel Tyson J. Dobbs, of Hall Prangle & Schoonveld, LLC; Defendant Ali Kia, M.D., by and through his counsel Laura Lucero, Esq., of Collinson, Daehnke, Inlow & Greco; and Defendant Nevada Hospitalist Group, LLP, by and through its counsel, Melanie Thomas, Esq., of Lewis Brisbois Bisgaard & Smith, as follows, :

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DATED this 17<sup>th</sup> day of March, 2023.

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HALL, PRANGLE & SCHOONVELD, LLC

8

/s/ Tyson L. Dobbs

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TYSON J. DOBBS, ESQ.  
 Nevada State Bar No. 11953  
 1140 N. Town Center Drive Suite #350  
 Las Vegas, Nevada 89144  
 Attorney for Sunrise Hospital

3

Approved as to Form and Content:

4

DATED this 17<sup>th</sup> day of March, 2023.

5

COLLINSON, DAEHNKE, INLOW &amp; GRECO

7

/s/ Linda K. Rurangirwa

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1

LAURA LUCERO, ESQ.  
Nevada State Bar No. 008843  
LINDA K. RURANGIRWA, ESQ.  
Nevada State Bar No. 9172  
2110 E. Flamingo Road, Suite 212  
Las Vegas, Nevada 89119  
Attorneys for Defendant Ali Kia, M.D.

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**ORDER**

The deadlines are extended as follows:

**DISCOVERY**

Close of Discovery	January 22, 2024
Initial Expert Witness Reports	October 24, 2023
Rebuttal Expert Witness Reports	November 27, 2023
Dispositive Motions/Motions to Limine	February 20, 2024

**TRIAL**

Trial Stack	<u>April 15, 2024</u>	at 10:00 am
FIRM Trial Date	<u>April 29, 2024</u>	
Pre-Trial Conference	<u>March 25, 2024</u>	at 8:45 am
Calendar Call	<u>April 1, 2024</u>	at 8:45 am
Status Check Trial Readiness	<u>February 21, 2024</u>	at <del>8:45</del> 10:00 am
Last Day to File Pretrial Memorandum	<u>April 1, 2024</u>	

A new Trial Order will not issue.

Dated this 21st day of March, 2023



219 C4A 3DBD 0ECE  
Crystal Eller  
District Court Judge

Submitted by:

LAW OFFICE OF DANIEL MARKS

/s/ Daniel Marks

DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Attorney for Plaintiff

## Office

---

**From:** Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>  
**Sent:** Friday, March 17, 2023 12:25 PM  
**To:** Office  
**Subject:** RE: Green v. Delee

You can use my signature.



**Melanie L. Thomas**  
**Partner**  
**Melanie.Thomas@lewisbrisbois.com**  
**T: 702.693.1718 F: 702.366.9563**

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

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**From:** Office <office@danielmarks.net>  
**Sent:** Friday, March 17, 2023 8:33 AM  
**To:** Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>  
**Subject:** [EXT] Green v. Delee

Good morning Melanie:

We are waiting for your approval to submit the SAO. Please provide us with an update.

*Thank You,*

Rayne Forrester, Asst. to Daniel Marks

**Law Office of Daniel Marks**

610 South Ninth Street

Las Vegas, Nevada 89101

O: (702) 386-0536; F: (702) 386-6812



## Office

---

**From:** Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Sent:** Tuesday, March 14, 2023 2:39 PM  
**To:** Office; Tyson Dobbs; Thomas, Melanie; Linda K. Rurangirwa; Nicole Young  
**Cc:** Stryker, Eric K.; Vogel, Brent; Patricia Daehnke; Clark, Angela; Galvez, Catherine; Brown, Heidi; Laura Lucero  
**Subject:** RE: [EXT] RE: Green v. Delee

You may use my electronic signature.

Justin A. Shiroff  
Attorney At Law  
Wilson Elser Moskowitz Edelman & Dicker LLP  
6689 Las Vegas Blvd. South, Suite 200  
Las Vegas, NV 89119  
702.727.1257 (Direct)  
702.327.6595 (Cell)  
702.727.1400 (Main)  
702.727.1401 (Fax)  
[justin.shiroff@wilsonelser.com](mailto:justin.shiroff@wilsonelser.com)

**From:** Office [mailto:office@danielmarks.net]  
**Sent:** Tuesday, March 14, 2023 11:07 AM  
**To:** Tyson Dobbs <tdobbs@HPSLAW.COM>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>  
**Cc:** Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Galvez, Catherine <Catherine.Galvez@lewisbrisbois.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>  
**Subject:** RE: [EXT] RE: Green v. Delee

### [EXTERNAL EMAIL]

Good morning:

Please see the attached revised Stipulation and Order for your approval. The court wanted us to specifically refer to the extended deadlines in the Order section. It also wanted us to include a Trial section for the Court to fill out. Please let us know if you have any further questions.

*Kind Regards,*

Sent from this account  
On behalf of Nicole Young, Esq.  
Law Office of Daniel Marks  
610 South Ninth Street

## Office

---

**From:** Tyson Dobbs <tdobbs@HPSLAW.COM>  
**Sent:** Tuesday, March 14, 2023 12:28 PM  
**To:** Office; Thomas, Melanie; Linda K. Rurangirwa; Nicole Young  
**Cc:** Stryker, Eric K.; Shiroff, Justin A.; Vogel, Brent; Patricia Daehnke; Clark, Angela; Galvez, Catherine; Brown, Heidi; Laura Lucero  
**Subject:** RE: [EXT] RE: Green v. Delee

You can use my e-signature.



1140 North Town Center Dr.  
Suite 350  
Las Vegas, NV 89144  
F: 702.384.6025

**Tyson Dobbs**  
*Partner*  
O: 702.212.1457  
Email: tdobbs@HPSLAW.COM

**Legal Assistant:** Nicole Etienne  
O: 702.212.1446  
Email: netienne@hpslaw.com

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**From:** Office <office@danielmarks.net>  
**Sent:** Tuesday, March 14, 2023 11:07 AM  
**To:** Tyson Dobbs <tdobbs@HPSLAW.COM>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>  
**Cc:** Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Galvez, Catherine <Catherine.Galvez@lewisbrisbois.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>  
**Subject:** RE: [EXT] RE: Green v. Delee

---

[External Email] CAUTION!

---

Good morning:

Please see the attached revised Stipulation and Order for your approval. The court wanted us to specifically refer to the extended deadlines in the Order section. It also wanted us to include a Trial section for the Court to fill out. Please let us know if you have any further questions.

## Office

---

**From:** Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>  
**Sent:** Wednesday, March 15, 2023 8:46 AM  
**To:** Office; Tyson Dobbs; Thomas, Melanie; Nicole Young  
**Cc:** Stryker, Eric K.; Shiroff, Justin A.; Vogel, Brent; Patricia Daehnke; Clark, Angela; Galvez, Catherine; Brown, Heidi; Laura Lucero  
**Subject:** RE: [EXT] RE: Green v. Delee

You may use my electronic signature.

Thank you,

Linda K. Rurangirwa  
Collinson, Daehnke, Inlow & Greco

**From:** Office <office@danielmarks.net>  
**Sent:** Tuesday, March 14, 2023 11:07 AM  
**To:** Tyson Dobbs <tdobbs@HPSLAW.COM>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>  
**Cc:** Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Galvez, Catherine <Catherine.Galvez@lewisbrisbois.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>  
**Subject:** RE: [EXT] RE: Green v. Delee

Good morning:

Please see the attached revised Stipulation and Order for your approval. The court wanted us to specifically refer to the extended deadlines in the Order section. It also wanted us to include a Trial section for the Court to fill out. Please let us know if you have any further questions.

*Kind Regards,*

**Sent from this account**  
**On behalf of Nicole Young, Esq.**  
**Law Office of Daniel Marks**  
610 South Ninth Street  
Las Vegas, Nevada 89101  
O: (702) 386-0536; F: (702) 386-6812

**From:** Tyson Dobbs [<mailto:tdobbs@HPSLAW.COM>]  
**Sent:** Monday, March 13, 2023 4:18 PM  
**To:** Office <[office@danielmarks.net](mailto:office@danielmarks.net)>; Thomas, Melanie <[Melanie.Thomas@lewisbrisbois.com](mailto:Melanie.Thomas@lewisbrisbois.com)>; Linda K. Rurangirwa <[Linda.Rurangirwa@cdiglaw.com](mailto:Linda.Rurangirwa@cdiglaw.com)>; Nicole Young <[NYoung@danielmarks.net](mailto:NYoung@danielmarks.net)>  
**Cc:** Stryker, Eric K. <[Eric.Stryker@wilsonelser.com](mailto:Eric.Stryker@wilsonelser.com)>; Shiroff, Justin A. <[Justin.Shiroff@wilsonelser.com](mailto:Justin.Shiroff@wilsonelser.com)>; Vogel, Brent

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
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6 Choloe Green, Plaintiff(s)

CASE NO: A-17-757722-C

7 vs.

DEPT. NO. Department 19

8 Frank Delee, M.D., Defendant(s)  
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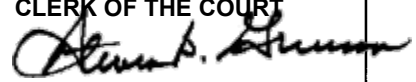
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/21/2023

15 E-File Admin	efile@hpslaw.com
16 S. Vogel	brent.vogel@lewisbrisbois.com
17 Eric Stryker	eric.stryker@wilsonelser.com
18 Efile LasVegas	efilelasvegas@wilsonelser.com
19 Angela Clark	angela.clark@wilsonelser.com
20 Daniel Marks	office@danielmarks.net
21 Linda Rurangirwa	linda.rurangirwa@cdiglaw.com
22 Amanda Rosenthal	amanda.rosenthal@cdiglaw.com
23 Laura Lucero	laura.lucero@cdiglaw.com
24 Tyson Dobbs	tdobbs@hpslaw.com
25 Alia Najjar	alia.najjar@wilsonelser.com
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1	Patricia Daehnke	patricia.daehnke@cdiglaw.com
2	Nicolle Etienne	netienne@hpslaw.com
3	Nicole Young	nyoung@danielmarks.net
4	Reina Claus	rclaus@hpslaw.com
5	Camie DeVoge	cdevoge@hpslaw.com
6	Melanie Thomas	Melanie.Thomas@lewisbrisbois.com
7	Deborah Rocha	deborah.rocha@cdiglaw.com
8	Lacey Ambro	lacey.ambro@cdiglaw.com
9	Justin Shiroff	justin.shiroff@wilsonelser.com
10	Heidi Brown	Heidi.Brown@lewisbrisbois.com
11	Catherine Galvez	catherine.galvez@lewisbrisbois.com
12	Tiffany Dube	tiffany.dube@wilsonelser.com
13	Lora Schneider	lora.schneider@cdiglaw.com
14	Gaylene Kim-Mistrille	Gaylene.Kim-Mistrille@lewisbrisbois.com
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LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
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(702) 386-0536; Fax (702) 386-6812  
[Office@danielmarks.net](mailto:Office@danielmarks.net)  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No. A-17-757722-C  
Dept. No. 19

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**NOTICE OF ENTRY OF ORDER SHORTENING TIME**

PLEASE TAKE NOTICE that an Order Shortening Time was entered on the 4<sup>th</sup> day of April, 2023,  
a copy of which is attached hereto.

DATED this 4<sup>th</sup> day of April, 2023.

LAW OFFICE OF DANIEL MARKS

/s/ Nicole M. Young  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Attorneys for Plaintiff

APPENDIX 000757

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Patricia E. Daehnke, Esq.  
Linda K. Rurangirwa, Esq.  
COLLISON, DAENHKE, INLOW & GRECO  
2110 E. Flamingo Road, Suite 212  
Las Vegas, Nevada 89119  
*Attorneys for Defendant Ali Kia, M.D.*

Michael E. Prangle, Esq.  
Tyson J. Dobbs, Esq.  
Sherman B. Mayor, Esq.  
HALL PRANGLE and SCHOONVELD LLC  
1140 North Town Center Drive, Suite 350  
Las Vegas, Nevada 89114  
*Attorneys for Defendant and Third-Party Plaintiff  
Sunrise Hospital and Medical Center, LLC*

/s/ Rayne Forrester  
An employee of the  
LAW OFFICE OF DANIEL MARKS

LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
(702) 386-0536; Fax (702) 386-6812  
[Office@danielmarks.net](mailto:Office@danielmarks.net)  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHOLOE GREEN, an individual,

Case No. A-17-757722-C  
Dept. No. 19

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Hearing Date: April 12, 2023  
Hearing Time: 11:00 a.m.

Opposition Due: April 7, 2023  
No Reply.

Defendants.

**ORDER SHORTENING TIME**

IT IS HEREBY ORDERED that Plaintiff's Motion to Extend Last Day to Amend  
Pleadings and Add Parties Deadline be consolidated with Defendants' Motions for Summary  
Judgment scheduled for April 12, 2023 at 11:00 a.m.

DATED this \_\_\_\_ day of March, 2023.

Dated this 4th day of April, 2023

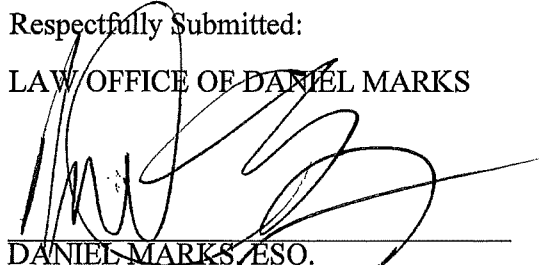


A8B 373 4126 2A12  
Crystal Eller  
District Court Judge



1 Respectfully Submitted:

2 LAW OFFICE OF DANIEL MARKS

3   
4  
5 ~~DANIEL MARKS, ESQ.~~

Nevada State Bar No. 002003

6 ~~NICOLE M. YOUNG, ESQ.~~

Nevada State Bar No. 12659

7 610 South Ninth Street

8 Las Vegas, Nevada 89101

Attorneys for Plaintiff

---

# **EXHIBIT 1**

---



LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
(702) 386-0536; Fax (702) 386-6812  
[Office@danielmarks.net](mailto:Office@danielmarks.net)  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No. A-17-757722-C  
Dept. No. 19

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**EX PARTE APPLICATION TO CONSOLIDATE**

COMES NOW the Plaintiff, Chloe Green, by and through her counsel, Daniel Marks, Esq., and  
Nicole M. Young, Esq., of the Law Office of Daniel Marks, and hereby submits her Ex Parte  
Application to Consolidate the hearings on Plaintiff's Motion to Extend Last Day to Amend Pleadings  
And Add Parties Deadline with Defendants' Motions for Summary Judgement, which is scheduled for  
April 12, 2023 at 11:00 a.m.

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1 The grounds for this request are set forth in the following Declaration of Nicole Young, Esq.  
2 DATED this 31 day of March, 2023.

3 LAW OFFICE OF DANIEL MARKS

4   
5 \_\_\_\_\_  
6 DANIEL MARKS, ESQ.  
7 Nevada Bar No. 002003  
8 NICOLE M. YOUNG, ESQ.  
9 Nevada State Bar No. 12659  
10 610 South Ninth Street  
11 Las Vegas, Nevada 89101  
12 Attorney for Plaintiff  
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of Nevada:

3. That Plaintiff requests the hearings on the above-referenced motions be consolidated and heard on April 12, 2023, at 11:00 a.m.

DATED this 31 date of March, 2023.

~~NICOLE M. YOUNG, ESQ.~~

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Choloe Green, Plaintiff(s)

CASE NO: A-17-757722-C

7 vs.

DEPT. NO. Department 19

8 Frank Delee, M.D., Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/4/2023

15 E-File Admin

efile@hpslaw.com

16 S. Vogel

brent.vogel@lewisbrisbois.com

17 Eric Stryker

eric.stryker@wilsonelser.com

18 Efile LasVegas

efilelasvegas@wilsonelser.com

19 Angela Clark

angela.clark@wilsonelser.com

20 Tyson Dobbs

tdobbs@hpslaw.com

21 Alia Najjar

alia.najjar@wilsonelser.com

22 Patricia Daehnke

patricia.daehnke@cdiglaw.com

24 Linda Rurangirwa

linda.rurangirwa@cdiglaw.com

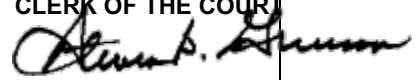
25 Amanda Rosenthal

amanda.rosenthal@cdiglaw.com

26 Laura Lucero

laura.lucero@cdiglaw.com

1	Daniel Marks	office@danielmarks.net
2	Nicolle Etienne	netienne@hpslaw.com
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DISTRICT COURT  
CLARK COUNTY, NEVADA

CHLOE GREEN,

Plaintiff,

vs.

FRANK DELEE, M.D.,

Defendant.

CASE NO.: A-17-757722-C

DEPT. XIX

BEFORE THE HONORABLE CRYSTAL ELLER, DISTRICT COURT JUDGE  
WEDNESDAY, APRIL 12, 2023

***RECORDER'S TRANSCRIPT OF HEARING RE:  
ALL PENDING MOTIONS***

APPEARANCES (SEE PAGE 2):

RECORDED BY: CYNTHIA MOLERES, COURT RECORDER



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APPEARANCES:

For the Plaintiff:	DANIEL MARKS, ESQ. NICOLE M. YOUNG, ESQ.
For the Defendant:	
Ali Kia, M.D.	LINDA K. RURANGIRWA, ESQ.
Frank J. Delee, M.D.	JUSTIN SHIROFF, ESQ.
Sunrise Hospital and Medical Center, LLC.	TYSON J. DOBBS, ESQ.
Nevada Hospitalist Group, LLP	MELANIE L. THOMAS, ESQ.

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Las Vegas, Nevada; Wednesday, April 12, 2023

[Proceeding commenced at 8:38 a.m.]

THE COURT CLERK: Page 1, A-17-757722-C, Choloe Green  
vs. Frank Delee, M.D.

THE COURT: All right. Thank you.

And appearances, please.

MR. MARKS: Good morning, Your Honor. Daniel Marks  
and Nicole Young for the plaintiff.

THE COURT: Thank you.

MS. THOMAS: Good morning, Your Honor. Melanie  
Thomas on behalf of Nevada Hospitalist Group.

MS. RURANGIRWA: Good morning, Your Honor. Linda  
Rurangirwa on behalf of Dr. Kia.

MR. DOBBS: Good morning, Your Honor. Tyson Dobbs  
for Sunrise Hospital.

MR. SHIROFF: Good morning, Your Honor. Justin Shiroff  
for Dr. Delee.

THE COURT: And the last one?

MR. SHIROFF: Dr. Delee. We didn't file any papers for  
this morning's motion. I'm just here to observe.

THE COURT: Okay. And then I'm sorry. Who are you  
here for?

Not you, her.

MS. RURANGIRWA: Dr. Kia.

1 THE COURT: And what was your name?

2 MS. RURANGIRWA: Linda Rurangirwa.

3 THE COURT: There you are. Okay. Thank you.

4 All right. So this Defendant Sunrise Hospital and Medical  
5 Center, LLC's Motion for Summary Judgment, Defendant Ali Kia,  
6 M.D.'s Motion for Summary Judgment, Defendant Nevada  
7 Hospitalist Group, LLC's Motion for Summary Judgment.

8 Do you guys have a preference on what we start with?

9 MR. MARKS: Your Honor, before we start, we had also  
10 filed a motion to extend deadlines that --

11 THE COURT: Oh.

12 MR. MARKS: -- I thought you signed an order shortening  
13 time.

14 THE COURT: Yes. That's on here as well. Sorry. Next  
15 page, Plaintiff's Motion to Extend Last Day to Amend Pleadings and  
16 Add Parties. Sorry about that, yes.

17 I have that this morning as well.

18 MR. MARKS: Did you want to take them, just in order of  
19 filing?

20 THE COURT: Sure. Okay. So we'll start with Defendant's  
21 Sunrise Hospital Medical Center LLC's Motion for Summary  
22 Judgment.

23 MR. DOBBS: Thank you, Your Honor.

24 The basis of our motion is pretty simple. And the -- just to  
25 give you a little bit of a procedural history as to how the case

1 started and where we're at, the case was initially filed against  
2 Sunrise Hospital and Dr. Delee. And the affidavit of merit says that  
3 the decision to discharge the patient on July 16th was negligence  
4 that that was a bad decision by Dr. Delee and Sunrise Hospital.

5 Plaintiff then amended their complaint and they added --  
6 well, they took the deposition of Dr. Kia, and they learned that  
7 Dr. Kia was actually the individual that discharged the patient. And  
8 so, then they amended the complaint. They added a new expert  
9 affidavit. The new expert affidavit clarified the original complaint  
10 and said, yeah, so when I said Sunrise Hospital and Dr. Delee were  
11 negligent in discharging this patient, what I really meant was that it  
12 was Dr. Kia since he was the one that discharged the patient.

13 And what he says is, Dr. Kia and any other providers  
14 involved in the decision to discharge were negligent.

15 While we look at Dr. Kia's deposition and we look at  
16 Dr. Delee's deposition, and what we learn is that it was Dr. Kia  
17 alone, after consulting Dr. Delee, that discharged the patient.

18 And in the interim, there were decisions from the Court  
19 that said there was no ostensible agency vicarious liability for  
20 Dr. Delee. There's no ostensible agency vicarious liability for  
21 Dr. Kia against Sunrise Hospital. And the Court denied Plaintiff's  
22 motion to amend to add a corporate negligence claim against  
23 Sunrise Hospital.

24 So what you're left with is one allegation against Sunrise  
25 Hospital that the decision to discharge the patient was negligent.

1 Well, it's an undisputed fact that Sunrise Hospital had no role in  
2 that decision. Sunrise Hospital by its very nature as a hospital,  
3 does not make the decision to discharge. That's patient -- that's a  
4 physician's decision.

5 And it's an undisputed fact, Plaintiff's opposition does not  
6 dispute that fact. They don't say, oh, there was other individuals  
7 involved in the decision to discharge. What they do is reargue the  
8 agency issues, which have already been resolved by the Court.  
9 There are no agency issues.

10 So they attempt to reargue the agency issues. They also  
11 bring up these administrative regulations to suggest that, oh, hey,  
12 well Sunrise Hospital has a role as a hospital to have policies to do  
13 this, that, and the other thing. Well, that's a corporate negligence  
14 claim. And the Court already denied that request to bring the claim  
15 in.

16 And so really, the opposition to the motion for summary  
17 judgment is trying to create genuine issues of material fact as to  
18 claims that are not pled. They haven't raised any evidence to create  
19 a dispute as to a genuine issue of fact as to any claim pled. And the  
20 only claim pled is that the decision to discharge the plaintiff was  
21 negligent. And that is not Sunrise Hospital's decision.

22 And so, unless they can offer evidence that Sunrise  
23 Hospital had a role in that decision, which they haven't done, then  
24 their summary judgment must be granted because they haven't  
25 offered any evidence.

1           They do ask for a 56(d) relief. They attach an affidavit.  
2 But I would say the affidavit is insufficient because it doesn't say  
3 what evidence is -- they're going to get, or what discovery is going  
4 to be done to create an issue of fact as to whether or not Sunrise  
5 Hospital made the decision to discharge the patient, which is the  
6 only claim in the case.

7           And they haven't filed any motion to amend the complaint  
8 to add any additional claims or basis against Sunrise Hospital.

9           So it's very simple, Your Honor. There's one claim in this  
10 case. It's a negligent discharge and we know that the party that  
11 discharged this patient was Dr. Kia. And so, summary judgment is  
12 appropriate for Sunrise Hospital.

13           THE COURT: Thank you.

14           Mr. Marks?

15           MR. MARKS: Yes, Your Honor.

16           Okay. So this case has somewhat of a tortured procedural  
17 history. So you're the fourth judge to make substantive rulings, not  
18 procedural rulings, but actual substantive rulings that are really  
19 important in the case. And I'm not sure how you feel about  
20 following your brethren in their decisions because a lot of that is  
21 with Nevada Hospitalist and Ali Kia.

22           But let's focus on Sunrise and you may want to withhold  
23 decision until you hear all the motions because I don't know how  
24 you feel about consistency or inconsistency.

25           Let's go back.

1           We originally sued Sunrise and Dr. Delee for negligence.  
2       There were two discharges. The patient came in and delivered a  
3       baby on July 9th of 2016. Dr. Delee was the OB-G, the obstetrician.  
4       We have a affidavit attached to our complaint and we also attached  
5       it to the opposition to the various motions by Dr. Lisa Karamardian.

6           The Plaintiff had a c-section. The patient was discharged  
7       with no bowel movement after one day. That violates the standard  
8       of care. It doesn't just violate the standard of care by Dr. Delee.  
9       The affidavit of merit, which is unrefuted, they don't have an expert,  
10      so it violates the standard of care by Sunrise.

11          And Counsel's argument is based on the second  
12      admission. So she goes home, she has tremendous stomach  
13      problems. She goes to Dr. Delee, nothing happens. She goes back  
14      on July 14th, less than a week later, to the Sunrise ER.

15          Once she's in the Sunrise ER, you're in that whole  
16      renown, you appear to the ER expecting care from the ER. The ER  
17      chooses the course of treatment. They choose, apparently, Ali Kia,  
18      based on insurance, contracts between Nevada Hospitalist and  
19      Sunrise. We're still doing discovery to determine how and why that  
20      happened.

21          She's in the hospital for three days. The affidavit of merit  
22      by Dr. Savluk, is not just talking about the discharge on July 16th.  
23      She's discharged on July 16th. It's talking about the lack of care  
24      she received during that three days. She basically got no care and  
25      is discharged on the 16th.

1           Now, I think that you understand that if you deliver a baby  
2 and you're having stomach issues a week later by c-section, she  
3 was supposed to get obstetric care. Number one, that's the first  
4 thing you look at. Dr. Delee goes on out of town, vacation or trip,  
5 he's saying in discovery that he turned care over to the laborist  
6 program at Sunrise. We're asking about that. We're still trying to  
7 get discovery as to what did he mean by turning care over to the  
8 laborist program because he never comes to the hospital.

9           As far as we can ascertain, no OB, no, you know, OB-GYN  
10 actually sees her during those three days. She gets no care. She's  
11 then discharged on the 16th.

12           Within 24 to 36 hours later, she appears at Centennial  
13 Hospital. She has emergency surgery. She codes, and essentially,  
14 she's left 35-year-old woman needing permanent oxygen bowels  
15 everyday because of acute respiratory distress syndrome.

16           They're focusing on the discharge. We're focusing, not  
17 just on the discharge, but no care during that three days. But here's  
18 how the case, sort of got to the terrible procedural posture it's at.  
19 Sunrise filed a motion for summary judgment, I believe in 2019.  
20 We opposed it. We appeared in front of Judge Smith.

21           So we're now going down memory lane. Judge Smith  
22 denied their motion, finding there was ostensible agency under the  
23 *McCrosky* case and also the *Renown* case. That was the correct  
24 decision because Ali Kia was chosen not by the plaintiff. She was  
25 in distress. She never knew Ali Kia. She had no idea who Ali Kia



1 was. It was chosen by the emergency department and/or policies  
2 and procedures set up through Sunrise. We believe that was the  
3 correct decision.

4 So then Sunrise filed a third-party complaint against Ali  
5 Kia and Nevada Hospitalist. There were delays in answering  
6 Nevada Hospitalist et cetera, et cetera, et cetera.

7 Finally, Ali Kia and Nevada Hospitalist filed a motion to  
8 dismiss that third-party complaint. Now, Judge Smith had retired;  
9 we're now in front of Judge Silva.

10 Judge Silva had a totally different view than Judge Smith  
11 did as to what should happen. Judge Silva, in a nutshell, I'm  
12 paraphrasing, felt that ostensible agency didn't lie, and we believe  
13 that was wrong. But that was her opinion. But that Ali Kia and  
14 Nevada Hospitalist could and should be named as defendants  
15 under the relation back doctrine. And that was her decision and  
16 that's how the case proceeded, at least in 2019 and the beginning of  
17 2020.

18 And actually, during 2020, I recall distinctly during the  
19 pandemic, we were all on Bluejeans. We argued those motions  
20 endlessly. It felt like the whole summer. The upshot after several  
21 court appearances, you know, by Bluejeans, the decision was to  
22 allow an amendment against Ali Kia and Nevada Hospitalist. There  
23 was never a motion to dismiss Sunrise in its entirety. Sunrise  
24 would stand for direct negligence, but Ali Kia's discharge, we could  
25 not sue Sunrise under ostensible agency or vicarious liability for

1 that. But there was never a motion in its totality to dismiss Sunrise.  
2 And that's because of the Lisa Karamardian affidavit, at a minimum.  
3 That was never contested.

4 So then we spent all of '21 after Judge Silva was  
5 appointed to the Federal bench, then we had Judge Lilly-Spells, and  
6 we spent most of '21 with Ali Kia and Nevada Hospitalist filing  
7 motions to dismiss; that was denied. Motions for reconsideration;  
8 that was denied. A writ to the Supreme Court; that was denied.  
9 There was also a stay during that whole time. And that's important  
10 in terms of why we're now so far down and we still don't have  
11 discovery because when you look back from March of '20, in the  
12 beginning of the pandemic through now, we're still arguing,  
13 virtually, the same motions for three years, plus Supreme Court,  
14 plus stay.

15 The difference is Sunrise had never filed a motion totally  
16 for summary judgment was limited to Dr. Kia. So with that all  
17 being said, we have an affidavit of Lisa Karamardian that says  
18 Sunrise violated the standard of care. There's standards of  
19 obstetric care under the NACs, under 449 that we've attached that  
20 are the law. That's the law of the State of Nevada that a patient's  
21 supposed to get individualized care.

22 So discharging the patient after one day is not only a  
23 Dr. Delee issue, according to our expert, it's a Sunrise issue. And  
24 for instance, there's an issue of who were the laborist at Sunrise  
25 that we want to do discovery on, and what is their role in both of

1 the discharges, probably more the second.

2           There's also a NAC that Sunrise is supposed to have a  
3 director of obstetric department at Sunrise that's supposed to be  
4 responsible for the quality of care and review of the practices, and  
5 that goes to being discharged after one day. That also goes to why  
6 -- if she had a baby at Sunrise on July 9th and she's complained --  
7 by c-section, and she's complaining of severe stomach pains on  
8 July 14th, and she's in the hospital for three days, she doesn't see  
9 any OB-G. They can't just blame Dr. Delee that he didn't show. If  
10 someone's not showing and you're in the hospital, you need to get  
11 an OB-G over there to see what's going on.

12           It's a lack of care. It's not just a discharge. It's no care  
13 during those three days, and that's detailed in the Dr. Savluk  
14 affidavit that's attached.

15           Additionally, Sunrise -- the discharge on July 16th, there  
16 was a finding of small bowel obstruction and sepsis. Sepsis,  
17 obviously, is a severe infection. She's essentially let out with  
18 sepsis. There's obviously rules and regulations that a sepsis  
19 patient doesn't just walk out of the hospital. And we know that  
20 she's severely sick because 24 hours later, she's in an emergency  
21 surgery, codes, and essentially has acute respiratory distress  
22 syndrome.

23           So the timing is not -- this is no issue here. It's within 24  
24 hours she's at Centennial having emergency surgery. We believe  
25 they violated the standard of care in the NACs. That's not corporate

1 negligence; that's negligence of a hospital. This concept that we're  
2 a building, and we don't provide any medical care, is belied by their  
3 billboards, their advertisement, their website, and Nevada law.

4 The Nevada law makes a hospital responsible for medical  
5 care and getting somebody the correct providers, which they didn't  
6 do here.

7 And the idea that they are just this sort of pop-up group of  
8 independent contractors, is not in keeping with Nevada law. The  
9 Supreme Court in *Renown* cited the *Simmons* case out of South  
10 Carolina which cites, restatement of Torts 429 and 429 essentially  
11 says, in this situation, that when a hospital hires people, it doesn't  
12 matter whether they're independent contractors or not because  
13 that's really a tax differential, how doctors are paid, whether it's  
14 gross 1099 or W-2. That's a labor issue. It has nothing to do with  
15 liability in this scenario.

16 You don't avoid liability by just calling somebody a 1099.  
17 Any more than if you are a landlord and you hire a contractor and  
18 the apartment complex goes on fire, the landlord is still liable. Any  
19 more than if you held a yellow cab, and they get into an accident,  
20 they can't just say, hey, by the way, we decided to pay him his  
21 1099. Yellow cab is not liable. That's Nevada law.

22 So for them to say we're a building, we employ no  
23 doctors. Their own conditions of service don't say they employ no  
24 doctors. They say we have some doctors and some independent  
25 contractors.

1           We're entitled to continue to do more discovery on this  
2 issue. Summary judgment is premature. But beyond that, we have  
3 affidavits, they have no affidavits. That's enough at this stage to  
4 deny the motion today.

5           THE COURT: All right. Thank you.

6           Response?

7           MR. DOBBS: Your Honor, I'll address a few points.

8           First, I just want to make the procedural history clear.  
9 When we filed our motion for summary judgment initially on the  
10 agency, it was granted as to Dr. Delee -- this is by Judge Smith. It  
11 was granted as to Dr. Delee, denied as to Dr. Kia, and then later it  
12 was Judge Silva that then granted the -- that found no ostensible  
13 agency for Dr. Kia.

14           And that leads me to the -- what his argument is. We're  
15 not saying that we cannot be held -- that Sunrise Hospital cannot be  
16 held liable for the conduct of its doctors. The doctors that practice  
17 at the hospital, certainly under *Schlotfeldt*, under *Renown* -- the  
18 case he cited under *Renown*, a hospital can be liable for those  
19 doctors. But that issue is moot here because Judge Silva already  
20 said there's no ostensible agency for Dr. Kia. And Judge Smith said  
21 there's no ostensible agency for Dr. Delee.

22           And so, that's really a moot point. It doesn't matter --  
23 we're not saying that the hospital can never be liable for physician  
24 defendants. What we are saying is that the hospital does not make  
25 the discharge decision. That is a doctor decision. And we could be

1 liable for that doctor's decision if we're ostensibly liable for that  
2 doctor. But in this case, it's an undisputed fact that we are not  
3 liable for Dr. Kia, and we are not liable for Dr. Delee.

4 And so, all this rambling about the Nevada Administrative  
5 Code and all of these -- and us trying to skirt liability for our  
6 physicians is nonsense because we already have rulings from this  
7 court that there is no liability for those physicians. So it has to be a  
8 claim against us. And the only claim in that complaint is for the  
9 discharge.

10 He cites the affidavits of the two experts. I would invite  
11 the Court to review those affidavits in detail. Dr. Savluk, if I'm  
12 saying his name right, Savluk, his opinion is Dr. Kia's care of his  
13 patient, Choloe Green, fell below the standard of care for a  
14 hospitalist for the following reasons: Failure to continue to  
15 appropriate antibiotics, failure to continue antibiotics post  
16 discharge, failure to follow up on radiographic studies, discharging  
17 a patient with evidence of a small bowel obstruction, prematurely  
18 discharging the patient before she had adequately recovered from  
19 septic process, those are all attributed to Dr. Kia. There's nothing in  
20 there that says Sunrise Hospital breached any of those duties.

21 And then what he does say is the conduct described in  
22 paragraph 5 of Dr. Karamardian's affidavit, the other affidavit  
23 Plaintiff produced, this affidavit dated June 29, 2017, relating to  
24 Ms. Green's discharge from Sunrise Hospital relates to the care  
25 provided to Ms. Green at Sunrise by Dr. Ali Kia and any other

1 medical providers that were involved in the decision to discharge  
2 Ms. Green on July 16, 2016. This discharge decision violated the  
3 standard of care. That's the one affidavit.

4 The other affidavit, he referenced -- I think it's interesting  
5 because we know that we're not liable for Dr. Delee. And that  
6 affidavit, the first affidavit, says, hey, Sunrise and Dr. Delee violated  
7 the standard of care through the initial discharge.

8 When we served discovery on Plaintiffs, and we asked  
9 them specifically, and this is not in their opposition, it's not in their  
10 argument, they completely ignore it as if discovery is completely  
11 irrelevant. This is our request to them. If you contend that Sunrise  
12 Hospital was negligent and careless in the performance of its duties  
13 and obligations owed to you, state with specificity in your own  
14 words, and without legal or medical conclusion, all the facts that  
15 you rely on.

16 The answer, pursuant to the affidavit of Dr. Lisa  
17 Karamardian, which is attached to Plaintiff's complaint, paragraph 5  
18 states, and it goes through the comment that we just discussed,  
19 which Dr. Savluk says, is attributable to Dr. Kia.

20 And so, now they're moving the goal post. So not it's not  
21 July 16th, it's actually July 10th that we're talking about. And it's  
22 not the discharge that we're talking about, it's the entirety of the  
23 care that we're talking about.

24 We don't know what we're defending in this case. All I  
25 know is what the complaint says, and the complaint says you're

1 defending -- I know what the complaint says and what Plaintiff says.  
2 And from that, I know we're defending July 16th, the discharge.  
3 And it's an undisputed fact that Sunrise Hospital had no role in that  
4 discharge decision.

5 All of the argument here is new to me, Your Honor. It's  
6 the first time we've ever heard of all these allegations that we're  
7 supposed to defend. And the suggestion that we need an expert at  
8 this point is nonsense. I don't need an expert because the facts are  
9 undisputed that we had no role in the only care that was allegedly  
10 negligent. And that's why summary judgement should be granted  
11 for summary -- for Sunrise Hospital.

12 THE COURT: All right. Thank you.

13 Mr. Marks, I understand your argument for direct  
14 negligence. I mean, because we're here as you -- both sides have  
15 clearly stated, we have rulings in this case that make it unique.  
16 Prior rulings in this case that narrow the issues that make it unique  
17 from when you're brand new, fresh starting and somebody gets  
18 through discovery and files a motion for summary judgment.

19 So what you're focusing here on today, is essentially the  
20 direct negligence. And because we know we can't have corporate,  
21 we can't have ostensible, that's already been ruled out.

22 And by the way, in case that's a question still, I -- as a  
23 fellow Eighth Judicial District Court Judge, will not change,  
24 overrule, or in any other way, change those orders. Those judges  
25 had reasons they made those errors and I'm going to second guess



1     them.

2                 MR. MARKS: Right. So initially --

3                 THE COURT: So they're in place.

4                 MR. MARKS: Okay. Because I'm concerned that if you  
5     grant their motion, then we should be able to potentially amend to  
6     go back, because originally, Judge Smith ruled in our favor. So it's  
7     a little hard on the plaintiff when there's four judges making  
8     inconsistent rulings. They keep filing motions saying they don't like  
9     the last ruling. We want to go back to Judge Smith.

10                But if you're not doing that and you're going to be  
11     consistent, we still have a direct claim against Sunrise. And Lisa  
12     Karamardian's affidavit says Sunrise is negligent for allowing the  
13     one-day discharge after a c-section, which violates every rule in the  
14     book. They never deposed her. We don't have the expert reports  
15     yet.

16                When they say they don't know what they're defending,  
17     they know what they're defending. They read her affidavit. They  
18     just don't want to be liable for what Delee did. But we're saying it's  
19     direct negligence against Sunrise for allowing that to happen.  
20     We're also saying allowing to lead a practice there with his  
21     checkered history. There was allegations that he was delivering  
22     babies drunk and that he still had privileges there. So there's direct  
23     negligence on that issue.

24                Judge Silva focused solely on discharge. We never  
25     argued the NACs in front of her. We never argued the lack of care

1 of calling an OB-G to check on the plaintiff because she was a week,  
2 post c-section. She's supposed to get OB-G care for a window of  
3 some six weeks after delivery.

4 What happened with Judge Silva is when Sunrise filed the  
5 third-party complaint --

6 THE COURT: Mm-hmm.

7 MR. MARKS: -- the case went off the rail. She *sua sponte*  
8 said, we don't think you can do that. And then counsel for Sunrise,  
9 at that point, was Sherman Mayor, was like, well, I have to do it  
10 based on what Judge Smith ruled. And Judge Silva then did a 180  
11 and essentially said, I don't find you liable for Judge [sic] Kia. It  
12 didn't go beyond Judge [sic] Kia. It didn't go -- there was no  
13 argument at that point regarding the three days of care.

14 The whole focus, because of the way the case came  
15 down, was Judge Silva wanted to reverse Judge Smith on that one  
16 issue of Ali Kia's discharge. There was no argument regarding  
17 three days of no care. There was no argument she -- that Sunrise  
18 never called in an OB-G. None of that was argued. The NACs were  
19 never argued. She is almost *sua sponte* said, I'm granting the  
20 defendant -- the third-party defendant's motion to dismiss. And  
21 then, we're like, what's going on? She essentially was encouraging  
22 the amendment of amending to sue Alia Kia and Nevada  
23 Hospitalist.

24 But there wasn't an extensive argument against Sunrise  
25 on any of the other issues. It was a very narrowly tailored

1 argument relating solely to Ali Kia.

2 And, again, that goes back to 2020. We essentially were  
3 in a three-year hiatus. We should be able to do more discovery.  
4 We couldn't do discovery for three years not knowing who the  
5 players were because the players were in, they were out, they were  
6 back in. So how do you do discovery? If we did it and somebody's  
7 left out, then they have to do it again.

8 So it may be hard because you probably haven't seen  
9 the endless motion practice and the writ. How could you do stuff  
10 until you knew, finally, who the people were? Because Nevada  
11 Hospitalist and Ali Kia were seeking to be let out both something  
12 like this. Honestly, I haven't seen anything to this degree of four  
13 different judges making at least three different decision, and a stay,  
14 and a writ.

15 So for three years, a lot of the discovery that we wanted  
16 to do to narrow some of these things now, we couldn't do. And  
17 additionally, you had the pandemic on top of it. But mainly, it was  
18 in a motion and a reconsideration, and a writ.

19 And then the judge, I think, rightly granted a stay and  
20 said, let the Supreme Court sort it out and then we'll come back.  
21 So we came back, we then did a new scheduling order. We were  
22 then back to the drawing board as to what discovery we had to do.

23 As you know, the minute this case somehow left Judge  
24 Lilly-Spells, went to Judge Johnson, like, within a day, they file  
25 their motions again. Then there were two preemptory challenges

1 and it wound up here.

2           So I think, honestly, in fairness, in terms of his tortured  
3 history, which certainly isn't within our control, we didn't ask for all  
4 those four judges. We didn't ask for, like, three years of motion  
5 practice. We should be able to have more time. We gave them the  
6 trial dates they want -- they wanted a trial date back in, you know,  
7 to April of that year. We didn't fight them. We agreed. And with  
8 the idea in my mind, that, hey, we should be able to have  
9 discovery. Then they immediately filed all these motions.

10           So I think if you're going to be consistent, Sunrise never  
11 was out. They only were out on the ostensible agency discharge  
12 issue. They never were out of, hey, she got no care. Hey, they  
13 never called an OB-G. Hey, she was discharged initially one day,  
14 which is the domino effect that led to all this. They never filed a  
15 motion for summary judgment on that. And they knew, I think, at  
16 that point that they weren't going to get a motion for summary  
17 judgment because they knew we had this affidavit.

18           THE COURT: Do you think the responses to the discovery  
19 that limits it to that language in Dr. Karamardian's affidavit is  
20 problematic? Instead of listing, like, all the things you just said here  
21 today. Those weren't listed in the discovery responses. Do you  
22 think that's an issue, and if not, why not?

23           MR. MARKS: I don't think it's an issue. I can go back and  
24 look at it. They've known from the affidavits that we have -- the  
25 affidavits go way beyond how they're characterizing them. Again,

1 you can look back and look at it. You're still in notice pleading. The  
2 affidavits are a requirement, again, to get into court, which we've  
3 met.

4 We're in the middle of discovery. For instance, Dr. Delee  
5 sought -- says he signed out to a laborist program at Sunrise. That  
6 that's kind of first. We ask, you know, information on that. There's  
7 been issues, you know, that you were getting objections, et cetera.  
8 We have to sort that out.

9 I don't think it's proper to grant summary judgment totally  
10 against Sunrise on all issues today in light of what's going on. I  
11 mean, basically, even if that answer is incomplete, it's enough to  
12 say, Lisa Karamardian believed Sunrise was negligent. She doesn't  
13 say only because of DeLee. She doesn't say -- she's not a lawyer,  
14 she doesn't say because of vicarious liability. She puts in an  
15 affidavit; Sunrise is liable for this discharge. So how would you  
16 grant summary judgment when that affidavit is unrefuted?

17 If the interrogatory response is complete enough because  
18 it references the affidavit, yes, I'm sure it could be more complete.  
19 But you don't grant summary judgment because it's partially  
20 complete. There's enough to say, we have an affidavit of direct  
21 negligence of the initial discharge. And they've had that for a long  
22 time. And that's why I think they never filed a motion for summary  
23 judgment on its totality after they got the favorable ruling from  
24 Judge Silva.

25 But remember, we got a favorable ruling. Judge Smith

1 ruled it's a question of fact under *McCrosky* and *Renown*, who saw  
2 her at Sunrise, and whether they were independent contractors or  
3 not under ostensible agency, Sunrise can be liable. They're saying  
4 now, they may be liable for other people, just not Dr. Kia.

5 Dr. Kia is not the only doctor that saw her. We're entitled  
6 to do discovery and try to find out who else saw her. For instance,  
7 did a surgeon see her? And is there ostensible agency as to the  
8 surgeon. Who are the laborists? Did they see her? If nobody saw  
9 her, why did nobody see someone who's back in the hospital one  
10 week after a c-section complaining of stomach pain. I don't think  
11 you have to be a doctor to think the first person you call would be  
12 the OB-G.

13 And they can't rely on Delee who doesn't come. If you're  
14 in the hospital and you're a doctor, and the OB-G doesn't come,  
15 you got to call someone else.

16 THE COURT: Understood. Okay. Thank you.

17 MR. DOBBS: You Honor, can I respond to that or --

18 THE COURT: Yes. And I have a specific question as well  
19 that you can incorporate in your response.

20 So in Dr. Karamardian's affidavit, it says specifically, this  
21 -- she talks about what happened -- and it says, this was a violation  
22 of the standard of care by Sunrise Hospital and by Dr. Delee, both  
23 specifically. So the arguments that Mr. Marks is making this  
24 morning, essentially, seems to incorporate that the Dr. Karamardian  
25 felt like it wasn't just this initial discharge. I mean, I know this is the

1 first affidavit, but that back to the initial discharge even, that there  
2 was some care by Sunrise that was not up to par, so go ahead.

3 MR. DOBBS: Right.

4 Yeah, no. And I would say this is just another example of  
5 moving the goal post because as Mr. Marks said, this is a notice  
6 pleading. You put out your complaint. Then we do discovery.  
7 There's a reason for discovery. You're trying to figure out, all right,  
8 what are the true issues in this case? What are we really litigating?  
9 What evidence do we have? We served the written discovery and  
10 it's Plaintiff's -- they can't get away from their own statement.

11 When we asked, what is it that we did wrong? What is it  
12 that Sunrise did wrong? I know you've got this affidavit from Lisa  
13 Karamardian, and they specifically -- they didn't just reference the  
14 affidavit of Lisa Karamardian. They referenced that paragraph 5  
15 regarding the discharge decision.

16 And the reason that is is because there was already  
17 summary judgement as to Dr. Delee. And they were really only  
18 trying to get us for agency for Dr. Delee, and they're really only  
19 trying to get us for agency for Dr. Kia.

20 What's happening now is that since those plaintiffs are  
21 gone, they're moving the goal post. It's like, oh, this wasn't an  
22 agency case. It's a case about all these other things that aren't at  
23 issue and only became an issue when I filed a motion for summary  
24 judgment.

25 And he's brought up multiple times that we didn't file a

1 motion to dismiss. Well, we can't attach evidence to a motion to  
2 dismiss.

3 THE COURT: Mm-hmm.

4 MR. DOBBS: And we attached evidence to this motion.  
5 So there's a reason we didn't file a motion to dismiss.

6 And also, once the decision was made by Judge Silva,  
7 regarding the agency for Dr. Kia, Plaintiff filed a petition for writ of  
8 mandamus, which was not accepted by the Supreme Court. And  
9 the defendants filed a writ of mandamus, which was accepted and  
10 then denied.

11 And so, there was a whole bunch going on right then,  
12 that's why we didn't immediately file our motion for summary  
13 judgment. So the fact that we haven't filed a motion for summary  
14 judgment on this issue is irrelevant.

15 But what is entirely relevant, and is critical in material, is  
16 that when they were asked, when the plaintiff was asked, under  
17 oath, we have verified discovery responses, what is the negligence  
18 of Sunrise Hospital in this case?

19 They responded that it's July 16th discharge, which we  
20 now know is a discharge by Dr. Kia. And so, that should be the end  
21 of the inquiry. Moving the goal post now, administrative  
22 regulations, ostensible agency, the July 10th discharge, which we  
23 have originally told you years ago that was no longer at issue, is  
24 now at issue again, because you filed a motion for summary  
25 judgment. It should be rejected just entirely.



1 THE COURT: Okay.

2 MR. MARKS: Your Honor, just briefly. If you look --

3 THE COURT: Real quick.

4 What about the fact that discovery, especially under 16.1  
5 gets supplemented? What if, you know, I mean there's still time.  
6 There's still time. Discovery is still going on for them to  
7 supplement that answer.

8 MR. DOBBS: Your Honor, we filed a motion for summary  
9 judgement with this evidence in it. They have an obligation under  
10 56 to come forth with evidence by affidavit, interrogatory,  
11 deposition, or otherwise to produce the evidence to oppose our  
12 motion for summary judgment; they did not.

13 And you cannot rely on the pleadings, as we know, you  
14 can't simply point to the pleadings, which is all they've done today  
15 is point to a pleading that the evidence refutes.

16 And so, that's why I would say you can't rely upon this  
17 because they didn't supplement it. They could have. They could  
18 have got an affidavit. They could have done whatever they wanted  
19 to produce evidence to defeat my motion. And if there was some  
20 sort of evidence, but they did not. They had the obligation to do it.  
21 They did not.

22 So there was no supplemental interrogatory, there was no  
23 affidavit. All they have done is relied on pleadings, which their  
24 evidence, and their statements say is, that's not what we're  
25 claiming. What we're claiming is the July 16th discharge was

1 negligent.

2 THE COURT: Okay. And they have, obviously, the second  
3 amended complaint. They have the first -- alleging direct  
4 negligence. Where is that alleged in the second amended  
5 complaint? Direct negligence against Sunrise.

6 MR. DOBBS: There is no allegation of direct negligence.  
7 It's --

8 THE COURT: That's what I'm --

9 MR. DOBBS: Basically, the way the complaint reads, Your  
10 Honor. If you're -- if you're me when I read that complaint initially,  
11 okay. They're alleging vicarious liability for Dr. Delee or -- I mean,  
12 there's no direct negligence in there. Actually, I don't even think  
13 they alleged any vicarious liability. All they said is, Sunrise Hospital  
14 was negligent associated with that first discharge. And then  
15 Sunrise Hospital was negligent associated with the second  
16 discharge.

17 But then the second affidavit clears up that it's not the first  
18 discharge or the second discharge, and their discovery responses.

19 So the complaint itself is very broad. It's the affidavits  
20 that are the only thing that give us any sort of indication of what's  
21 going on in the case. And they cleared up the affidavits via their  
22 discovery responses.

23 MR. MARKS: Your Honor, just --

24 THE COURT: Okay. Go ahead, Mr. Marks.

25 MR. MARKS: Okay. The affidavit of Lisa Karamardian

1 was alleging direct negligence for the July 9th discharge and the  
2 July 16th discharge. Okay? That's clear.

3 They are trying to say, no, that she is doing an ostensible  
4 agency. They didn't depose her. She hasn't done her report yet.  
5 She's saying it's direct negligence. As of today, that's unrefuted.

6 Our discovery responses are consistent. Yes, they can be  
7 expanded, but they refer to her affidavit, in both paragraph 4 and  
8 paragraph 5. She's saying the discharge -- that Sunrise was liable  
9 for discharge one and discharge two. For purposes of summary  
10 judgment, we have to have the slightest doubt as to the facts. How  
11 is that not enough to defeat summary judgment when they have no  
12 counter? They can't rely on our answer to interrogatory, which  
13 refers to that, and say, well, it's incomplete. I didn't allege no care, I  
14 didn't allege these other things. We're alleging an under oath  
15 expert affidavit, which says Sunrise Hospital. It doesn't say  
16 vicarious liability.

17 The Judge Silva order was very narrow because it arose  
18 in a bizarre set of facts. Sunrise didn't just sit tight after Judge  
19 Smith ruled. They decided to sue Ali Kia and Nevada Hospitalist.  
20 And they sued on the amended. They brought in a third-party  
21 complain, I believe under Judge Smith.

22 So then, it's changed to Judge Silva. Judge Silva took a  
23 very, I'd say, proactive role in this, and essentially said, you can't  
24 sue these people. We don't -- I don't believe there's ostensible  
25 agency as to Dr. Kia. We didn't talk about every other doctor. So

1 it's limited to that one thing of Dr. Kia. That's -- she -- this is all sort  
2 of proactive of what she did.

3 And then, we're like, well how can this be? This -- all this  
4 stuff happened. And she's like, okay. Well I'll entertain a motion to  
5 amend. So then we filed our motion to amend, then we obviously  
6 got the opposition, and we spent the next -- now we're on three  
7 years.

8 THE COURT: Okay.

9 MR. MARKS: This whole thing started, literally, during the  
10 pandemic, March. If you go back and just peruse the pleadings, it  
11 literally started, coincidentally, in March of '20.

12 THE COURT: Okay.

13 MR. MARKS: And we never got off the dime. We're now  
14 in April of '23.

15 So I think in fairness based on what we have in the record,  
16 it's premature to grant summary judgment today. I think there's  
17 enough with this affidavit when they don't have the counter  
18 affidavit under the slightest doubt standard.

19 THE COURT: All right. Thank you.

20 And it's your motion. Last word.

21 MR. DOBBS: Yeah. Your Honor, I just want to go back to  
22 the same things that he's relying on the pleadings, the affidavits.  
23 Their discovery responses came after the pleadings. And he keeps  
24 saying that it's like, oh, it's incomplete. The discovery -- there's  
25 nothing in that discovery response that's incomplete. The

1 discovery response is very clear. What are your allegations against  
2 Sunrise Hospital?

3 And it says, the specific paragraph of Lisa Karamardian,  
4 which is paragraph 5. And so, that's clear. That's the evidence.  
5 We didn't need an expert affidavit to refute anything. We just  
6 needed to show that, hey, look, you're alleging that the discharge  
7 was negligent and we all know it was Dr. Kia. That's why he was  
8 brought into this case.

9 And just, to go back to why Judge Silva granted the  
10 ostensible agency issue, is that we brought a third-party complaint  
11 to bring Kia in because he was like, oh, so we're going to be liable  
12 for this July 16th discharge? Well, we don't discharge. So we then  
13 bring in Dr. Kia. And Judge Silva, is like, well, this affidavit doesn't  
14 say anything about Dr. Kia, so how can there be, you know -- how  
15 can there be a claim against Dr. Kia? So that's why she granted  
16 that motion.

17 So really, it was NRS 41.071 controls the claims at issue in  
18 this case. And so that's why all these -- all the three days, the five  
19 days, all these other providers potentially, you're ostensibly liable  
20 for. No, no, no, no, no. You can't do that. That's NRS 41.071 says  
21 you have to separately and specifically identify the alleged  
22 negligence of each defendant.

23 That clearly means that if Sunrise Hospital is on the hook  
24 for vicarious liability, in the very least, you have to identify who the  
25 provider is that they're negligent for.

1           So we -- they have clarified their own statements, their  
2 own evidence, that the only claim against the hospital is that July  
3 16th discharge. And the doctor doesn't say anything about all the  
4 time -- the doctor specifically says, Dr. Savluk, says that Dr. Kia was  
5 negligent in that discharge. And Dr. --and then the paragraph of  
6 Lisa Karamardian is about Dr. Kia.

7           So it's all being clarified. Now, the only basis for Sunrise  
8 being in this case is no longer -- there's no factual foundation for it.  
9 And that's why we filed a summary judgment. Bringing up all  
10 these other issues regarding the July 9th discharge, administrative  
11 code issues, these are claims that are no longer at issue and not in  
12 the case.

13           THE COURT: All right. Thank you.

14           All right. So we have the amended complaint specifically  
15 says at paragraph 14, the defendant, Dr. Delee, Sunrise Hospital,  
16 and Dr. Kia and Nevada Hospitalist Group, LLP, breached the  
17 standard of care in their treatment of -- is it Chloe?

18           MR. MARKS: Choloe.

19           THE COURT: Choloe.

20           MR. MARKS: Choloe.

21           THE COURT: Choloe. And as a direct and proximate  
22 result of that breach, Choloe was damaged. Okay. And then about  
23 that it has several facts to support that. Okay. So that's the  
24 amended complaint.

25           Then we get to the first affidavit. Dr. Karamardian, she

1 specifically says at paragraph 4, the standard of care was also -- oh,  
2 I'm sorry, paragraph 5. This was a violation of the standard of care  
3 by Sunrise Hospital and Dr. Delee.

4 And then we get to the affidavit that supported the  
5 amended complaint. Savluk, Dr. Savluk. This one says, the  
6 conduct described in paragraph 5 of Dr. Karamardian's affidavit  
7 dated June 29, 2017, related to Ms. Green's discharge from Sunrise  
8 Hospital relates to the care provided Ms. Green by Sunrise -- and I  
9 think it's supposed say, and -- by Dr. Ali Ki [sic]. So we have two  
10 affidavits and an amended complaint specifically allege direct  
11 negligence on behalf of Sunrise.

12 Discovery is not complete. I believe that if the issue were  
13 as narrow as Sunrise has stated here in court and in their  
14 pleadings, I would be inclined to grant the motion, but I do not  
15 believe it's that narrow despite the previous rulings of the other  
16 judges in this case, specifically Judge Silva.

17 And I also want you guys to know that we pulled those  
18 orders and I read those as well. So based on that, I'm going to  
19 deny the motion for summary judgment at this time.

20 Let's get through discovery. I believe there's sufficient  
21 allegations both in the expert affidavits as well as the complaint  
22 itself that there's direct negligence. And due to the unfortunate  
23 timing of this case being in COVID, I don't think that sufficient  
24 discovery has had -- even though it's been so long -- it's had -- the  
25 parties have had a chance to do sufficient discovery to vet that out.

1           So this motion may be appropriate at the close of  
2 discovery, but at this time it's denied for those reasons.

3           And Mr. Marks, if you'll draft the order, please.

4           MR. MARKS: Okay.

5           THE COURT: And run it by defense.

6           MR. MARKS: Thank you.

7           THE COURT: Okay. All right.

8           Let's go to Defendant Dr. Ki's [sic] Motion for Summary  
9 Judgment.

10          MR. RURANGIRWA: Thank you, Your Honor.

11          The issue with Dr. Kia's motion for summary judgment is  
12 really quite simple and the procedural history from 2020 onwards  
13 really doesn't have much to do with it.

14          It's whether or not the amendment to the complaint was  
15 filed within the statute of limitations. And if it was not, then does it  
16 relate back to pursuant to NRCP 15(c)?

17          It's undisputed that when Plaintiff filed her complaint with  
18 the affidavit or Dr. Karamardian, that Dr. Karamardian had the full  
19 records from Sunrise Hospital. She reviewed the hospitalization  
20 that Dr. Kia sought Plaintiff, and she opined that the discharge  
21 during that July 14 to 16 hospitalization was negligent.

22          So at that point in time, Plaintiff had the records, had an  
23 expert review the records, and had a complaint that said that that  
24 discharge was negligent. So at that point in time, Plaintiff had  
25 actual notice that she should investigate the facts to see whether or



1 not Dr. Kia was somehow negligent.

2 The exhibits we provided to you show that Dr. Kia's name  
3 is on the discharge summary; he signed it; he dictated; he  
4 authenticated it, and he discharged the plaintiff.

5 So the statute -- one year statute of limitations started to  
6 run at least as late as when Plaintiff filed her complaint on June 30,  
7 2017, and expired on June 30, 2018.

8 Assuming the plaintiff's going to argue that Plaintiff was  
9 not on notice until Dr. Kia's deposition was taken on November 18,  
10 2018, then the one-year statute of limitations would have started on  
11 that date.

12 THE COURT: Can I interrupt you?

13 MS. RURANGIRWA: Sure.

14 THE COURT: I'll get you guys this far. The Court is in  
15 agreement with that.

16 MS. RURANGIRWA: Okay.

17 THE COURT: The Court agrees that based on all of the  
18 information that was under review, the medical records with  
19 Dr. Kia's name on them, that that is when they had notice, not when  
20 the deposition was taken. The Court agrees with that already.

21 MS. RURANGIRWA: All right. All right. So then the  
22 statute of limitations has expired and Plaintiff did not file the  
23 amended complaint adding Dr. Kia until December 2020.

24 Plaintiff argues that NRCP 15(c) relates the amendment  
25 back to the filing of the original complaint; however 15(c) only

1 applies when you're substituting an improperly named party from a  
2 properly named party. The complaint didn't have any parties other  
3 than Dr. Delee, his entity, and Sunrise Hospital. There were no Doe  
4 defendants named either.

5 So adding Dr. Kia into the amended complaint is not  
6 substituting a party that was improperly named, it was adding an  
7 entirely new party with entirely new claims. And that is not allowed  
8 pursuant to NRCP 15(c) or *Servatius*.

9 Therefore the amendment of the complaint adding Dr. Kia  
10 does not relate back to 2017. It was added beyond the statute of  
11 limitations and summary judgment should be granted.

12 THE COURT: Thank you.

13 Mr. Marks or --

14 MR. MARKS: Yes, Your Honor.

15 This is somewhat troubling because I spent most of 2021  
16 arguing this exact same motion. If you go back, they filed, Ali Kia  
17 joined Nevada Hospitalist Group motion to dismiss on the statute  
18 of limitations. And that was argued in 2021 in front of Judge  
19 Spells.

20 And first, Judge Silva had granted it over the same  
21 objection that the statute had run. And then after Judge Silva left  
22 the bench, we argued it on March 16th, 2021. And specifically  
23 Judge Lilly-Spells found the amended complaint -- this is on page 2  
24 of the order. This order was filed -- notice of entry was filed on  
25 3/29/21, if you need to find it.

1           The Court finds the amended complaint arises out of the  
2 same transaction or occurrence set forth in the original complaint  
3 relating back to the date of the original filing, See NRCP 15(c).

4           The same remains true in an amended complaint adds a  
5 defendant that is filed after the statute of limitations, so long as the  
6 proper defendant, one, receives actual notice of the action, knows  
7 that is the proper party, has not been misled to its prejudice by the  
8 amendment, citing *Echols v. Summa*, 95 Nev. 720, 601 P. 716.

9           This Court further finds that NRCP 15(c) is liberally  
10 construed to allow relation back of the amended complaint where  
11 the opposing party will be put to no disadvantage, see *E.W French*  
12 *& Sons v. General Portland, Inc.*, discussing Federal Rule of Civil  
13 Procedure 15.

14           This Court further finds that Judge Silva found good  
15 cause to allow the filing of an amended complaint to way of Dr. Ali  
16 Kia and Nevada Hospitalist Group LLP to the instant action in an  
17 order granting in part and denying in part Plaintiff's motion for  
18 leave to amend complaint.

19           This was entered December 15, 2020, relying on *Nutton v.*  
20 *Sunset Station*, and that's cited as 131 Nev. 279.

21           It is hereby ordered, adjudged and decreed Defendant Ali  
22 Kia's motion to dismiss Plaintiff's amended complaint and the  
23 Nevada Hospitalist Joinder are denied, that was dated March 26 of  
24 2021.

25           They immediately filed a motion for reconsideration. And

1 on the basis of the reconsideration, they were fixing -- well, they  
2 reargued the whole motion. They also were saying that Judge  
3 Spells shouldn't have relied on Judge Silva. So that was argued -- I  
4 believe that was argued on May 13th of 2021.

5 And this order was -- notice of entry, if you're looking for  
6 it, was July 6th of 2021. The Court finds the motion for  
7 reconsideration is appropriate when, one, there's newly discovered  
8 evidence, two, the Court's decision was clearly erroneous, three,  
9 there's an intervening change of the law. The United States  
10 Supreme Court define clearly erroneous standard under rule  
11 Federal Rule 52(a), and then they cite that.

12 So Judge Spells, I think this is important. Here, Defendant  
13 Kia argues the Court's decision was clearly erroneous to the extent  
14 that it relied on representation that to relation back, had already  
15 been determined by a prior judicial officer in making its  
16 determination.

17 While the Court did reference the prior judge's findings,  
18 the Court specifically stated it was a ruling on the merits of  
19 Defendant's motion to dismiss Plaintiff's amended complaint. In  
20 doing so, the Court made independent findings of fact, conclusions  
21 of law, based on the pleadings argued at the time of the hearing  
22 and procedural history of the case.

23 While Defendant Kia is argument suggest he disagrees  
24 with this Court's interpretation, Defendant Kia has not shown this  
25 Court's reliance on *Echols v. Summa*, 95 Nev. 720, and *Servatius* is

1 misguided, thus, Defendant Kia has not established the Court's  
2 ruling as clearly erroneous; therefore, Ali Kia's motion for  
3 reconsideration and Nevada Hospitalist Group's joinder are denied.

4 I think that's the law of the case. It then went on a writ to  
5 the Supreme Court on the exact same issue and it was denied. So  
6 this is essentially the fourth time we're arguing this relation back at  
7 you.

8 THE COURT: Miss -- I'm sorry.

9 MR. MARKS: You're allowed to add a party after the  
10 statute of limitations under *Echols*. That's allowed. Two different  
11 judges and the Supreme Court already found that that was proper  
12 under *Echols* and *Castello*.

13 So for now, for you to be the fourth essential court to look  
14 at it and potentially do a change, would severely prejudice us  
15 because this amendment was allowed in '20. We battled over  
16 endless hours of argument, page after page after page of briefs.  
17 The Supreme Court allowed briefing, so they obviously seriously  
18 considered it and then denied it. So I see no basis for this Court to  
19 now undo what three other judicial essential officers, including the  
20 Supreme Court, have already allowed. And it's essentially the exact  
21 same argument that we've been arguing, again, since 2020.

22 THE COURT: Thank you.

23 MR. MARKS: So I'd ask it be denied.

24 MS. RURANGIRWA: Your Honor, just to clarify, the  
25 Supreme Court didn't deny the writ on its merits. It just found that

1 it wasn't something that needed to be considered at that point in  
2 time.

3 So it's not that the Supreme Court said that it was -- it was  
4 a proper amendment, they just declined to make a decision on it by  
5 writ.

6 The motions to dismiss were based on the pleadings.  
7 This is a motion for summary judgment.

8 THE COURT: How is it different than the motion to  
9 dismiss? I understand summary judgment can include evidence.  
10 But what is the difference in the argument?

11 MS. RURANGIRWA: Well, with regard -- with -- the cases  
12 that are cited, the *Servatius*, *Echols*, *Castello* -- and Plaintiff relies  
13 on *Castello*, it's an issue of whether or not a party -- well at least in  
14 *Castello*, it's whether or not the new party was in privity or had  
15 some kind of relationship with a prior party, or somebody was  
16 wrongly named, such that they are not prejudiced by being brought  
17 into the lawsuit.

18 We've got discovery responses that we have that show  
19 that Dr. Kia had no relationship with Sunrise Hospital. The  
20 insurance company was defending Dr. Kia, is not the same one as  
21 Sunrise Hospital. The attorneys are not the same, and Nevada  
22 Hospitalist Group was not a party to the lawsuit at the time that it  
23 was initially filed.

24 They -- simply no basis and extreme prejudice to Dr. Kia,  
25 given that there was no unity of interest with any of the parties that

1 would allow him to be brought in as a proper defendant in this  
2 case.

3 THE COURT: So your argument is that Dr. Kia didn't  
4 receive actual notice of the action in a manner that would be timely  
5 enough to allow him to be brought in as a party?

6 MS. RURANGIRWA: Well, he didn't receive actual notice  
7 until after the statute of limitations had expired. And I believe I  
8 cited to a case.

9 THE COURT: Mm-hmm.

10 MS. RURANGIRWA: That specifically said, that that would  
11 be prejudicial.

12 Sorry, let me find it.

13 *Walker vs. New Castle Corp.*, 134 Nev. 1027, where the  
14 Supreme Court said that in that case, Walker does not demonstrate  
15 that TKE had actual notice of Walker's filing of the lawsuit against  
16 MGM prior to the statute of limitations expiration. Without  
17 demonstrating that TKE had actual notice of the suit prior to the  
18 statute of limitations expiration, Walker cannot satisfy the  
19 requirements of relation back under NRCP 15(c).

20 THE COURT: All right. And then any other issues besides  
21 the notice? Prejudice or anything like that? Any of the other  
22 elements or factors?

23 MS. RURANGIRWA: Yeah. It was just prejudice, notice,  
24 and then there's no party that is being substituted -- that Dr. Kia is  
25 being substituted in as a proper party.

1 THE COURT: Okay. All right. I think that issue is settled  
2 by *Echols*.

3 What about the prejudice?

4 MS. RURANGIRWA: Well, Dr. Kia -- I mean, the statute of  
5 limitations had expired before he had notice. So now he has to  
6 defend against this case. He's had to report it to the Nevada Board  
7 of Medical Examiners. This is a stale claim, and in the event that  
8 there's any judgment is going to be reported to the State -- Nevada  
9 Board of Medical Examiners, as well as to other regulatory agencies  
10 that will affect his insurance. It will affect his ability to be  
11 credentialed.

12 THE COURT: Okay. I understand that being a defendant  
13 in a lawsuit --

14 MS. RURANGIRWA: Right.

15 THE COURT: -- has negative consequences. What I mean,  
16 is how is he prejudiced in the lawsuit by this late notice? What  
17 difference does it make? How is he prejudiced in being able to  
18 defend himself in this lawsuit because of the late notice?

19 MS. RURANGIRWA: Well, he wouldn't have to defend  
20 himself because the statute of limitations had expired.

21 THE COURT: Okay. All right. Thank you. Anything else?  
22 I'm going to let you talk again.

23 MR. MARKS: This was all argued. If you go back, her  
24 argument, you know, is the same argument the other two judges  
25 and the Supreme Court rejected, so I would think --



1 THE COURT: Well, she's saying it's different now because  
2 there's -- discovery has happened and now, there's evidence of the  
3 lack of -- I'm paraphrasing -- lack of relationship with the hospital  
4 and those kinds of facts. That's what makes it different. You're  
5 saying it doesn't make any difference?

6 MR. MARKS: No. I don't think any discovery has  
7 happened because -- relating to Dr. Kia that hadn't been known  
8 before because literally, we -- I think the last -- the writ wasn't  
9 denied until May. We then had to get everybody together and do a  
10 new scheduling order, and I think that was August. I don't think  
11 there was a lot of that discovery or anything from them. We were  
12 trying to get our experts together. And then immediately upon the  
13 reassignment to Judge Johnson, they started filing these motions  
14 again.

15 I don't think anything happened in that little window. We  
16 tried to get everybody together and essentially do, like, not a formal  
17 joint case conference, but we had to do a -- you know, Judge Lilly-  
18 Spells had said, hey, this thing has gone one. Why don't you guys  
19 agree on your scheduling, and, you know, we were going to get a  
20 new trial date, et cetera.

21 I don't think there's been any specific discovery. When I  
22 read their motion, you can go back and look at it, it's essentially the  
23 exact same motion that was, you know, filed back in '21 and the  
24 same arguments -- the Supreme Court seriously looked at this  
25 because they looked at the briefing.

1 Yes, they didn't write a written opinion. But when it's  
2 briefed fully, and they put every argument they could put, and we  
3 obviously opposed it, they obviously, seriously considered it, and  
4 denied it. So I don't think this Court should now --

5 THE COURT: Understood.

6 MR. MARKS: -- on basically, the exact same facts should  
7 grant it.

8 THE COURT: Okay. So the factual information that you  
9 have for the motion for summary judgment, was that available to  
10 you at the time of the motion to dismiss?

11 MS. RURANGIRWA: Not the information with regard to --  
12 not being an employee of Sunrise Hospital -- well, the actual written  
13 discovery portion -- not being an employee, not having the same  
14 insurance, that would have to be something that was attached to a  
15 summary judgment motion, and that, we did here. But we didn't  
16 have that.

17 THE COURT: Right. I know you can't attach it to a motion  
18 to dismiss, but did you have access to it?

19 MS. RURANGIRWA: I had Dr. -- I mean, I could have  
20 talked to Dr. Kia about it, yes.

21 THE COURT: Okay. Again, what I'm trying to ask you is  
22 did you guys know that information when you filed the motion to  
23 dismiss?

24 MS. RURANGIRWA: I did.

25 THE COURT: Okay. All right.

1           So the motion is denied for -- and these are -- this is my  
2 analysis -- is consistent with Judge Lilly-Spells, not relying on her  
3 decision, but consistent with that. And having read the order from  
4 the March 16th, 2021, hearing and the discussions that were -- oral  
5 arguments that were made here in court today.

6           Again, the motion is denied. This Court finds very  
7 consistent with Judge Lilly-Spells, but independently finds that this  
8 is from the same transaction or occurrence. That the notice that  
9 was received is timely, even though you're saying it was outside  
10 the statute of limitations because the way this case has progresses,  
11 the Court finds that there's no prejudice and having received notice  
12 that late in this case, under these particular facts, doesn't make it a  
13 concern for this Court.

14           So the Court is finding that -- and also under *Echols*, that a  
15 new party can be added, not just substituted.

16           So please draft the order, Mr. Marks.

17           Now, I am considering ordering sanctions against Dr. Kia  
18 for even bringing this motion based on the fact that it is incredibly  
19 consistent, if not, exactly the same as the motion that the plaintiff  
20 already has had to defend and go up to the Supreme Court and  
21 defend.

22           So what I'm going to do is I'm going to pull the initial  
23 motion that was filed earlier, and I'm going to compare them. And  
24 if it's as consistent as Mr. Marks was saying, I am going to order  
25 sanctions, and those will be to cover any costs and attorney's fees

1 that Mr. Marks' office had to expend preparing to defend this  
2 motion.

3 But that, I'm going to wait until I read the original motion  
4 and see how consistent it is.

5 Okay. And we have Defendant Nevada Hospitalist Group,  
6 LLC's motion for Summary Judgment.

7 MS. THOMAS: Yes, Your Honor. Thank you.

8 There's a little bit -- there's a few differences that I just  
9 want to call to the Court's attention at the outset, one, none of the  
10 facts -- none of the undisputed facts stated in Nevada Hospitalist  
11 Group's motion were rebutted by the plaintiff.

12 There was no 56(d) request made in opposition to NHG's  
13 motion. That request was only in counter motion to Sunrise  
14 Hospital. So that's inapplicable to my client.

15 There's no discovery that is required, remaining, or that  
16 has been requested. So this is fully briefed and appropriate for the  
17 Court's ruling.

18 Uncontested -- well, there are two issues. One, there's no  
19 vicarious liability that's pled or possible under the law. And there's  
20 no direct claim pled or supported by expert affidavit.

21 Unlike the other defendants, Nevada Hospitalist Group is  
22 not mentioned in any expert affidavit, in the original complaint, or  
23 in the amended complaint.

24 This incident occurred in July 2016. The complaint was  
25 filed on June 30th, 2017, a motion to amend to add Nevada

1 Hospitalist Group was filed on October 16, 2020. That's more than  
2 a year after Nevada Hospitalist Group was dismissed as a third-  
3 party defendant and for the reason that they were not named in the  
4 affidavit attached to the third-party complaint. That dismissal  
5 occurred.

6 So more than one NRS 41A.097 statute of limitations,  
7 later, during pending litigation, my client was brought into the case  
8 more than four years after this incident. At best, that would be  
9 dilatory behavior.

10 The language of the complaint itself is helpful here. The  
11 allegations against Nevada Hospitalist Group occur in three  
12 paragraphs, 6, 7, and 14.

13 Six, that at all times material hereto defendant Ali Kia,  
14 M.D. was a licensed medical doctor in the State of Nevada and who  
15 practices through the limited liability partnership called Nevada  
16 Hospitalist Group. Practices through is not employed, contracted,  
17 et cetera. Nevada Hospitalist Group is not a hospital, so a sensible  
18 agency is not a available remedy, or a theory of recovery to the  
19 plaintiff with regard to Nevada Hospitalist Group for any  
20 relationship that existed with Dr. Kia. But the facts show that there  
21 was no relationship.

22 Moving onto the remaining allegations. I got ahead of  
23 myself. I apologize.

24 Paragraph 7, the defendant Nevada Hospitalist Group, LLP  
25 was a limited liability partnership registered to do business and

1 doing business in the State of Nevada in Clark County, Nevada.

2 Paragraph 14, the defendant, Dr. Delee, Sunrise Hospital,  
3 Dr. Kia, and Nevada Hospitalist Group, LLP, breached the standard  
4 of care in their treatment of Choloe and as a direct and proximate  
5 result of that breach, Choloe has been damaged.

6 So again, the plaintiff does not allege that Nevada  
7 Hospitalist Group is the employer of Dr. Kia.

8 In paragraph 11, Plaintiff instead alleges that Dr. Kia is an  
9 employee of Sunrise Hospital. And to quote, just specifically,  
10 throughout her stay from July 14th through the 16th, Choloe  
11 believed all healthcare professionals that provided her  
12 care/treatment were employees and/or agents of the hospital.  
13 That's important.

14 There's no direct claims stated against Nevada Hospitalist  
15 Group. We again would oppose under the basis of the statute of  
16 limitations as the Court stated in ruling on the prior motion for  
17 summary judgment. The Court accepts that Dr. Kia's name was in  
18 the medical records, and that Plaintiff was on notice from the time  
19 that she acquired those records.

20 So it was available to her to discover any relationships  
21 with Dr. Kia. We've cited all the places in the records where that  
22 appear.

23 The plaintiff, again, has not opposed any of this statement  
24 of undisputed facts in our motion. The request for admissions in  
25 this case prepared under Rule 11, signed by Counsel, Rule 26, all of

1 those requirements, state that Dr. Kia was never employed by  
2 Nevada Hospitalist Group. He's not employed by Nevada  
3 Hospitalist Group. He's not a partner in Nevada Hospitalist Group;  
4 and he's never been a partner.

5 Plaintiff seems to rely on his -- Dr. Kia's layperson  
6 testimony at his deposition that he was employed by Nevada  
7 Hospitalist Group. However, he later testified at the same  
8 deposition that he -- or that he was working for Nevada Hospitalist  
9 Group on the day of the incident -- I'm sorry. I misspoke.

10 But then he testified that he's been self-employed since  
11 February 2008 at Ali Kia M.D. Incorporated.

12 Plaintiff, in their opposition, brings up two points. First,  
13 the reason Kia and NHG were not named as defendants at the time  
14 of the original complaint is because it was not clear from the  
15 medical records who made the decision to discharge Choloe's  
16 second Sunrise admission. The Court has rejected that position  
17 today and has stated that the records were clear who was involved,  
18 and at what point as soon as the records were received by the  
19 plaintiff.

20 Again, in their opposition, Plaintiffs say, the reason why  
21 Kia and NHG were not included in the original complaint is because  
22 it was not clear that Choloe suffered a legal injury by Kia based on  
23 the prelitigation medical records, which are the same records that  
24 we have used throughout the litigation.

25 Choloe did not want to sue multiple healthcare providers

1 on the off chance that they could be liable. However, she sued  
2 NHG on the off chance that Dr. Kia may be its employee. He's  
3 testified that he's not. There was requests for admissions that were  
4 answered in this case that provide that he was not, is not, and has  
5 never been.

6 None of the earlier argument has really been on point to  
7 the briefing. It has been based on public policy considerations and  
8 procedural gymnastics that relate back to the language of the  
9 complaint. What's alleged and what's contained in the expert  
10 affidavit.

11 Well, we know what's alleged and we know what's  
12 contained in the expert affidavits with regard to Nevada Hospitalist  
13 Group, and that is, nothing.

14 So there is no direct claim available. Although we would  
15 argue that it's time barred. I understand the Court has made  
16 rulings on that. But if there was a direct claim, we'd argue it's time  
17 barred. There isn't one. The facts show us that. There have been  
18 no -- none of the facts submitted by Nevada Hospitalist Group have  
19 been rebutted by the plaintiffs, and summary judgment is  
20 appropriate.

21 Dr. Kia is not an employee -- and ostensible agency is not  
22 an available remedy. There was no relationship there. He was self-  
23 employed. He testified as such, and so there's no reason to  
24 maintain Nevada Hospitalist Group in this case nearly six years  
25 after the alleged negligence.



1 THE COURT: Thank you.

2 MS. THOMAS: Thank you.

3 THE COURT: Mr. Marks.

4 MR. MARKS: Your Honor, a couple things.

5 First, Nevada Hospitalist was brought in by Sunrise in  
6 2019. So it's not six years. They were brought in on that whole  
7 third-party complaint in 2019, then they were dismissed. Then we  
8 brought them on our amended complaint.

9 The statute of limitations issue is the same issue, I think,  
10 you already ruled relation back, et cetera. That's the same issue  
11 that Judge Lilly-Spells, Judge Silva, and the Supreme Court dealt  
12 with so I'm not going to re-argue that, because it's the same thing.

13 The vicarious liability issue, I believe Nevada Hospitalist  
14 sent interrogatories to Ali Kia who denied working for Nevada  
15 Hospitalist. After, in his deposition, he said, he works at Nevada  
16 Hospitalist. His call schedule is through Nevada Hospitalist; he's  
17 paid by Nevada Hospitalist. And we attached his deposition and  
18 that's vicarious liability.

19 You can pay a doctor as a 1099, that's not uncommon.  
20 That's very common, but still control their work schedule, cut their  
21 check, tell them where to go, give them their hours. It is -- it is a  
22 layperson's interpretation.

23 When you ask a person, where do you work and they tell  
24 you, under oath, that is evidence. That's enough to defeat  
25 summary judgment. Calling it a layperson, most people don't have

1 their accountant consulting when they're asked, where do they  
2 work? We attached his deposition, and he said, I believe at page  
3 12, that he worked at Nevada Hospitalist Group. Then they send  
4 interrogatories, essentially, cream puff interrogatories between  
5 Nevada Hospitalist admissions between Nevada Hospitalist and  
6 Dr. Kia, where he denies working for Nevada Hospitalist, that's  
7 certainly a question of fact.

8           So we think there's a question of fact on the vicarious  
9 liability issue that we should be allowed to explore. I think the  
10 Court already sounds like you're leaning towards being consistent  
11 on the relation back, *Echols* issue, which again, three different  
12 courts has denied.

13           So we'd ask that the motion be denied at this time.

14           THE COURT: Thank you.

15           Anything else, Counsel?

16           MS. THOMAS: Yes, Your Honor.

17           There is no attached evidence that supports anything that  
18 Counsel just represented to you. There's nowhere where he says  
19 that he was paid by Nevada Hospitalist Group. The only exhibit  
20 that I have attaches, page 4, of Dr. Kia's deposition.

21           So I'm not sure where this testimony is coming from, but  
22 that's not the case. He said that he was scheduled -- he testified  
23 that he was scheduled to be at the hospital or that he was covering  
24 for Nevada Hospitalist Group. He is not employed. There has been  
25 no dispute that he was employed. There has been no employment

1 records. There has been no discovery served or sought on that  
2 issue until after the filing of the motion. There had been no  
3 depositions taken on that issue, and this is an issue of law.

4           There's issues of fact; there's issues of law. The Court can  
5 parse through it. We have counsel responding to requests for  
6 admissions on behalf of their client that understands the legal  
7 terminology and the legal significance of what an employee is. We  
8 have a doctor testifying that he has been self-employed through his  
9 own corporation since 2008. He is not a contractor of Nevada  
10 Hospitalist Group. Even if that remained a question of fact, even if  
11 the were a contractor, or wasn't, that being unresolved doesn't  
12 impact your ability to rule on this motion because importantly, the  
13 *Renown* decision does not stand for the principal that hospitals and  
14 hospitalist groups can be held ostensibly liable for their contractors.  
15 It holds hospitals can -- there's a litany of case law. It's well  
16 established that independent contractors -- you are not responsible  
17 for them. This is a limited carve out exception in medical  
18 malpractice between a hospital and a provider that does not exist  
19 between a hospitalist group and an alleged -- I'm not sure --  
20 somebody that's alleged to practice through the group.

21           We have to look. Is there a claim that can even proceed  
22 here? He's not alleged to be the employer. It's inferred that's what  
23 they're looking for. It's inferred based on their reading of the  
24 *Renown* decision that they're looking to affix some sort of  
25 relationship or connection there. But the only one that works for

1 vicarious liability is if he was an employee, and there's no evidence  
2 of that. There's no discovery that remains to be done. It's an issue  
3 of law that the Court can decide and should decide today.

4 Thank you.

5 THE COURT: Okay. Why do you feel like there's no  
6 discovery that's left to be done?

7 MS. THOMAS: Well, because we have served a request  
8 for admissions that ask if you were ever employed or a partner.  
9 Those answers are no. The doctor testified; I have been self-  
10 employed. So he used semantics. Should we bring him in here  
11 and make sure he understands, you know, what is an employee  
12 mean? I mean, I can't produce records that don't exist.

13 So if somebody has no employment relationship, I can't  
14 turn over record -- I can't prove a negative. They have proved  
15 nothing in that regard. They have received statements across the  
16 board that counter that. And that's the only potential claim here is  
17 that he was an employee, and he's not.

18 THE COURT: Okay. Thank you.

19 Mr. Marks, I'm going to let you respond and then I'll let  
20 you speak last.

21 MR. MARKS: Okay. We attached the whole deposition.  
22 I'm not sure why she's saying there's no evidence. His deposition,  
23 he says he's employed. But we also sent out further discovery in  
24 the last few months to try to nail down the relationship. We got a  
25 bunch of objections. We're obviously going to have to follow up.

1 I think we sent deficiency letters. So again, I think in light  
2 of this whole three-year motion practice, this is kind of premature  
3 and we should be allowed to continue and do discovery, especially  
4 since we allowed --

5 THE COURT: Okay.

6 MR. MARKS: -- them to continue the trial another year.

7 THE COURT: Anything else from the defense?

8 MS. THOMAS: Well, only that if this motion is denied,  
9 then it would be helpful from the Court to give us some guidance  
10 on what allegation or what cause of action exists in this complaint  
11 against Nevada Hospitalist Group. Because it isn't vicarious liability  
12 and it's not a direct claim. There's nothing to proceed.

13 THE COURT: Well, the possible issue is that with further  
14 discovery, vicarious liability may be vetted out is what I think the  
15 plaintiff is saying. And the Court is concerned that discovery is not  
16 closed. If discovery was closed and we had this motion, and this  
17 was all the evidence that was in front of us, I would definitely be  
18 inclined to grant it.

19 My concern is discovery is not closed, and unless you're  
20 going to dispute this, there's outstanding written discovery that's  
21 been objected to that may have to go in front of a discovery  
22 commissioner. There may be additional documents that may need  
23 to be turned over if the discovery commissioner doesn't uphold the  
24 objection. And without all that additional evidence, I think the  
25 motion is just premature.

1 MS. THOMAS: Except that the rule provides protections  
2 for the moving party. The burden has shifted to the plaintiff. They  
3 haven't overcome it. They haven't overcome it, period. It wasn't  
4 qualified like it was to Sunrise Hospital where they said, we need  
5 additional discovery. That's what 56(d) is for. They didn't ask for it  
6 here.

7 So to *sua sponte* provide it to them after a case -- after  
8 negligence that was alleged in 2016, is just inappropriate, and it  
9 doesn't uphold the public policy to protect health care providers  
10 from frivolous litigation which was the intent of enacting the code  
11 and initiative in the first place.

12 THE COURT: Okay. Thank you.

13 Any response to that, Mr. Marks?

14 MR. MARKS: Yes. We, again, this was a bizarre fact  
15 pattern. Sunrise sued Nevada Hospitalist. Based on the whole  
16 argument for the last hour, I explained Judge Silva and how that  
17 came down, that's how we then amended because it appeared from  
18 Ali Kia's deposition that he was employed by Nevada Hospitalist.

19 They then send out, you know, very cream puff  
20 admissions between Ali Kia and Nevada Hospitalist to deny that,  
21 but if there's a question of fact, based on his sworn testimony in his  
22 deposition, the admissions are not sworn, he's talking about being  
23 employed, being paid, his schedule control by Nevada Hospitalist.  
24 We want to do further discovery on that point.

25 Because, again, for the last three years, we've been in

1 these motions. We haven't really been able to do discovery not  
2 knowing who the parties would be.

3 THE COURT: All right.

4 MS. THOMAS: Your Honor, could I --

5 THE COURT: Yes, you can.

6 MS. THOMAS: Yes. Okay.

7 First of all, I'd like counsel to state where in the deposition  
8 transcript it says that he was paid by Nevada Hospitalist Group. All  
9 the factual representations that he's using today, that he did not  
10 use in opposition to our motion, I'd like the citation for that because  
11 it just --

12 THE COURT: The Court would, as well, Mr. Marks.  
13 You've mentioned twice that he was paid by them and that he was  
14 -- his schedule was controlled by them.

15 So take a moment.

16 MR. MARKS: Okay. Page 14, and you're paid directly,  
17 Sunrise to you or through Nevada Hospitalist?

18 Through Nevada Hospitalist.

19 No, Sunrise is separate. I do my billing through Nevada  
20 Hospitalist Group.

21 That's one thing.

22 You were employed -- you were an independent  
23 contractor but employed through Nevada Hospitalist covering  
24 patients at Sunrise in July of 2016?

25 That's correct.

1 In terms of your work -- that's on page 12 -- in terms of  
2 you working at Sunrise, now do you get a schedule the days you're  
3 on call, so to speak, at Sunrise?

4 Answer: For the group of Nevada Hospitalist Group, we  
5 cover one of the insurance -- major insurances in town, namely  
6 Health Plan of Nevada.

7 I think the confusion is, doctors are paid often as 1099s for  
8 tax reasons. That's distinct from liability.

9 They were trying to take the fact that someone's a 1099  
10 and say, okay, they're a 1099, so there's no liability. You can be a  
11 1099, but still be liable or vicarious liable because of the way  
12 doctors are paid.

13 So if Nevada Hospitalist controlled his schedule, paid him,  
14 told him where to go, and that's in his deposition, there could be  
15 vicarious liability, and I think we should be able to explore that  
16 further in light of the fact we've been in these motions for the last  
17 three years on the statute of limitations issue.

18 THE COURT: Okay. So my notes show page 12 at 21  
19 through 24:

20 Question: So you are employed -- you were an  
21 independent contractor but employed through Nevada Hospitalist  
22 covering patients at Sunrise on July 16?

23 Answer: Yes. That's correct.

24 Let's see here. Page 14, lines 15 through 20.

25 Question: Okay. You're paid directly Sunrise to you or



1 through Nevada Hospitalist?

2 Answer: Through Nevada Hospitalist.

3 Question: So it goes Sunrise to Nevada Hospitalist to  
4 you?

5 No. Sunrise is separate. I do my billing through Nevada  
6 Hospitalist Group.

7 Page 65, 18 through 24.

8 Question: Okay. Regarding how you got involved with  
9 the care of Ms. Green, I think you said you work for Nevada  
10 Hospitalist?

11 Yes.

12 Okay. You have a regular contract with Sunrise to provide  
13 hospitalist care in July of 2016, correct?

14 For a particular insurance --

15 Answer: For a particular insurance.

16 So, again, aside from, you know, I know that answers to  
17 admissions. This is under oath. This is sworn testimony and I think  
18 there's enough here to, based on the fact that discovery has not  
19 closed, to deny the motion without prejudice at this time. To allow  
20 the plaintiff to continue to receive the responses to whatever they  
21 have -- discovery they have out right now and see if that vets  
22 anything out.

23 If the facts don't change between now and the close of  
24 discovery, the Court is inclined to grant it, but not at this time.

25 MR MARKS: Your Honor, the last motion was our motion.

1 THE COURT: Yes.

2 And then we have the motion --

3 MR. DOBBS: Your Honor, could I -- I'm sorry to -- before --  
4 I wanted -- I was looking at my notes. Can I get clarification on the  
5 summary judgment on -- by the hospital real quick?

6 THE COURT: The first one?

7 MR. DOBBS: My understanding is that it was denied  
8 because there's -- you interpreted a direct negligence claim against  
9 the hospital from the affidavits; correct?

10 THE COURT: And the complaint.

11 MR. DOBBS: And the complaint. And that doesn't disturb  
12 the ruling regarding corporate negligence, ostensible agency, all of  
13 that?

14 THE COURT: None.

15 MR. DOBBS: Okay. And so, then that would mean that  
16 the negligence alleged against the hospital would be regarding  
17 those two discharges addressed in the --

18 THE COURT: In the affidavits.

19 MR. DOBBS: -- in the affidavits.

20 THE COURT: Yes. That's correct.

21 MR. DOBBS: Okay. Thank you, Your Honor.

22 THE COURT: Okay. Now we have Plaintiff's Motion to  
23 Extend the Last Day to Amend Pleadings.

24 MR. MARKS: Your Honor, and I think the affidavits deal  
25 with the care or lack of care. It's not -- I mean, again --

1 THE COURT: Negligence.

2 MR. MARKS: Right, but it --

3 THE COURT: Right.

4 MR. MARKS: -- of the care. It's not just the actual --

5 THE COURT: Against Sunrise Hospital, yes.

6 MR. MARKS: Yes.

7 THE COURT: I don't think he would say anything

8 different.

9 MR. MARKS: Okay. All right.

10 Okay. I'll try to be brief.

11 THE COURT: Okay. So Plaintiff's Motion to Extend the

12 Last Day to Amend Pleadings and Add Parties.

13 MR. MARKS: Right. So I'll try to be brief because I know

14 you have a long calendar.

15 We were here on February 2nd. They wanted the

16 continuance until April of '24. I think I was the only one here.

17 Everybody was on Bluejeans. I thought I said, and I thought

18 everyone agreed all the other deadlines would fall into place under

19 the rule, meaning the expert, they agreed would be October 24th.

20 And then when we prepared the stip, first, I think they

21 agreed. Nicole was working with them, they agreed, then they

22 didn't agree. All we're saying is keep the deadlines consistent. The

23 rule had provided the deadline for experts to be the same as the

24 deadline to amend. That's in the rule; it's always been the rule. I

25 just think that should be consistent.

1 I don't -- I'm not planning on amending sitting here, but I  
2 just thought that should be consistent.

3 THE COURT: Okay.

4 Anyone want to argue?

5 MR. DOBBS: I disagree, Your Honor.

6 THE COURT: Okay.

7 MR. DOBBS: As we've been discussing, this case has  
8 been going on for six years. It's a medical malpractice case. You  
9 need an affidavit of merit to proceed as to any of your claims. So  
10 that makes it -- I don't know why we always do these JCCRs with  
11 the deadline for experts, and then deadline to amend on the same  
12 day. Because in a medical malpractice case, it makes absolutely no  
13 sense.

14 THE COURT: I agree.

15 MR. DOBBS: Because if you're going to file -- because I've  
16 had this happen to me. You go five years in a case. On the  
17 deadline, I disclosed all my experts. I've shown you my cards. And  
18 what do they file? A motion to amend, and it's a completely  
19 different theory regarding a completely different causation,  
20 regarding a completely different expert. And, well, it was filed on  
21 the deadline, Your Honor. And then it's granted. And all of a  
22 sudden, I've just given them everything I've got in my expert's  
23 reports, and they're looking at it. Okay. Now we can go on this  
24 different theory, and now, what they say, was now, you got 30 days  
25 in rebuttal.

1 Well, I got 30 days now to come up with a whole new case  
2 in a case that's been pending for five years.

3 And I'll disagree that the rule says that it has to be on the  
4 same day. M&N, it says that they're separate. They're not in the  
5 same provision.

6 In 16.1(c)(2)(M), it says a calendared date not later than 90  
7 days before the close of discovery for the deadline to file a motion  
8 to amend.

9 And the next one, a calendar date by which a parties who  
10 make expert disclosures not later than 90 days. There's nothing in  
11 there that says they have to be the same day. There's no -- and  
12 they keep saying, well, that's the reason you do it is if the experts  
13 say that. But they didn't cite anything for that. The rule doesn't say  
14 that.

15 We can, as parties, agree to have different deadlines. You  
16 know, in a professional negligence case, absolutely makes sense.  
17 And so, they've already moved twice. It's been six years. The  
18 deadline, frankly, has passed. It passed on Monday. And so, if they  
19 wanted to extend that deadline, they should have filed an OST to  
20 have it heard before the deadline.

21 So I oppose extending the deadline because it's been six  
22 years. This is -- if they were going to file an opposition, they should  
23 have filed an opposition to motion for summary judgment, but -- or  
24 I mean, a motion to amend. There is nothing. There is no reason  
25 to extend the deadline. The pleadings should be set after six years.

1 We all know what the issues are now per this hearing, and we could  
2 proceed from here.

3 THE COURT: Okay.

4 Anything else, Mr. Marks?

5 MS. THOMAS: I just had a comment. We join the motion.

6 THE COURT: Oh, sure. Go ahead.

7 MS. THOMAS: This just, again, we want to focus on  
8 diligence and not dilatory behavior, and that's where my client got  
9 dragged into this case. So at six years out, I agree with Mr. Dobbs.  
10 The deadline should be fixed.

11 THE COURT: Thank you.

12 MR. MARKS: The only thing I would add, we were here  
13 on February 2nd when they wanted the extension until April of '24.  
14 They agreed to the 90 days back for the experts. I heard nothing.  
15 We then prepared it. Initially, one party objected, everyone else  
16 agreed to our dates. Then -- everybody -- I think they initially all  
17 agreed, and I thought in open court, they all agreed, then they  
18 thought about it, then decided they all disagree.

19 MS. YOUNG: What happened, Your Honor, is I prepared  
20 the stipulation. Everyone signed off. We submitted it to the  
21 Department. The Department had an issue with the formatting, so  
22 we agreed to the stipulation with the formatting the Department  
23 wanted, and then we got the objection after they originally agreed,  
24 and that's the issue.

25 THE COURT: Okay. Well my recollection is, you know,

1 not that it was discussed in court, but that when everybody agreed  
2 to the continuance that the dates were going to fall where they  
3 would normally fall on the calculator. I agree that just because M  
4 and N both say not later than 90 days doesn't mean they have to be  
5 on the same day, and I completely agree. And I agree with your  
6 analysis.

7 But typically, they do. And nothing was brought up at the  
8 time that it should be different. And it was the Court's expectation  
9 that things would fall where they normally fall when we use the  
10 calculator under the rules, so the motion is going to be granted.

11 And so, what does the date look like now? What is the  
12 rebuttal date?

13 MR. MARKS: It would be October 24th.

14 THE COURT: Okay. All right.

15 So that'll be the order on that. Mr. Marks, if you want to  
16 submit that.

17 MR. MARKS: Thank you.

18 THE COURT: If your argument was -- if we hadn't already  
19 done this and there was -- it was not discussed at the time, and  
20 there was not a basic understanding that things are just going to  
21 fall where they normally fall, I would be more inclined to maybe not  
22 grant it. But I think everybody left the courtroom with the  
23 understanding that, yup, we're moving it out and all the dates are  
24 going to move as usual.

25 So I think that's what we need to stick with.

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MR. MARKS: Thank you, Your Honor.

THE COURT: All right. Thank you.

MR. MARKS: Have a great rest of your day.

THE COURT: So yeah. Mr. Marks, I guess you're preparing all the orders.

MR. MARKS: I'll prepare them.

THE COURT: Thank you.

MS. YOUNG: Do you want the orders separate for each motion?

THE COURT: Yes, please.

MS. YOUNG: Okay.

THE COURT: I think that will keep it much cleaner.


MS. YOUNG: Okay.

THE COURT: All right. Thank you.

[Proceeding concluded at 10:12 a.m.]

\*\*\*\*\*

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
\_\_\_\_\_  
Brittany Amoroso  
Independent Transcriber



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Malpractice - Medical/Dental**

**COURT MINUTES**

**April 25, 2023**

---

A-17-757722-C      Choloe Green, Plaintiff(s)  
vs.  
Frank Delee, M.D., Defendant(s)

---

**April 25, 2023      1:00 PM      Minute Order**

**HEARD BY:** Eller, Crystal

**COURTROOM:** Chambers

**COURT CLERK:** Briana Barrett

**JOURNAL ENTRIES**

This matter came before the Court on April 12, 2023, at 8:30 a.m., on Defendant Ali Kia's Motion for Summary Judgment. At the hearing, the Court **ADMONISHED** Defendant Kia that the Court was inclined to issue sanctions for bringing the instant Motion for Summary Judgment based on the fact that it is incredibly consistent, if not identical, to the previous Motion to Dismiss filed by Dr. Kia, which Plaintiff already had to defend against twice in this matter.

After the hearing on this matter, the Court reviewed the previous Motion filed by Defendant Kia, which was heard on March 16, 2021, and denied, before the Honorable Jasmin Lilly-Spells, Department 23. The Court **FINDS** that the instant Motion before this Court, the Honorable Crystal Eller, Department 19, is identical to the previously filed Motion to Dismiss. This conduct amounts to forum shopping.

Accordingly, the Court finds it appropriate to award Plaintiff any reasonable attorney's fees and costs that Plaintiff's counsel's office had to expend in preparing and defending the instant Motion, provided that Plaintiff files an appropriate Application for fees and costs for the Court to consider.

CLERK'S NOTE: The above minute order has been distributed to all registered parties via Odyssey File and Serve.//bb 04/25/2023



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Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No.  
Dept. No.

A-17-757722-C  
19

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**NOTICE OF ENTRY OF ORDER ON PLAINTIFF'S MOTION TO EXTEND LAST DAY TO  
AMEND PLEADINGS AND ADD PARTIES DEADLINE (FIRST)**

PLEASE TAKE NOTICE that an Order on Plaintiff's Motion to Extend Last Day to Amend  
Pleadings and Add Parties Deadline (First) Was entered on the 19<sup>th</sup> day of May, 2023, a copy of which is  
attached hereto.

DATED this 19<sup>th</sup> day of May, 2023.

LAW OFFICE OF DANIEL MARKS

/s/ Nicole M. Young  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Attorneys for Plaintiff

APPENDIX 000833

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Linda K. Rurangirwa, Esq.  
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2110 E. Flamingo Road, Suite 212  
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Justin Shiroy, Esq.  
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*Attorneys for Defendant Frank J. Delee, M.D. and  
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Sherman B. Mayor, Esq.  
HALL PRANGLE and SCHOONVELD LLC  
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*Attorney for Defendant and Third-Party Plaintiff  
Sunrise Hospital and Medical Center, LLC*

MELANIE THOMAS, ESQ.  
Lewis Brisbois Bisgaard & Smith  
6385 S. Rainbow Blvd., Suite 600  
Las Vegas, Nevada 89118  
Attorney for Nevada Hospitalist Group, LLP

/s/ Rayne Forrester  
An employee of the  
LAW OFFICE OF DANIEL MARKS

ORDR

LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
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[Office@danielmarks.net](mailto:Office@danielmarks.net)  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHOLOE GREEN, an individual,  
  
Plaintiff,

Case No. A-17-757722-C  
Dept. No. 19

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**ORDER ON PLAINTIFF'S MOTION TO EXTEND LAST DAY TO AMEND PLEADINGS AND  
ADD PARTIES DEADLINE (FIRST)**

This matter having come on for hearing on the 12th day of April, 2023, at the hour of 8:30 a.m.  
on Plaintiff's Motion to Extend Last Day to Amend Pleadings and Add Parties Deadline; Plaintiff  
appearing by and through her counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law  
Office of Daniel Marks; Defendants Frank J. Delee, M.D. and Frank J. Delee, M.D., P.C., appearing by  
and through its counsel, Justin Shiroff, Esq., of Wilson Elser Moskowitz Edelman & Dicker, LLP;  
Defendant Sunrise Hospital and Medical Center, LLC, appearing by and through its counsel, Tyson J.  
Dobbs, Esq., of Hall Prangle Schoonveld, LLC; Defendant Ali Kia, M.D., appearing by and through his

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////

counsel Linda K. Rurangirwa, Esq., and Defendant Nevada Hospitalist Group, LLP, appearing by and through its counsel Melanie Thomas. Esq., of Lewis Brisbois Bisgaard & Smith LLP ; the Court having reviewed the papers and pleadings on file, having heard the arguments of counsel and good appearing:

IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion is GRANTED. The deadline to amend the pleadings and/or add parties is October 24, 2023

Dated this 19th day of May, 2023



**F0E 93A 3F53 7C48**  
**Crystal Eller**  
**District Court Judge**

Respectfully submitted:

DATED this 19<sup>th</sup> day of May, 2023.

LAW OFFICE OF DANIEL MARKS

/s/ Daniel Marks

DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Attorney for Plaintiff

Approved as to Form and Content:

DATED this 19<sup>th</sup> day of May, 2023.

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

/s/ Justin A. Shiroff

ERIC K. STRYKER, ESQ.  
Nevada State Bar No. 005793  
JUSTIN A. SHIROFF, ESQ.  
Nevada State Bar No. 12869  
6689 Las Vegas Blvd. South, Suite 200  
Las Vegas, Nevada 89119  
Attorneys for Frank DeLee, M.D. and  
Frank DeLee, M.D., PC's

Approved as to form and content:

DATED this 17<sup>th</sup> day of May, 2023.

HALL PRANGLE & SCHOONVELD, LLC

/s/ Tyson J. Dobbs

TYSON J. DOBBS, ESQ.  
Nevada State Bar No. 11953  
1140 N. Town Center Drive Suite #350  
Las Vegas, Nevada 89144  
Attorney for Sunrise Hospital

Approved as to Form and Content:

DATED this 17<sup>th</sup> day of May, 2023.

COLLINSON, DAEHNKE, INLOW & GRECO

/s/ Linda K. Rurangirwa

LAURA LUCERO, ESQ.  
Nevada State Bar No. 008843  
LINDA K. RURANGIRWA, ESQ.  
Nevada State Bar No. 9172  
2110 E. Flamingo Road, Suite 212  
Las Vegas, Nevada 89119  
Attorneys for Defendant Ali Kia, M.D.

1 Approved as to Form and Content:

2 DATED this 19<sup>th</sup> day of May, 2023.

3 LEWIS BRISBOIS BISGAARD & SMITH

4 /s/ Melanie Thomas

5 MELANIE THOMAS, ESQ.

Nevada State Bar No. 12576

6 6385 S. Rainbow Blvd., Suite 600

Las Vegas, Nevada 89118

7 Attorney for Nevada Hospitalist Group, LLP

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## Office

---

**From:** Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Sent:** Wednesday, May 17, 2023 3:34 PM  
**To:** Office; Stryker, Eric K.; Tyson Dobbs; Thomas, Melanie; Linda K. Rurangirwa  
**Cc:** Vogel, Brent; Patricia Daehnke; Clark, Angela; Galvez, Catherine; Brown, Heidi; Laura Lucero; Nicole Young  
**Subject:** RE: Green v. Delee

You may use my electronic signature on the proposed orders (assuming Eric hasn't already asked that you use his).

Justin A. Shiroff  
Attorney At Law  
Wilson Elser Moskowitz Edelman & Dicker LLP  
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Las Vegas, NV 89119  
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702.327.6595 (Cell)  
702.727.1400 (Main)  
702.727.1401 (Fax)  
[justin.shiroff@wilsonelser.com](mailto:justin.shiroff@wilsonelser.com)

**From:** Office [mailto:office@danielmarks.net]  
**Sent:** Wednesday, May 17, 2023 8:14 AM  
**To:** Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Cc:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Galvez, Catherine <Catherine.Galvez@lewisbrisbois.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>  
**Subject:** RE: Green v. Delee

## [EXTERNAL EMAIL]

Good morning:

We made the requested changes to the Orders. Please review and let me know if you approve each order and authorize us to use your e-signature.

Melanie, we have not heard back regarding changes. Please let me know at your earliest convenience if you have any. Thank you!

*Thank You,*

Rayne Forrester, Asst. to Daniel Marks  
Law Office of Daniel Marks  
610 South Ninth Street

## Office

---

**From:** Tyson Dobbs <tdobbs@HPSLAW.COM>  
**Sent:** Wednesday, May 17, 2023 3:33 PM  
**To:** Office; Stryker, Eric K.; Thomas, Melanie; Linda K. Rurangirwa; Shiroff, Justin A.  
**Cc:** Vogel, Brent; Patricia Daehnke; Clark, Angela; Galvez, Catherine; Brown, Heidi; Laura Lucero; Nicole Young  
**Subject:** RE: Green v. Delee

You can use my e-signature on the orders. Thanks.



**Tyson Dobbs**  
*Partner*  
O: 702.212.1457  
Email: [tdobbs@HPSLAW.COM](mailto:tdobbs@HPSLAW.COM)  
  
**Legal Assistant: Nicole Etienne**  
O: 702.212.1446  
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**From:** Office <[office@danielmarks.net](mailto:office@danielmarks.net)>  
**Sent:** Wednesday, May 17, 2023 8:14 AM  
**To:** Stryker, Eric K. <[Eric.Stryker@wilsonelser.com](mailto:Eric.Stryker@wilsonelser.com)>; Tyson Dobbs <[tdobbs@HPSLAW.COM](mailto:tdobbs@HPSLAW.COM)>; Thomas, Melanie <[Melanie.Thomas@lewisbrisbois.com](mailto:Melanie.Thomas@lewisbrisbois.com)>; Linda K. Rurangirwa <[Linda.Rurangirwa@cdiglaw.com](mailto:Linda.Rurangirwa@cdiglaw.com)>; Shiroff, Justin A. <[Justin.Shiroff@wilsonelser.com](mailto:Justin.Shiroff@wilsonelser.com)>  
**Cc:** Vogel, Brent <[Brent.Vogel@lewisbrisbois.com](mailto:Brent.Vogel@lewisbrisbois.com)>; Patricia Daehnke <[Patricia.Daehnke@cdiglaw.com](mailto:Patricia.Daehnke@cdiglaw.com)>; Clark, Angela <[Angela.Clark@wilsonelser.com](mailto:Angela.Clark@wilsonelser.com)>; Galvez, Catherine <[Catherine.Galvez@lewisbrisbois.com](mailto:Catherine.Galvez@lewisbrisbois.com)>; Brown, Heidi <[Heidi.Brown@lewisbrisbois.com](mailto:Heidi.Brown@lewisbrisbois.com)>; Laura Lucero <[Laura.Lucero@cdiglaw.com](mailto:Laura.Lucero@cdiglaw.com)>; Nicole Young <[NYoung@danielmarks.net](mailto:NYoung@danielmarks.net)>  
**Subject:** RE: Green v. Delee

---

[External Email] CAUTION!

---

Good morning:

We made the requested changes to the Orders. Please review and let me know if you approve each order and authorize us to use your e-signature.



## Office

---

**From:** Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>  
**Sent:** Thursday, May 18, 2023 10:06 AM  
**To:** Office; Stryker, Eric K.; Tyson Dobbs; Thomas, Melanie; Shiroff, Justin A.  
**Cc:** Vogel, Brent; Patricia Daehnke; Clark, Angela; Galvez, Catherine; Brown, Heidi; Laura Lucero; Nicole Young  
**Subject:** RE: Green v. Delee

You may use my e-signature on the following orders:

- Dr. Kia's motion for summary judgment
- Plaintiff's motion to continue deadlines on amending pleadings/adding parties
- Sunrise Hospital's motion for summary judgment.

I will wait for the revised order on NHG's motion for summary judgment.

Thanks,

Linda K. Rurangirwa  
Collinson, Daehnke, Inlow & Greco

**From:** Office <office@danielmarks.net>  
**Sent:** Wednesday, May 17, 2023 8:14 AM  
**To:** Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Cc:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Galvez, Catherine <Catherine.Galvez@lewisbrisbois.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>  
**Subject:** RE: Green v. Delee

Good morning:

We made the requested changes to the Orders. Please review and let me know if you approve each order and authorize us to use your e-signature.

Melanie, we have not heard back regarding changes. Please let me know at your earliest convenience if you have any. Thank you!

**Thank You,**

*Rayne Forrester, Asst. to Daniel Marks*  
**Law Office of Daniel Marks**  
610 South Ninth Street  
Las Vegas, Nevada 89101  
O: (702) 386-0536; F: (702) 386-6812

## Office

---

**From:** Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>  
**Sent:** Thursday, May 18, 2023 10:35 AM  
**To:** Office; Stryker, Eric K.; Tyson Dobbs; Linda K. Rurangirwa; Shiroff, Justin A.  
**Cc:** Vogel, Brent; Patricia Daehnke; Clark, Angela; Galvez, Catherine; Brown, Heidi; Laura Lucero; Nicole Young  
**Subject:** RE: Green v. Delee

I give my consent to add my electronic signature to all orders except, Plaintiff's current version of the order related to NHG's motion. I have sent back tracked changes. Thank you.



**Melanie L. Thomas**  
**Partner**  
**Melanie.Thomas@lewisbrisbois.com**

**T: 702.693.1718 F: 702.366.9563**

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

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**From:** Office <office@danielmarks.net>  
**Sent:** Wednesday, May 17, 2023 8:14 AM  
**To:** Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Cc:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Galvez, Catherine <Catherine.Galvez@lewisbrisbois.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>  
**Subject:** [EXT] RE: Green v. Delee

Good morning:

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Melanie, we have not heard back regarding changes. Please let me know at your earliest convenience if you have any. Thank you!

*Thank You,*

*Rayne Forrester, Asst. to Daniel Marks*  
**Law Office of Daniel Marks**

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 Choloe Green, Plaintiff(s)

CASE NO: A-17-757722-C

7 vs.

DEPT. NO. Department 19

8 Frank Delee, M.D., Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/19/2023

15 E-File Admin

efile@hpslaw.com

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brent.vogel@lewisbrisbois.com

17 Eric Stryker

eric.stryker@wilsonelser.com

18 Efile LasVegas

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20 Tyson Dobbs

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22 Patricia Daehnke

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24 Linda Rurangirwa

linda.rurangirwa@cdiglaw.com

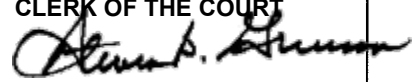
25 Amanda Rosenthal

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26 Laura Lucero

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Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No. A-17-757722-C  
Dept. No. 19

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**NOTICE OF ENTRY OF ORDER ON DEFENDANT SUNRISE HOSPITAL AND MEDICAL  
CENTER, LLC'S MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that an Order on Defendant Sunrise Hospital and Medical Center, LLC's  
Motion for Summary Judgment was entered on the 19<sup>th</sup> day of May, 2023, a copy of which is attached  
hereto.

DATED this 19<sup>th</sup> day of May, 2023.

LAW OFFICE OF DANIEL MARKS

/s/ Nicole M. Young  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Attorneys for Plaintiff

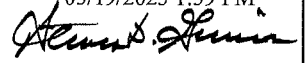
APPENDIX 000844

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Patricia E. Daehnke, Esq.  
Linda K. Rurangirwa, Esq.  
COLLISON, DAENHKE, INLOW & GRECO  
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*Attorneys for Defendant Ali Kia, M.D.*

Tyson J. Dobbs, Esq.  
Sherman B. Mayor, Esq.  
HALL PRANGLE and SCHOONVELD LLC  
1140 North Town Center Drive, Suite 350  
Las Vegas, Nevada 89114  
*Attorney for Defendant and Third-Party Plaintiff  
Sunrise Hospital and Medical Center, LLC*

/s/ Rayne Forrester  
An employee of the  
LAW OFFICE OF DANIEL MARKS

  
CLERK OF THE COURT

ORDER

LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
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[Office@danielmarks.net](mailto:Office@danielmarks.net)  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No. A-17-757722-C  
Dept. No. 19

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**ORDER ON DEFENDANT SUNRISE HOSPITAL AND MEDICAL CENTER, LLC'S  
MOTION FOR SUMMARY JUDGMENT**

This matter having come on for hearing on the 12th day of April, 2023, at the hour of 8:30 a.m.  
on Defendant Sunrise Hospital and Medical Center, LLC's Motion for Summary Judgment; Plaintiff  
appearing by and through her counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law  
Office of Daniel Marks; Defendants Frank J. Delee, M.D. and Frank J. Delee, M.D., P.C., appearing by  
and through its counsel, Justin Shiroff, Esq., of Wilson Elser Moskowitz Edelman & Dicker, LLP;  
Defendant Sunrise Hospital and Medical Center, LLC, appearing by and through its counsel, Tyson J.  
Dobbs, Esq., of Hall Prangle Schoonveld, LLC; Defendant Ali Kia, M.D., appearing by and through his

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counsel Linda K. Rurangirwa, Esq., and Defendant Nevada Hospitalist Group, LLP, appearing by and through its counsel Melanie Thomas. Esq., of Lewis Brisbois Bisgaard & Smith LLP ; the Court having reviewed the papers and pleadings on file, having heard the arguments of counsel and good appearing:

IT IS ORDERED, ADJUDGED, AND DECREED that Defendant Sunrise Hospital and Medical Center, LLC's Motion for Summary Judgment is DENIED due to not enough discovery having been conducted. Defendant Sunrise Hospital may revisit this motion at the conclusion of the discovery process.

Dated this 19th day of May, 2023



**B46 3D7 F52E E545**  
**Crystal Eller**  
**District Court Judge**

Respectfully submitted:

Approved as to form and content:

DATED this 19<sup>th</sup> day of May, 2023.

DATED this 19<sup>th</sup> day of May, 2023.

LAW OFFICE OF DANIEL MARKS

HALL PRANGLE & SCHOONVELD, LLC

/s/ Daniel Marks

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/s/ Tyson J. Dobbs

TYSON J. DOBBS, ESQ.  
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1140 N. Town Center Drive Suite #350  
Las Vegas, Nevada 89144  
Attorney for Sunrise Hospital

////

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1 Approved as to Form and Content:

2 DATED this 19<sup>th</sup> day of May, 2023.

3 WILSON, ELSER, MOSKOWITZ,  
4 EDELMAN & DICKER LLP

5 /s/ Eric K. Stryker

6 ERIC K. STRYKER, ESQ.

7 Nevada State Bar No. 005793

8 JUSTIN A. SHIROFF, ESQ.

9 Nevada State Bar No. 12869

6689 Las Vegas Blvd. South, Suite 200

Las Vegas, Nevada 89119

Attorneys for Frank DeLee, M.D. and

Frank DeLee, M.D., PC's

10 Approved as to Form and Content:

11 DATED this 19<sup>th</sup> day of May, 2023.

12 LEWIS BRISBOIS BISGAARD & SMITH

13 /s/ Melanie Thomas

14 MELANIE THOMAS, ESQ.

15 Nevada State Bar No. 12576

6385 S. Rainbow Blvd., Suite 600

Las Vegas, Nevada 89118

16 Attorney for Nevada Hospitalist Group, LLP

Approved as to Form and Content:

DATED this 19<sup>th</sup> day of May, 2023.

COLLINSON, DAEHNKE, INLOW & GRECO

/s/ Linda K. Rurangirwa

LAURA LUCERO, ESQ.

Nevada State Bar No. 008843

LINDA K. RURANGIRWA, ESQ.

Nevada State Bar No. 9172

2110 E. Flamingo Road, Suite 212

Las Vegas, Nevada 89119

Attorneys for Defendant Ali Kia, M.D.

## Office

---

**From:** Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Sent:** Wednesday, May 17, 2023 3:34 PM  
**To:** Office; Stryker, Eric K.; Tyson Dobbs; Thomas, Melanie; Linda K. Rurangirwa  
**Cc:** Vogel, Brent; Patricia Daehnke; Clark, Angela; Galvez, Catherine; Brown, Heidi; Laura Lucero; Nicole Young  
**Subject:** RE: Green v. Delee

You may use my electronic signature on the proposed orders (assuming Eric hasn't already asked that you use his).

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Wilson Elser Moskowitz Edelman & Dicker LLP  
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702.327.6595 (Cell)  
702.727.1400 (Main)  
702.727.1401 (Fax)  
[justin.shiroff@wilsonelser.com](mailto:justin.shiroff@wilsonelser.com)

**From:** Office [mailto:office@danielmarks.net]  
**Sent:** Wednesday, May 17, 2023 8:14 AM  
**To:** Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Cc:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Galvez, Catherine <Catherine.Galvez@lewisbrisbois.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>  
**Subject:** RE: Green v. Delee

### [EXTERNAL EMAIL]

Good morning:

We made the requested changes to the Orders. Please review and let me know if you approve each order and authorize us to use your e-signature.

Melanie, we have not heard back regarding changes. Please let me know at your earliest convenience if you have any. Thank you!

*Thank You,*

Rayne Forrester, Asst. to Daniel Marks  
Law Office of Daniel Marks  
610 South Ninth Street

## Office

---

**From:** Tyson Dobbs <tdobbs@HPSLAW.COM>  
**Sent:** Wednesday, May 17, 2023 3:33 PM  
**To:** Office; Stryker, Eric K.; Thomas, Melanie; Linda K. Rurangirwa; Shiroff, Justin A.  
**Cc:** Vogel, Brent; Patricia Daehnke; Clark, Angela; Galvez, Catherine; Brown, Heidi; Laura Lucero; Nicole Young  
**Subject:** RE: Green v. Delee

You can use my e-signature on the orders. Thanks.



**Tyson Dobbs**  
*Partner*  
O: 702.212.1457  
Email: [tdobbs@HPSLAW.COM](mailto:tdobbs@HPSLAW.COM)  
  
**Legal Assistant:** Nicole Etienne  
O: 702.212.1446  
Email: [netienne@hpslaw.com](mailto:netienne@hpslaw.com)

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**From:** Office <[office@danielmarks.net](mailto:office@danielmarks.net)>  
**Sent:** Wednesday, May 17, 2023 8:14 AM  
**To:** Stryker, Eric K. <[Eric.Stryker@wilsonelser.com](mailto:Eric.Stryker@wilsonelser.com)>; Tyson Dobbs <[tdobbs@HPSLAW.COM](mailto:tdobbs@HPSLAW.COM)>; Thomas, Melanie <[Melanie.Thomas@lewisbrisbois.com](mailto:Melanie.Thomas@lewisbrisbois.com)>; Linda K. Rurangirwa <[Linda.Rurangirwa@cdiglaw.com](mailto:Linda.Rurangirwa@cdiglaw.com)>; Shiroff, Justin A. <[Justin.Shiroff@wilsonelser.com](mailto:Justin.Shiroff@wilsonelser.com)>  
**Cc:** Vogel, Brent <[Brent.Vogel@lewisbrisbois.com](mailto:Brent.Vogel@lewisbrisbois.com)>; Patricia Daehnke <[Patricia.Daehnke@cdiglaw.com](mailto:Patricia.Daehnke@cdiglaw.com)>; Clark, Angela <[Angela.Clark@wilsonelser.com](mailto:Angela.Clark@wilsonelser.com)>; Galvez, Catherine <[Catherine.Galvez@lewisbrisbois.com](mailto:Catherine.Galvez@lewisbrisbois.com)>; Brown, Heidi <[Heidi.Brown@lewisbrisbois.com](mailto:Heidi.Brown@lewisbrisbois.com)>; Laura Lucero <[Laura.Lucero@cdiglaw.com](mailto:Laura.Lucero@cdiglaw.com)>; Nicole Young <[NYoung@danielmarks.net](mailto:NYoung@danielmarks.net)>  
**Subject:** RE: Green v. Delee

---

[External Email] CAUTION!

Good morning:

We made the requested changes to the Orders. Please review and let me know if you approve each order and authorize us to use your e-signature.

## Office

---

**From:** Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>  
**Sent:** Thursday, May 18, 2023 10:06 AM  
**To:** Office; Stryker, Eric K.; Tyson Dobbs; Thomas, Melanie; Shiroff, Justin A.  
**Cc:** Vogel, Brent; Patricia Daehnke; Clark, Angela; Galvez, Catherine; Brown, Heidi; Laura Lucero; Nicole Young  
**Subject:** RE: Green v. Delee

You may use my e-signature on the following orders:

- Dr. Kia's motion for summary judgment
- Plaintiff's motion to continue deadlines on amending pleadings/adding parties
- Sunrise Hospital's motion for summary judgment.

I will wait for the revised order on NHG's motion for summary judgment.

Thanks,

Linda K. Rurangirwa  
Collinson, Daehnke, Inlow & Greco

**From:** Office <office@danielmarks.net>  
**Sent:** Wednesday, May 17, 2023 8:14 AM  
**To:** Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Cc:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Galvez, Catherine <Catherine.Galvez@lewisbrisbois.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>  
**Subject:** RE: Green v. Delee

Good morning:

We made the requested changes to the Orders. Please review and let me know if you approve each order and authorize us to use your e-signature.

Melanie, we have not heard back regarding changes. Please let me know at your earliest convenience if you have any. Thank you!

**Thank You,**

Rayne Forrester, Asst. to Daniel Marks  
**Law Office of Daniel Marks**  
610 South Ninth Street  
Las Vegas, Nevada 89101  
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## Office

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**From:** Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>  
**Sent:** Thursday, May 18, 2023 10:35 AM  
**To:** Office; Stryker, Eric K.; Tyson Dobbs; Linda K. Rurangirwa; Shiroff, Justin A.  
**Cc:** Vogel, Brent; Patricia Daehnke; Clark, Angela; Galvez, Catherine; Brown, Heidi; Laura Lucero; Nicole Young  
**Subject:** RE: Green v. Delee

I give my consent to add my electronic signature to all orders except, Plaintiff's current version of the order related to NHG's motion. I have sent back tracked changes. Thank you.



**Melanie L. Thomas**  
**Partner**  
**Melanie.Thomas@lewisbrisbois.com**  
**T: 702.693.1718 F: 702.366.9563**

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

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**From:** Office <office@danielmarks.net>  
**Sent:** Wednesday, May 17, 2023 8:14 AM  
**To:** Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Cc:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Galvez, Catherine <Catherine.Galvez@lewisbrisbois.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>  
**Subject:** [EXT] RE: Green v. Delee

Good morning:

We made the requested changes to the Orders. Please review and let me know if you approve each order and authorize us to use your e-signature.

Melanie, we have not heard back regarding changes. Please let me know at your earliest convenience if you have any. Thank you!

*Thank You,*

Rayne Forrester, Asst. to Daniel Marks  
Law Office of Daniel Marks

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 Choloe Green, Plaintiff(s)

CASE NO: A-17-757722-C

7 vs.

DEPT. NO. Department 19

8 Frank Delee, M.D., Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

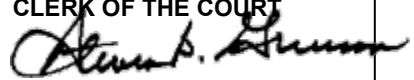
11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/19/2023

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*Attorneys for Defendant Nevada Hospitalist  
Group, LLP*

DISTRICT COURT

CLARK COUNTY, NEVADA

CHOLOE GREEN, an individual,  
  
Plaintiff,  
  
vs.

CASE NO. A-17-757722-C  
Dept. No.: 19

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE, MD, PC, a Domestic  
Professional Corporation, SUNRISE  
HOSPITAL AND MEDICAL CENTER,  
LLC, a Foreign Limited-Liability Company;  
ALI KIA, M.D., an individual; and NEVADA  
HOSPITALIST GROUP, LLP,  
  
Defendants.

**NOTICE OF ENTRY OF ORDER**

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1 PLEASE TAKE NOTICE that the Order on Defendant Nevada Hospitalist Group,  
2 LLP's Motion for Summary Judgment was entered on May 24, 2023, a true and correct  
3 copy of which is attached hereto.

4 DATED this 24<sup>th</sup> day of May, 2023

5 LEWIS BRISBOIS BISGAARD & SMITH LLP  
6  
7

8 By /s/ Melanie L. Thomas  
9 S. BRENT VOGEL  
10 Nevada Bar No. 6858  
11 MELANIE L. THOMAS  
12 Nevada Bar No. 12576  
13 6385 S. Rainbow Boulevard, Suite 600  
14 Las Vegas, Nevada 89118  
15 Tel. 702.893.3383  
16 *Attorneys for Defendant Nevada Hospitalist*  
17 *Group, LLP*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of May, 2023, a true and correct copy of **NOTICE OF INTENT TO APPEAR ELECTRONICALLY** was served by electronically filing with the Clerk of the Court using the Electronic Service system and serving all parties with an email-address on record, who have agreed to receive Electronic Service in this action.

Daniel Marks, Esq.  
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[linda.rurangirwa@cdiglaw.com](mailto:linda.rurangirwa@cdiglaw.com)  
*Attorneys for Defendant Ali Kia, M.D.*

*Attorneys for Defendant Sunrise Hospital  
and Medical Center, LLC*

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

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6 FAX: 702.893.3789  
*Attorneys for Defendant Nevada Hospitalist*  
7 *Group, LLP*

8  
9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 CHOLOE GREEN, an individual,  
12 Plaintiff,

13 vs.

14 FRANK J. DELEE, M.D., an individual;  
15 FRANK J. DELEE, MD, PC, a Domestic  
Professional Corporation, SUNRISE  
16 HOSPITAL AND MEDICAL CENTER, LLC,  
a Foreign Limited-Liability Company; ALI  
KIA, M.D., an individual; and NEVADA  
HOSPITALIST GROUP, LLP,

17 Defendants.  
18

CASE NO. A-17-757722-C  
Dept. No.: 19

**ORDER ON DEFENDANT NEVADA  
HOSPITALIST GROUP, LLP'S MOTION  
FOR SUMMARY JUDGMENT**

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1                   **ORDER ON DEFENDANT NEVADA HOSPITALIST GROUP, LLP'S MOTION**  
2                                   **FOR SUMMARY JUDGMENT**

3           This matter having come on for hearing on the 12th day of April, 2023, at the hour  
4 of 8:30 a.m. on Defendant Nevada Hospitalist Group, LLC's Motion for Summary  
5 Judgment; Plaintiff appearing by and through her counsel, Daniel Marks, Esq., and Nicole  
6 M. Young, Esq., of the Law Office of Daniel Marks; Defendants Frank J. Delee, M.D. and  
7 Frank J. Delee, M.D., P.C., appearing by and through its counsel, Justin Shiroff, Esq., of  
8 Wilson Elser Moskowitz Edelman & Dicker, LLP; Defendant Sunrise Hospital and Medical  
9 Center, LLC, appearing by and through its counsel, Tyson J. Dobbs, Esq., of Hall Prangle  
10 Schoonfeld, LLC; Defendant Ali Kia, M.D., appearing by and through his counsel Linda K.  
11 Rurangirwa, Esq., and Defendant Nevada Hospitalist Group, LLP, appearing by and  
12 through its counsel Melanie Thomas. Esq., of Lewis Brisbois Bisgaard & Smith LLP; the  
13 Court having reviewed the papers and pleadings on file, having heard the arguments of  
14 counsel and good appearing:

15           **I.       UNDISPUTED MATERIAL FACTS**

16           The following facts are undisputed:

17           Plaintiff initiated this litigation on June 30, 2017, naming Defendants Frank DeLee,  
18 M.D., Frank J. DeLee, M.D, P.C, and Sunrise Hospital and Medical Center, LLC.<sup>1</sup>

19           Plaintiff alleges she was injured in July 2016.<sup>2</sup>

20           On August 9, 2017, Plaintiff served her initial disclosures of witnesses and  
21 documents pursuant to NRCP 16.1, which included records from Plaintiff's July 14th-16th,  
22 2016 presentation to Sunrise Hospital and Medical Center where she was seen by Ali Kia,  
23 M.D. The Court found that Plaintiff was on notice of Dr. Kia's identity no later than the time  
24 she acquired the Sunrise Hospital and Medical Center records.<sup>3</sup>

25   ///

26 \_\_\_\_\_  
27   <sup>1</sup> See Register of Actions.

28   <sup>2</sup> See Amended Complaint.

<sup>3</sup> See Hearing Transcript, at 34:5-20.

On June 14, 2019, Nevada Hospitalist Group along with Ali Kia, M.D., were sued as Third Party Defendants by Sunrise Hospital.<sup>4</sup>

Nevada Hospitalist Group filed a Motion for Judgment on the Pleadings, which was granted on May 11, 2020.<sup>5</sup>

On October 16, 2020, Plaintiff filed a Motion to Amend the Complaint to add Dr. Kia and Nevada Hospitalist Group as Defendants.<sup>6</sup>

On December 16, 2020, Plaintiff filed her Amended Complaint naming as Defendants, Nevada Hospitalist Group and Dr. Kia.<sup>7</sup>

Plaintiff's allegations against Nevada Hospitalist group are as follows:

[illegible][illegible]

~~See Amended Complaint, at ¶¶ 6-7, and 14.~~

~~Plaintiff does not allege that Nexada Hospitalist Group is the employer of Dr. Kia.~~

XXX  
19.

Plaintiff alleges that "Throughout her stay from July 14<sup>th</sup> 2016, Choche believed all healthcare professionals that provided her care/treatment were employees and/or agents of the hospital" at ¶ 1.

///

<sup>4</sup> See Register of Actions.

<sup>5</sup> *Id.*

6 *Id.*

<sup>7</sup> *Id.*

1 Plaintiff's Amended Complaint does not include any direct claims against Nevada  
2 Hospitalist Group, and does not allege vicarious liability. ~~Id.~~

3 Nevada Hospitalist Group, LLP is not mentioned in the expert affidavit attached to  
4 Plaintiff's Amended Complaint. ~~Id.~~

5 Dr. Kia testified that he has been self-employed, owning his professional practice  
6 Ali Kia, M.D., Inc., since 2008.<sup>8</sup>  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

7 Dr. Kia testified that he was employed and/or an independent contractor of Nevada  
8 Hospitalist Group, LLP on the date of the incident, and that he did his billing through  
9 Nevada Hospitalist Group, LLP.<sup>9</sup>

10 Dr. Kia responded to Requests for Admissions admitting that he was never an  
11 employee or a partner of Nevada Hospitalist Group.

12 Plaintiff did not move the Court for relief pursuant to NRCP 56(d) in opposing  
13 Nevada Hospitalist Group, LLP's Motion for Summary Judgment.

## 14 II. CONCLUSIONS OF LAW

15 Summary judgment pursuant to NRCP 56 is appropriate when the pleadings,  
16 depositions, answers to interrogatories, admissions, and affidavits properly before the  
17 court, show that there exists no genuine issue as to any material fact and that the moving  
18 party is entitled to judgment as a matter of law. *Butler ex rel. Biller v. Bayer*, 123 Nev. 450,  
19 457-58, 168 P.3d 1055, 1061 (2007) (en banc). In review of a motion for summary  
20 judgment, evidence must be viewed in a light most favorable to the non-moving party, and  
21 factual allegations and all reasonable inferences drawn in favor of that party must be  
22 accepted as true. See *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029  
23 (2005) (per curiam). While the party moving for summary judgment bears the initial burden  
24 of demonstrating the absence of a genuine issue of material fact, the non-moving party  
25 may not avoid summary judgment by relying on general allegations or "the gossamer

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~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
28 <sup>8</sup> Deposition of Dr. Kia, at 6:6-12.

<sup>9</sup> Deposition of Dr. Kia, at 12:21-24, 14:16-20, and 65:18-24.

1 threads of whimsy, speculation, and conjecture." *Pools Constr. Co. v. McClain's Concrete*  
2 *Inc.*, 101 Nev. 557, 559, 706 P.2d 849, 851 (1985) (per curiam). Rather, the non-moving  
3 party must, by competent evidence, set forth specific facts demonstrating the existence of  
4 a genuine issue for trial. *Elizabeth E v. ADT Security Systems West*, 108 Nev. 889, 892  
5 (1992). The purpose of summary judgment "is to avoid a needless trial when an  
6 appropriate showing is made in advance that there is no genuine issue of fact to be tried,  
7 and the movant is entitled to judgment as a matter of law." *Sahara Gaming Corp. v.*  
8 *Culinary Workers Union Local 226*, 115 Nev. 212, 214, 984 P.2d 164, 165 (1999).

9       ~~"The general rule of vicarious liability is that an employer is liable for the negligence~~  
10 ~~of its employee but not the negligence of an independent contractor." *McCrosky v. Carson*~~  
11 ~~*Tahoe Reg'l Med. Ctr.*, 133 Nev. 930, 934, 408 P.3d 149, 153 (2017), see *Oehler v.*~~  
12 ~~*Humana Inc.*, 105 Nev. 848, 354, 775 P.2d 1271, 1273 (1989).~~

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1        **III.     ORDER**

2            **IT IS ORDERED, ADJUDGED, AND DECREED** that Defendant Nevada Hospitalist  
3 Group, LLC's Motion for Summary Judgment is **DENIED WITHOUT PREJUDICE** based  
4 on Dr. Kia's deposition testimony,<sup>10</sup> discovery still being open, and to allow the plaintiff to  
5 continue receiving discovery responses to see if it vets anything out on the employer-  
6 employee relationship between Dr. Kia and Nevada Hospitalist Group, LLP, the motion is  
7 denied without prejudice.<sup>11</sup> The Court is inclined to grant the motion if the facts do not  
8 change between the time of hearing and the close of discovery.<sup>12</sup>

9            **IT IS SO ORDERED.**

Dated this 24th day of May, 2023



DISTRICT COURT JUDGE

12 Submitted by:

**632 C56 FF53 7F47**  
**Crystal Eller**  
**District Court Judge**

13 LEWIS BRISBOIS BISGAARD & SMITH LLP

14 /s/ Melanie L. Thomas

15 Melanie L. Thomas

16 Nevada Bar No. 12576

16 6385 S. Rainbow Boulevard, Suite 600

16 Las Vegas, Nevada 89118

17 *Attorneys for Defendant Nevada Hospitalist Group, LLP*

18 Approved as to form and content:

19 May \_\_\_, 2023

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21 Nicole M. Young, Esq.  
22 LAW OFFICE OF DANIEL  
22 MARKS  
23 610 S. 9<sup>th</sup> St.  
23 Las Vegas, NV 89101  
24 *Attorneys for Plaintiff*

May \_\_\_, 2023

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Las Vegas, NV 89101  
*Attorneys for Defendants Frank J. Delee, M.D. and  
Frank J. Delee, M.D., PC*

27 <sup>10</sup> Deposition of Dr. Kia, at 12:21-24, 14:15-20, and 65:18-24.

28 <sup>11</sup> See Hearing Transcript, at 58:16-24.

<sup>12</sup> Id.



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May 23, 2023	May 23, 2023
<u>/s/ Tyson J. Dobbs</u> Michael E. Prangle, Esq. Tyson J. Dobbs, Esq. Sherman B. Mayor, Esq. HALL PRANGLE & SCHOONVELD, LLC 1160 N. Town Center Dr., Suite 200 Las Vegas, NV 89144 Tel: 702.889.6400 Fax: 702.384.6025 <i>Attorneys for Defendant Sunrise Hospital</i>	<u>/s/ Linda K. Rurangirwa</u> Patricia Egan Daehnke, Esq. Linda K. Rurangirwa, Esq. COLLINSON, DAEHNKE, INLOW & GRECO 2110 E. Flamingo Road, Suite 212 Las Vegas, Nevada 89119 Tel: 702.979.2132 Fax: 702.979.2133 <i>Attorneys for Defendant Ali Kia, M.D.</i>

**From:** [Linda K. Rurangirwa](#)  
**To:** [Thomas, Melanie](#); Office; [Stryker, Eric K.](#); [Tyson Dobbs](#); [Shiroff, Justin A.](#)  
**Cc:** [Vogel, Brent](#); [Patricia Daehnke](#); [Clark, Angela](#); [Brown, Heidi](#); [Laura Lucero](#); [Nicole Young](#)  
**Subject:** [EXT] RE: COMPETING ORDER: RE: Green v. Delee  
**Date:** Tuesday, May 23, 2023 6:57:07 AM  
**Attachments:** [image001.png](#)

---



Good morning Melanie: You may use my electronic signature on your competing order.

Linda K. Rurangirwa  
Collinson, Daehnke, Inlow & Greco

---

**From:** Thomas, Melanie <[Melanie.Thomas@lewisbrisbois.com](mailto:Melanie.Thomas@lewisbrisbois.com)>  
**Sent:** Monday, May 22, 2023 10:34 AM  
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**Cc:** Vogel, Brent <[Brent.Vogel@lewisbrisbois.com](mailto:Brent.Vogel@lewisbrisbois.com)>; Patricia Daehnke <[Patricia.Daehnke@cdiglaw.com](mailto:Patricia.Daehnke@cdiglaw.com)>; Clark, Angela <[Angela.Clark@wilsonelser.com](mailto:Angela.Clark@wilsonelser.com)>; Brown, Heidi <[Heidi.Brown@lewisbrisbois.com](mailto:Heidi.Brown@lewisbrisbois.com)>; Laura Lucero <[Laura.Lucero@cdiglaw.com](mailto:Laura.Lucero@cdiglaw.com)>; Nicole Young <[NYoung@danielmarks.net](mailto:NYoung@danielmarks.net)>  
**Subject:** RE: COMPETING ORDER: RE: Green v. Delee  
**Importance:** High

Good Morning All:

Please advise whether you will be signing our competing order or the one proposed by Plaintiff.

Also, to Plaintiff's counsel: I saw that your orders on the other motions have come through e-service. Please provide the email where you submitted these to the Court. I do not see that I was copied on that email as required to avoid ex parte communications. I need confirmation on whether you've submitted the objectionable order ex parte as well. Please advise before 12pm today. In the future, you **MUST** copy all parties on any correspondence to the Court on this case. Thank you.

Melanie



**Melanie L. Thomas**  
**Partner**  
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**From:** Thomas, Melanie <[Melanie.Thomas@lewisbrisbois.com](mailto:Melanie.Thomas@lewisbrisbois.com)>  
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**From:** [Tyson Dobbs](#)  
**To:** [Thomas, Melanie](#); [Office](#); [Stryker, Eric K.](#); [Linda K. Rurangirwa](#); [Shiroff, Justin A.](#)  
**Cc:** [Vogel, Brent](#); [Patricia Daehnke](#); [Clark, Angela](#); [Brown, Heidi](#); [Laura Lucero](#); [Nicole Young](#)  
**Subject:** [EXT] RE: COMPETING ORDER: RE: Green v. Delee  
**Date:** Monday, May 22, 2023 1:28:37 PM  
**Attachments:** [image001.png](#)

---



You can use my e-signature on this order.



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**From:** Thomas, Melanie <[Melanie.Thomas@lewisbrisbois.com](mailto:Melanie.Thomas@lewisbrisbois.com)>

**Sent:** Monday, May 22, 2023 10:34 AM

**To:** Office <[office@danielmarks.net](mailto:office@danielmarks.net)>; Stryker, Eric K. <[Eric.Stryker@wilsonelser.com](mailto:Eric.Stryker@wilsonelser.com)>; Tyson Dobbs <[tdobbs@HPSLAW.COM](mailto:tdobbs@HPSLAW.COM)>; Linda K. Rurangirwa <[Linda.Rurangirwa@cdiglaw.com](mailto:Linda.Rurangirwa@cdiglaw.com)>; Shiroff, Justin A. <[Justin.Shiroff@wilsonelser.com](mailto:Justin.Shiroff@wilsonelser.com)>

**Cc:** Vogel, Brent <[Brent.Vogel@lewisbrisbois.com](mailto:Brent.Vogel@lewisbrisbois.com)>; Patricia Daehnke <[Patricia.Daehnke@cdiglaw.com](mailto:Patricia.Daehnke@cdiglaw.com)>; Clark, Angela <[Angela.Clark@wilsonelser.com](mailto:Angela.Clark@wilsonelser.com)>; Brown, Heidi <[Heidi.Brown@lewisbrisbois.com](mailto:Heidi.Brown@lewisbrisbois.com)>; Laura Lucero <[Laura.Lucero@cdiglaw.com](mailto:Laura.Lucero@cdiglaw.com)>; Nicole Young <[NYoung@danielmarks.net](mailto:NYoung@danielmarks.net)>

**Subject:** RE: COMPETING ORDER: RE: Green v. Delee

**Importance:** High

[External Email] CAUTION!.

Good Morning All:

Please advise whether you will be signing our competing order or the one proposed by Plaintiff.

Also, to Plaintiff's counsel: I saw that your orders on the other motions have come through e-service. Please provide the email where you submitted these to the Court. I do not see that I was copied on that email as required to avoid ex parte communications. I need confirmation on whether you've submitted the objectionable order ex parte as well. Please advise before 12pm today. In the future, you **MUST** copy all parties on any correspondence to the Court on this case. Thank you.

Melanie

**Melanie L. Thomas**

APPENDIX 000866

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Choloe Green, Plaintiff(s)

CASE NO: A-17-757722-C

7 vs.

DEPT. NO. Department 19

8 Frank Delee, M.D., Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

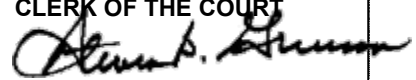
11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/24/2023

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Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No. A-17-757722-C  
Dept. No. 19

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**NOTICE OF ENTRY OF ORDER ON DEFENDANT ALI KIA, M.D.'S MOTION FOR  
SUMMARY JUDGEMENT**

PLEASE TAKE NOTICE that an Order on Defendant Ali Kia, M.D.'s Motion for Summary  
Judgment entered on the 25<sup>th</sup> day of May, 2023, a copy of which is attached hereto.

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

LAW OFFICE OF DANIEL MARKS

/s/ Nicole M. Young  
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NICOLE M. YOUNG, ESQ.  
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Attorneys for Plaintiff

APPENDIX 000869

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/s/ Rayne Forrester  
An employee of the  
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Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHOLOE GREEN, an individual,

Case No. A-17-757722-C  
Dept. No. 19

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**ORDER ON DEFENDANT ALI KIA, M.D.'S MOTION FOR SUMMARY JUDGMENT**

This matter having come on for hearing on the 12th day of April, 2023, at the hour of 8:30 a.m.  
on Defendant Ali Kia, M.D.'s Motion for Summary Judgment and Defendant Nevada Hospitalist Group,  
LLC's Joinder to Defendant Ali Kia, M.D.'s Motion for Summary Judgment; Plaintiff appearing by and  
through her counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law Office of Daniel  
Marks; Defendants Frank J. Delee, M.D. and Frank J. Delee, M.D., P.C., appearing by and through its  
counsel, Justin Shiroff, Esq., of Wilson Elser Moskowitz Edelman & Dicker, LLP; Defendant Sunrise  
Hospital and Medical Center, LLC, appearing by and through its counsel, Tyson J. Dobbs, Esq., of Hall  
Prangle Schoonveld, LLC; Defendant Ali Kia, M.D., appearing by and through his counsel Linda K.

////



1 Rurangirwa, Esq., and Defendant Nevada Hospitalist Group, LLP, appearing by and through its counsel  
2 Melanie Thomas, Esq., of Lewis Brisbois Bisgaard & Smith LLP ; the Court having reviewed the papers  
3 and pleadings on file, having heard the arguments of counsel and good appearing:

4 THIS COURT FINDS that the amended complaint arises out of the same transaction or  
5 occurrence set forth in the original complaint, relating back to the date of the original filing. *See* NRCP  
6 15(c). The same remains true when an amended complaint adds a defendant that is filed after the statute  
7 of limitations so long as the proper defendant (1) receives actual notice of the action; (2) knows that it is  
8 the proper party; and (3) has not been misled to its prejudice by the amendment. *Echols v. Summa Corp.*,  
9 95 Nev. 720, 722, 601 P.2d 716, 717 (1979). Defendant Ali Kia, M.D., has been provided timely notice  
10 and it is not prejudiced by his inclusion in this case based on how this case has progressed.

11 THIS COURT FURTHER FINDS that NRCP 15(c) is liberally construed to allow relation back  
12 of the amended complaint where the opposing party will be put to no disadvantage. *See E. W French &*  
13 *Sons, Inc. v. General Portland Inc.*, 885 F.2d 1392, 1396 (9<sup>th</sup> Cir. 1989) (discussing Federal Rule of  
14 Civil Procedure 15).

15 IT IS ORDERED, ADJUDGED, AND DECREED that Defendant Ali Kia, M.D.'s Motion for  
16 Summary Judgment is DENIED based on this Court's prior order on the issues presented in Defendant  
17 Ali Kia, M.D.'s Motion for Summary Judgment.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court is considering  
19 sanctions against Defendant Ali Kia, M.D., based on how similar this motion is to prior motions filed by  
20 Defendant Ali Kia, M.D., before the prior judge's in this case.

21 IT IS SO ORDERED.

22 Dated this 25th day of May, 2023

23   
24

25 F6B 384 72C8 4F40  
26 Crystal Eller  
27 District Court Judge

28 ////

////

1 Respectfully submitted:

2 DATED this 23rd day of May, 2023.

3 LAW OFFICE OF DANIEL MARKS

4 /s/ Daniel Marks

5 DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
6 NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
7 610 South Ninth Street  
Las Vegas, Nevada 89101  
8 Attorney for Plaintiff

9 Approved as to Form and Content:

10 DATED this \_\_\_\_ day of May, 2023.

11 WILSON, ELSER, MOSKOWITZ,  
12 EDELMAN & DICKER LLP

13 ERIC K. STRYKER, ESQ.  
14 Nevada State Bar No. 005793  
JUSTIN A. SHIROFF, ESQ.  
15 Nevada State Bar No. 12869  
6689 Las Vegas Blvd. South, Suite 200  
16 Las Vegas, Nevada 89119  
Attorneys for Frank DeLee, M.D. and  
17 Frank DeLee, M.D., PC's

18 Approved as to Form and Content:

19 DATED this \_\_\_\_ day of May, 2023.

20 LEWIS BRISBOIS BISGAARD & SMITH

21 MELANIE THOMAS, ESQ.  
22 Nevada State Bar No. 12576  
6385 S. Rainbow Blvd., Suite 600  
23 Las Vegas, Nevada 89118  
24 Attorney for Nevada Hospitalist Group, LLP  
25  
26  
27  
28

Approved as to form and content:

DATED this \_\_\_\_ day of May, 2023.

HALL PRANGLE & SCHOONVELD, LLC

TYSON J. DOBBS, ESQ.  
Nevada State Bar No. 11953  
1140 N. Town Center Drive Suite #350  
Las Vegas, Nevada 89144  
Attorney for Sunrise Hospital

Approved as to Form and Content:

DATED this \_\_\_\_ day of May, 2023.

COLLINS, DAEHNKE, INLOW & GRECO

LAURA LUCERO, ESQ.  
Nevada State Bar No. 008843  
LINDA K. RURANGIRWA, ESQ.  
Nevada State Bar No. 9172  
2110 E. Flamingo Road, Suite 212  
Las Vegas, Nevada 89119  
Attorneys for Defendant Ali Kia, M.D.

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 Choloe Green, Plaintiff(s)

CASE NO: A-17-757722-C

7 vs.

DEPT. NO. Department 19

8 Frank Delee, M.D., Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

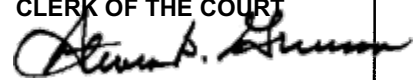
11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/25/2023

15 E-File Admin	efile@hpslaw.com
16 S. Vogel	brent.vogel@lewisbrisbois.com
17 Eric Stryker	eric.stryker@wilsonelser.com
18 Efile LasVegas	efilelasvegas@wilsonelser.com
19 Angela Clark	angela.clark@wilsonelser.com
20 Tyson Dobbs	tdobbs@hpslaw.com
21 Alia Najjar	alia.najjar@wilsonelser.com
22 Patricia Daehnke	patricia.daehnke@cdiglaw.com
23 Linda Rurangirwa	linda.rurangirwa@cdiglaw.com
24 Amanda Rosenthal	amanda.rosenthal@cdiglaw.com
25 Laura Lucero	laura.lucero@cdiglaw.com

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3	Nicolle Etienne	netienne@hpslaw.com
4	Nicole Young	nyoung@danielmarks.net
5	Reina Claus	rclaus@hpslaw.com
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14	Catherine Galvez	catherine.galvez@lewisbrisbois.com
15	Tiffany Dube	tiffany.dube@wilsonelser.com
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17	Gaylene Kim-Mistrille	Gaylene.Kim-Mistrille@lewisbrisbois.com
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LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
(702) 386-0536; Fax (702) 386-6812  
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

CHOLOE GREEN, an individual,  
  
Plaintiff,

Case No. A-17-757722-C  
Dept. No. 19

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D. an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**MEMORANDUM OF FEES AND COSTS**

COMES NOW the Plaintiff, Choloe Green, by and through her counsel, Daniel Marks, Esq., and  
Nicole M. Young, Esq., and hereby submits their Memorandum of Fees and Costs, pursuant to this  
Court's April 25, 2023 Minute Order, as follows:

**I. FACTUAL BACKGROUND**

During the hearing held on April 12, 2023, this Court ADMONISHED Defendant Ali Kia, M.D.  
("Kia"), for filing a Motion for Summary Judgment, on March 3, 2023, that was identical to the  
previous Motion to Dismiss he filed before the Honorable Jasmin Lilly Spells. This Court found his  
conduct "amounts to forum shopping."

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## II. LEGAL ARGUMENT

A party may be sanctioned for presenting a motion that is “obviously frivolous, unnecessary or unwarranted” or when a litigant “multiplies the proceedings in a case as to increase costs unnecessarily and vexatiously.” *See* EDCR 7.60(b)(1 & 3.)

Pursuant to *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969), this Court must analyze the following four (4) factors in order to award fees based on hourly time schedules:

1. The qualities of the advocate: his ability, his training, education, experience, professional standing and skill;
2. The character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation;
3. The work actually performed by the lawyer: the skill, time, and attention given to the work; and
4. The result: whether the attorney was successful and what benefits were derived.

First, Plaintiff’s counsel, Daniel Marks, Esq., is an experienced attorney that has litigated frequently in this court. His hourly rate is \$500 per hour. Nicole M. Young, Esq., has been practicing since 2012, and has also litigated many cases in the district court with Mr. Marks. Her hourly rate is \$300 per hour. These rates are commensurate with the rates in the community for attorneys with this amount of experience in professional negligence matters, and counsel believes that these hourly rates are reasonable for the above attorneys based on their experience.

The total attorney’s fees billed by the Law Office of Daniel Marks in relation to Kia’s frivolous motion total **\$9,131.25**. (*See* Exhibit 1.)

The total costs incurred by the Law Office of Daniel Marks total **\$3.50**, which was the filing fee to oppose Kia’s frivolous motion. (*See* Exhibit 1.)

Second, the work performed in this case is commensurate with the fees that were charged. While the motion for summary judgment filed by Kia was identical to a motion he previously filed, undersigned counsel still needed to oppose it and ensure the arguments previously made were still current. Undersigned counsel was able to keep the fees incurred minimal because they updated the prior arguments made.

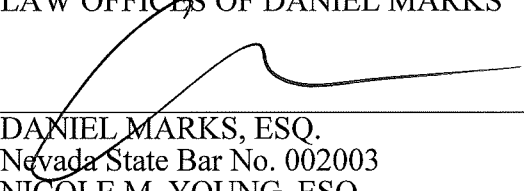
1 Finally, undersigned counsel was successful because Kia's frivolous motion was denied.

2 **III. CONCLUSION**

3 Based on the foregoing, it is respectfully requested that Plaintiff be awarded attorney's fees in the  
4 amount of **\$9,131.25** and costs in the amount of **\$3.50**. Counsel also spent one-half (½) hour preparing  
5 this Memorandum of Fees and Costs, which is an **additional \$150.00**. This Court should award Plaintiff  
6 a total of **\$9,281.25** in attorney's fees and costs.

7 DATED this 14 day of June, 2023.

8  
9 LAW OFFICES OF DANIEL MARKS

10  
11   
12 DANIEL MARKS, ESQ.  
13 Nevada State Bar No. 002003  
14 NICOLE M. YOUNG, ESQ.  
15 Nevada State Bar No. 12659  
16 610 South Ninth Street  
17 Las Vegas, Nevada 89101  
18 Attorneys for Plaintiff  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **DECLARATION**

2 DANIEL MARKS, ESQ., first duly sworn under penalty of perjury under the law of the State of  
3 Nevada, deposes and says:

4 That DANIEL MARKS, ESQ., is counsel for Plaintiff Choloe Green in the above-entitled matter;  
5 that he has read the above and foregoing **MEMORANDUM OF ATTORNEY'S FEES AND COSTS**  
6 and knows the contents thereof; that the same are true of his knowledge except for those matters stated  
7 upon information and belief, and as to those matters, he believes them to be true. Additionally, the fees  
8 and costs incurred, as represented in Exhibit 1, were actually and necessarily incurred and were  
9 reasonable.

10 DATED this 14 day of June, 2023.

11  
12   
13 DANIEL MARKS, ESQ



1 **CERTIFICATE OF SERVICE**

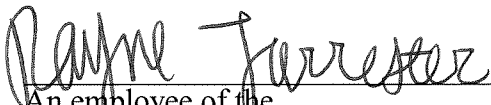
2 I hereby certify that I am an employee of the Law Office of Daniel Marks and that on the 14  
3 day of June, 2023, pursuant to NRCP 5(b) and Administrative Order 14-2, I electronically transmitted a  
4 true and correct copy of the above and foregoing **MEMORANDUM OF FEES AND COSTS** by way  
5 of Notice of Electronic Filing provided by the court mandated E-file & Serve System, as follows:  
6 following:

7 Eric K. Stryker, Esq.  
8 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
9 300 South 4<sup>th</sup> Street, 11<sup>th</sup> floor  
Las Vegas, Nevada 89101  
Attorney for Frank J. Delee M.D. and Frank J. Delee P.C.

10 Tyson Dobbs, Esq.  
11 HALL PRANGLE & SCHOONVELD, LLC.  
12 1160 N. Town Center Dr., Ste. 200  
Las Vegas, Nevada 89144  
Attorney for Sunrise Hospital and Medical Center LLC.

13 Linda K. Rurangirwa, Esq.  
14 Collinson, Daehnke, Inlow & Greco  
15 2110 E. Flamingo Road, Suite 212  
Las Vegas, Nevada 89119  
Attorney for Ali Kia, M.D.

16 S. Brent Vogel, Esq.  
17 Lewis Brisbois Bisgaard & Smith, LLP  
18 6385 S. Rainbow Blvd., Suite 600  
Las Vegas, Nevada 89118  
Attorney for Nevada Hospitalist Group, LLP

19  
20   
21 An employee of the  
22 LAW OFFICE OF DANIEL MARKS  
23  
24  
25  
26  
27  
28

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## **EXHIBIT 1**

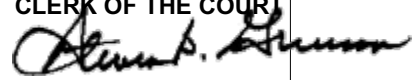
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**Green v. DeLee**  
**Case No. A-17-757722-C**

**Attorney's Fees and Costs Re: Kia's Motion for Summary Judgment**

<b>Summary of Attorney's Fees</b>				
<b><u>Date:</u></b>	<b><u>Timekeeper</u></b>	<b><u>Hours</u></b>	<b><u>Amount</u></b>	<b><u>Description</u></b>
03/03/23	DM	0.50	\$250.00	Review Kia's new Motion for Summary Judgment
03/07/23	DM	0.25	\$125.00	Review Kia's Motion for Summary Judgment
03/14/23	DM	1.25	\$625.00	Draft Opposition to Kia's Motion for Summary Judgment
03/15/23	DM	2.0	\$1,000.00	Revise Oppositions to Kia's Motion for Summary Judgment
03/20/23	DM	1.0	\$500.00	Revise our Opposition to Kia's Motion for Summary Judgment
03/21/23	DM	1.0	\$500.00	Revise Opposition to Kia's Motion for Summary Judgment & Research
03/22/23	NY	2.75	\$825.00	Revise and finalize Opposition to Kia's Motion for Summary Judgment
03/23/23	DM	1.0	\$500.00	Review final Opposition to Kia's Motion for Summary Judgment & Research
04/07/23	DM	2.0	\$1,000.00	Prepare for hearing
04/11/23	DM	3.00	\$1,500.00	Prepare for hearing
04/12/23	DM	2.75	\$1,375.00	Court appearance
04/12/23	NY	2.75	\$825.00	Court appearance
04/21/23	RF	0.25	\$31.25	Draft Order re: Kia's Motion for Summary Judgment
04/28/23	NY	0.25	\$75.00	Review minute order re: Kia sanctions
<b>Total: \$9,131.25</b>				

Summary of Costs		
<u>Date:</u>	<u>Amount:</u>	<u>Description:</u>
03/24/23	\$3.50	E-Filing Fee
Total: \$3.50		



**MRTX**

Patricia Egan Daehnke

Nevada Bar No. 4976

[Patricia.Daehnke@cdiglaw.com](mailto:Patricia.Daehnke@cdiglaw.com)

Linda K. Rurangirwa

Nevada Bar No. 9172

[Linda.Rurangirwa@cdiglaw.com](mailto:Linda.Rurangirwa@cdiglaw.com)

COLLINSON, DAEHNKE, INLOW & GRECO

2110 E. Flamingo Road, Suite 212

Las Vegas, Nevada 89119

(702) 979-2132 Telephone

(702) 979-2133 Facsimile

*Attorneys for Defendant*

*Ali Kia, M.D.*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

CHOLOE GREEN, an individual,

Plaintiffs,

vs.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE  
HOSPITAL AND MEDICAL CENTER, LLC,  
a Foreign Limited-Liability Company; ALI  
KIA, M.D., an individual and NEVADA  
HOSPITALIST GROUP, LLP.

Defendants.

CASE NO.: A-17-757722-C

DEPT. NO.: XIX

**DEFENDANT ALI KIA, M.D.'S  
MOTION TO RETAX PLAINTIFF'S  
MEMORANDUM OF FEES AND  
COSTS**

**HEARING REQUESTED**

COMES NOW Defendant Ali Kia, M.D. and hereby files his Motion to Retax

Plaintiff's Memorandum of Fees and Costs.

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1 This Motion is based on the papers and pleadings filed herein, the Memorandum of  
2 Points and Authorities attached hereto and such argument of counsel which may be made at  
3 the hearing of this Motion.

4 DATED: June 20, 2023

**COLLINSON, DAEHNKE, INLOW & GRECO**

*/s/ Linda K. Rurangirwa*

BY: \_\_\_\_\_

PATRICIA EGAN DAEHNKE

Nevada Bar No. 4976

LINDA K. RURANGIRWA

Nevada Bar No. 9172

2110 E. Flamingo Road, Suite 212

Las Vegas, Nevada 89119

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*Attorneys for Defendant,*

*Ali Kia, M.D.*

COLLINSON, DAEHNKE, INLOW & GRECO  
2110 E. Flamingo Road, Suite 212  
LAS VEGAS, NEVADA 89119  
TEL. (702) 979-2132 | FAX (702) 979-2133

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I.**

#### **INTRODUCTION**

On April 12, 2023, this Court heard Defendant Ali Kia, M.D.'s Motion for Summary Judgment. At the time, the Court *sua sponte* indicated it was inclined to issue sanctions for bringing the Motion for Summary Judgment as it was incredibly consistent to the previous Motion to Dismiss filed by Dr. Kia that Plaintiff defended against twice. In a Minute Order issued on April 25, 2023, the Court stated it found it appropriate to award Plaintiff *reasonable* attorney's fees and costs expended in preparing and defending against the Motion. Plaintiff filed her Memorandum of Costs on June 16, 2023 seeking \$9,131.25 in fees and \$3.50 in costs.

### **II.**

#### **LEGAL ARGUMENT**

##### **A. Plaintiff Has Failed to Meet The *Brunzell* Factors Regarding The Attorneys' Fees Requested**

Plaintiff argued that the Motion filed by Dr. Kia was identical to the Motion to Dismiss previously filed and that had previously been defended against twice. The Court, in issuing sanctions also determined that the Motion for Summary Judgment was consistent, if not similar to the Motions to Dismiss previously filed. However, if this was the case, Plaintiff fails to address why it took nine (9) hours to prepare an Opposition to the Motion that according to argument had already been briefed and argued twice as well as before the Nevada Supreme Court.

In *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969), the Nevada Supreme Court determined that four factors needed to be analyzed in order to award fees on hourly time bases and these factors included: (1) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation and (2) The work actually performed by the lawyer: the skill, time, and attention to

1 be given to the work. Here, Plaintiff states that the motion was identical to a previously filed  
2 motion and the extent of the work done was to ensure the arguments previously made were  
3 still current and update prior arguments made. Plaintiff does not indicate that new arguments  
4 were made or extensive research needed to be done that would justify nine hours in preparing  
5 for the motion. Defendant therefore requests this Court retax the fees requested (\$3,950) to  
6 reasonably reflect the amount of time to update previous arguments made in opposing Dr.  
7 Kia's prior motions.

8 **A. Plaintiff's Attorneys' Fees for Preparing for The Hearing on April 12, 2023**  
9 **Should Be Retaxed As Multiple Motions Were Heard On The Same Date**

10 Plaintiff seeks recovery of attorneys' fees of Mr. Marks for five (5) hours preparing  
11 for the hearing on April 12, 2023. However, Plaintiff also defended against Sunrise  
12 Hospital's and Nevada Hospitalist Group's Motions for Summary Judgment on this date and  
13 argued Plaintiff's Motion to Continue Deadlines to Amend Pleadings and Add Parties. The  
14 five hours do not separate what portion of that preparation was for Dr. Kia's Motion for  
15 Summary Judgment (which Plaintiff contends has previously been argued twice) and which  
16 portion was for the Motions filed by Sunrise Hospital, Nevada Hospitalist Group and  
17 Plaintiff. Defendant requests that at the very least, the preparation time for the hearing be  
18 reduced by one quarter to reflect that Dr. Kia's Motion for Summary Judgment was only one  
19 of four Motions argued on April 12, 2023. Thus, this amount should be reduced to \$625.

20 **B. Plaintiff's Attorneys' Fees for Attending the Hearing On Dr. Kia's Motion**  
21 **Should Be Retaxed As Multiple Motions Were Heard On The Same Date**

22 Plaintiff seeks recovery of attorneys' fees of Mr. Marks and Ms. Young for 2.75 hours  
23 each for appearing in Court for the hearing on Dr. Kia's Motion for Summary Judgment.  
24 However, Plaintiff also appeared for the hearing on Sunrise Hospital's and Nevada Hospitalist  
25 Group's Motions for Summary Judgment and Plaintiff's Motion to Continue Deadlines to  
26 Amend Pleadings and Add Parties. Thus, regardless of whether Dr. Kia filed his Motion for  
27 Summary Judgment, Plaintiff was required to appear in Court. Dr. Kia therefore requests this  
28 Court deny Plaintiff's attorney's fees in the amount of \$2,200 or in the alternative, reduce the  
amount by one quarter to \$550 to reflect that other motions were also heard on that date.



1 III.

2 **CONCLUSION**

3 Based on the foregoing, Defendant Dr. Kia requests this Court retax Plaintiff's  
4 attorney's fees to reflect a *reasonable* time in preparing an Opposition to a Motion that  
5 according to Plaintiff only required an update of previous arguments and reduce the amount  
6 for preparing for the hearing to \$625 and the fees for appearing at the hearing to \$550 to  
7 reflect that Plaintiff was also required to prepare for and argue additional Motions not brought  
8 by Dr. Kia.

9 DATED: June 20, 2023

**COLLINSON, DAEHNKE, INLOW & GRECO**

10 /s/ Linda K. Rurangirwa

11 BY: \_\_\_\_\_

12 PATRICIA EGAN DAEHNKE

Nevada Bar No. 4976

13 LINDA K. RURANGIRWA

Nevada Bar No. 9172

14 2110 E. Flamingo Road, Suite 212

Las Vegas, Nevada 89119

15 Tel. (702) 979-2132

16 Fax (702) 979-2133

17 *Attorneys for Defendant,*

*Ali Kia, M.D.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of June 2023, a true and correct copy of  
**DEFENDANT ALI KIA, M.D.'S MOTION TO RETAX PLAINTIFF'S**  
**MEMORANDUM OF FEES AND COSTS** was served by electronically filing with the  
Clerk of the Court using the Odyssey File & Serve system and serving all parties with an  
email address on record, who have agreed to receive Electronic Service in this action.

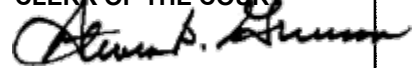
Daniel Marks, Esq.  
Nicole Young, Esq.  
LAW OFFICE OF DANIEL MARKS  
610 South Ninth Street  
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*Attorneys for Plaintiff*

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Melanie L. Thomas  
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*Nevada Hospitalist Group, LLP*

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& DICKER LLP  
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*Attorneys for Defendants,*  
*Frank J. Delee, M.D. and Frank J. Delee,*  
*M.D., P.C.*

Michael E. Prangle, Esq.  
Tyson J. Dobbs, Esq.  
Trent L. Earl, Esq.  
HALL PRANGLE AND SCHOONVELD LLC  
1140 North Town Center Drive, Suite 350  
Las Vegas, Nevada 89144  
*Attorneys for Defendant, Sunrise Hospital and*  
*Medical Center, LLC*

By /s/ Linda K. Rurangirwa  
An employee of COLLINSON, DAEHNKE,  
INLOW & GRECO



LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
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Las Vegas, Nevada 89101  
(702) 386-0536; Fax (702) 386-6812  
[Office@danielmarks.net](mailto:Office@danielmarks.net)  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHLOE GREEN, an individual,

Case No.  
Dept. No.

A-17-757722-C  
19

Plaintiff,

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**NOTICE OF ENTRY OF ORDER REGARDING ADMONISHMENT AND SANCTIONS  
AGAINST DEFENDANT ALI KIA, M.D.**

PLEASE TAKE NOTICE that an Order Regarding Admonishment and Sanctions Against Defendant  
Ali Kia, M.D. was entered on the 8<sup>th</sup> day of August, 2023, a copy of which is attached hereto.

DATED this 8<sup>th</sup> day of August, 2023.

LAW OFFICE OF DANIEL MARKS

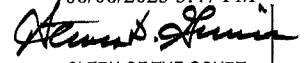
/s/ Nicole M. Young  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
610 South Ninth Street  
Las Vegas, Nevada 89101  
Attorneys for Plaintiff

- 1
- 2
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Linda K. Rurangirwa, Esq.  
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Las Vegas, Nevada 89119  
*Attorneys for Defendant Ali Kia, M.D.*

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Sherman B. Mayor, Esq.  
HALL PRANGLE and SCHOONVELD LLC  
1140 North Town Center Drive, Suite 350  
Las Vegas, Nevada 89114  
*Attorney for Defendant and Third-Party Plaintiff*  
*Sunrise Hospital and Medical Center, LLC*

/s/ Rayne Forrester  
An employee of the  
LAW OFFICE OF DANIEL MARKS

  
CLERK OF THE COURT

LAW OFFICE OF DANIEL MARKS  
DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
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Las Vegas, Nevada 89101  
(702) 386-0536; Fax (702) 386-6812  
[Office@danielmarks.net](mailto:Office@danielmarks.net)  
Attorneys for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

CHOLOE GREEN, an individual,  
  
Plaintiff,

Case No. A-17-757722-C  
Dept. No. 19

v.

FRANK J. DELEE, M.D., an individual;  
FRANK J. DELEE MD, PC, a Domestic  
Professional Corporation, SUNRISE HOSPITAL  
AND MEDICAL CENTER, LLC, a Foreign  
Limited-Liability Company; ALI KIA, M.D., an  
individual; and NEVADA HOSPITALIST  
GROUP, LLP.

Defendants.

**ORDER REGARDING ADMONISHMENT AND SANCTIONS**  
**AGAINST DEFENDANT ALI KIA, M.D.**

This matter having come on for hearing on the 24<sup>th</sup> day of July, 2023, (in Chambers) on  
Defendant Ali Kia, M.D.'s Motion to Retax Plaintiff's Memorandum of Fees and Costs; the Court  
having reviewed the papers and pleadings on file and good cause appearing:

This matter came before the Court on April 12, 2023, at 8:30 a.m., on Defendant Ali Kia M.D.'s  
Motion for Summary Judgment. At the hearing, the Court **ADMONISHED** Defendant Kia that the  
Court was inclined to issue sanctions for bringing the instant Motion for Summary Judgment based  
on the fact that it is incredibly consistent, if not identical, to the previous Motion to Dismiss filed by  
Defendant Kia, which Plaintiff already had to defend against twice in this matter.

////

1 After the hearing on this matter, the Court reviewed the previous Motion filed by Defendant  
2 Kia, which was heard on March 16, 2021 (before the Honorable Jasmin Lilly-Spells,  
3 Department 23), and denied. The Court FINDS that the instant Motion before this Court (the Honorable  
4 Crystal Eller, Department 19) is identical to the previously filed Motion to Dismiss. This conduct  
5 amounts to forum shopping.

6 Accordingly, as of April 25, 2023, the Court finds it appropriate to award Plaintiff any reasonable  
7 attorney's fees and costs that Plaintiff's counsel's office had to expend in preparing and defending the  
8 instant Motion, provided that Plaintiff files an appropriate Application for fees and costs for the Court to  
9 consider.

10 On June 16, 2023, Plaintiff filed her Memorandum of Fees and Costs seeking \$9,281.25 in  
11 attorneys fees and \$3.50 in costs. Defendant Kia filed his instant Motion to Retax on June 20, 2023.

12 THIS COURT FINDS that Plaintiff's total attorney's fees for the court appearance on April 12,  
13 2023, is reduced from \$2,200.00 to \$733.00 based on the time being divided between three (3) Motions  
14 for Summary Judgment. With that reduction, the attorneys' fees sought by Plaintiff are reasonable, and  
15 \$150.00 is added to Plaintiff's total attorney's fees for the one-half hour to prepare the Memorandum of  
16 Fees and Costs, which is also reasonable.

17 IT IS ORDERED, ADJUDGED, AND DECREED that Defendant Ali Kia, M.D.'s Motion to  
18 Retax Plaintiff's Memorandum of Fees and Costs is GRANTED in part and DENIED in part.

19 ////

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff is awarded a total of  
2 \$7,814.25 in attorney's fees and \$3.50 in costs, for a total of \$7,817.75 against Defendant Kia.

3  
4 IT IS SO ORDERED.

5  
6 Dated this 8th day of August, 2023

7 

8  
9 E42 113 00B5 0D43  
Crystal Eller  
District Court Judge

10  
11  
12 Respectfully submitted:

13 DATED this 4<sup>th</sup> day of August, 2023.

14 LAW OFFICE OF DANIEL MARKS

15 /s/ Daniel Marks

16 DANIEL MARKS, ESQ.  
Nevada State Bar No. 002003  
17 NICOLE M. YOUNG, ESQ.  
Nevada State Bar No. 12659  
18 610 South Ninth Street  
Las Vegas, Nevada 89101  
19 Attorney for Plaintiff

20 Approved as to Form and Content:

21 DATED this 4<sup>th</sup> day of August, 2023.

22 WILSON, ELSER, MOSKOWITZ,  
23 EDELMAN & DICKER LLP

24 /s/ Justin A Shiroff

25 ERIC K. STRYKER, ESQ.  
Nevada State Bar No. 005793  
JUSTIN A. SHIROFF, ESQ.  
26 Nevada State Bar No. 12869  
6689 Las Vegas Blvd. South, Suite 200  
27 Las Vegas, Nevada 89119  
Attorneys for Frank DeLee, M.D. and  
28 Frank DeLee, M.D., PC's

Approved as to form and content:

DATED this 4<sup>th</sup> day of August, 2023.

HALL PRANGLE & SCHOONVELD, LLC

/s/ Tyson Dobbs

TYSON J. DOBBS, ESQ.  
Nevada State Bar No. 11953  
1140 N. Town Center Drive Suite #350  
Las Vegas, Nevada 89144  
Attorney for Sunrise Hospital

Approved as to Form and Content:

DATED this 4<sup>th</sup> day of August, 2023.

COLLINSON, DAEHNKE, INLOW & GRECO

/s/ Linda Rurangirwa

LAURA LUCERO, ESQ.  
Nevada State Bar No. 008843  
LINDA K. RURANGIRWA, ESQ.  
Nevada State Bar No. 9172  
2110 E. Flamingo Road, Suite 212  
Las Vegas, Nevada 89119  
Attorneys for Defendant Ali Kia, M.D.

1 Approved as to Form and Content:

2 DATED this 4<sup>th</sup> day of August, 2023.

3 LEWIS BRISBOIS BISGAARD & SMITH

4

/s/ Brent Vogel

5 S. BRENT VOGEL, ESQ.

Nevada Bar No. 6858

6 MELANIE THOMAS, ESQ.

Nevada State Bar No. 12576

7 6385 S. Rainbow Blvd., Suite 600

Las Vegas, Nevada 89118

8 Attorneys for Nevada Hospitalist Group, LLP

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## Office

---

**From:** Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>  
**Sent:** Thursday, August 03, 2023 4:46 PM  
**To:** Office; Vogel, Brent; Stryker, Eric K.; Tyson Dobbs; Shiroff, Justin A.  
**Cc:** Patricia Daehnke; Clark, Angela; Brown, Heidi; Laura Lucero; Nicole Young; Thomas, Melanie  
**Subject:** RE: Green v. Delee

You may use my electronic signature.

Thank you

Linda K. Rurangirwa  
Collinson, Daehnke, Inlow & Greco

**From:** Office <office@danielmarks.net>  
**Sent:** Tuesday, August 1, 2023 2:22 PM  
**To:** Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Cc:** Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>  
**Subject:** Green v. Delee

Good afternoon:

Please see the revised Order Regarding Admonishment and Sanctions against Defendant Ali Kia, M.D., for your review and signature.

**Thank You,**

*Rayne Forrester, Asst. to Daniel Marks*  
**Law Office of Daniel Marks**  
610 South Ninth Street  
Las Vegas, Nevada 89101  
O: (702) 386-0536; F: (702) 386-6812

Linda K. Rurangirwa  
Collinson, Daehnke, Inlow & Greco

## Office

---

**From:** Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Sent:** Tuesday, August 01, 2023 2:33 PM  
**To:** Office; Linda K. Rurangirwa; Vogel, Brent; Stryker, Eric K.; Tyson Dobbs  
**Cc:** Patricia Daehnke; Clark, Angela; Brown, Heidi; Laura Lucero; Nicole Young; Thomas, Melanie  
**Subject:** RE: Green v. Delee

You may use my electronic signature.

Justin A. Shiroff  
Attorney At Law  
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[justin.shiroff@wilsonelser.com](mailto:justin.shiroff@wilsonelser.com)

**From:** Office [mailto:office@danielmarks.net]  
**Sent:** Tuesday, August 1, 2023 2:22 PM  
**To:** Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>  
**Cc:** Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>  
**Subject:** Green v. Delee

### [EXTERNAL EMAIL]

Good afternoon:

Please see the revised Order Regarding Admonishment and Sanctions against Defendant Ali Kia, M.D., for your review and signature.

**Thank You,**

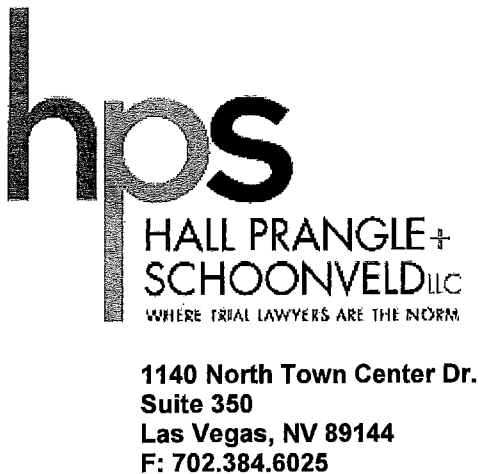
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## Office

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**From:** Tyson Dobbs <tdobbs@HPSLAW.COM>  
**Sent:** Tuesday, August 01, 2023 2:34 PM  
**To:** Shiroff, Justin A.; Office; Linda K. Rurangirwa; Vogel, Brent; Stryker, Eric K.  
**Cc:** Patricia Daehnke; Clark, Angela; Brown, Heidi; Laura Lucero; Nicole Young; Thomas, Melanie  
**Subject:** RE: Green v. Delee

You may use my e-signature.



**Tyson Dobbs**  
*Partner*  
O: 702.212.1457  
Email: tdobbs@HPSLAW.COM

**Legal Assistant:** Nicole Etienne  
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**To:** Office <office@danielmarks.net>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>  
**Cc:** Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Brown, Heidi <Heidi.Brown@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>  
**Subject:** RE: Green v. Delee

---

[External Email] CAUTION!

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You may use my electronic signature.

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Attorney At Law  
Wilson Elser Moskowitz Edelman & Dicker LLP  
6689 Las Vegas Blvd. South, Suite 200  
Las Vegas, NV 89119

## Office

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**From:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>  
**Sent:** Friday, August 04, 2023 1:50 PM  
**To:** Office  
**Subject:** RE: Green v. Delee

My apologies. You may affix my e-signature.



**Brent Vogel** ~~BA~~ ABOYA  
**Partner**  
**Brent.Vogel@lewisbrisbois.com**  
**T: 702.693.4320 F: 702.893.3789**

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**To:** Vogel, Brent <Brent.Vogel@lewisbrisbois.com>  
**Subject:** [EXT] FW: Green v. Delee

Good afternoon:

We are following up regarding the revised Order. May we affix your e-signature?

*Kind Regards,*

**Sent from this account**

**On behalf of Daniel Marks, Esq.**

**Law Office of Daniel Marks**

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Choloe Green, Plaintiff(s) CASE NO: A-17-757722-C  
7 vs. DEPT. NO. Department 19  
8 Frank Delee, M.D., Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/8/2023

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## REGISTER OF ACTIONS

CASE NO. A-17-757722-C

Choloe Green, Plaintiff(s) vs. Frank Delee, M.D., Defendant(s)

§  
§  
§  
§  
§  
§

Case Type: **Malpractice - Medical/Dental**  
Date Filed: **06/30/2017**  
Location: **Department 19**  
Cross-Reference Case Number: **A757722**

### PARTY INFORMATION

Defendant	Delee, Frank J, M.D.	<b>Lead Attorneys</b> <b>Eric K. Stryker</b> <i>Retained</i> 702-727-1400(W)
Defendant	Frank J. Delee MD, PC	<b>Eric K. Stryker</b> <i>Retained</i> 702-727-1400(W)
Defendant	Kia, Ali, M.D.	<b>Patricia Egan Daehnke</b> <i>Retained</i> 702-979-2132(W)
Defendant	Sunrise Hospital and Medical Center, LLC.	<b>Michael E. Prangle</b> <i>Retained</i> 7028896400(W)
Plaintiff	Green, Choloe	<b>Daniel Marks</b> <i>Retained</i> 702-386-0536(W)
Third Party Defendant	Nevada Hospitalist Group LLP	<b>Stephen B. Vogel</b> <i>Retained</i> 702-893-3383(W)
Third Party Plaintiff	Sunrise Hospital and Medical Center, LLC.	<b>Michael E. Prangle</b> <i>Retained</i> 7028896400(W)

### EVENTS & ORDERS OF THE COURT

DISPOSITIONS	
03/05/2020	<b>Order</b> (Judicial Officer: Silva, Cristina D.) Debtors: Choloe Green (Plaintiff) Creditors: Sunrise Hospital and Medical Center, LLC. (Defendant) Judgment: 03/05/2020, Docketed: 03/06/2020 Comment: Per 3/12/19 Hearing This is a Declaratory Judgment not a Partial Summary Judgment or Dismissal) Order Granting Motion for Certain Claims As for Dr. Kia for Viacarious Liabilty with the Exception of Ostensible Agency Doctrine of Vicarious Liability Against Hospital for Dr. Kia's Actions.
06/02/2020	<b>Judgment</b> (Judicial Officer: Silva, Cristina D.) Debtors: Sunrise Hospital and Medical Center, LLC. (Third Party Plaintiff) Creditors: Ali Kia, MD. (Third Party Defendant), Nevada Hospitalist Group LLP (Third Party Defendant) Judgment: 06/02/2020, Docketed: 06/03/2020 Comment: Certain Claims
08/24/2020	<b>Judgment</b> (Judicial Officer: Silva, Cristina D.) Debtors: Sunrise Hospital and Medical Center, LLC. (Third Party Plaintiff) Creditors: Ali Kia, MD. (Third Party Defendant) Judgment: 08/24/2020, Docketed: 08/25/2020 Comment: Certain Claims
09/01/2020	<b>Judgment</b> (Judicial Officer: Silva, Cristina D.) Debtors: Sunrise Hospital and Medical Center, LLC. (Third Party Plaintiff) Creditors: Nevada Hospitalist Group LLP (Third Party Defendant) Judgment: 09/01/2020, Docketed: 09/02/2020 Comment: Certain Claims

APPENDIX 000902

09/25/2020	<b>Order of Dismissal</b> (Judicial Officer: Silva, Cristina D.) Debtors: Ali Kia, MD. (Third Party Defendant) Creditors: Sunrise Hospital and Medical Center, LLC. (Third Party Plaintiff) Judgment: 09/25/2020, Docketed: 09/28/2020
	<b>OTHER EVENTS AND HEARINGS</b>
06/30/2017	<b>Complaint Doc ID# 1</b> [1] Complaint for Medical Malpractice
07/05/2017	<b>Summons Electronically Issued - Service Pending Doc ID# 2</b> [2] Summons
07/05/2017	<b>Summons Electronically Issued - Service Pending Doc ID# 3</b> [3] Summons
07/05/2017	<b>Summons Electronically Issued - Service Pending Doc ID# 4</b> [4] Summons
07/05/2017	<b>Initial Appearance Fee Disclosure Doc ID# 5</b> [5] Initial Appearance Fee Disclosure (NRS Chapter 19)
07/05/2017	<b>Demand for Jury Trial Doc ID# 6</b> [6] Demand for Jury Trial
07/13/2017	<b>Proof of Service Doc ID# 7</b> [7] Proof of Service
07/13/2017	<b>Proof of Service Doc ID# 8</b> [8] Proof of Service
07/13/2017	<b>Summons Doc ID# 9</b> [9] Summons
07/13/2017	<b>Summons Doc ID# 10</b> [10] Summons
07/18/2017	<b>Proof of Service Doc ID# 11</b> [11] Proof of Service
07/18/2017	<b>Summons Doc ID# 12</b> [12] Summons
07/20/2017	<b>Initial Appearance Fee Disclosure Doc ID# 13</b> [13] Defendant Sunrise Hospital and Medical Center, LLC's Initial Appearance Fee Disclosure
07/20/2017	<b>Answer to Complaint Doc ID# 14</b> [14] Defendant Sunrise Hospital and Medical Center's Answer to Plaintiff's Complaint
07/20/2017	<b>Demand for Jury Trial Doc ID# 15</b> [15] Defendant Sunrise Hospital and Medical Center, LLC's Demand for Jury Trial
07/31/2017	<b>Initial Appearance Fee Disclosure Doc ID# 16</b> [16] Defendants Frank J. DeLee, M.D. and Frank J. DeLee, M.D. PC's Initial Apperance Fee Disclosure
07/31/2017	<b>Answer to Complaint Doc ID# 17</b> [17] Defendants Frank J. DeLee, M.D. and Frank J. DeLee, M.D. PC's Answer to Plaintiff's Complaint
07/31/2017	<b>Demand for Jury Trial Doc ID# 18</b> [18] Defendants Frank J. DeLee, M.D. and Frank J. DeLee, M.D. PC's Demand for Jury Trial
07/31/2017	<b>Disclosure Statement Doc ID# 19</b> [19] Defendants Frank J. DeLee, M.D. and Frank J. DeLee, M.D. PC's Disclosure Statement
08/07/2017	<b>Notice of Early Case Conference Doc ID# 20</b> [20] Notice of Early Case Conference
09/07/2017	<b>Joint Case Conference Report Doc ID# 21</b> [21] Joint Case Conference Report
10/03/2017	<b>Scheduling Order Doc ID# 22</b> [22] Scheduling Order
11/15/2017	<b>Order Setting Civil Jury Trial Doc ID# 23</b> [23] Order Setting Medical Malpractice Jury Trial
02/05/2018	<b>CANCELED Status Check: Medical/Dental Malpractice (1:00 PM)</b> (Judicial Officer Wiese, Jerry A.) Vacated
02/05/2018	<b>CANCELED Status Check: Medical/Dental Malpractice (1:00 PM)</b> (Judicial Officer Wiese, Jerry A.) Vacated - Duplicate Entry
03/06/2018	<b>Order Setting Civil Jury Trial Doc ID# 24</b> [24] Amended Order setting Civil Jury Trial
03/07/2018	<b>Stipulation and Order Doc ID# 25</b> [25] Stipulation and Order to Extend the Discovery Deadlines and Trial Date (First Request)
03/07/2018	<b>Notice of Entry Doc ID# 26</b> [26] Notice of Entry of Stipulation and Order to Extend the Discovery Deadline and Trial Date (First Request)
09/04/2018	<b>Deposition Subpoena Doc ID# 27</b> [27] Deposition Subpoena
10/01/2018	<b>Motion for Order Doc ID# 28</b> [28] (10/29/18 Withdrawn) Motion for Order to Show Cause and for Attorney's Fees and Costs
10/16/2018	<b>Proof of Service Doc ID# 29</b> [29] Proof of Service
10/24/2018	<b>Stipulation to Extend Discovery Doc ID# 30</b> [30] Stipulation and Order to Extend the Discovery Deadlines and Trial Date
10/25/2018	<b>Notice of Entry of Stipulation and Order Doc ID# 31</b> [31] Notice of Entry of Stipulation and Order to Extend the Discovery Deadline and Trial Date (Second Request)
10/29/2018	<b>Notice Doc ID# 32</b> [32] Notice Withdrawing Motion for Order to Show Cause and For Attorney's Fees and Documents
10/30/2018	<b>CANCELED Calendar Call (8:00 AM)</b> (Judicial Officer Smith, Douglas E.) Vacated - per Stipulation and Order
11/02/2018	<b>CANCELED Motion for Order to Show Cause (9:00 AM)</b> (Judicial Officer Bulla, Bonnie) Vacated Motion for Order to Show Cause and for Attorney's Fees and Costs
11/13/2018	<b>CANCELED Jury Trial - FIRM (9:30 AM)</b> (Judicial Officer Smith, Douglas E.) Vacated - per Stipulation and Order Med-Mal Jury Trial 11/13/2018 Reset by Court to 11/13/2018

APPENDIX 000903



01/15/2019	<b>Motion for Partial Summary Judgment Doc ID# 33</b> [33] Sunrise Hospital and Medical Center, LLC's Motion for Partial Summary Judgment to Dismiss Any Claim of "Ostensible Agency" for Dr. Kia or Dr. DeLee
01/31/2019	<b>Opposition to Motion Doc ID# 34</b> [34] Plaintiff's Opposition to Motion for Partial Summary Judgment to Dismiss Any Claim of "Ostensible Agency" For Dr. Kia or Dr. DeLee
02/12/2019	<b>Reply to Motion Doc ID# 35</b> [35] Reply in Support of Sunrise Hospital and Medical Center, LLC's Motion for Partial Summary Judgment to Dismiss Any Claim of "Ostensible Agency" for Dr. Kia or Dr. DeLee
02/19/2019	<b>Stipulation and Order Doc ID# 36</b> [36] Stipulation and Order to Extend the Discovery Deadlines and Trial Date (Third Request)
02/21/2019	<b>Notice of Entry of Stipulation and Order Doc ID# 37</b> [37] Notice of Entry of Stipulation and Order to Extend the Discovery Deadline and Trial Date (Third Request)
03/12/2019	<b>Motion for Partial Summary Judgment (8:00 AM)</b> (Judicial Officer Smith, Douglas E.) Sunrise Hospital and Medical Center, LLC's Motion for Partial Summary Judgment to Dismiss any Claim of "Ostensible Agency" for Dr. Kia or Dr. DeLee <a href="#">Parties Present</a> <a href="#">Minutes</a> 02/19/2019 Reset by Court to 03/12/2019 Result: Deferred Ruling
04/09/2019	<b>CANCELED Calendar Call (9:00 AM)</b> (Judicial Officer Cherry, Michael A.) Vacated - per Stipulation and Order
04/18/2019	<b>Stipulation and Order to Extend Discovery Deadlines Doc ID# 38</b> [38] Stipulation and Order to Extend the Discovery Deadlines and Trial Date
04/18/2019	<b>Notice of Entry of Stipulation and Order Doc ID# 39</b> [39] Notice of Entry of Stipulation and Order to Extend the Discovery Deadline and Trial Date (Fourth Request)
04/22/2019	<b>CANCELED Jury Trial (9:30 AM)</b> (Judicial Officer Smith, Douglas E.) Vacated - per Stipulation and Order
04/29/2019	<b>Case Reassigned to Department 9</b> Judicial Reassignment to Department 9 - Judge Cristina Silva
05/01/2019	<b>Motion for Leave to File Doc ID# 40</b> [40] Defendant Sunrise Hospital Medical Center, LLC's Motion for Leave to File Third Party Complaint on an Order Shortening Time
05/06/2019	<b>Receipt of Copy Doc ID# 41</b> [41] Receipt of Copy of Defendant Sunrise Hospital and Medical Center, LLC's Motion for Leave to File Third Party Complaint on an Order Shortening Time
05/13/2019	<b>Motion for Leave (3:00 AM)</b> (Judicial Officer Silva, Cristina D.) Defendant Sunrise Hospital Medical Center, LLC's Motion for Leave to File Third-Party Complaint on an Order Shortening Time <a href="#">Minutes</a> Result: Granted
06/14/2019	<b>Order Doc ID# 42</b> [42] Order Granting Sunrise Hospital and Medical Center LLC's Motion to File Third Party Complaint For Contribution and Indemnity (Ali Kia, M.D.)
06/14/2019	<b>Notice of Entry of Order Doc ID# 43</b> [43] Notice of Entry of Order
06/14/2019	<b>Third Party Complaint Doc ID# 44</b> [44] Sunrise Hospital and Medical Center LLC's Third Party Complaint for Contribution and Indemnity (Ali Kia, M.D.)
06/14/2019	<b>Summons Electronically Issued - Service Pending Doc ID# 45</b> [45] Summons
06/18/2019	<b>Notice of Rescheduling of Hearing Doc ID# 46</b> [46] Notice of Rescheduling of Hearing - Status Check
07/02/2019	<b>Acceptance of Service Doc ID# 47</b> [47] Acceptance of Service
07/08/2019	<b>Summons Electronically Issued - Service Pending Doc ID# 48</b> [48] Summons
07/09/2019	<b>Recorders Transcript of Hearing Doc ID# 49</b> [49] RECORDER'S TRANSCRIPT OF HEARING: SUNRISE HOSPITAL AND MEDICAL CENTER, LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT TO DISMISS ANY CLAIM OF "OSTENSIBLE AGENCY" FOR DR. KIA AND DR. DELEE. HEARD ON MARCH 12, 2019
08/02/2019	<b>Answer to Third Party Complaint Doc ID# 50</b> [50] Third Party Defendant Ali Kia, M.D.'s Answer To Third Party Complaint
08/02/2019	<b>Initial Appearance Fee Disclosure Doc ID# 51</b> [51] Third Party Defendant Ali Kia, M.D. S Initial Appearance Fee Disclosure
08/02/2019	<b>Demand for Jury Trial Doc ID# 52</b> [52] Third Party Defendant Ali Kia, M.D.'s Demand For Jury Trial
08/02/2019	<b>Disclosure Statement Doc ID# 53</b> [53] THIRD PARTY DEFENDANT ALI KIA, M.D. S NRCP 7.1 DISCLOSURE STATEMENT
09/03/2019	<b>Notice of Early Case Conference Doc ID# 54</b> [54] Notice of Early Case Conference
09/16/2019	<b>Supplemental Joint Case Conference Report Doc ID# 55</b> [55] Supplement to Joint Case Conference Report
09/17/2019	<b>Status Check (8:30 AM)</b> (Judicial Officer Silva, Cristina D.) Status Check: Set New Trial Date <a href="#">Parties Present</a> <a href="#">Minutes</a> 06/18/2019 Reset by Court to 06/18/2019 06/18/2019 Reset by Court to 09/17/2019 Result: Matter Heard
09/30/2019	<b>Mandatory Rule 16 Conference Order Doc ID# 56</b> [56] Order to Appear for Mandatory Scheduling Conference (Parties Have Reached Joint Case Conference Report)
10/15/2019	<b>Notice of Change of Address Doc ID# 57</b> [57] Notice of Change of Address

11/07/2019	<b>Mandatory Rule 16 Conference</b> (9:00 AM) (Judicial Officer Silva, Cristina D.) <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Matter Heard
11/08/2019	<b>Scheduling and Trial Order Doc ID# 58</b> [58] Scheduling Order and Order Setting Civil Jury Trial and Pre-Trial Conference/Calendar Call
12/27/2019	<b>Answer to Third Party Complaint Doc ID# 59</b> [59] Third-Party Defendant Nevada Hospitalist Group, LLP's Answer to Sunrise Hospital and Medical Center, LLC's Third Party Complaint
12/27/2019	<b>Initial Appearance Fee Disclosure Doc ID# 60</b> [60] Initial Appearance Fee Disclosure (NRS Chapter 19)
12/27/2019	<b>Demand for Jury Trial Doc ID# 61</b> [61] Demand for Jury Trial
12/27/2019	<b>Certificate of Mailing Doc ID# 62</b> [62] Certificate of Mailing
03/05/2020	<b>Order Doc ID# 63</b> [63] Order from March 12, 2019 Hearing
03/06/2020	<b>Notice of Entry of Order Doc ID# 64</b> [64] Notice of Entry of Order from March 12, 2019 Hearing
03/19/2020	<b>Motion for Judgment Doc ID# 65</b> [65] Third-Party Defendant Nevada Hospitalist Group, LLP s Motion For Judgment On The Pleadings
03/20/2020	<b>Clerk's Notice of Hearing Doc ID# 66</b> [66] Notice of Hearing
03/25/2020	<b>Opposition to Motion Doc ID# 67</b> [67] Third-Party Plaintiff Sunrise Hospital's Opposition to Third-Party Defendant Nevada Hospitalist Group, LLP's Motion for Judgment on the Pleadings
04/06/2020	<b>Reply in Support Doc ID# 68</b> [68] Third-Party Defendant Nevada Hospitalist Group, LLP s Reply In Support Of Motion For Judgment On The Pleadings
04/10/2020	<b>Reply in Support Doc ID# 69</b> [69] Third-Party Defendant Nevada Hospitalist Group, LLP s Reply In Support Of Motion For Judgment On The Pleadings
04/13/2020	<b>Joinder To Motion Doc ID# 70</b> [70] Third Party Defendant Ali Kia, M.D. s Joinder In Third-Party Defendant Nevada Hospitalist Group, LLP s Motion For Judgment On The Pleadings And Reply In Support Of Motion For Judgment On The Pleadings
04/16/2020	<b>Notice of Rescheduling of Hearing Doc ID# 71</b> [71] Notice of Rescheduling of Hearing
04/22/2020	<b>Stipulation and Order to Extend Discovery Deadlines Doc ID# 72</b> [72] Stipulation and Order to Extend Discovery Deadlines and Trial Date (Fifth Request)
04/23/2020	<b>Notice of Entry of Stipulation and Order Doc ID# 73</b> [73] Notice of Entry of Stipulation and Order to Extend the Discovery Deadlines and Trial Date (Fifth Request)
04/27/2020	<b>Amended Order Setting Jury Trial Doc ID# 74</b> [74] Amended Order Setting Civil Jury Trial, Calendar Call, and Status Check
04/29/2020	<b>Motion</b> (11:30 AM) (Judicial Officer Silva, Cristina D.) Third-Party Defendant Nevada Hospitalist Group, LLP's Motion for Judgment on the Pleadings 04/21/2020 Reset by Court to 04/29/2020  Result: Deferred Ruling
04/29/2020	<b>Joinder</b> (11:30 AM) (Judicial Officer Silva, Cristina D.) Third-Party Defendant Ali Kia, M.D.'s Joinder in Third-Party Defendant Nevada Hospitalist Group, LLP's Motion for Judgment on the Pleadings and Reply in Support of Motion for Judgment on the Pleadings  Result: Deferred Ruling
04/29/2020	<b>All Pending Motions</b> (11:30 AM) (Judicial Officer Silva, Cristina D.) Third-Party Defendant Nevada Hospitalist Group, LLP's Motion for Judgment on the Pleadings . . . Third-Party Defendant Ali Kia, M.D.'s Joinder in Third-Party Defendant Nevada Hospitalist Group, LLP's Motion for Judgment on the Pleadings and Reply in Support of Motion for Judgment on the Pleadings <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Matter Heard
05/11/2020	<b>Decision</b> (3:00 AM) (Judicial Officer Silva, Cristina D.) Decision: Third-Party Defendant Nevada Hospitalist Group, LLP's Motion for Judgment on the Pleadings & Joinder <a href="#">Minutes</a>  Result: Decision Made
05/13/2020	<b>Filing Fee Remittance Doc ID# 75</b> [75] Filing Fee Remittance for Initial Appearance Fee Disclosure
05/19/2020	<b>Notice of Change of Address Doc ID# 76</b> [76] Notice of Change of Address
05/20/2020	<b>Motion for Partial Summary Judgment Doc ID# 77</b> [77] Defendant Sunrise Hospital's Renewed Motion for Partial Summary Judgment to Dismiss any Claim of "Ostensible Agency" for Ali Kia, M.D.
05/20/2020	<b>Clerk's Notice of Hearing Doc ID# 78</b> [78] Notice of Hearing
06/02/2020	<b>Order Doc ID# 79</b> [79] Order Regarding Third- Party Defendant Nevada Hospitalist Group, LLP Motion For Judgment On the Pleadings And Thrid- Party Defendant Ali Kia, M.D. Joinder Thereto
06/03/2020	<b>Opposition and Countermotion Doc ID# 80</b> [80] Opposition to Defendant Sunrise Hospital's Renewed Motion for Partial Summary Judgment to Dismiss any Claim of Ostensible Agency for Ali Kia, M.D.; and Countermotion to Strike Sunrise's Renewed Motion, for Attorney's Fees, and Sanctions
06/03/2020	<b>Motion to Amend Complaint Doc ID# 81</b> [81] Motion for Leave of Court to Amend Complaint
06/03/2020	<b>Clerk's Notice of Hearing Doc ID# 82</b> [82] Notice of Hearing
06/03/2020	<b>Notice of Entry of Order Doc ID# 83</b> [83] Notice Of Entry Of Order Regarding Third-Party Defendant Nevada Hospitalist Group, LLP s Motion For Judgment On The Pleadings And Third-Party Defendant Ali Kia, M.D. d Joinder Thereto
06/05/2020	<b>Ex Parte Application Doc ID# 84</b> [84] Ex Parte Application to Consolidate Hearings

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06/15/2020	<b>Opposition Doc ID# 85</b> [85] DEFENDANT SUNRISE HOSPITAL S OPPOSITION TO PLAINTIFF S MOTION FOR LEAVE OF COURT TO AMEND COMPLAINT
06/15/2020	<b>Reply in Support Doc ID# 86</b> [86] DEFENDANT SUNRISE HOSPITAL S REPLY IN SUPPORT OF ITS RENEWED MOTION FOR PARTIAL SUMMARY JUDGMENT TO DISMISS ANY CLAIM OF OSTENSIBLE AGENCY FOR ALI KIA, M.D. AND OPPOSITION TO PLAINTIFF S COUNTERMOTION TO STRIKE SUNRISE S RENEWED MOTION, FOR ATTORNEY S FEES, AND SANCTIONS
06/30/2020	<b>Reply to Motion Doc ID# 87</b> [87] Reply in Support of Countermotion to Strike Sunrise's Renewed Motion, for Attorney's Fees, and Sanctions
06/30/2020	<b>Reply to Motion Doc ID# 88</b> [88] Reply in Support of Motion for Leave of Court to Amend Complaint
07/06/2020	<b>Filing Fee Remittance Doc ID# 89</b> [89] Filing Fee Remittance
07/07/2020	<b>Motion for Partial Summary Judgment</b> (9:00 AM) (Judicial Officer Silva, Cristina D.) Defendant Sunrise Hospital's Renewed Motion for Partial Summary Judgment to Dismiss any Claim of "Ostensible Agency" for Ali Kia, M.D. 06/23/2020 Reset by Court to 07/07/2020 Result: Deferred Ruling
07/07/2020	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer Silva, Cristina D.) Opposition to Defendant Sunrise Hospital's Renewed Motion for Partial Summary Judgment to Dismiss any Claim of "Ostensible Agency" for Ali Kia, M.D. and Countermotion to Strike Sunrise's Renewed Motion, for Attorney's Fees, and Sanctions 06/23/2020 Reset by Court to 06/23/2020 06/23/2020 Reset by Court to 07/07/2020 Result: Deferred Ruling
07/07/2020	<b>Motion to Amend Complaint</b> (9:00 AM) (Judicial Officer Silva, Cristina D.) Plaintiff's Motion for Leave of Court to Amend Complaint Result: Deferred Ruling
07/07/2020	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer Silva, Cristina D.) Plaintiff's Motion for Leave of Court to Amend Complaint . . . Defendant Sunrise Hospital's Renewed Motion for Partial Summary Judgment to Dismiss any Claim of "Ostensible Agency" for Ali Kia, M.D. . . . Opposition to Defendant Sunrise Hospital's Renewed Motion for Partial Summary Judgment to Dismiss any Claim of "Ostensible Agency" for Ali Kia, M.D. and Countermotion to Strike Sunrise's Renewed Motion, for Attorney's Fees, and Sanctions <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Matter Heard
07/23/2020	<b>Decision</b> (3:00 AM) (Judicial Officer Silva, Cristina D.) Decision: Plaintiff's Motion for Leave of Court to Amend Complaint . . . Defendant's Motion for Partial Summary Judgment . . . Plaintiff's Countermotion to Strike Sunrise's Renewed Motion <a href="#">Minutes</a> Result: Decision Made
08/24/2020	<b>Judgment Doc ID# 90</b> [90] Judgment Upon the Pleadings in Favor of Third-Party Defendant Ali Kia, M.D. And Against Sunrise Hospital Medical Center, LLC
08/24/2020	<b>Stipulation and Order to Extend Discovery Deadlines Doc ID# 91</b> [91] Stipulation and Order to Extend Discovery Deadlines and Trial Date (Sixth Request)
08/25/2020	<b>Notice of Entry of Order Doc ID# 92</b> [92] Notice of Entry of Order
08/26/2020	<b>Notice of Entry of Judgment Doc ID# 93</b> [93] Notice of Entry of Judgment Upon the Pleadings in Favor of Third-Party Defendant Ali Kia, M.D. and Against Sunrise Hospital Medical Center LLC
08/31/2020	<b>Memorandum of Costs and Disbursements Doc ID# 94</b> [94] Third-Party Defendant Ali Kia, M.D.'s Verified Memorandum of Costs and Disbursements
09/01/2020	<b>Judgment Doc ID# 95</b> [95] Judgment Upon the Pleadings in Favor of Third-Party Defendant Nevada Hospitalist Group, LLP's and Against Sunrise Hospital Medical Center, LLC
09/01/2020	<b>Notice of Entry of Order Doc ID# 96</b> [96] Notice of Entry of Order
09/02/2020	<b>Motion to Retax Doc ID# 97</b> [97] Defendant Sunrise Hospital abd Medical Center's Motion to Retax and/or Settle the Costs
09/02/2020	<b>Clerk's Notice of Hearing Doc ID# 98</b> [98] Notice of Hearing
09/17/2020	<b>Opposition to Motion Doc ID# 99</b> [99] Third-Party Defendant Ali Kia, M.D.'s Opposition to Third-Party Plaintiff Sunrise Hospital and Medical Center's Motion to Retax and/or Settle the Costs
09/25/2020	<b>Order Doc ID# 100</b> [100] Order Granting Partial Summary Judgment Dismissing Ostensible Agency; Denying Sanctions; and Denying Plaintiff's Motion to Amend Complaint In Part With Prejudice, and In Part Without Prejudice
09/28/2020	<b>Notice of Entry Doc ID# 101</b> [101] NOTICE OF ENTRY OF THREE (3) PART ORDER: (1) GRANTING PARTIAL SUMMARY JUDGMENT DISMISSING OSTENSIBLE AGENCY; (2) DENYING SANCTIONS; AND (3) DENYING PLAINTIFF S MOTION TO AMEND COMPLAINT IN PART WITH PREJUDICE, AND IN PART WITHOUT PREJUDICE
09/29/2020	<b>Notice of Rescheduling of Hearing Doc ID# 102</b> [102] Notice of Rescheduling of Hearing
10/12/2020	<b>Motion to Reconsider Doc ID# 103</b> [103] Motion for Reconsideration
10/12/2020	<b>Clerk's Notice of Hearing Doc ID# 104</b> [104] Notice of Hearing
10/13/2020	<b>Motion to Retax</b> (9:00 AM) (Judicial Officer Silva, Cristina D.) 10/13/2020, 11/17/2020 Defendant Sunrise Hospital and Medical Center's Motion to Retax and/or Settle the Costs <a href="#">Parties Present</a> <a href="#">Minutes</a> 10/06/2020 Reset by Court to 10/13/2020

	Result: Matter Continued
10/16/2020	<b>Motion to Amend Complaint Doc ID# 105</b> [105] Motion for Leave to Amend Complaint
10/19/2020	<b>Clerk's Notice of Hearing Doc ID# 106</b> [106] Notice of Hearing
10/21/2020	<b>Amended Order Setting Jury Trial Doc ID# 107</b> [107] Amended Order Setting Civil Jury Trial, Calendar Call, and Status Check
10/22/2020	<b>Opposition to Motion Doc ID# 108</b> [108] DEFENDANT SUNRISE HOSPITAL AND MEDICAL CENTER S OPPOSITION TO PLAINTIFF S MOTION FOR RECONSIDERATION
10/22/2020	<b>Joinder To Motion Doc ID# 109</b> [109] Defendants Frank J. DeLee, M.D. and Frank J. Delee, M.D., P.C.'s Joinder to Plaintiff's (1) Motion for Reconsideration, and (2) Motion for Leave of Court to Amend Complaint
10/23/2020	<b>Errata Doc ID# 110</b> [110] Defendants Frank J. DeLee, M.D. and Frank J. DeLee, M.D., P.C.'s Errata to Joinder to Plaintiff's (1) Motion for Reconsideration, and (2) Motion for Leave of Court to Amend Complaint
10/26/2020	<b>Opposition Doc ID# 111</b> [111] DEFENDANT SUNRISE HOSPITAL AND MEDICAL CENTER S LIMITED OPPOSITION TO PLAINTIFF S MOTION FOR LEAVE OF COURT TO AMEND COMPLAINT
11/11/2020	<b>Reply in Support Doc ID# 112</b> [112] Reply in Support of Motion for Reconsideration and Reply in Support of Motion for Leave to Amend Complaint
11/17/2020	<b>Motion For Reconsideration (9:00 AM)</b> (Judicial Officer Silva, Cristina D.) Plaintiff Motion for Reconsideration 11/12/2020 Reset by Court to 11/17/2020
	Result: Denied
11/17/2020	<b>Motion to Amend Complaint (9:00 AM)</b> (Judicial Officer Silva, Cristina D.) Motion for Leave to Amend Complaint 11/19/2020 Reset by Court to 11/17/2020
	Result: Granted in Part
11/17/2020	<b>Joinder (9:00 AM)</b> (Judicial Officer Silva, Cristina D.) Defendants Frank J. DeLee, M.D. and Frank J. Delee, M.D., P.C.'s Joinder to Plaintiff's (1) Motion for Reconsideration, and (2) Motion for Leave of Court to Amend Complaint
	Result: Denied in Part
11/17/2020	<b>All Pending Motions (9:00 AM)</b> (Judicial Officer Silva, Cristina D.) <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Heard
11/17/2020	<b>CANCELED All Pending Motions (9:00 AM)</b> (Judicial Officer Silva, Cristina D.) Vacated - Duplicate Entry
12/03/2020	<b>Order Denying Doc ID# 113</b> [113] Order Denying, without Prejudice, Third-Party Defendant Dr. Kia's Verified Memorandum of Costs and Disbursements
12/04/2020	<b>Notice of Entry Doc ID# 114</b> [114] NOTICE OF ENTRY OF ORDER DENYING, WITHOUT PREJUDICE, THIRD-PARTY DEFENDANT DR. KIA S VERIFIED MEMORANDUM OF COSTS AND DISBURSEMENTS
12/07/2020	<b>Order Denying Motion Doc ID# 115</b> [115] Order Denying Plaintiff's Motion for Reconsideration Regarding Denial of Additional Claims of Ostensible Agency and Corporate Negligence/Negligent Supervision
12/08/2020	<b>CANCELED Status Check: Trial Readiness (9:00 AM)</b> (Judicial Officer Silva, Cristina D.) Vacated - per Judge
12/08/2020	<b>Notice of Entry of Order Doc ID# 116</b> [116] NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF S MOTION FOR RECONSIDERATION REGARDING DENIAL OF ADDITIONAL CLAIMS OF OSTENSIBLE AGENCY AND CORPORATE NEGLIGENCE/NEGLIGENT SUPERVISION
12/15/2020	<b>Order Doc ID# 117</b> [117] Order Granting In Part, and Denying In Part, Plaintiff's Motion for Leave to Amend Complaint
12/15/2020	<b>Notice of Entry of Order Doc ID# 118</b> [118] Notice of Entry of Order Granting in Part and Denying in Part Plaintiff's Motion for Leave to Amend Complaint
12/16/2020	<b>Amended Complaint Doc ID# 119</b> [119] Amended Complaint for Medical Malpractice
12/17/2020	<b>Answer Doc ID# 120</b> [120] Defendant Sunrise Hospital and Medical Center's Answer to Plaintiff's Amended Complaint for Medical Malpractice
12/21/2020	<b>Summons Electronically Issued - Service Pending Doc ID# 121</b> [121] Summons
12/21/2020	<b>Summons Electronically Issued - Service Pending Doc ID# 122</b> [122] Summons
12/28/2020	<b>Acceptance of Service Doc ID# 123</b> [123] Acceptance of Service - Kia
12/28/2020	<b>Acceptance of Service Doc ID# 124</b> [124] Acceptance of Service - NHG
12/30/2020	<b>Answer to Amended Complaint Doc ID# 125</b> [125] Defendants Frank J. DeLee, M.D. and Frank J. DeLee M.D., PC's Answer to Plaintiff's Amended Complaint for Medical Malpractice
01/04/2021	<b>Case Reassigned to Department 23</b> Judicial Reassignment to Judge Jasmin Lilly-Spells
01/06/2021	<b>Recorders Transcript of Hearing Doc ID# 126</b> [126] RECORDER'S TRANSCRIPT OF PROCEEDINGS: ALL PENDING MOTIONS. HEARD ON NOVEMBER 17, 2020
01/21/2021	<b>Notice Doc ID# 127</b> [127] Notice of Filing of Writ of Mandamus
01/21/2021	<b>Motion to Dismiss Doc ID# 128</b> [128] Defendant Ali Kia, M.D.'s Motion to Dismiss Plaintiff's Amended Complaint
01/24/2021	<b>Stipulation to Extend Discovery Doc ID# 129</b> [129] Stipulation and Order to Extend the Discovery Deadlines(Seventh Request)
01/25/2021	<b>Clerk's Notice of Hearing Doc ID# 130</b> [130] Notice of Hearing
01/25/2021	<b>Joinder To Motion Doc ID# 131</b> [131] Defendant Nevada Hospitalist Group, LLP's Joinder to Defendant Ali Kia, M.D.'s Motion to Dismiss Plaintiff's Amended Complaint

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01/26/2021	<b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer Silva, Cristina D.) <i>Vacated - per Stipulation and Order</i>
02/04/2021	<b>Opposition to Motion to Dismiss Doc ID# 132</b> <i>[132] Opposition to Defendant Ali Kia, M.D.'s Motion to Dismiss Plaintiff's Amended Complaint</i>
02/08/2021	<b>CANCELED Jury Trial</b> (9:30 AM) (Judicial Officer Silva, Cristina D.) <i>Vacated - per Stipulation and Order</i>
02/16/2021	<b>Reply in Support Doc ID# 133</b> <i>[133] Defendant Nevada Hospitalist Group, LLC s Reply In Support Of Motion To Dismiss</i>
02/16/2021	<b>Reply in Support Doc ID# 134</b> <i>[134] Defendant Ali Kia, M.D.'a Reply in Support of Motion to Dismiss Plaintiff's Amended Complaint</i>
02/20/2021	<b>Notice of Rescheduling of Hearing Doc ID# 135</b> <i>[135] Motion to Dismiss and Joinder</i>
03/16/2021	<b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer Lilly-Spells, Jasmin) <i>Defendant Ali Kia, M.D.'s Motion to Dismiss Plaintiff's Amended Complaint</i> <i>02/23/2021 Reset by Court to 02/23/2021</i> <i>02/23/2021 Reset by Court to 03/16/2021</i> Result: Motion Denied
03/16/2021	<b>Joinder</b> (9:30 AM) (Judicial Officer Lilly-Spells, Jasmin) <i>Defendant Nevada Hospitalist Group, LLP's Joinder to Defendant Ali Kia, M.D.'s Motion to Dismiss Plaintiff's Amended Complaint</i> <i>02/23/2021 Reset by Court to 02/23/2021</i> <i>02/23/2021 Reset by Court to 03/16/2021</i> Result: Denied
03/16/2021	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer Lilly-Spells, Jasmin) <a href="#">Parties Present</a> <a href="#">Minutes</a>
03/26/2021	Result: Matter Heard <b>Stipulation and Order to Extend Discovery Deadlines Doc ID# 136</b> <i>[136] Stipulation and Order Vacating Discovery Deadlines Pending NRCP 16.1 Conference</i>
03/26/2021	<b>Notice of Entry of Stipulation and Order Doc ID# 137</b> <i>[137] Notice of Entry of Stipulation and Order Vacating Discovery Deadlines Pending NRCP 16.1 Conference</i>
03/26/2021	<b>Order Doc ID# 138</b> <i>[138] Order From March 16 Hearing</i>
03/29/2021	<b>Notice of Entry of Order Doc ID# 139</b> <i>[139] Notice of Entry of Order from March 16, 2021 Hearing</i>
04/02/2021	<b>Transcript of Proceedings Doc ID# 140</b> <i>[140] Third Party Defendant Nevada Hospitalist Group, LLP's Motion for Judgment on the Pleadings; Third Party Defendant Kia's Joinder to Motion for Judgment on the Pleadings and Replyin Support of Motion for Judgment on the Pleadings April 29. 2020</i>
04/02/2021	<b>Recorders Transcript of Hearing Doc ID# 141</b> <i>[141] Recorder's Transcript of Proceedings: All Pending Motions. Heard On July 7, 2020</i>
04/02/2021	<b>Recorders Transcript of Hearing Doc ID# 142</b> <i>[142] Recorder's Transcript of Proceedings: Defendant Sunrise Hospital and Medical Center's Motion to Retax and/or Settle the Costs. Heard On October 13, 2020</i>
04/02/2021	<b>Transcript of Proceedings Doc ID# 143</b> <i>[143] Defendant Ali Kia, M.D.'s Motion to Dismiss Plaintiff's Amended Complaint; Defendant Nevada Hospitalist Group, LLP's Joinder to Defendant Ali Kia, M.D.'s Motion to Dismiss Plaintiff's Amended Complaint March 16. 2021</i>
04/08/2021	<b>Motion to Reconsider Doc ID# 144</b> <i>[144] Defendant Ali Kia, M.D.'s Motion for Reconsideration Regarding Motion to Dismiss Plaintiff's Amended Complaint</i>
04/08/2021	<b>Clerk's Notice of Hearing Doc ID# 145</b> <i>[145] Notice of Hearing</i>
04/08/2021	<b>Answer to Amended Complaint Doc ID# 146</b> <i>[146] Nevada Hospitalist Group, LLP's Answer to Amended Complaint</i>
04/08/2021	<b>Initial Appearance Fee Disclosure Doc ID# 147</b> <i>[147] Defendant Nevada Hospitalist Group, Inc,'s Initial Appearance Fee Disclosure</i>
04/08/2021	<b>Demand for Jury Trial Doc ID# 148</b> <i>[148] Defendant Nevada Hospitalist Group, Inc.'s Demand for Jury Trial</i>
04/08/2021	<b>Joinder To Motion Doc ID# 149</b> <i>[149] Nevada Hospitalist Group, LLP's Joinder to Defendant Ali Kai, MD's Motion for Reconsideration Regarding Motion to Dismiss Plaintiff's Amended Complaint</i>
04/14/2021	<b>Notice of Early Case Conference Doc ID# 150</b> <i>[150] Notice of Early Case Conference</i>
04/22/2021	<b>Opposition to Motion Doc ID# 151</b> <i>[151] Opposition to Defendant Ali Kia, M.D.'s Motion for Reconsideration Regarding Motion to Dismiss Plaintiff's Amended Complaint</i>
05/06/2021	<b>Reply in Support Doc ID# 152</b> <i>[152] Defendant Ali Kia, M.D.'s Reply in Support of Motion for Reconsideration Regarding Motion to Dismiss Plaintiff's Amended Complaint</i>
05/10/2021	<b>CANCELED Jury Trial - FIRM</b> (9:30 AM) (Judicial Officer Silva, Cristina D.) <i>Vacated - per Stipulation and Order</i>
05/13/2021	<b>Motion For Reconsideration</b> (3:00 AM) (Judicial Officer Lilly-Spells, Jasmin) <i>Defendant Ali Kia, M.D.'s Motion for Reconsideration Regarding Motion to Dismiss Plaintiff's Amended Complaint</i> <a href="#">Minutes</a>
05/13/2021	Result: Denied <b>Joinder</b> (3:00 AM) (Judicial Officer Lilly-Spells, Jasmin) <i>Nevada Hospitalist Group, LLP's Joinder to Defendant Ali Kai, MD's Motion for Reconsideration Regarding Motion to Dismiss Plaintiff's Amended Complaint</i> Result: Matter Heard
05/13/2021	<b>All Pending Motions</b> (3:00 AM) (Judicial Officer Lilly-Spells, Jasmin)
07/02/2021	<b>Order Doc ID# 153</b> <i>[153] Order Denying Defendant Ali Kia, M.D.'s Motion for Reconsideration</i>
07/06/2021	<b>CANCELED Status Check: Trial Readiness</b> (9:30 AM) (Judicial Officer Lilly-Spells, Jasmin) <i>Vacated</i> <i>07/06/2021 Reset by Court to 07/06/2021</i>

07/06/2021	<b>Notice of Entry of Order Doc ID# 154</b> [154] Notice of Entry of Order Denying Defendant Ali Kia, M.d.'s Motion for Reconsideration
07/12/2021	<b>Answer to Complaint Doc ID# 155</b> [155] Defendant Ali Kia, M.D.'s Answer to Plaintiff's Amended Complaint
07/12/2021	<b>Demand for Jury Trial Doc ID# 156</b> [156] Demand for Jury Trial
07/20/2021	<b>CANCELED Calendar Call (9:30 AM)</b> (Judicial Officer Lilly-Spells, Jasmin) Vacated - per Stipulation and Order 04/06/2021 Reset by Court to 06/15/2021 06/15/2021 Reset by Court to 06/22/2021 06/22/2021 Reset by Court to 07/20/2021
07/27/2021	<b>Joint Case Conference Report Doc ID# 157</b> [157] Second Supplemental Joint Case Conference Report
08/02/2021	<b>CANCELED Jury Trial - FIRM (9:00 AM)</b> (Judicial Officer Lilly-Spells, Jasmin) Vacated - per Stipulation and Order 07/19/2021 Reset by Court to 08/31/2021 08/31/2021 Reset by Court to 09/07/2021 09/07/2021 Reset by Court to 08/02/2021
08/11/2021	<b>Notice of Hearing Doc ID# 158</b> [158] Mandatory Rule 16 Conference
09/21/2021	<b>Mandatory Rule 16 Conference (9:15 AM)</b> (Judicial Officer Lilly-Spells, Jasmin) <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Set Status Check
09/28/2021	<b>CANCELED Calendar Call (9:30 AM)</b> (Judicial Officer Lilly-Spells, Jasmin) Vacated
10/11/2021	<b>CANCELED Jury Trial - FIRM (9:00 AM)</b> (Judicial Officer Lilly-Spells, Jasmin) Vacated
11/17/2021	<b>Order Doc ID# 159</b> [159] Order Staying Case
11/17/2021	<b>Notice of Entry of Order Doc ID# 160</b> [160] Notice of Entry of Order Staying Case
12/11/2021	<b>Order Setting Medical/Dental Malpractice Status Check Doc ID# 161</b> [161] Order Setting Medical/Dental Malpractice Status Check and Trial Setting Conference
12/14/2021	<b>Status Check (9:30 AM)</b> (Judicial Officer Lilly-Spells, Jasmin) Status Check: Writ / Supreme Court case status <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Continued
01/11/2022	<b>CANCELED Status Check: Medical/Dental Malpractice (8:00 AM)</b> (Judicial Officer Wiese, Jerry A.) Vacated
03/10/2022	<b>Notice of Rescheduling of Hearing Doc ID# 162</b> [162] STATUS CHECK
03/22/2022	<b>Status Check (9:00 AM)</b> (Judicial Officer Lilly-Spells, Jasmin) <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Continued
05/11/2022	<b>Order Doc ID# 163</b> [163] Order Staying Case
05/12/2022	<b>Notice of Entry of Order Doc ID# 164</b> [164] (For A-20-825424-C Filed in error) Notice of Entry of Order Staying Case
05/12/2022	<b>Errata Doc ID# 165</b> [165] Errata to Notice of Entry of Order Staying Case
06/28/2022	<b>Status Check (9:15 AM)</b> (Judicial Officer Lilly-Spells, Jasmin) <b>06/28/2022, 07/05/2022, 08/09/2022</b> <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Continued
07/09/2022	<b>Order Doc ID# 166</b> [166] Order Lifting Stay
08/02/2022	<b>Notice of Intent Doc ID# 167</b> [167] Notice of Intent to Appear Via Simultaneous AudioVisual Transmission Equipment (Bluejeans)
08/02/2022	<b>Audiovisual Transmission Equipment Appearance Request Doc ID# 168</b> [168] DEF KIA AUDIOVISUAL TRANSMISSION EQUIPMENT APPEARANCE REQUEST
08/03/2022	<b>Audiovisual Transmission Equipment Appearance Request Doc ID# 169</b> [169] Defendants Frank J. Delee, M.D. and Frank J. Delee M.D., P.C.s Notice of Intent to Appear By Simultaneous Audiovisual Transmission Equipment
08/18/2022	<b>Stipulation and Order to Extend Discovery Deadlines Doc ID# 170</b> [170] Stipulation and Order to Extend Discovery Deadlines and Trial Date (Eighth Request)
08/18/2022	<b>Notice of Entry of Stipulation and Order Doc ID# 171</b> [171] Notice of Entry of Stipulation and Order to Extend the Discovery Deadlines and Trial Date
01/03/2023	<b>Case Reassigned to Department 20</b> Pursuant to Administrative Order 22-14 - Reassigned to Judge Eric Johnson
01/15/2023	<b>Motion for Summary Judgment Doc ID# 172</b> [172] Defendant Nevada Hospitalist Group, LLC's Motion for Summary Judgment
01/19/2023	<b>Clerk's Notice of Hearing Doc ID# 173</b> [173] Notice of Hearing

01/19/2023	<b>Peremptory Challenge Doc ID# 174</b> [174] Peremptory Challenge of Judge
01/24/2023	<b>Notice of Change of Hearing Doc ID# 175</b> [175] Notice of Change of Hearing
01/25/2023	<b>Notice of Intent Doc ID# 176</b> [176] Notice of Intent to Appear Electronically
01/25/2023	<b>Notice of Department Reassignment Doc ID# 177</b> [177] Notice of Department Reassignment
01/26/2023	<b>Peremptory Challenge Doc ID# 178</b> [178] PEREMPTORY CHALLENGE OF JUDGE
01/27/2023	<b>Notice of Department Reassignment Doc ID# 179</b> [179] Notice of Department Reassignment
01/30/2023	<b>Notice of Intent Doc ID# 180</b> [180] NOTICE OF INTENT TO APPEAR ELECTRONICALLY
01/30/2023	<b>Opposition to Motion For Summary Judgment Doc ID# 181</b> [181] Opposition to Defendant Nevada Hospitalist Group, LLC's Motion for Summary Judgment
01/30/2023	<b>Order Scheduling Status Check Doc ID# 182</b> [182] Order Scheduling Status Check
02/01/2023	<b>Audiovisual Transmission Equipment Appearance Request Doc ID# 183</b> [183] Audiovisual Transmission Equipment Appearance Request
02/01/2023	<b>Notice of Intent Doc ID# 184</b> [184] Notice Of Intent To Appear Electronically
02/01/2023	<b>Audiovisual Transmission Equipment Appearance Request Doc ID# 185</b> [185] Defendants, Frank J DeLee, M.D. and Frank J. DeLee, M.D., P.C.'s Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment
02/02/2023	<b>Status Check (11:00 AM) (Judicial Officer Eller, Crystal)</b> <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Trial Date Set
02/05/2023	<b>Amended Order Setting Jury Trial Doc ID# 186</b> [186] Amended Order Setting FIRM Civil Jury Trial, Pre-Trial Conference And Calendar Call
02/17/2023	<b>Order Setting Medical/Dental Malpractice Status Check Doc ID# 187</b> [187] Order Setting Medical/Dental Malpractice Status Check and Trial Setting Conference
02/22/2023	<b>Reply in Support Doc ID# 188</b> [188] Defendant Nevada Hospitalist Group, LLC's Reply in Support of Motion for Summary Judgment
02/28/2023	<b>Audiovisual Transmission Equipment Appearance Request Doc ID# 189</b> [189] Defendants Frank J. DeLee, M.D. and Frank J. DeLee, M.D. PC's Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment
02/28/2023	<b>Notice Doc ID# 190</b> [190] Notice of Intent to Appear by Audiovisual Transmission Equipment
02/28/2023	<b>Memorandum Doc ID# 191</b> [191] Memorandum VACATING Motion for Summary Judgment set for 03/01/23
03/02/2023	<b>Motion for Summary Judgment Doc ID# 192</b> [192] Defendant Sunrise Hospital and Medical Center, LLC's Motion for Summary Judgment
03/02/2023	<b>Clerk's Notice of Hearing Doc ID# 193</b> [193] Notice of Hearing
03/03/2023	<b>Audiovisual Transmission Equipment Appearance Request Doc ID# 194</b> [194] Notice of Intent to Appear Electronically
03/03/2023	<b>Motion for Summary Judgment Doc ID# 195</b> [195] Defendant Ali Kia, M.D.'s Motion for Summary Judgment
03/06/2023	<b>Clerk's Notice of Hearing Doc ID# 196</b> [196] Notice of Hearing
03/06/2023	<b>Audiovisual Transmission Equipment Appearance Request Doc ID# 197</b> [197] Notice of Intent to Appear Electronically
03/10/2023	<b>Notice of Hearing Doc ID# 198</b> [198] Notice of Hearing
03/13/2023	<b>Joinder to Motion For Summary Judgment Doc ID# 199</b> [199] Defendant Nevada Hospitalist Group, LLC's Joinder to Defendant Ali Kia, M.D.'s Motion for Summary Judgment
03/16/2023	<b>Stipulation and Order Doc ID# 200</b> [200] Stipulation And Order To Extend Plaintiff's Opposition To Defendants' Motion For Summary Judgment
03/16/2023	<b>Notice of Entry of Stipulation and Order Doc ID# 201</b> [201] Notice of Entry of Stipulation and Order to Extend Plaintiff's Opposition to Defenants' Motion for Summary Judgment
03/17/2023	<b>Motion to Extend Doc ID# 202</b> [202] Plaintiff's Motion to Extend Last Day to Amend Pleadings and Add Parties Deadline (First)
03/17/2023	<b>Clerk's Notice of Hearing Doc ID# 203</b> [203] Notice of Hearing
03/20/2023	<b>Audiovisual Transmission Equipment Appearance Request Doc ID# 204</b> [204] Notice of Intent to Appear Electronically
03/20/2023	<b>Audiovisual Transmission Equipment Appearance Request Doc ID# 205</b> [205] Defendant Frank J. DeLee and Frank J. DeLee M.D., PC's Notice of Intent to Appear by Simultaneous Audiovisual Transmission Equipment
03/21/2023	<b>Stipulation to Extend Discovery Doc ID# 206</b> [206] Stipulation and Order to Continue Discovery (9th Request)
03/21/2023	<b>Notice of Entry of Stipulation and Order Doc ID# 207</b> [207] Notice of Entry of Stipulation and Order to Extend Discovery Deadlines (Ninth Request)
03/23/2023	<b>Status Check: Medical/Dental Malpractice (8:00 AM) (Judicial Officer Wiese, Jerry A.)</b> <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Matter Heard
03/24/2023	<b>Opposition to Motion For Summary Judgment Doc ID# 208</b> [208] Opposition to Defendant Ali Kia, M.D.'s Motion for Summary Judgment
03/24/2023	<b>Opposition to Motion For Summary Judgment Doc ID# 209</b> [209] Opposition to Defendant Sunrise Hospital and Medical Center, LLC's Motion for Summary Judgment and Counter-Motion for Additional Time to Obtain Discovery

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03/31/2023	<b>Opposition Doc ID# 210</b> [210] Defendant Sunrise Hospital and Medical Center, LLC's Opposition to Plaintiff's Motion to Extend Last Day to Amend Pleadings and Add Parties Deadline (First)
03/31/2023	<b>Ex Parte Application Doc ID# 211</b> [211] Ex Parte Application to Consolidate
04/03/2023	<b>Joinder Doc ID# 212</b> [212] Defendant Ali Kia, M.D.S Joinder to Defendant Sunrise Hospitals Opposition to Plaintiffs Motion to Extend Last Day to Amend Pleadings and add Parties Deadline (First)
04/04/2023	<b>Order Shortening Time Doc ID# 213</b> [213] Order Shortening Time
04/04/2023	<b>Notice of Entry of Order Doc ID# 214</b> [214] Notice of Entry of Order Shortening Time
04/04/2023	<b>Joinder to Opposition to Motion Doc ID# 215</b> [215] Defendant Nevada Hospitalist Group, LLC's Joinder to Defendant Sunrise Hospital and Medical Center, LLC's Opposition to Plaintiff's Motion to Extend Last Day to Amend Pleadings and Add Parties Deadline (First Request)
04/05/2023	<b>Reply in Support Doc ID# 216</b> [216] Defendant Sunrise Hospital and Medical Center, LLC's Reply in Support of Its Motion for Summary Judgment
04/05/2023	<b>Reply in Support Doc ID# 217</b> [217] Defendant Ali Kia, M.D.'s Reply in Support of Motion for Summary Judgment
04/06/2023	<b>Reply in Support Doc ID# 218</b> [218] Reply in Support of Motion to Extend Last Day to Amend Pleadings and Add Parties Deadline (First)
04/07/2023	<b>Notice of Hearing Doc ID# 219</b> [219] Notice of Rescheduling Time for Motion for Summary Judgment
04/12/2023	<b>Motion for Summary Judgment (8:30 AM)</b> (Judicial Officer Eller, Crystal) Defendant Nevada Hospitalist Group, LLC's Motion for Summary Judgment 02/21/2023 Reset by Court to 02/22/2023 02/22/2023 Reset by Court to 03/01/2023 03/01/2023 Reset by Court to 03/01/2023 Result: Denied
04/12/2023	<b>Motion for Summary Judgment (8:30 AM)</b> (Judicial Officer Eller, Crystal) Defendant Sunrise Hospital and Medical Center, LLC s Motion for Summary Judgment Result: Denied
04/12/2023	<b>Motion for Summary Judgment (8:30 AM)</b> (Judicial Officer Eller, Crystal) Defendant Ali Kia, M.D.'s Motion for Summary Judgment Result: Denied
04/12/2023	<b>Joinder (8:30 AM)</b> (Judicial Officer Eller, Crystal) Defendant Nevada Hospitalist Group, LLC's Joinder to Defendant Ali Kia, M.D.'s Motion for Summary Judgment Result: Matter Heard
04/12/2023	<b>Motion (8:30 AM)</b> (Judicial Officer Eller, Crystal) Plaintiff's Motion to Extend Last Day to Amend Pleadings and Add Parties Deadline (First) 04/19/2023 Reset by Court to 04/12/2023 Result: Granted
04/12/2023	<b>All Pending Motions (8:30 AM)</b> (Judicial Officer Eller, Crystal) <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Matter Heard
04/17/2023	<b>Court Recorders Invoice for Transcript Doc ID# 220</b> [220]
04/17/2023	<b>Recorders Transcript of Hearing Doc ID# 221</b> [221] Recorders Transcript of Hearing RE: 4/12/23 All Pending Motions
04/25/2023	<b>Minute Order (1:00 PM)</b> (Judicial Officer Eller, Crystal) <a href="#">Minutes</a> Result: Minute Order - No Hearing Held
05/19/2023	<b>Order Doc ID# 222</b> [222] Order Granting Plaintiff's Motion to Amend
05/19/2023	<b>Order Doc ID# 223</b> [223] Order Denying Defendant Sunrise's Motion for Summary Judgment
05/19/2023	<b>Notice of Entry of Order Doc ID# 224</b> [224] Notice of Entry of Order on Defendant Sunrise Hospital and Medical Center, LLC's Motion for Summary Judgment
05/19/2023	<b>Notice of Entry of Order Doc ID# 225</b> [225] Notice of Entry of Order on Plaintiff's Motion to Extend Las Day to Amend Pleadings and Add Parties Deadline (First)
05/24/2023	<b>Order Doc ID# 226</b> [226] Order Denying NHG's Motion for Summary Judgment
05/24/2023	<b>Notice of Entry Doc ID# 227</b> [227] Notice of Entry of Order
05/25/2023	<b>Order Doc ID# 228</b> [228] Order on Defendant Kia's Motion for Summary Judgment
05/25/2023	<b>Notice of Entry of Order Doc ID# 229</b> [229] Notice of Entry of Order on Defendant Ali Kia, M.D.'s Motion for Summary Judgment
06/16/2023	<b>Memorandum of Costs and Disbursements Doc ID# 230</b> [230] Memorandum of Fees and Costs
06/20/2023	<b>Motion to Retax Doc ID# 231</b> [231] Defendant Ali Kia, M.D.S Motion To Retax Plaintiffs Memorandum Of Fees And Costs
06/21/2023	<b>Clerk's Notice of Hearing Doc ID# 232</b> [232] Notice of Hearing
06/30/2023	<b>Opposition to Motion Doc ID# 233</b> [233] Opposition to Defendant Ali Kia, M.D.'s Motion to Retax Plaintiff's Memorandum of Fees and Costs
07/17/2023	<b>Reply Doc ID# 234</b> [234] DEFENDANT ALI KIA, M.D.S REPLY IN SUPPORT OF MOTION TO RETAX PLAINTIFFS MEMORANDUM OF FEES AND COSTS



07/24/2023	<b>Motion to Retax</b> (3:00 AM) (Judicial Officer Eller, Crystal) <i>Defendant Ali Kia, M.D.S Motion To Retax Plaintiffs Memorandum Of Fees And Costs</i> <a href="#">Minutes</a>
	Result: Granted in Part
08/08/2023	<b>Order Doc ID# 235</b> <i>[235] Order Regarding Admonishment and Sanctions Against Defendant Ali Kia, M.D.</i>
08/08/2023	<b>Notice of Entry of Order Doc ID# 236</b> <i>[236] Notice of Entry of Order Regarding Admonishment and Sanctions Against Defendant Ali Kia, M.D.</i>
12/13/2023	<b>CANCELED Calendar Call</b> (10:00 AM) (Judicial Officer Eller, Crystal) <i>Vacated</i> <i>10/24/2023 Reset by Court to 10/25/2023</i> <i>10/25/2023 Reset by Court to 12/13/2023</i> <i>12/13/2023 Reset by Court to 12/13/2023</i> <i>12/13/2023 Reset by Court to 12/13/2023</i> <i>12/13/2023 Reset by Court to 12/13/2023</i>
01/03/2024	<b>CANCELED Jury Trial - FIRM</b> (10:00 AM) (Judicial Officer Eller, Crystal) <i>Vacated</i> <i>11/13/2023 Reset by Court to 01/02/2024</i> <i>11/13/2023 Reset by Court to 11/13/2023</i> <i>01/02/2024 Reset by Court to 01/03/2024</i> <i>01/02/2024 Reset by Court to 01/02/2024</i>
02/21/2024	<b>Status Check: Trial Readiness</b> (10:00 AM) (Judicial Officer Eller, Crystal)
03/25/2024	<b>Pre Trial Conference</b> (8:45 AM) (Judicial Officer Eller, Crystal)
04/01/2024	<b>Calendar Call</b> (8:45 AM) (Judicial Officer Eller, Crystal)
04/15/2024	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer Eller, Crystal) <i>Vacated</i> <i>Jury Trial - FIRM (15 days)</i> <i>04/29/2024 Reset by Court to 04/15/2024</i>
04/29/2024	<b>Jury Trial - FIRM</b> (10:00 AM) (Judicial Officer Eller, Crystal) <i>15 days</i>

## FINANCIAL INFORMATION

	<b>Defendant</b> Frank J. Delee MD, PC		
	Total Financial Assessment		253.00
	Total Payments and Credits		253.00
	<b>Balance Due as of 09/14/2023</b>		<b>0.00</b>
08/01/2017	Transaction Assessment		253.00
08/01/2017	Efile Payment	Receipt # 2017-61241-CCCLK	Frank J. Delee MD, PC (253.00)
	<b>Defendant</b> Kia, Ali, M.D.		
	Total Financial Assessment		280.00
	Total Payments and Credits		280.00
	<b>Balance Due as of 09/14/2023</b>		<b>0.00</b>
03/03/2023	Transaction Assessment		200.00
03/03/2023	Efile Payment	Receipt # 2023-13792-CCCLK	Kia, Ali (200.00)
04/17/2023	Transaction Assessment		80.00
04/17/2023	Online Payment	Receipt # 2023-24048-CCCLK	Patricia Daehnke (80.00)
	<b>Defendant</b> Sunrise Hospital and Medical Center, LLC.		
	Total Financial Assessment		958.00
	Total Payments and Credits		958.00
	<b>Balance Due as of 09/14/2023</b>		<b>0.00</b>
07/20/2017	Transaction Assessment		223.00
07/20/2017	Efile Payment	Receipt # 2017-58763-CCCLK	Sunrise Hospital and Medical Center, LLC. (223.00)
01/16/2019	Transaction Assessment		200.00
01/16/2019	Efile Payment	Receipt # 2019-03184-CCCLK	Sunrise Hospital and Medical Center, LLC. (200.00)
06/14/2019	Transaction Assessment		135.00
06/14/2019	Efile Payment	Receipt # 2019-36336-CCCLK	Sunrise Hospital and Medical Center, LLC. (135.00)
05/20/2020	Transaction Assessment		200.00
05/20/2020	Efile Payment	Receipt # 2020-27224-CCCLK	Sunrise Hospital and Medical Center, LLC. (200.00)
03/02/2023	Transaction Assessment		200.00
03/02/2023	Efile Payment	Receipt # 2023-13334-CCCLK	Sunrise Hospital and Medical Center, LLC. (200.00)
	<b>Plaintiff</b> Green, Chloee		
	Total Financial Assessment		720.00
	Total Payments and Credits		720.00
	<b>Balance Due as of 09/14/2023</b>		<b>0.00</b>

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07/01/2017	Transaction Assessment			270.00
07/01/2017	Efile Payment	Receipt # 2017-54621-CCCLK	Green, Cholo	(270.00)
01/19/2023	Transaction Assessment			450.00
01/19/2023	Efile Payment	Receipt # 2023-03959-CCCLK	Green, Cholo	(450.00)
<b>Third Party Defendant</b> Kia, Ali, M.D.				
	Total Financial Assessment			223.00
	Total Payments and Credits			223.00
	<b>Balance Due as of 09/14/2023</b>			<b>0.00</b>
07/07/2020	Transaction Assessment			223.00
07/07/2020	Efile Payment	Receipt # 2020-35639-CCCLK	Kia, Ali	(223.00)
<b>Third Party Defendant</b> Nevada Hospitalist Group LLP				
	Total Financial Assessment			1,746.00
	Total Payments and Credits			1,746.00
	<b>Balance Due as of 09/14/2023</b>			<b>0.00</b>
05/13/2020	Transaction Assessment			223.00
05/13/2020	Efile Payment	Receipt # 2020-26045-CCCLK	Nevada Hospitalist Group LLP	(223.00)
04/08/2021	Transaction Assessment			223.00
04/08/2021	Efile Payment	Receipt # 2021-21667-CCCLK	Nevada Hospitalist Group LLP	(223.00)
01/15/2023	Transaction Assessment			200.00
01/15/2023	Efile Payment	Receipt # 2023-02917-CCCLK	Nevada Hospitalist Group LLP	(200.00)
01/26/2023	Transaction Assessment			900.00
01/26/2023	Efile Payment	Receipt # 2023-05518-CCCLK	Nevada Hospitalist Group LLP	(900.00)
03/13/2023	Transaction Assessment			200.00
03/13/2023	Efile Payment	Receipt # 2023-15848-CCCLK	Nevada Hospitalist Group LLP	(200.00)



*Steven D. Grierso*

PSER  
Law Offices Of: DANIEL MARKS  
610 So. NINTH St.  
Las Vegas, NV 89101  
702 386-0536  
Attorney for: Plaintiff

DISTRICT COURT  
CLARK COUNTY NEVADA

CHLOE GREEN, AN INDIVIDUAL

*Plaintiff*

FRANK J. DELEE, M.D., AN INDIVIDUAL, ET AL.

*Defendant*

Case Number: **A-17-757722-C**

Dept/Div: **VIII**

**PROOF OF SERVICE**

MARIE A SCHEIB, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Friday July 07 2017; 1 copy(ies) of the:

**SUMMONS; COMPLAINT FOR MEDICAL MALPRACTICE; DEMAND FOR JURY TRIAL;  
INITIAL APPEARANCE FEE DISCLOSURE**

**I served the same on Monday July 10 2017 at 10:29AM by:**

**Serving Defendant FRANK J. DELEE, M.D., AN INDIVIDUAL**

by serving: FRANK J. DELEE, M.D., AN INDIVIDUAL at the Defendant's Business located at 700 SHADOW LN #330, Las Vegas, NV 89106.

Pursuant to NRS 53.045, I declare under the penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.

Executed: Tuesday July 11 2017

*Marie Scheib*

Affiant: MARIE A SCHEIB #R-002901  
LEGAL WINGS, INC. - NV LIC #389  
1118 FREMONT STREET  
Las Vegas, NV 89101  
(702) 384-0305, FAX (702) 384-8638

APPENDIX 000914 82023724 3860536.531161



*Steven D. Grierson*

PSER  
Law Offices Of: DANIEL MARKS  
610 So. NINTH St.  
Las Vegas, NV 89101  
702 386-0536  
Attorney for: Plaintiff

DISTRICT COURT  
CLARK COUNTY NEVADA

CHLOE GREEN, AN INDIVIDUAL

*Plaintiff*

FRANK J. DELEE, M.D., AN INDIVIDUAL, ET AL.

*Defendant*

Case Number: **A-17-757722-C**

Dept/Div: **VIII**

**PROOF OF SERVICE**

MARIE A SCHEIB, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Friday July 07 2017; 1 copy(ies) of the:

**SUMMONS; COMPLAINT FOR MEDICAL MALPRACTICE; DEMAND FOR JURY TRIAL;  
INITIAL APPEARANCE FEE DISCLOSURE**

**I served the same on Monday July 10 2017 at 12:44PM by:**

**Serving Defendant FRANK J. DELEE MD, PC, A DOMESTIC PROFESSIONAL  
CORPORATION, BY SERVING BOYCE & GIANNI, LLP, REGISTERED AGENT**

by serving: VELLENE TAYLOR, FRONT OFFICE ON BEHALF OF BOYCE & GIANNI, LLP,  
REGISTERED AGENT PURSUANT TO NRS 14.020 at the Defendant's Business located at 1701 N  
GREEN VALLEY P KWAY, STE 8-A, HENDERSON, NV 89074.

Pursuant to NRS 53.045, I declare under the penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed: Tuesday July 11 2017

*Marie Scheib*

Affiant: MARIE A SCHEIB #R-002901  
LEGAL WINGS, INC. - NV LIC #389  
1118 FREMONT STREET  
Las Vegas, NV 89101  
(702) 384-0305, FAX (702) 384-8638



PSER  
Law Offices Of: DANIEL MARKS  
610 So. NINTH St.  
Las Vegas, NV 89101  
702 386-0536  
Attorney for: Plaintiff

DISTRICT COURT  
CLARK COUNTY NEVADA

CHLOE GREEN, AN INDIVIDUAL

*Plaintiff*

FRANK J. DELEE, M.D., AN INDIVIDUAL, ET AL.

*Defendant*

Case Number: **A-17-757722-C**

Dept/Div: **VIII**

**PROOF OF SERVICE**

Norma Holland-Dunham, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Friday July 07 2017; 1 copy(ies) of the:

**SUMMONS; COMPLAINT FOR MEDICAL MALPRACTICE; DEMAND FOR JURY TRIAL;  
INITIAL APPEARANCE FEE DISCLOSURE**

**I served the same on Monday July 10 2017 at 01:30PM by:**

**Serving Defendant SUNRISE HOSPITAL AND MEDICAL CENTER, LLC, A FOREIGN  
LIMITED-LIABILITY COMPANY, BY SERVING THE CORPORATION TRUST COMPANY OF  
NEVADA, REGISTERED AGENT**

by serving: MACIE TUELL, ADMINISTRATIVE ASSISTANT ON BEHALF OF THE CORPORATION  
TRUST COMPANY OF NEVADA, REGISTERED AGENT, PURSUANT TO NRS 14.020 at the  
Defendant's Business located at 701 S CARSON ST, STE 200, CARSON CITY, NV 89701.

Pursuant to NRS 53.045, I declare under the penalty of perjury under the law of the State of Nevada  
that the forgoing is true and correct.

Executed: Wednesday July 12 2017



Affiant: Norma Holland-Dunham #R-061612  
LEGAL WINGS, INC. - NV LIC #389  
1118 FREMONT STREET  
Las Vegas, NV 89101  
(702) 384-0305, FAX (702) 384-8638



*Steven D. Griener*

PSEER  
Law Offices Of: DANIEL MARKS  
610 So. NINTH St.  
Las Vegas, NV 89101  
702 386-0536  
Attorney for: Plaintiff

DISTRICT COURT  
CLARK COUNTY NEVADA

CHOLOE GREEN

*Plaintiff*

FRANK J. DELEE, M.D., ET AL.

*Defendant*

Case Number: **A-17-757722-C**

Dept/Div: **8**

**PROOF OF SERVICE**

TINA J. SANCHEZ, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Tuesday October 02 2018; 1 copy(ies) of the:

**MOTION FOR ORDER TO SHOW CAUSE AND FOR ATTORNEY'S FEES AND COSTS**

I served the same on Thursday October 11 2018 at 06:14PM by:

**Serving Witness ALI KIA, M.D.**

by serving: ALI KIA, M.D. at the Witness's Home located at 2235 ALCOVA RIDGE DR., LAS VEGAS, NV 89135.

Pursuant to NRS 53.045, I declare under the penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.  
Executed: Friday October 12 2018

*Tina J. Sanchez*  
Affiant: TINA J. SANCHEZ #R-038221  
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1118 FREMONT STREET  
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APPENDIX 000917