

**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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Jan 29 2024 11:16 AM
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court Case No.: 87300

Dist. Court Case No.: A-17-757722-C

PETITIONER'S MOTION TO STAY DISTRICT COURT PROCEEDINGS

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ATTORNEYS FOR PETITIONER

MOTION

Pursuant to NRAP 8 and NRAP 27(a)(1), Petitioner Ali Kia, M.D. (“Dr. Kia”) moves the Court for an order staying the District Court proceedings pending the outcome of the Court’s consideration of Dr. Kia’s writ petition. On January 24, 2024, the District Court denied Dr. Kia’s motion for a stay. This motion is based on the points and authorities below.

POINTS AND AUTHORITIES

A. The District Court Denied Dr. Kia’s Motion for Stay

Dr. Kia filed his writ petition on September 19, 2023. On September 29, 2023, the Supreme Court ordered an answer and permitted a reply. The parties completed briefing when Dr. Kia filed his reply on December 20, 2023.

Dr. Kia filed his motion to stay the proceedings below with the District Court on November 29, 2023. (Motion, attached as Exhibit 1). The District Court ordered the matter to be heard on shortened time. (*Id.*). Defendants and Real Parties in Interest Frank J. DeLee, M.D. and Frank J. DeLee, M.D., P.C. filed a joinder to the motion. (Minute Order, January 24, 2024, attached as Exhibit 2). The District Court heard the motion on January 24, 2024 and denied it. (*Id.*). The District Court has not yet entered a formal, written order.

Discovery closes on April 29, 2024. (Stipulation and Order Extending Discovery Deadlines, attached as Exhibit 3). A jury trial is set for July 22, 2024. (Minute Order, October 25, 2023, attached as Exhibit 4).

B. A Stay of the District Court Case Is Appropriate

Pursuant to NRAP 8(a)(2)(A)(ii) Dr. Kia must show that the District Court denied his motion to stay. As proven above, Dr. Kia met this requirement. Moving on to the next step in the analysis, the Supreme Court will generally review a request for stay in light of four factors;

(1) whether the object of the appeal or writ petition will be defeated if the stay or injunction is denied; (2) whether appellant/petitioner will suffer irreparable or serious injury if the stay or injunction is denied; (3) whether respondent/real party in interest will suffer irreparable or serious injury if the stay or injunction is granted; and (4) whether appellant/petitioner is likely to prevail on the merits in the appeal or writ petition.

NRAP 8(c). Any one factor is not more important than the others, however, one or two especially strong factors can counterbalance weak ones. *Mikohn Gaming Corp. v. McCrea*, 120 Nev. 248, 251, 89 P.3d 36, 38 (2014), citing *Fritz Hansen A/S v. Eighth Judicial District Court*, 116 Nev. 650, 659, 6 P.3d 982, 987 (2000).

1. The Object of the Writ Will Be Defeated If a Stay Is Not Granted

The object of Dr. Kia's writ petition is two-fold. First, the portion of the petition relating to the issue of the statute of limitations protects Dr. Kia's right to be "protected from stale claims and the attendant uncertainty that they cause."

Costello v. Casler, 127 Nev. 436, 441, 254 P.3d 631, 635 (2011) (citation omitted).

Not staying the underlying case will result in Dr. Kia's continued entanglement in this case, resulting in the uncertainty that the statute of limitations is specifically designed to protect against. Second, the portion of the petition relating to the District Court's imposition of sanctions without an opportunity to be heard protects Dr. Kia's due process rights. *Black v. Eight Judicial Dist. Court*, ___ Nev. ___, 531 P.3d 1267, 2023 WL 4539644 (Nev. S. Ct. Case No. 86787, July 13, 2023) (unpublished disposition). Not granting a stay will result in the continuing violation of Dr. Kia's due process rights, which is inappropriate. As a result, this factor weighs in favor of a stay.

2. The Second Factor Weighs in Favor of a Stay

Dr. Kia's substantive due process rights are at issue with respect to the sanction. *Id.* Courts have routinely recognized that issues involving substantive due process rights require heightened scrutiny. *See, Zavareh v. Nevada ex rel. Board of Regents of the Nevada System of Higher Education*, 2013 WL5781729 (D.Nev. 2013) (unpublished disposition), at *4 ("The guarantee of substantive due process provides heightened protection against government interference with certain fundamental rights and liberty interests." (internal quotations omitted)), citing *Krainski v. Nevada ex rel. Bd. of Regents of Nevada System of Higher*

Education., 616 F.3d 963, 969 (9th Cir .2010). Thus, a stay is appropriate to protect this fundamental right.

The Supreme Court reviewed a similar issue in *Mikhon* when considering whether to stay a case pending appeal where the central issue was the enforceability of an arbitration clause. The Court held that a stay was appropriate because, among other things, Nevada had a strong policy of favoring arbitrations and that is what the parties bargained for. 120 Nev. at 252, 89 P.3d at 39. Like a policy favoring arbitration, the courts have recognized a policy favoring protection of a party's due process rights, and therefore that importance requires a stay. Therefore, this factor weighs in favor of a stay.

3. The Third Factor Weighs in Favor of a Stay Because a Stay Will Not Suffer Irreparable Harm

At worst, a stay will result only in delay for Respondent Chole Green ("Ms. Green"), and the Supreme Court does not generally consider such a delay as constituting irreparable harm. 120 Nev. at 253, 89 P.3d at 39, citing *Fritz Hansen A/S*, 116 Nev. at 658, 6 P.3d at 987. Similarly, the Court has routinely rejected the notion that delays and even substantial litigation costs do not result in harm let alone irreparable harm. *Fritz Hansen A/S*, 116 Nev. at 658, 6 P.3d at 986 – 987 (citing multiple cases for this proposition). Thus, this factor weighs in favor of Dr. Kia.

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4. Dr. Kia Is Likely to Prevail on the Merits

The fourth factor weighs in favor of a stay. Dr. Kia is likely to prevail because the District Court violated his substantive due process rights by sanctioning him without the opportunity to be heard. *Black* at *1. As noted in his Writ Petition and Reply, Dr. Kia's writ falls squarely within the parameters of *Black*.

Similarly, Dr. Kia is likely to succeed on his statute of limitations argument. Ms. Green claims that she first learned a legal injury was during the deposition of Dr. Kia on November 14, 2018. (Answering Brief, p. 23 ("Choloe discovered she suffered a "legal injury" by Kia during his November 14, 2018, deposition.")). She nevertheless waited nearly two years to file a motion to amend her complaint to allege claims against Dr. Kia. (APPENDIX000267). As a result, she missed the one-year statute of limitations period of NRS 41A.097(2). *See also Winn v. Sunrise Hospital and Medical Center*, 128 Nev. 246, 251, 277 P.3d 458, 461 (2012) (A plaintiff must satisfy both the one-year discovery period and the three-year injury period.). Therefore, this factor weighs heavily in favor of a stay, and therefore, a stay is appropriate. *Mikohn Gaming*, 120 Nev. at 251, 89 P.3d at 38.

///

CONCLUSION

For the reasons stated above, Dr. Kia requests that the Court grant his motion and stay the District Court proceedings pending a decision on his writ petition.

Date: January 29, 2024

NAYLOR & BRASTER

By: /s/ John M. Naylor

John M. Naylor, NBN 5435
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of NAYLOR & BRASTER, that service of the foregoing **PETITIONER'S MOTION TO STAY DISTRICT COURT PROCEEDINGS** was made on January 29, 2024, via mandatory electronic service via the Court's e-filing system to:

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EXHIBIT 1

EXHIBIT 1

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Ali Kia, M.D.

DISTRICT COURT
CLARK COUNTY, NEVADA

CHLOE 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 STAY DISTRICT COURT
PROCEEDINGS PENDING
RESOLUTION OF DEFENDANT'S
PETITION FOR WRIT OF
MANDAMUS ON ORDER
SHORTENING TIME**

HEARING REQUESTED

Hearing Date: December 20, 2023
Hearing Time: 10:00 a.m.

Opposition Due: December 8, 2023
Reply Due: December 15, 2023

COMES NOW Defendant Ali Kia, M.D., by and through his attorneys of record law
firm of Collinson, Daehnke, Inlow & Greco and hereby moves this honorable Court for an
Order Staying District Court Proceedings Pending Resolution of Defendant Dr. Kia's Petition
for Writ of Mandamus regarding this Court's Order denying Defendant Ali Kia, M.D.'s
Motion for Summary Judgment and the District Court's sua sponte imposition of sanctions
against Dr. Kia for bringing such motion.

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1 This Motion is made and based on all the pleadings and papers on file herein, the
2 following Memorandum of Points and Authorities, the attached exhibits and affidavits, and
3 any and all evidence and argument made at the time of the hearing of this Motion.

4 DATED: November 28, 2023 **COLLINSON, DAEHNKE, INLOW & GRECO**

5
6 BY: /s/ Linda K. Rurangirwa
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8 Nevada Bar No. 4976
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15 *Attorneys for Defendant,*
16 *Ali Kia, M.D.*
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**DECLARATION OF LINDA K. RURANGIRWA IN SUPPORT OF ORDER
SHORTENING TIME**

I, Linda K. Rurangirwa, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a Partner at Collinson, Daehnke, Inlow & Greco, attorneys of record for Defendant ALI KIA, M.D.

2. I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein.

3. This Declaration is made in support of this Motion and in support of Defendant's request for Order Shortening Time.

4. On May 25, 2023, the Order denying Defendant Ali Kia, M.D.'s Motion for Summary Judgment was entered. On August 8, 2023, the Order Regarding Admonishment and Sanctions Against Defendant Ali Kia, M.D. was entered. Defendant Dr. Kia has filed a Petition for Writ of Mandamus regarding the Order denying summary judgment, asserting that based on the undisputed material facts summary judgment should have been granted in this matter and regarding the Order awarding sanctions, including attorney's fees, asserting such should not have been awarded. Should the Nevada Supreme Court grant the Writ regarding the summary judgment motion, the case against Dr. Kia would be dismissed. Defendant believes a stay of this matter would be prudent, pending a decision on the Writ, as such may prevent the expenditure of unnecessary resources by the Court and all parties if the Nevada Supreme Court decides in Dr. Kia's favor. Furthermore, a stay will prevent the expenditure of unnecessary resources at trial, when a decision on these issues by the Supreme Court may help the parties come to a resolution in this matter, and will focus the issues for trial.

5. On November 27, 2023 I spoke with Plaintiff's counsel Daniel Marks, Esq. who advised he had discussed the matter with Patricia Egan Daehnke, counsel for Dr. Kia, and they did not agree on the stay.

6. Trial in this matter is currently scheduled for July 22, 2024. Initial expert disclosures are set to occur on December 29, 2023. If the writ is pending for some time, the parties will have to expend time and resources on completing this discovery, which may not be necessary as to Dr. Kia depending on the outcome of the writ.

ORDER SHORTENING TIME

Upon application and good cause appearing therefore:

IT IS HEREBY ORDERED that the foregoing **DEFENDANT ALI KIA, M.D.'S**
MOTION TO STAY DISTRICT COURT PROCEEDINGS PENDING RESOLUTION
OF DEFENDANT'S PETITION FOR WRIT OF MANDAMUS ON ORDER

SHORTENING TIME in the above entitled action is set for hearing in Department XIX on
the 20th day of December, 2023, at the hour of 10:00 a.m., or as soon
thereafter as counsel may be heard.

The Court FURTHER ORDERS that any Opposition shall be due no later than December 8, 2023;
any Reply shall be due no later than December 15, 2023.

Dated this 29th day of November, 2023



3D7 2EE 33E1 684D
Crystal Eller
District Court Judge

Submitted by:

COLLINSON, DAEHNKE, INLOW & GRECO

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Attorneys for Defendant,
ALI KIA, M.D.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

Plaintiff filed her medical malpractice claim on June 30, 2017 against Frank J. DeLee, M.D., Frank J. DeLee, M.D., P.C. and Sunrise Hospital and Medical Center arising from the care and treatment provided to Plaintiff between July 9, 2016 and July 16, 2016. Plaintiff did not amend her Complaint to add Defendant Dr. Kia, who was the hospitalist during Plaintiff's July 14-16, 2016 admission to Sunrise Hospital until December 16, 2020, more than three years after filing the Complaint. As this Court is aware, there have been six different judges presiding over this case, and there have been different rulings on the various motions brought challenging the pleadings. Most recently, Dr. Kia moved for summary judgment on the Amended Complaint on the grounds that: 1) it was filed after the expiration of the statute of limitations as set forth in NRS 41A.097 (2) and 2) the filing of the Amended Complaint did not relate back to the filing of the original Complaint.

This Court denied the Motion for Summary Judgment and issued sanctions against Dr. Kia for bringing the Motion. Dr. Kia has filed a Petition for Writ of Mandamus regarding the denial of summary judgment and issuance of sanctions.

Dr. Kia seeks an Order from this Court staying proceedings herein pending a decision on the Writ Petition. Dr. Kia submits this request is reasonable. When counsel was before this Court recently on the joint motion to continue trial, defense counsel advised she would likely be back before the Court seeking a brief stay, which the Court indicated was anticipated. The opening brief and answering brief have now been filed. If the proceedings in this Court are not temporarily stayed, all parties will incur the cost of further discovery that may not be necessary, including further depositions and conducting costly expert discovery, with numerous medical experts, should the Writ be granted. If a stay is not granted Dr. Kia may be forced to continue to defend a claim that he submits is time-barred. In the interest of judicial economy, Dr. Kia respectfully requests this Court enter an Order staying the proceedings pending the Nevada Supreme Court's decision regarding the Petition for Writ of Mandamus.

II.

LEGAL ARGUMENT

Nevada Rules of Civil Procedure, 62(d) (1) addresses stays pending appeal, and states in pertinent part:

By Supersedeas Bond. If an appeal is taken, the appellant may obtain a stay by supersedeas bond, except in an action described in Rule 62(a)(2). The bond may be given upon or after filing the notice of appeal or after obtaining the order allowing the appeal. The stay is effective when the supersedeas bond is filed.

NRCP 62(g) further sets out the following:

Appellate Court's Power Not limited. This rule does not limit the power of an appellate court or one of its judges or justices:

- (1) to stay proceedings – or suspend, modify, restore, or grant an injunction – while an appeal is pending; or
- (2) to issue an order to preserve the status quo or the effectiveness of the judgment to be entered.

The Nevada Rules of Appellate Procedure also address staying proceedings pending appeal. Pursuant to NRAP 8(a), a request for stay in a writ proceeding must first be brought in the District Court. Pursuant to NRAP 8(c), in deciding whether to issue a stay, the court will consider:

- (1) whether the object of the appeal or writ petition will be defeated if the stay or injunction is denied; (2) whether appellant/petitioner will suffer irreparable or serious injury if the stay or injunction is denied; (3) whether respondent/real party in interest will suffer irreparable or serious injury if the stay or injunction is granted; and (4) whether appellant/petitioner is likely to prevail on the merits in the appeal or writ petition.

See also Fritz Hansen v. Eighth Judicial Dist. Ct., 116 Nev. 650, 659, 6 P.3d 982, 987 (2000).

One factor does not carry more weight than the others, but if one or two factors are especially strong, they may counterbalance other weak factors. *See Mikohn Gaming Corp. v. McCrea*, 120 Nev. 248, 251, 89 P.3d 36, 39 (2004).

In this case, a consideration of the factors outlined in NRAP 8(c) indicates a stay of the District Court proceedings is warranted. First, the object of Defendant's Writ Petition will be defeated unless the stay is granted. Defendant's Writ Petition focuses on whether the

1 statute of limitations precludes Plaintiff from maintaining her lawsuit against Dr. Kia. If the
2 Writ is granted, Dr. Kia will no longer be a party to this matter. Thus, it is necessary before
3 all the parties spend further time and resources on discovery and in particular expert
4 disclosures in this matter, to have a determination as to whether Dr. Kia will indeed remain a
5 party to this case.

6 Second, Dr. Kia will suffer irreparable or serious injury if the stay or injunction is
7 denied. Initial expert disclosures are scheduled to take place on December 29, 2023 after
8 which expert discovery will take place which will be extremely costly involving multiple
9 medical experts and will be moot should the Writ be granted. Conversely, Plaintiff will not
10 suffer irreparable or serious injury if the stay is granted. The parties recently filed a Joint
11 Motion to Extend Discovery Deadlines and Continue Trial which this Court granted and as
12 such a temporary stay would not be prejudicial.

13 Third, Dr. Kia submits that it is highly probable that the Petition will succeed on the
14 merits. Although this Court disagrees with Defendant's arguments in the Writ, it is
15 noteworthy that the Nevada Supreme Court has stated: "[a]lthough, when moving for a stay
16 pending an appeal or writ proceedings, a movant does not always have to show a probability
17 of success on the merits, the movant must 'present a substantial case on the merits when a
18 serious legal question is involved and show that the balance of equities weighs heavily in
19 favor of granting the stay." *Fritz Hansen v. Eighth Judicial Dist. Ct.*, 116 Nev. 650, 659, 6
20 P.3d 982, 987 (2000) (internal citations omitted). Conversely, this Court should deny the stay
21 "if the appeal appears frivolous or if the appellant apparently filed the stay motion purely for
22 dilatory purposes." *Mikohn Gaming Corp.*, 120 Nev. at 253, 89 P.3d at 40. This motion for a
23 stay is not frivolous or brought for dilatory purposes. The Writ Petition involves serious legal
24 issues, which affect a wide variety of cases, and the balance of the equities weighs heavily in
25 favor of granting the stay in this case.

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III.

CONCLUSION

For the reasons stated above, Defendant Dr. Kia respectfully requests this Court issue an Order staying the District Court proceedings pending resolution of Defendant's Petition for Writ of Mandamus.

DATED: November 28, 2023 **COLLINS, DAEHNKE, INLOW & GRECO**

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Ali Kia, M.D.

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of November, 2023, a true and correct copy of **DEFENDANT ALI KIA, M.D.'S MOTION TO STAY DISTRICT COURT PROCEEDINGS PENDING RESOLUTION OF DEFENDANT'S PETITION FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME** 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.

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By /s/ Deborah Rocha
An employee of COLLINSON, DAEHNKE,
INLOW & GRECO

1 **CSERV**

2
3 DISTRICT COURT
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 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: 11/29/2023

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EXHIBIT 2

EXHIBIT 2

Malpractice - Medical/Dental

COURT MINUTES

January 24, 2024

A-17-757722-C

Choloe Green, Plaintiff(s)
vs.
Frank Delee, M.D., Defendant(s)

Department 19

January 24, 2024

10:00 AM

All Pending Motions

HEARD BY: Eller, Crystal

COURTROOM: RJC Courtroom 11B

COURT CLERK: Sivongsa, Serenity

RECORDER: Moleres, Cynthia

REPORTER:

PARTIES PRESENT:

Daniel Marks

Attorney for Plaintiff

Eric K. Stryker

Attorney for Defendant

Laura S. Lucero

Attorney for Defendant, Third Party
Defendant

Melanie L. Thomas

Attorney for Third Party Defendant

Nicole M. Young, ESQ

Attorney for Plaintiff

Patricia Egan Daehnke

Attorney for Defendant, Third Party
Defendant

Tyson J. Dobbs

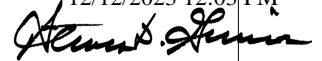
Attorney for Defendant, Third Party
Plaintiff**JOURNAL ENTRIES**

DEFENDANT ALI KIA, M.D.'S MOTION TO STAY DISTRICT COURT PROCEEDING
PENDING RESOLUTION OF DEFENDANT'S PETITION FOR WRIT OF MANDAMUS ON
ORDER SHORTENING TIME...DEFENDANTS, FRANK J. DELEE M.D. AND FRANK J.
DELEE M.D., P.C.'S JOINDER TO DEFENDANT ALI KIA, M.D.'S MOTION TO STAY
DISTRICT COURT PROCEEDINGS PENDING RESOLUTION OF DEFENDANT'S PETITION
FOR WRIT OF MANDAMUS ON ORDER SHORTENING TIME...

Arguments by Ms. Lucero and Mr. Stryker in support of and in the opposition to by Mr. Marks.
COURT STATED it's FINDINGS, and ORDERED, Both Motions DENIED; Mr. Marks to submit
the Order.

EXHIBIT 3

EXHIBIT 3



CLERK OF THE COURT

SOED

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Las Vegas, Nevada 89119

(702) 979-2132 Telephone

(702) 979-2133 Facsimile

Attorneys for Defendant

Ali Kia, M.D.

DISTRICT COURT

CLARK COUNTY, NEVADA

CHLOE 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

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(ELEVENTH REQUEST)**

IT IS HEREBY STIPULATED by and between the parties and their respective
counsel of record, pursuant to EDCR 2.35, that the discovery deadlines in this case be
extended as follows:

I. DISCOVERY COMPLETED

1. The parties have exchanged NRCP 16.1 disclosures of witnessed and documents and supplements thereto.
2. The parties have propounded and responded to written discovery

3. The deposition of Plaintiff has been taken.

4. The depositions of Ali Kia, M.D., Frank DeLee, M.D., Pankaj Bhatnagar, M.D., Kim Kozlowski, Vivencio Navarro Jr., Joel Orevillo, M.D., Muhammad Tufail, M.D., Alexander Akhavan, M.D. Monica Poulin, M.D. and Jennifer Adams, R.N. have been taken.

II. DISCOVERY THAT REMAINS TO BE COMPLETED

1. Expert disclosures have not yet occurred.
2. Depositions of NRCP 30 (b) (6) witnesses of Sunrise Hospital and Medical Center, two of which are set for December 13, 2023.
3. Depositions of expert witnesses.
4. Depositions of additional treating physicians.
5. Plaintiff is seeking to re-depose Dr. Kia which is a subject that has been discussed with counsel for Dr. Kia.

III. REASONS WHY THE REMAINING DISCOVERY WAS NOT COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCOVERY ORDER

The parties have been working diligently to complete discovery in this matter. Dr. Kia filed a Writ in this matter regarding the Court Orders denying summary judgment in his favor and issuing sanctions. The Writ was accepted by the Nevada Supreme Court. Should the Writ be granted, Dr. Kia will no longer be a party to this action which would affect expert disclosures for all parties. Dr. Kia filed a Motion for Stay which is set for hearing on December 20, 2023. Defendant Dr. DeLee filed a Substantive Joinder to the Motion. The parties seek to continue the deadlines as set forth below an additional thirty (30) days to avoid extraordinary costs should the Motion for Stay be granted and/or the Writ is decided within that time frame.

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IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY

	<u>Current Deadline</u>	<u>New Deadline</u>
Close of Discovery	March 29, 2024	April 29, 2024
Initial Expert Disclosure Deadline	December 29, 2023	January 29, 2024
Last Day to Amend Pleadings and/or Add Parties	December 29 2023	January 29 2024
Rebuttal Expert Disclosure Deadline	January 30, 2024	February 29, 2024
Final Date for Dispositive Motions/Motions in Limine	April 30, 2024	May 30, 2024

V. CURRENT TRIAL DATE

This case is set for trial on July 22, 2024. The parties are not requesting a new trial date.

IT IS SO STIPULATED.

Dated this 11th_ day of December, 2023

Dated this 8th_ day of December, 2023

COLLINSON, DAEHNKE, INLOW & GRECO

LAW OFFICE OF DANIEL MARKS

/s/ Linda K. Rurangirwa

/s/ Daniel Marks

 Patricia Egan Daehnke
 Bar No.: 4976
 Linda K. Rurangirwa
 Bar No.: 9172
 2110 E. Flamingo Road, Suite 212
 Las Vegas, Nevada 89119
 Attorneys for Defendant
Ali Kia, M.D.

 Daniel Marks, Esq.
 Bar No.: 2003
 Nicole M. Young, Esq.
 Bar No.: 12659
 610 South Ninth Street
 Las Vegas, Nevada 89101
 Attorneys for Plaintiff

///

///

///

Dated this _11th day of December, 2023

**HALL PRANGLE & SCHOONVELD,
LLC**

/s/ Tyson J. Dobbs

Tyson J. Dobbs, Esq.
Bar No.: 11953
1140 N. Town Center Drive, Suite 350
Las Vegas, Nevada 89144
Attorneys for Defendant
Sunrise Hospital and Medical Center

Dated this 11th day of December, 2023

LEWIS BRISBOIS BISGAARD & SMITH

/s/ Melanie Thomas

Melanie Thomas, Esq.
Bar No.: 12576
6385 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant
Nevada Hospitalist Group, LLP

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Dated this _8th_ day of December, 2023

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

/s/ Eric K. Stryker

Eric K. Stryker, Esq.
Bar No.: 5793
Justin A. Shiroff, Esq.
Bar No.: 12869
6689 Las Vegas Blvd., South, Suite 200
Las Vegas, Nevada 89119
Attorneys for Defendants
*Frank DeLee, M.D. and Frank DeLee, M.D.,
P.C.*

ORDER

IT IS HEREBY ORDERED that, good cause appearing therefore, the stipulation to extend discovery deadlines is hereby **GRANTED**. The discovery deadlines shall be amended as follows:

	<u>Current Deadline</u>	<u>New Deadline</u>
Close of Discovery	March 29, 2024	April 29, 2024
Initial Expert Disclosure Deadline	December 29, 2023	January 29, 2024
Last Day to Amend Pleadings and/or Add Parties	December 29, 2023	January 29, 2024
Rebuttal Expert Disclosure Deadline	January 30, 2024	February 29, 2024
Final Date for Dispositive Motions/Motions in Limine	April 30, 2024	May 30, 2024

The trial date remains set for July 22, 2024.

IT IS SO ORDERED.

Dated this 12th day of December, 2023



**B9C 430 6549 4645
Crystal Eller
District Court Judge**

Respectfully submitted by:

COLLINSON, DAEHNKE, INLOW & GRECO

/s/ Linda K. Rurangirwa

Patricia Egan Daehnke

Bar No.: 4976

Linda K. Rurangirwa

Bar No.: 9172

2110 E. Flamingo Road, Suite 212

Las Vegas, Nevada 89119

Attorneys for Defendant

Ali Kia, M.D.

From: Tyson Dobbs <tdobbs@HPSLAW.COM>
Sent: Monday, December 11, 2023 11:19 AM
To: Thomas, Melanie; Linda K. Rurangirwa; Stryker, Eric K.; Patricia Daehnke; Nicole Young
Cc: Office; Deborah Rocha
Subject: RE: Green - Stipulation to extend deadlines

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: Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>
Sent: Monday, December 11, 2023 10:30 AM
To: Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>
Cc: Tyson Dobbs <tdobbs@HPSLAW.COM>; Office <office@danielmarks.net>; Deborah Rocha <deborah.rocha@cdiglaw.com>
Subject: RE: Green - Stipulation to extend deadlines

[External Email] CAUTION!.

Yes, please sign for me.



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

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Mansfield Rule

Certified 2022-2023

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From: Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>
Sent: Monday, December 11, 2023 10:19 AM
To: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>
Cc: Tyson Dobbs <tdobbs@hpslaw.com>; Office <office@danielmarks.net>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Deborah Rocha <deborah.rocha@cdiglaw.com>
Subject: [EXT] RE: Green - Stipulation to extend deadlines

Good morning Melanie and Tyson: Do we have your permission to use your electronic signature?

Thanks,

Linda

Linda K. Rurangirwa
Collinson, Daehnke, Inlow & Greco

From: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>
Sent: Friday, December 8, 2023 4:17 PM
To: Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>
Cc: Tyson Dobbs <tdobbs@hpslaw.com>; Office <office@danielmarks.net>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Deborah Rocha <deborah.rocha@cdiglaw.com>
Subject: RE: Green - Stipulation to extend deadlines

Thank you for preparing the stip, you have my authority to e-sign and submit same on my behalf.

Eric K. Stryker
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, NV 89119
702.727.1242 (Direct)
702.727.1400 (Main)
702.727.1401 (Fax)
eric.stryker@wilsonelser.com

From: Linda K. Rurangirwa [<mailto:Linda.Rurangirwa@cdiglaw.com>]
Sent: Friday, December 8, 2023 4:11 PM
To: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>
Cc: Tyson Dobbs <tdobbs@hpslaw.com>; Office <office@danielmarks.net>; Thomas, Melanie

From: Office <office@danielmarks.net>
Sent: Friday, December 8, 2023 4:20 PM
To: Linda K. Rurangirwa; Stryker, Eric K.; Patricia Daehnke; Nicole Young
Cc: Tyson Dobbs; Thomas, Melanie; Deborah Rocha
Subject: RE: Green - Stipulation to extend deadlines

Linda:

You may use my e-signature.

Kind Regards,

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

From: Linda K. Rurangirwa [mailto:Linda.Rurangirwa@cdiglaw.com]
Sent: Friday, December 08, 2023 4:11 PM
To: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Nicole Young <NYoung@danielmarks.net>
Cc: Tyson Dobbs <tdobbs@hpslaw.com>; Office <office@danielmarks.net>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Deborah Rocha <deborah.rocha@cdiglaw.com>
Subject: Green - Stipulation to extend deadlines

Good afternoon:

Attached is a proposed stipulation to extend discovery deadlines. Please advise of any edits, or if none, whether we have authority to use your electronic signature.

Thank you,

Linda

Linda K. Rurangirwa
Collinson, Daehnke, Inlow & Greco

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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

14 Service Date: 12/12/2023

15 E-File Admin	efile@hpslaw.com
16 S. Vogel	brent.vogel@lewisbrisbois.com
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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
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6	Reina Claus	rclaus@hpslaw.com
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9	Deborah Rocha	deborah.rocha@cdiglaw.com
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15	Gaylene Kim-Mistrille	Gaylene.Kim-Mistrille@lewisbrisbois.com
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EXHIBIT 4

EXHIBIT 4

Malpractice - Medical/Dental

COURT MINUTES

October 25, 2023

A-17-757722-C

Choloe Green, Plaintiff(s)
vs.
Frank Delee, M.D., Defendant(s)

Department 19

October 25, 2023 10:00 AM OST- Joint Motion to Extend Discovery and Continue the Trial

HEARD BY: Eller, Crystal

COURTROOM: RJC Courtroom 11B

COURT CLERK: Sivongsa, Serenity

RECORDER: Moleres, Cynthia

REPORTER:

PARTIES PRESENT:

Daniel Marks

Attorney for Plaintiff

Melanie L. Thomas

Attorney for Third Party Defendant

Patricia Egan Daehnke

Attorney for Defendant, Third Party
Defendant

Stephen B. Vogel

Attorney for Third Party Defendant

Tyson J. Dobbs

Attorney for Defendant, Third Party
Plaintiff**JOURNAL ENTRIES**COURT ORDERED, Motion GRANTED. Colloquy regarding scheduling. COURT FURTHER
ORDERED, trial date vacated and reset.

4/24/24 10:00 AM STATUS CHECK: TRIAL READINESS

5/29/24 9:00 AM PRE TRIAL CONFERENCE

6/05/24 9:00 AM CALENDAR CALL

7/22/24 10:00 AM JURY TRIAL