

1 LAW OFFICE OF DANIEL MARKS
DANIEL MARKS, ESQ.
2 Nevada State Bar No. 002003
NICOLE M. YOUNG, ESQ.
3 Nevada State Bar No. 12659
610 South Ninth Street
4 Las Vegas, Nevada 89101
E-Mail: office@danielmarks.net
5 *Attorneys for Real Party in Interest*
Choloe Green
6

Electronically Filed
Feb 02 2024 10:45 AM
Elizabeth A. Brown
Clerk of Supreme Court

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

8 ALI KIA, M.D.,
9

Case No. 87300

10 Petitioner,
11

v.

12 THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, THE HONORABLE
13 CRYSTAL ELLER, PRESIDING,
14

Respondent,
15

and
16

CHOLOE GREEN, FRANK J.
DELEE, M.D., FRANK J. DELEE,
17 MD, PC, SUNRISE HOSPITAL AND
MEDICAL CENTER, LLC, AND
18 NEVADA HOSPITALIST GROUP,
LLP,
19

The Real Parties in Interest.
20 _____/

21 **REAL PARTY IN INTEREST CHOLOE GREEN'S OPPOSITION TO**
22 **PETITIONER'S MOTION TO STAY DISTRICT COURT PROCEEDINGS**

23 COMES NOW Real Party in Interest Choloe Green ("Choloe"), by and
24 through her counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law
25 Office of Daniel Marks, and hereby opposes Petitioner's Motion to Stay District
Court Proceedings.
26

27 ////
28

////

1 The grounds for Choloe's opposition are set forth in the attached Memorandum of
2 Points and Authorities.

3 DATED this 2 day of February, 2024.

4 LAW OFFICE OF DANIEL MARKS

5
6 DANIEL MARKS, ESQ.

Nevada State Bar No. 002003

7 NICOLE M. YOUNG, ESQ.

8 Nevada State Bar No. 12659

610 South Ninth Street

9 Las Vegas, Nevada 89101

*Attorneys for Real Party in Interest
Choloe Green*

10
11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I. FACTUAL BACKGROUND**

13 Petitioner Ali Kia, M.D.'s ("Kia") instant motion is simply another ploy to
14 try to further delay this case. As this Court knows, Kia previously filed a writ
15 petition (regarding the same statute of limitations ("SOL") and relation-back
16 doctrine issues) that was ultimately denied by this Court on May 13, 2022. (*See*
17 *Kia v. Dist. Ct.*, Case No. 83357.) The parties previously agreed to stay this case
18 while Kia's first writ petition was pending. The district court case was stayed for
19 approximately nine months (from September 21, 2021 to July 9, 2022). (*See*
20 Exhibit A; and *see* Exhibit B.)

21 Kia's pending writ petition relates to orders entered on May 25, 2023
22 (which relates to the SOL and relation-back issue), and August 8, 2023 (which
23 relates to the sanctions imposed against Kia for judge-shopping). Kia's pending
24 writ petition was filed on September 19, 2023. Ten (10) days later, on September
25 29, 2023, this Court ordered Answers be filed. Kia should have moved for a stay
26 immediately thereafter if he truly believed he would be prejudiced by the district
27 court case moving forward. After all, as of September 29, 2023, the initial expert
28 reports were due on October 24, 2023. (*See* Exhibit C.) Due to discovery issues

1 related to Kia (and Real Party in Interest Nevada Hospitalist Group LLP (“NHG”))
2 that initial expert report deadline was moved to December 29, 2023, and then to
3 January 29, 2024. (*See* Exhibit D; and *see* Exhibit E.)

4
5 **A. The only reason Kia sought a belated stay is because he wanted to
6 delay discovery.**

7 Around the time Kia moved to stay the case in front of the district court,
8 Choloe and Kia were in the midst of a discovery dispute. Choloe wanted to take
9 Kia’s deposition again because NHG claimed it had no connection to Kia and
10 numerous inconsistencies were unraveled during the last nine months of
11 discovery. Kia never directly billed Choloe for his medical care. Kia’s custodian
12 of records submitted a “Certificate of No Records” on or about February 26, 2018,
13 explaining under penalty of perjury, “Subject was never a patient/client/ employee
14 of ours.” (*See* Exhibit F.) It was discovered his medical care was billed under a
15 different doctor’s name. That means no bill or Explanation of Benefits could ever
16 be sent to Choloe on his behalf to put her on notice that he was not an agent of
17 Sunrise. Kia adamantly claimed he had no records and refused to explain why,
18 sending Choloe on a wild goose chase for something that is typically a no-brainer
19 in medical malpractice discovery. (*See* Exhibit G; and *see* Exhibit H.)

20 Choloe believes Kia and/or NHG allowed the destruction of these records.
21 On October 30, 2023, NHG’s NRCP 30(b)(6) witness admitted its records were
22 destroyed in 2020 or 2022, which is after Kia and NHG were brought into this
23 case. (*See* Exhibit I, at 33:8 to 34:25.)

24 On November 30, 2023, Choloe took the deposition of Kia and NHG’s
25 biller, Monica Poulin, of Management Solutions. (*See* Exhibit J, at 7:21-25 &
26 10:3-6.) During that deposition, Poulin confirmed that Kia provided care to
27 Choloe based on NHG’s contract with Amerigroup and that Kia was billed under a
28 different doctor’s name because he was not approved to provide care under NHG’s
contract with Amerigroup. Poulin called it “ghost billing.” (*See* Exhibit J, at 20:6

1 to 21:15 & 48:7-9.) Neither Kia nor NHG ever told Poulin to preserve the records
2 related to this case. (*See* Exhibit J, at 27:5-10.)

3 After the NHG 30(b)(6) deposition and Poulin's deposition, it was clear that
4 Kia's deposition needed to be taken to resolve issues of fact regarding the billing
5 of his medical care and under what entity he provided care.

6 **C. Kia moved for a stay because Choloe requested to take his**
7 **deposition.**

8 On September 26, 2023, Choloe notified Kia she wanted to take his
9 deposition. Kia gave Choloe the run around for months. (*See* Exhibit K.) On
10 November 27, 2023, Choloe and Kia meet and conferred regarding his deposition,
11 and Kia was unclear regarding if there was an objection. (*See* Exhibit L.) He filed
12 his motion to stay with the district court on November 29, 2023. On December 1,
13 2023, Kia responded that he would not appear for a deposition. (*See* Exhibit L.)
14 On December 4, 2023, Choloe inquired why Kia never served her with his third
15 supplemental disclosure or his response to NHG's admissions. (*See* Exhibit M.)
16 On December 6, 2023, Choloe provided Kia a copy of the motion to compel she
17 planned to file if he did not agree to appear for deposition. (*See* Exhibit N.) On
18 December 7, 2023, Kia claimed he had an over 6 month extension to respond to
19 NHG's request for admissions and claimed the third supplement "was stuck in the
20 Odyssey drafts folder" for almost four months! (*See* Exhibit M.) **Kia then agreed**
21 **to appear for his deposition to avoid having to oppose Choloe's motion to**
22 **compel.** The initial expert disclosure deadline and hearing on the motion to stay
23 were then extended an additional 30 days. Kia's deposition was taken on January
24 23, 2024, and the hearing on the motion to stay was heard on January 24, 2024.

25 Kia's stated reason for requesting a stay from the district court states, "If the
26 proceedings in this Court are not temporarily stayed, all parties will incur the cost
27 of further discovery that may not be necessary, including further depositions and
28 conducting costly expert discovery, with numerous medical experts, should the

Writ be granted.” (*See* Petitioner’s Motion to Stay, at Exhibit 1, 6:22-25.) Kia’s actions, however, do not align with his representations to the district court.

D. The district court denied Kia’s motion to stay because it would prejudice Choloe.

The order from that hearing has not yet been filed. During the hearing, the district court was concerned about the age of this case because it was filed in 2017. The parties previously agreed to a trial sunset clause that runs on September 30, 2024. (*See* Exhibit C, at 2:23-24.) The district court found Choloe would be prejudiced by an additional stay of this case, especially in light of the fact the case was previously stayed for nine months while Kia’s first writ petition was pending and the trial sunset clause. (*See* Declaration of Nicole M. Young, at ¶ 2.) The parties exchanged initial expert reports on January 29, 2024, in accordance with the scheduling order. Rebuttal reports are due on February 29, 2024. Trial is scheduled to begin on July 22, 2024. Extensive work still needs to be completed in order for all parties to properly prepare for trial.

II. LEGAL ARGUMENT

A party must first request a stay of proceedings from the district court when a writ petition is pending. NRAP 8(a)(1)(A). In determining whether to issue a stay the following factors are considered:

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

NRAP 8(c) (cited in list format). Each factor is discussed below:

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////

1 **A. The object of Kia’s writ petition is not defeated if no stay is**
2 **granted.**

3 Kia is on his second writ petition regarding the SOL and relation-back
4 doctrine issues. That petition is his fifth bite of the apple regarding those issues
5 when including the prior motion to dismiss and motion for reconsideration (filed
6 before Judge Lilly-Spells) and the motion for summary judgment considered by
7 Judge Eller in 2023. Kia has been a party to this case since he filed his answer to
8 Sunrise’s third-party complaint on August 2, 2019. While he has been in this case
9 for the past four (4) years (the case is now six (6) years old), initial expert
10 disclosures were produced the same day Kia filed the instant motion. This case has
11 a trial date sunset clause of September 30, 2024. (*See Exhibit C, at 2:23-24.*)
12 Based on this history, it is believed Kia filed the instant writ petition to simply
13 delay this case. **It is believed that delay is the only object of Kia’s petition,**
14 **which is not protected by a stay.**

15 Kia argues his SOL defense should protect him from stale claims, but the
16 claims brought against Kia are not stale. In fact, discovery over the past nine
17 months now shows that Kia and NHG concealed Kia’s identity from Choloe
18 through their use of “ghost billing.” (*See Exhibit J, at 20:6 to 21:15 & 48:7-9.*) The
19 SOL and relation-back issues, however, were already considered and denied by
20 this Court.

21 It is unknown how a stay of this case relates to the sanctions issue contained
22 in his writ petition. Kia raises some nebulous due process issue without explaining
23 how an order for attorneys fees that has not been reduced to judgment requires the
24 case be stayed. The opportunity to oppose and be heard regarding sanctions only
25 raises issues with procedural due process, which may be waived or cured. *Sun*
26 *River Energy v. Nelson*, 800 F.3d 1219, 1230-31 (10th Cir. 2015). Kia should have
27 filed a motion for reconsideration regarding the sanctions issue if he truly believed
28 he suffered an injustice because a motion for reconsideration is the fastest way to

1 remedy that issue, not a writ petition.

2 No weight should be given to this factor.

3 **B. Kia will not suffer irreparable or serious injury if the stay is**
4 **denied.**

5 Regarding this factor, Kia focuses solely on his mistaken view that the
6 sanction issue affects his substantive due process rights. The sanctions issue,
7 however, only involves procedural due process, which can be waived or cured. *See*
8 *Sun River*, 800 F.3d at 1230-31. Kia does not cite to any law showing the sanction
9 issue violates his substantive due process rights.

10 Instead, he cites to *Zavareh v. Bd. of Regents*, 2013 WL5781729, *4, 2013
11 U.S. Dist. LEXIS 150283, *12 (D. Nev. 2013) (unpublished disposition), ignoring
12 the difference between substantive and procedural due process. In *Zavareh*, the
13 court explains, “To violate substantive due process, the alleged conduct must
14 'shock[] the conscience' and 'offend the community's sense of fair play and
15 decency.’” *Id.* (internal citation omitted). *Zavareh* goes on to explain the difference
16 between substantive and procedural due process stating:

17 Procedural due process provides a different form of protection; it
18 concerns the procedures by which a person's liberty or property
19 interests are infringed. Although adequate notice and a meaningful
20 opportunity to be heard are the "hallmarks" of procedural due
process, the precise process which is "due" in any situation depends
on context and the nature of the right allegedly infringed.

21 *Id.* *Zavareh* is based on a denied application for graduation from UNLV. *Id.*

22 It is unknown how the sanctions order shocks the conscience or “offends the
23 community’s sense of fair play and decency. Kia provides no explanation.

24 Kia’s reliance on *Krainski v. Bd. of Regents*, 616 F.3d 963, 969 (9th Cir.
25 2010) is equally unsupported. *Krainski* involves due process issues relating to an
26 arrest and qualified immunity. Nothing in that case is remotely similar to the
27 issues in this case.

28 The facts of *Mikohn Gaming Corp v. McCrea*, 120 nev. 248, 89 P.3d 36

(Nev. 2014), do not support a stay in this case. The reason this Court granted a stay in *Mikohn* is because part of the claims in that case were going to arbitration and other claims were not. This Court correctly issued a stay in that situation because it would not make sense to go forward when the venue of who would ultimately hear the claims was in dispute. *Id.* at 254. In fact, *Mikohn* holds, “Although irreparable or serious harm remains part of the stay analysis, this factor will not generally play a significant role in the decision whether to issue a stay.” *Id.* at 253. Kia ignores this holding in relation to this factor.

In short, Kia’s motion fails to explain how he will suffer irreparable or serious injury. Zero weight may be given to this factor.

C. Choloe will suffer irreparable and serious injury if the stay is granted.

Choloe would suffer irreparable and serious harm because discovery needs to be completed, the case needs to be worked up for trial, and the case tried before the September 30, 2024 trial sunset clause expires. This is one of the district court’s oldest cases and it needs to be timely tried on the merits. Kia has delayed this case unnecessarily. This case was stayed for approximately nine (9) months while Kia’s first writ petition was pending. (*See* Exhibit A; and *see* Exhibit B.) At some point, discovery needs to be completed and the case tried. Kia did not timely file his writ petition and did not timely request a stay. Kia is not acting in the interests of judicial economy. He is acting based on his own dilatory motives.

D. Kia is not likely to prevail on the merits of his writ petition.

Kia’s instant writ petition essentially argues the same issues as his previous writ petition that this Court denied. (*See Kia v. Dist. Ct.*, Case No. 83357.) Kia ignores that denial in his argument of this factor. The only difference between his first petition and the instant petition is his inclusion of the sanctions issue, which could have been resolved without resort to this Court through a motion for reconsideration. Kia’s continued reliance on *Black v. Eighth Jud. Dist. Ct.*, 531

1 P.3d 1267 (Nev. 2023) (unpublished opinion) is misplaced. In *Black*, the district
2 court cancelled a bench trial two weeks before it was scheduled to begin and
3 sanctioned both the plaintiffs and defendants by ordering them to a private
4 mediation with JAMS. (*See* Petition for Writ of Mandamus, *Black v. Eighth Jud.*
5 *Dist. Ct.*, filed on June 20, 2023, Case No. 86787, at p.1.) Nothing about *Black* is
6 remotely similar to the instant case. *Black* was a unique situation, which is likely
7 why it is not a published decision.

8 Because this Court denied Kia's first writ petition on the SOL and relation-
9 back doctrine and a motion for reconsideration should have been filed regarding
10 the sanctions issue, it is likely Kia will not prevail on the merits of his writ
11 petition.

12 **III. CONCLUSION**

13 Based on the foregoing, this Court should deny Kia's instant motion to stay
14 because none of the NRAP 8(c) factors support a stay based on the facts of this
15 case.

16 DATED this 2 day of February, 2024.

17 LAW OFFICE OF DANIEL MARKS

18 
19 DANIEL MARKS, ESQ.

20 Nevada State Bar No. 002003

21 NICOLE M. YOUNG, ESQ.

22 Nevada State Bar No. 12659

23 610 South Ninth Street

24 Las Vegas, Nevada 89101


25 Attorneys for Real Party in Interest

26 Choloe Green
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1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe those to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing ~~is~~ true and correct.


NICOLE M. YOUNG, ESQ

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the LAW OFFICE OF DANIEL MARKS, and that on the 2 day of February, 2024, I did serve by way of electronic filing, a true and correct copy of the above and foregoing **REAL PARTY IN INTEREST CHOLOE GREEN'S OPPOSITION TO PETITIONER'S MOTION TO STAY DISTRICT COURT PROCEEDINGS** on the following:

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.

Eric K. Stryker, Esq.
Justin Shiroff, Esq.
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP
6689 Las Vegas Blvd., Suite 200
11th Floor
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.
HALL PRANGLE and SCHOONVELD LLC
1140 N. Town Center Drive, Suite 350
Las Vegas, Nevada 89114
Attorneys for Defendant and Third-Party Plaintiff Sunrise Hospital and Medical Center, LLC

Brent Vogel, Esq.
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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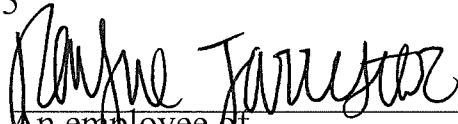
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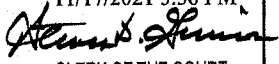
1 I further certify that I did deposit in the U.S. Mail in Las Vegas, Nevada,
2 with first class postage fully prepaid thereon a true and correct copy of the
3 **REAL PARTY IN INTEREST CHOLOE GREEN'S OPPOSITION TO**
4 **PETITIONER'S MOTION TO STAY DISTRICT COURT PROCEEDINGS**
5 to the addresses as follows:

6 The Honorable Crystal Eller
7 Eighth Judicial District Court
8 Department 19
9 200 Lewis Avenue
10 Las Vegas, Nevada 89155



11 An employee of
12 LAW OFFICE OF DANIEL MARKS
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EXHIBIT A


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
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,

Case No. A-17-757722-C
Dept. No. 23

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.

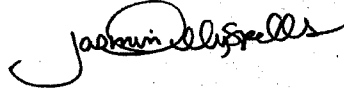
Defendants.

ORDER STAYING CASE

This matter having come on for hearing on September 21, 2021, at 9:15 a.m., for a Mandatory Rule 16 Conference; Plaintiff appearing by and through her counsel Daniel Marks, Esq., and Nicole M. Young, of the Law Office of Daniel Marks, via Blue Jeans; Defendant Frank J. Delee, M.D., appearing by and through its counsel Eric K. Stryker, Esq., of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, via Blue Jeans; Defendant Sunrise Hospital and Medical Center appearing by and through its counsel, Tyson J. Dobbs, of Hall Prangle & Schoonveld, LLC, via Blue Jeans; Defendant Ali Kia, M.D., appearing by and through its counsel Patricia Egan Daehnke, of Collinson, Daehnke, Inlow & Greco; and Defendant Nevada Hospitalist Group, LLP not in attendance; the Court having reviewed the papers and pleadings on file, having heard the arguments of counsel, and good cause appearing;

1 IT IS ORDERED, ADJUDGED, AND DECREED that this case is STAYED pending the
2 Supreme Court's decision on Defendant Ali Kia, M.D.'s Petition for Writ of Mandamus, filed on or
3 about August 11, 2021. A Status Check regarding the pending writ petition is set for December 14, 2021,
4 at 9:30 am.

5 Dated this 17th day of November, 2021

6 

7
8 318 30E 1132 EC97
9 Jasmin Lilly-Spells
10 District Court Judge

11 Respectfully Submitted:

12 DATED this 18th day of October, 2021.

13 LAW OFFICE OF DANIEL MARKS

14 /s/ Nicole M. Young

15 DANIEL MARKS, ESQ.
16 Nevada State Bar No. 002003
17 NICOLE M. YOUNG, ESQ.
18 Nevada State Bar No. 12659
19 610 South Ninth Street
20 Las Vegas, Nevada 89101
21 Attorney for Plaintiff

22 Approved as to Form and Content:

23 DATED this 18th day of October, 2021.

24 WILSON, ELSER, MOSKOWITZ,
25 EDELMAN & DICKER LLP

26 /s/ Eric K. Stryker

27 ERIC K. STRYKER, ESQ.
28 Nevada State Bar No. 005793
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, Nevada 89119
Attorney for Frank DeLee, M.D. and
Frank DeLee, M.D., PC's

////

////

Approved as to Form and Content:

DATED this 18th day of October, 2021.

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 18th day of October, 2021.

COLLINSON, DAEHNKE, INLOW & GRECO

/s/ Patricia Egan Daehnke

PATRICIA EGAN DAEHNKE
Nevada State Bar No. 004976
2110 E. Flamingo Road, Suite 212
Las Vegas, Nevada 89119
Attorney for Defendant Ali Kia, M.D.

1 Approved as to Form and Content:

2 DATED this 18th day of October, 2021.

3 LEWIS BRISBOIS BISGAARD & SMITH

4

5 /s/ Erin Jordan

6 S. BRENT VOGEL, ESQ.

7 Nevada State Bar No. 006858

8 ERIN JORDAN, ESQ.

9 Nevada State Bar No. 10018

10 6385 S. Rainbow Blvd., Suite 600

11 Las Vegas, Nevada 89118

12 Attorney for Nevada Hospitalist Group, LLP

13

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27

28

Nicole Young

From: Jordan, Erin <Erin.Jordan@lewisbrisbois.com>
Sent: Monday, October 18, 2021 10:47 AM
To: Stryker, Eric K.; Nicole Young; Tyson Dobbs; Patricia Daehnke; Vogel, Brent
Cc: Davidson, Jennifer; Clark, Angela
Subject: RE: Green v. Delee- Order Staying Case

You may use my e-signature.

Thanks,
Erin



Erin E. Jordan
Partner
Erin.Jordan@lewisbrisbois.com
T: 702.693.4354 F: 702.893.3789

6385 South Rainbow Blvd., Suite 600, Las Vegas, NV 89118 | LewisBrisbois.com

Representing clients from coast to coast. View our locations nationwide.

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From: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>
Sent: Friday, October 15, 2021 6:17 AM
To: Nicole Young <NYoung@danielmarks.net>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Jordan, Erin <Erin.Jordan@lewisbrisbois.com>
Cc: Davidson, Jennifer <Jennifer.Davidson@wilsonelser.com>; Clark, Angela <Angela.Clark@wilsonelser.com>
Subject: [EXT] RE: Green v. Delee- Order Staying Case

On my signature line, please update our law firm's address to our new address below.
A couple of typos, otherwise you have my authority to sign on my behalf - thanks:

Defendant Sunrise Hospital and Medical Center appearing

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

Nicole Young

From: Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>
Sent: Thursday, October 14, 2021 8:17 PM
To: Nicole Young
Subject: RE: Green v. Delee- Order Staying Case

Hi Nicole,

This is fine but could you revise my name to Patricia Egan Daehnke, no Esq. Thank you.

From: Nicole Young <NYoung@danielmarks.net>
Sent: Thursday, October 14, 2021 4:57 PM
To: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Jordan, Erin <Erin.Jordan@lewisbrisbois.com>
Subject: Green v. Delee- Order Staying Case

Hi all:

Attached is the order from the last hearing. Please approve as to form and content.

Thank you!
Nicole

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536
Facsimile: (702) 386-6812

Nicole Young

From: Tyson Dobbs <tdobbs@HPSLAW.COM>
Sent: Thursday, October 14, 2021 6:55 PM
To: Nicole Young; Stryker, Eric K.; Patricia Daehnke; Vogel, Brent; Jordan, Erin
Subject: RE: Green v. Delee- Order Staying Case

Looks fine to me. 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: Nicole Young <NYoung@danielmarks.net>
Sent: Thursday, October 14, 2021 4:57 PM
To: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Jordan, Erin <Erin.Jordan@lewisbrisbois.com>
Subject: Green v. Delee- Order Staying Case

[External Email] CAUTION!

Hi all:

Attached is the order from the last hearing. Please approve as to form and content.

Thank you!
Nicole

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101

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 23

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: 11/17/2021

15 E-File Admin	efile@hpslaw.com
16 S. Vogel	brent.vogel@lewisbrisbois.com
17 Eric Stryker	eric.stryker@wilsonelser.com
18 Erin Jordan	erin.jordan@lewisbrisbois.com
19 Efile LasVegas	efilelasvegas@wilsonelser.com
20 Daniel Marks	office@danielmarks.net
21 Tyson Dobbs	tdobbs@hpslaw.com
22 Alia Najjar	alia.najjar@wilsonelser.com
23 Patricia Daehnke	patricia.daehnke@cdiglaw.com
24 Linda Rurangirwa	linda.rurangirwa@cdiglaw.com
25 Amanda Rosenthal	amanda.rosenthal@cdiglaw.com

26
27
28

1	Laura Lucero	laura.lucero@cdiglaw.com
2	Nicolle Etienne	netienne@hpslaw.com
3	Casey Henley	chenley@hpslaw.com
4	Nicole Young	nyoung@danielmarks.net
5	Reina Claus	rclaus@hpslaw.com
6	Camie DeVoge	cdevoge@hpslaw.com
7	Deborah Rocha	deborah.rocha@cdiglaw.com
8	Brigette Foley	Brigette.Foley@wilsonelser.com
9	Celeste Hernandez	celeste.hernandez@wilsonelser.com
10	Lacey Ambro	lacey.ambro@cdiglaw.com
11	Maria San Juan	maria.sanjuan@lewisbrisbois.com
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EXHIBIT B

1 **ORDR**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**
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5
6
7 CHOLOE GREEN,)
8) Case No. A-17-757722-C
9 Plaintiff,) Dept No. XXIII
10 -VS-)
11)
12 FRANK J. DELEE, M.D.; FRANK J.)
13 DELEE M.D.; PC, SUNRISE HOSPITAL)
14 AND MEDICAL CENTER, LLC; ALI)
KIA, M.D.; and NEVADA)
HOSPITALIST GROUP, LLP)
Defendants.)

15 **ORDER LIFTING STAY**
16 DATE OF HEARING: June 28, 2022
17 TIME OF HEARING: 9:15 A.M.

18 This matter came before the Honorable JASMN LILLY-SPELLS on the 28th day of
19 June, 2022 for a Status Check on the Nevada Supreme Court decision. Plaintiff's counsel
20 advised the pending Writ before the Nevada Supreme Court was denied on May 17, 2022.
21 Counsel for all parties present stated it was proper for the stay to be lifted.

22 **THE COURT FINDS** that a Writ was submitted to the Nevada Supreme Court and a
23 Stay was ordered on September 21, 2021.

24 **THE COURT FINDS** that on May 17, 2022, the Nevada Supreme Court denied the
25 outstanding writ, making the Stay unnecessary.

26 ///

27 ///

28 ///

1 **THEREFORE** the Stay in the instant matter is LIFTED. IT IS SO ORDERED.

2
3 DATED this _____ day of July, 2022.

4 Dated this 9th day of July, 2022

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8 **5C9 8F7 7A32 D04A**
9 **Jasmin Lilly-Spells**
10 **District Court Judge**
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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
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5
6 Choloe Green, Plaintiff(s)

CASE NO: A-17-757722-C

7 vs.

DEPT. NO. Department 23

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: 7/9/2022

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

26
27
28

1	Laura Lucero	laura.lucero@cdiglaw.com
2	Daniel Marks	office@danielmarks.net
3	Nicolle Etienne	netienne@hpslaw.com
4	Nicole Young	nyoung@danielmarks.net
5	Reina Claus	rclaus@hpslaw.com
6	Camie DeVoge	cdevoge@hpslaw.com
7	Deborah Rocha	deborah.rocha@cdiglaw.com
8	Lacey Ambro	lacey.ambro@cdiglaw.com
9	Jennifer Davidson	jennifer.davidson@wilsonelser.com
10	Maria San Juan	maria.sanjuan@lewisbrisbois.com
11	Kimberly DeSario	kimberly.desario@lewisbrisbois.com
12	Heidi Brown	Heidi.Brown@lewisbrisbois.com
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EXHIBIT C

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

DISTRICT COURT
CLARK COUNTY, NEVADA

10 CHLOE 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 **STIPULATION AND ORDER TO EXTEND THE**
23 **DISCOVERY DEADLINES**
24 **(Ninth Request)**

25 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Chloe Green, by and
26 through her counsel, Daniel Marks, Esq., and Nicole M. Young, Esq., of the Law Office of Daniel Marks;
27 Defendants Frank J. DeLee, M.D., and Frank J. DeLee Md, PC, by and through their counsel Eric Stryker,
28 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 17th day of March, 2023.

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HALL PRANGLE & SCHOONVELD, LLC

8

/s/ Tyson J. Dobbs

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2

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 17th day of March, 2023.

5

COLLINSON, DAEHNKE, INLOW & GRECO

7

/s/ Linda K. Rurangirwa

8
9
0
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.

2

3

4

5

6
7
8.

1 **ORDER**

2 The deadlines are extended as follows:

3 **DISCOVERY**

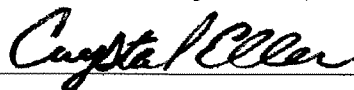
4 Close of Discovery January 22, 2024
5 Initial Expert Witness Reports October 24, 2023
6 Rebuttal Expert Witness Reports November 27, 2023
7 Dispositive Motions/Motions to Limine February 20, 2024

8 **TRIAL**

9
10 Trial Stack April 15, 2024 at 10:00 am
11 FIRM Trial Date April 29, 2024
12 Pre-Trial Conference March 25, 2024 at 8:45 am
13 Calendar Call April 1, 2024 at 8:45 am
14 Status Check Trial Readiness February 21, 2024 at ~~8:45~~ 10:00 am
15 Last Day to File Pretrial Memorandum April 1, 2024

16 A new Trial Order will not issue.

17
18 Dated this 21st day of March, 2023

19 
20

21 219 C4A 3DBD 0ECE
22 Crystal Eller
23 District Court Judge

24 Submitted by:

25 LAW OFFICE OF DANIEL MARKS

26 /s/ Daniel Marks

27 DANIEL MARKS, ESQ.
28 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

Representing clients from coast to coast. View our locations nationwide.

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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

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.

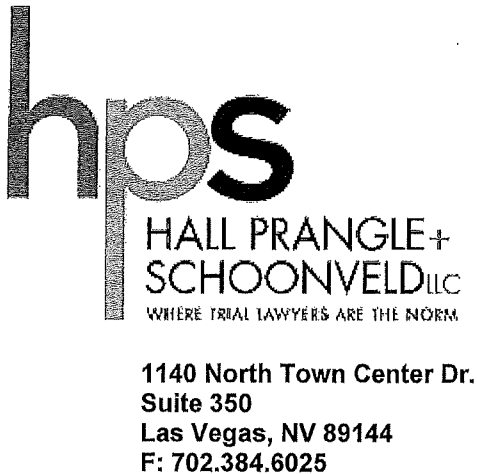
Kind Regards,

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.



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>; 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

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 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

26
27
28

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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January 26, 2024

VIA EMAIL ONLY

RE: FOP Legal Plan Benefit Determination – **CRIMINAL WITNESS TESTIMONY**
FOP Legal Plan Member: Carlos Alberto Martinez
Date of Incident: 11/28/2023
Sedgwick Claim #: 248003223

Dear Carlos Alberto Martinez:

This is an acknowledgment of a claim for legal services under the Fraternal Order of Police Legal Benefit Plan, Inc.

Based on the information provided with the claim form, we are accepting this matter for coverage, related specifically to the officer's testimony in this **criminal** matter **only**.

However, we will need the name of your attorney so a coverage acknowledgment letter can be sent to his or her attention. If you have not selected your attorney, you should refer to the list of available attorneys in your area from the FOP Legal Plan website at www.foplegal.com. Once you have confirmed who is representing you, **please reply** with their name & email address.

It is the responsibility of the officer and their attorney to provide complete detailed facts and the correct date of incident to enable us to make an accurate determination of coverage. The Plan's acceptance of this specific coverage entitles your attorney to only represent you for this specific matter. Any additional matters arising out of this current incident will require further notification and approval by Sedgwick. The Fraternal Order of Police Legal Defense Plan reserves its rights to further supplement or alter our coverage determination upon receipt of any new or additional information and will not be financially responsible for any attorney fees incurred if coverage is ultimately denied.

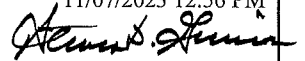
If you have any questions or concerns, please contact us at (866) 857-3276 or via email at foplegal@sedgwick.com.

Respectfully,

Sedgwick CMS Inc.
Benefit Administrator for the
Fraternal Order of Police Legal Plan, Inc.

We value your privacy. For more on what personal information we may collect, how we may use this information and other important areas relating to your privacy and data protection, please read our privacy notice at <https://www.sedgwick.com/global-privacy-policy>.

EXHIBIT D


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
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.

ORDER ON JOINT MOTION TO EXTEND DISCOVERY AND CONTINUE THE TRIAL

This matter having come on for hearing on the 25th day of October, at the hour of 10:00 a.m. on
Joint Motion to Extend Discovery and Continue the Trial; Plaintiff appearing by and through her
counsel, Daniel Marks, Esq., of the Law Office of Daniel Marks via bluejeans; 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 via bluejeans, LLP; Defendant Sunrise Hospital and
Medical Center, LLC, appearing by and through its counsel, Tyson J. Dobbs, Esq., of Hall Prangle
Schoonveld, LLC via bluejeans; Defendant Ali Kia, M.D., appearing by and through his counsel Patricia
E. Daehnke, Esq., via bluejeans and Defendant Nevada Hospitalist Group, LLP, appearing by and
through its counsel Melanie Thomas. Esq., of Lewis Brisbois Bisgaard & Smith LLP via bluejeans; the

1 Court having reviewed the papers and pleadings on file, having heard the arguments of counsel and good
2 appearing:

3 IT IS SO ORDERED that the Joint Motion to Extend Discovery and Continue the Trial is
4 GRANTED. The discovery deadlines are extended, as follows:

	<u>Current Deadline</u>	<u>New Deadline</u>
5 Close of Discovery	January 22, 2024	March 29, 2024
6 Initial Expert Witness Reports	October 24, 2023	December 29, 2023
7		
8 Last Day to Amend Pleadings and/or	October 24, 2023	December 29, 2023
9 Add Additional Parties		
10 Rebuttal Expert Witness Reports	November 27, 2023	January 30, 2024
11 Dispositive Motions/Motions to Limine	February 20, 2024	April 30, 2024

12 IT IS FURTHER ORDERED that the trial date is vacated and reset to begin on July 22, 2024, at
13 10:00 am. The Status Check regarding Trial Readiness is on April 24, 2024, at 10:00 am. The Pre-trial
14 Conference is on May 29, 2024, at 9:00 am. The Calendar Call is on June 5, 2023, at 9:00 am.

15
16
17 Dated this 7th day of November, 2023

18 

19 751 2E7 3428 D049
20 Crystal Eller
21 District Court Judge

22 ////

23 ////

24 ////

25 ////

26 ////

27 ////

28 ////

1 Respectfully submitted:

2 DATED this 6th day of November, 2023.

3 LAW OFFICE OF DANIEL MARKS

4 /s/ Nicole M. Young

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

10 Approved as to Form and Content:

11 DATED this 6th day of November, 2023.

12 WILSON, ELSEY, MOSKOWITZ,
13 EDELMAN & DICKER LLP

14 /s/ Justin Shiroff

15 ERIC K. STRYKER, ESQ.
Nevada State Bar No. 005793
16 JUSTIN A. SHIROFF, ESQ.
Nevada State Bar No. 12869
6689 Las Vegas Blvd. South, Suite 200
17 Las Vegas, Nevada 89119
Attorneys for Frank DeLee, M.D. and
18 Frank DeLee, M.D., PC's
19

20 Approved as to Form and Content:

21 DATED this 6th day of November, 2023.

22 LEWIS BRISBOIS BISGAARD & SMITH

23 /s/ Melanie Thomas

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

Approved as to form and content:

DATED this 6th day of November, 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 6th day of November, 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.

Nicole Young

From: Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>
Sent: Monday, November 6, 2023 10:43 AM
To: Nicole Young; Stryker, Eric K.; Shiroff, Justin A.; Vogel, Brent; Linda K. Rurangirwa; Laura Lucero; Patricia Daehnke; Tyson Dobbs; Mike Prangle; Office
Cc: Nicole M. Etienne; Deborah Rocha; Harris, Adrina; Clark, Angela; Dube, Tiffany; Kim-Mistrille, Gaylene
Subject: RE: Green- Order from Hearing

Looks good, Nicole. Please add my signature. Thank you.



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

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From: Nicole Young <NYoung@danielmarks.net>
Sent: Friday, November 3, 2023 2:44 PM
To: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Mike Prangle <mprangle@HPSLAW.COM>; Office <office@danielmarks.net>
Cc: Nicole M. Etienne <netienne@HPSLAW.COM>; Deborah Rocha <deborah.rocha@cdiglaw.com>; Harris, Adrina <Adrina.Harris@lewisbrisbois.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Dube, Tiffany <Tiffany.Dube@wilsonelser.com>; Kim-Mistrille, Gaylene <Gaylene.Kim-Mistrille@lewisbrisbois.com>
Subject: [EXT] Green- Order from Hearing

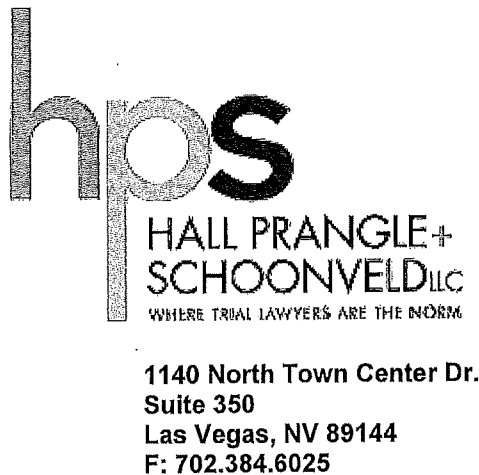
Hi All:

Attached is the order from the last hearing for your approval. Please let me know if you have any questions.

Nicole Young

From: Tyson Dobbs <tdobbs@HPSLAW.COM>
Sent: Friday, November 3, 2023 3:12 PM
To: Shiroff, Justin A.; Linda K. Rurangirwa; Nicole Young; Stryker, Eric K.; Thomas, Melanie; Vogel, Brent; Laura Lucero; Patricia Daehnke; Mike Prangle; Office
Cc: Nicole M. Etienne; Deborah Rocha; Harris, Adrina; Clark, Angela; Dube, Tiffany; Kim-Mistrille, Gaylene
Subject: RE: Green- Order from Hearing

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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: Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>
Sent: Friday, November 3, 2023 3:05 PM
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Cc: Nicole M. Etienne <netienne@HPSLAW.COM>; Deborah Rocha <deborah.rocha@cdiglaw.com>; Harris, Adrina <Adrina.Harris@lewisbrisbois.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Dube, Tiffany <Tiffany.Dube@wilsonelser.com>; Kim-Mistrille, Gaylene <Gaylene.Kim-Mistrille@lewisbrisbois.com>
Subject: RE: Green- Order from Hearing

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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

From: Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>
Sent: Friday, November 3, 2023 3:04 PM
To: Nicole Young <NYoung@danielmarks.net>; Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Mike Prangle <mprangle@HPSLAW.COM>; Office <office@danielmarks.net>
Cc: Nicole M. Etienne <netienne@HPSLAW.COM>; Deborah Rocha <deborah.rocha@cdiglaw.com>; Harris, Adrina <Adrina.Harris@lewisbrisbois.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Dube, Tiffany <Tiffany.Dube@wilsonelser.com>; Kim-Mistrille, Gaylene <Gaylene.Kim-Mistrille@lewisbrisbois.com>
Subject: RE: Green- Order from Hearing

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Linda K. Rurangirwa
Collinson, Daehnke, Inlow & Greco

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Sent: Friday, November 3, 2023 2:44 PM
To: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Tyson Dobbs <tdobbs@HPSLAW.COM>; Mike Prangle <mprangle@HPSLAW.COM>; Office <office@danielmarks.net>
Cc: Nicole M. Etienne <netienne@HPSLAW.COM>; Deborah Rocha <deborah.rocha@cdiglaw.com>; Harris, Adrina <Adrina.Harris@lewisbrisbois.com>; Clark, Angela <Angela.Clark@wilsonelser.com>; Dube, Tiffany <Tiffany.Dube@wilsonelser.com>; Kim-Mistrille, Gaylene <Gaylene.Kim-Mistrille@lewisbrisbois.com>
Subject: Green- Order from Hearing

Hi All:

Attached is the order from the last hearing for your approval. Please let me know if you have any questions.

Thank you!
Nicole

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536

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**

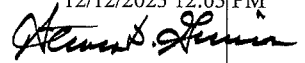
11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/7/2023

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

1	Daniel Marks	office@danielmarks.net
2	Adrina Harris	Adrina.Harris@lewisbrisbois.com
3	Nicolle Etienne	netienne@hpslaw.com
4	Nicole Young	nyoung@danielmarks.net
5	Kelly Mayes	Kelly.Mayes@lewisbrisbois.com
6	Reina Claus	rclaus@hpslaw.com
7	Camie DeVoge	cdevoge@hpslaw.com
8	Melanie Thomas	Melanie.Thomas@lewisbrisbois.com
9	Deborah Rocha	deborah.rocha@cdiglaw.com
10	Lacey Ambro	lacey.ambro@cdiglaw.com
11	Justin Shiroff	justin.shiroff@wilsonelser.com
12	Tiffany Dube	tiffany.dube@wilsonelser.com
13	Lora Schneider	lora.schneider@cdiglaw.com
14	Gaylene Kim-Mistrille	Gaylene.Kim-Mistrille@lewisbrisbois.com
15	Lisa Eiseman	Lisa.Eiseman@lewisbrisbois.com
16		
17		
18		
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28		

EXHIBIT E


CLERK OF THE COURT

SOED

Patricia Egan Daehnke

Nevada Bar No. 4976

Patricia.Daehnke@cdiglaw.com

Linda K. Rurangirwa

Nevada Bar No. 9172

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

**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

1 3. The deposition of Plaintiff has been taken.

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

6 **II. DISCOVERY THAT REMAINS TO BE COMPLETED**

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

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

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

26 ///

27 ///

28 ///

**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

///

///

///

1 Dated this _11th day of December, 2023

2 **HALL PRANGLE & SCHOONVELD,**
3 **LLC**

4 */s/ Tyson J. Dobbs*

5 _____
6 Tyson J. Dobbs, Esq.
7 Bar No.: 11953
8 1140 N. Town Center Drive, Suite 350
9 Las Vegas, Nevada 89144
10 Attorneys for Defendant
11 *Sunrise Hospital and Medical Center*

12 Dated this 11th day of December, 2023

13 **LEWIS BRISBOIS BISGAARD & SMITH**

14 */s/ Melanie Thomas*

15 _____
16 Melanie Thomas, Esq.
17 Bar No.: 12576
18 6385 S. Rainbow Blvd., Suite 600
19 Las Vegas, Nevada 89118
20 Attorneys for Defendant
21 Nevada Hospitalist Group, LLP

22 *///*

23 *///*

24 *///*

25 *///*

26 *///*

27 *///*

28 *///*

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

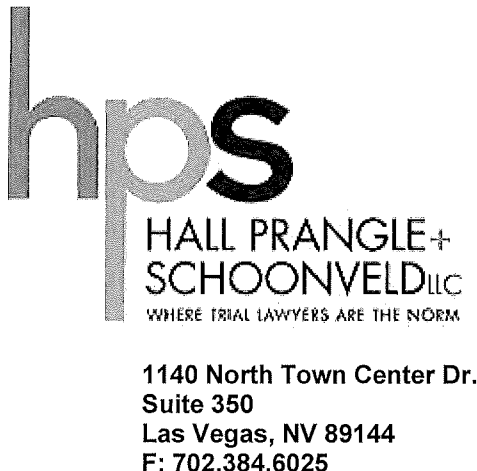
Las Vegas, Nevada 89119

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.



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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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

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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 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 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

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
26
27
28

1	Daniel Marks	office@danielmarks.net
2	Adrina Harris	Adrina.Harris@lewisbrisbois.com
3	Nicolle Etienne	netienne@hpslaw.com
4	Nicole Young	nyoung@danielmarks.net
5	Kelly Mayes	Kelly.Mayes@lewisbrisbois.com
6	Reina Claus	rclaus@hpslaw.com
7	Camie DeVoge	cdevoge@hpslaw.com
8	Melanie Thomas	Melanie.Thomas@lewisbrisbois.com
9	Deborah Rocha	deborah.rocha@cdiglaw.com
10	Lacey Ambro	lacey.ambro@cdiglaw.com
11	Justin Shiroff	justin.shiroff@wilsonelser.com
12	Cheritta Grey	cgrey@hpslaw.com
13	Tiffany Dube	tiffany.dube@wilsonelser.com
14	Lora Schneider	lora.schneider@cdiglaw.com
15	Gaylene Kim-Mistrille	Gaylene.Kim-Mistrille@lewisbrisbois.com
16	Lisa Eiseman	Lisa.Eiseman@lewisbrisbois.com

EXHIBIT F

DECLARATION OF CUSTODIAN OF RECORDS

**** Please fully complete the shaded area and mark and complete either Section A and/or Section B ****

NOTARY NOT REQUIRED

Records pertaining to: <u>Chloe Green</u>	Date of Birth: <u>7/15/1986</u>
Name and Address of Entity Providing Records: <u>Alikia, MD</u>	
Date executed: <u>2/26/18</u> at (City/State): <u>LV, NV</u>	
Custodian of records signature: <u>[Signature]</u>	
Print or type name: <u>Sylvia Pace</u>	
Position/Title: <u>Billing</u>	

CERTIFICATE OF RECORDS

A. ☐ I HEREBY DECLARE, under penalty of perjury under the law of the State of Nevada that the following statements are true and correct to the best of my information, knowledge and belief:

I am the duly authorized custodian of records and certify that the accompanying records, consisting of page(s) are true, correct and complete copies of the original records in our possession, custody and control. The records were maintained in the regular course of business and prepared by authorized personnel from information transmitted by a person with knowledge at or near the time of the acts, events, conditions, opinions or diagnoses recorded.

Mark all that apply:

- | | | |
|--|---|--|
| <input type="checkbox"/> Medical Records | <input type="checkbox"/> Employment Records | <input type="checkbox"/> Photographs |
| <input type="checkbox"/> Billing Records | <input type="checkbox"/> Radiology Images | <input type="checkbox"/> Other <u> </u> |

No documents, records or other things have been withheld except as noted below.

Certain records were omitted as follows:

- ☐ Records have been previously produced to the requestor and are the same as the records produced.

CERTIFICATE OF NO RECORDS

B. ☒ I HEREBY DECLARE, under penalty of perjury under the law of the State of Nevada that the following statements are true and correct to the best of my information, knowledge and belief:

I am the duly authorized custodian of records and certify that the efforts made to locate the records requested in the subpoena or authorization was undertaken by the personnel of this business in the ordinary course of business. After a thorough search of our files, we show no records or things as described in the subpoena or authorization under name(s) given. This does not mean that records do not exist under another spelling, another name, or another classification. However, based upon the information furnished us and to the best of my knowledge, no such records exist in our custody.

Mark all that apply:

- | | | |
|---|---|--|
| <input type="checkbox"/> Medical Records | <input type="checkbox"/> Employment Records | <input type="checkbox"/> Photographs |
| <input checked="" type="checkbox"/> Billing Records | <input type="checkbox"/> Radiology Images | <input type="checkbox"/> Other <u> </u> |

Explanation:

- ☐ The records have been lost/destroyed.
☐ No records exist for the dates requested.
☐ The records could not be located with the information provided.
☒ Subject was never a patient/client/employee of ours.
☐ The requested records may be in the possession of:
☐ Other:

EXHIBIT G

DANIEL MARKS

Attorneys at Law
610 South Ninth Street
Las Vegas, Nevada 89101
E-mail: office@danielmarks.net
(702) 386-0536
Fax (702) 386-6812

Daniel Marks
Adam Levine
Nicole Young
Teletha L. Zupan

June 23, 2023

Via Electronic Service

Linda K. Rurangirwa
COLLINSON, DAEHNKE, INLOW & GRECO
2110 E. Flamingo Road, Suite 212
Las Vegas, Nevada 89119

Re: *Green v. Delee*; Case No. A-17-757722-C

Dear Ms. Rurangirwa:

It appears your client has failed to comply with NRCP 16.1(a)(1)(A). Under that rule, Dr. Kia is required to produce the following "without awaiting a discovery request":

- (i) the name and, if known, the address and telephone number of each individual likely to have information discoverable under Rule 26(b), including for impeachment or rebuttal, identifying the subjects of the information;
- (ii) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, including for impeachment or rebuttal, and, unless privileged or protected from disclosure, any record, report, or witness statement, in any form, concerning the incident that gives rise to the lawsuit;
- (iii) when personal injury is in issue, the identity of each relevant medical provider so that the opposing party may prepare an appropriate medical authorization for signature to obtain medical records from each provider;

A party's failure to comply with NRCP 16.1 could result in sanctions, including striking a defendant's answer. *Valley Health v. Estate of Doe*, 134 Nev. 634, 427 P.3d 1021 (Nev. 2018).

To date, Dr. Kia has failed to comply with his obligations under NRCP 16.1, as follows:

1. He has failed to produce a copy of his medical records relating to his care of Plaintiff Choloe Green.
2. He has failed to produce a copy of his billing records relating to that care.
3. He has failed to produce the names of individuals that have discoverable information. This includes any individuals that are within the control or possession of his medical and billing records.

It is unknown why Dr. Kia has failed to comply with NRCP 16.1. It appears that Dr. Kia is obstructing the discovery process. On top of not complying with NRCP 16.1, he has claimed he was employed by Nevada Hospitalist Group ("NHG") and that he was called by Sunrise Hospital to care for plaintiff based on a call schedule prepared by NHG, yet NHG denies having any type of relationship with Dr. Kia. As you know, the district court recently admonished and sanctioned Dr. Kia for his conduct in this case.

Please supplement your NRCP 16.1 disclosures no later than June 30, 2023, with the above information. If you do not supplement with the above information, then we will have no choice but to file a motion and seek sanctions under *Valley Health v. Estate of Doe*, 134 Nev. 634, 427 P.3d 1021 (Nev. 2018).

Very truly yours,

LAW OFFICE OF DANIEL MARKS

NICOLE YOUNG



Linda K. Rurangirwa
2110 E. Flamingo Road, Suite 212
Las Vegas, Nevada 89119
Linda.Rurangirwa@cdiglaw.com
www.cdiglaw.com
702.979.2132

June 28, 2023

Via E-Serve

Nicole Young
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, NV 89101

Re: Green v. Delee (Kia); A-17-757722-C

Dear Nicole:

Dr. Kia is aware of his obligations under NRCP 16.1 disclosures. Dr. Kia does not have a chart because, as you are well aware, all the care was provided at Sunrise Hospital; he does not have a copy of billing records related to his care of Ms. Green, otherwise such would have been produced. Dr. Kia was not employed by Nevada Hospitalist Group, which has been reiterated multiple times in responses to discovery.

Very truly yours,

COLLINSON, DAEHNKE, INLOW & GRECO

A handwritten signature in black ink, appearing to read "Linda K. Rurangirwa".

Linda K. Rurangirwa

LKR/dmr

DANIEL MARKS

Attorneys at Law
610 South Ninth Street
Las Vegas, Nevada 89101
E-mail: office@danielmarks.net
(702) 386-0536
Fax (702) 386-6812

Daniel Marks
Adam Levine
Nicole Young
Teletha L. Zupan

September 5, 2023

Via Electronic Service

Linda K. Rurangirwa
COLLINSON, DAEHNKE, INLOW & GRECO
2110 E. Flamingo Road, Suite 212
Las Vegas, Nevada 89119

Re: *Green v. Delee*; Case No. A-17-757722-C

Dear Ms. Rurangirwa:

On June 23, 2023, my office served you with a letter regarding your client's failure to comply with NRCP 16.1(a)(1)(A). Under that rule, Dr. Kia is required to produce the following "without awaiting a discovery request":

- (i) the name and, if known, the address and telephone number of each individual likely to have information discoverable under Rule 26(b), including for impeachment or rebuttal, identifying the subjects of the information;
- (ii) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, including for impeachment or rebuttal, and, unless privileged or protected from disclosure, any record, report, or witness statement, in any form, concerning the incident that gives rise to the lawsuit;
- (iii) when personal injury is in issue, the identity of each relevant medical provider so that the opposing party may prepare an appropriate medical authorization for signature to obtain medical records from each provider;

A party's failure to comply with NRCP 16.1 could result in sanctions, including striking a defendant's answer. *Valley Health v. Estate of Doe*, 134 Nev. 634, 427 P.3d 1021 (Nev. 2018).

On July 7, 2023, you and I met and conferred regarding this issue. During that phone call, you promised you would produce all checks received by Dr. Kia relating to his care of Plaintiff. On August 7, 2023, you produced redacted checks from Tufail & Associates to your client with the amount of the check redacted. These checks ranged in date from November 29, 2016 to June 29, 2017. Dr. Kia's treatment of Plaintiff, however, was in July of 2016. You claim your client does not know which check(s) were for his treatment of Plaintiff.

On September 1, 2023, Defendant Nevada Hospitalist Group ("NHG") produced a "Supplemental Declaration of Kim Kozlowski", which states, "I have learned through my attorneys that Dr. Kia has checks drafted by Nevada Hospitalist Group, LLP bearing my signature. I have confirmed that my signature appears on those checks." (See Exhibit 1, at ¶ 7.)

To date, Dr. Kia continues to refuse to comply with his obligations under NRCP 16.1. He has failed to produce a copy of his itemized billing records relating to his medical treatment of Plaintiff in July of 2016, including his itemized billing statement evidencing the total charge for his care and the total amount he was paid for that care. It is not believable that Dr. Kia does not have access to an itemized billing statement of the medical care provided to Plaintiff. This raises concerns regarding whether Dr. Kia was even permitted to provide medical care to Plaintiff under Medicaid.

He has failed to produce the names of individuals that have discoverable information regarding the billing of Dr. Kia's medical treatment of Plaintiff. This includes any individuals that have control or possession of his medical and billing records, were involved in the billing of Dr. Kia's medical care (the "biller"), and any contracts that resulted in Dr. Kia providing medical care to Plaintiff in July of 2016.

On top of not complying with NRCP 16.1, Dr. Kia has claimed he was employed by NHG and that he was called by Sunrise Hospital to care for Plaintiff based on a call schedule prepared by NHG, yet NHG denies having any type of relationship with Dr. Kia. The "Supplemental Declaration of Kim Kozlowski" appears to state that NHG wrote checks to Dr. Kia, but did not issue any tax forms to Dr. Kia to report that income to the IRS. If this is true, how was Dr. Kia paid?

It appears you are making tactical and obstructive discovery decisions (in coordination with NHG) in an attempt to run out the clock because the initial expert disclosure and last day to amend the pleadings and add parties deadline is on October 24, 2023.

////

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As you know, the district court recently admonished and sanctioned Dr. Kia for forum shopping by filing repetitive motions in front of different judges. The Court awarded Plaintiff \$7,817.75 in attorney's fees. When can my office expect to receive the awarded amount?

Finally, on May 19, 2023, NHG served you with its First Set of Requests for Admission to Defendant Ali Kia, M.D. To date, my office has not been served with Dr. Kia's response to those admissions. Please serve us with that response.

Please supplement your NRCP 16.1 disclosures no later than September 8, 2023, by noon, with the above information. If you do not supplement with the above information, then we will have no choice but to file a motion and seek sanctions under *Valley Health v. Estate of Doe*, 134 Nev. 634, 427 P.3d 1021 (Nev. 2018).

Very truly yours,

LAW OFFICE OF DANIEL MARKS

NICOLE YOUNG



Linda K. Rurangirwa
2110 E. Flamingo Road, Suite 212
Las Vegas, Nevada 89119
Linda.Rurangirwa@cdiglaw.com
www.cdiglaw.com
702.979.2132

September 8, 2023

Via E-Serve

Daniel Marks
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, NV 89101

Re: Green v. Delee (Kia); A-17-757722-C

Dear Mr. Marks:

As I have advised on several occasions, Dr. Kia does not have itemized billing statements related to the care and treatment provided to Ms. Green. I have supplemented NRCP 16.1 disclosures showing checks he received from Nevada Hospitalist Group and Tufail & Associates. I have advised that Dr. Kia has tried contacting Amerigroup to determine if he can get an itemized statement but has not been successful to date. Simply put, I cannot supplement what Dr. Kia does not have.

Additionally, Dr. Kia was not an employee of NHG. I have advised you of this multiple times, NHG has advised you of this, we have responded to discovery stating this as well.

I do not appreciate that accusation that I am being obstructive in coordination with NHG. I am of course willing to continue the deadline to disclose experts and amend pleadings/add parties.

With regard to the issue of sanctions, please be advised we intend to file a writ shortly on the matter.

Very truly yours,

COLLINSON, DAEHNKE, INLOW & GRECO

A handwritten signature in black ink, appearing to read 'Linda K. Rurangirwa'.

Linda K. Rurangirwa

LKR/dmr

SUPP484

EXHIBIT H

1 Patricia Egan Daehnke
Nevada Bar No. 4976
2 Patricia.Daehnke@cdiglaw.com
3 Linda K. Rurangirwa
Nevada Bar No. 9172
4 Linda.Rurangirwa@cdiglaw.com
COLLINSON, DAEHNKE, INLOW & GRECO
5 2110 E. Flamingo Road, Suite 212
Las Vegas, Nevada 89119
6 (702) 979-2132 Telephone
7 (702) 979-2133 Facsimile
8 Attorneys for Defendant
Ali Kia, M.D.

9
10 **DISTRICT COURT**
CLARK COUNTY, NEVADA

11 CHOLOE GREEN, an individual,
12
13 Plaintiffs,

14 vs.

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

19
20 Defendants.

CASE NO.: A-17-757722-C
DEPT. NO.: 19

**DEFENDANT ALI KIA, M.D.'S
RESPONSE TO PLAINTIFF'S FIRST
SET OF INTERROGATORIES**

21
22 Pursuant to Rule 33 of the Nevada Rules of Civil Procedure, Defendant ALI KIA,
23 M.D., by and through his attorneys of record Patricia Egan Daehnke, Linda K. Rurangirwa
24 and the law firm Collinson, Daehnke, Inlow & Greco, hereby provides these responses to
25 Plaintiff's First Set of Interrogatories as follows:

26 ///

27 ///

28 ///

COLLINSON, DAEHNKE, INLOW & GRECO
2110 E. Flamingo Road, Suite 212
LAS VEGAS, NEVADA 89119
TEL. (702) 979-2132 | FAX (702) 979-2133

PRELIMINARY STATEMENT

Defendant ALI KIA, M.D. hereby provides the following responses without prejudice to further discovery, reserving the right to present evidence of any subsequently discovered facts at the trial of this action.

Each of the responses is rendered and based upon information in possession of the responding party, after diligent inquiry, at the time of the preparation of these responses. Discovery will continue as long as permitted by statute or stipulation of the parties, and the investigation by this responding party's attorneys and agents will continue to and throughout the trial of this action. Responding party therefore specifically reserves the right, at the time of trial, to introduce any evidence from any source which may hereinafter be discovered and testimony from any witnesses whose identities may hereinafter be discovered.

If any information has unintentionally been omitted from these responses, the responding party reserves the right to amend or to apply for relief as to permit the insertion of the omitted data from these responses.

These introductory comments shall apply to each and every response given herein, and shall be incorporated by this reference as though fully set forth in each and every following response. Responding party objects to these interrogatories on the grounds that they are compound, overbroad, seek information that is not relevant to the subject matter of this pending claim, and not reasonably calculated to lead to the discovery of admissible evidence.

To the extent these interrogatories also seek disclosures of expert witness information, they are premature and improper. These interrogatories exceed the maximum allowable number pursuant to NRCP 33. Responding party specifically reserves the right to amend these responses as new information is discovered and as litigation progresses.

These interrogatories are additionally objected to on the grounds that they seek information and documents equally available to the propounding party. To the extent such interrogatories are answered, the following responses are made subject to these objections which objections are not specifically waived. Rather, in the spirit of cooperation, Defendant provides the following responses.

OBJECTIONS AND ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

Please explain your relationship with Alexander F. Akhavan, M.D. in July 2016.

RESPONSE TO INTERROGATORY NO. 1:

Alexander Akhavan, M.D. is a colleague of responding party's and they used to cross cover for each other.

INTERROGATORY NO. 2:

Please explain why your medical care of Plaintiff at Sunrise Hospital and Medical Center in July of 2016 was billed by Alexander F. Akhavan, M.D.

RESPONSE TO INTERROGATORY NO. 2:

Responding party is unable to determine why his medical care of Plaintiff at Sunrise Hospital and Medical Center in July 2016 was billed by Dr. Akhavan. Responding party's custom and practice was to bill directly for the medical care and treatment he provided to patients other than those he covered for Nevada Hospitalist Group through his biller Monica Poulin at Management Solutions, LLC, 3022 S. Durango Drive, Suite 100, Las Vegas, Nevada 89117. Responding party would provide his billing for patients he was covering for Nevada Hospitalist Group to Nevada Hospitalist Group to submit to the insurance company for billing.

INTERROGATORY NO. 3:

Please explain why you did not directly (either through your name or business entity) bill Plaintiff for the medical care you provided her at Sunrise Hospital and Medical Center in July 2016.

RESPONSE TO INTERROGATORY NO. 3:

Responding party is unable to determine why his medical care of Plaintiff at Sunrise Hospital and Medical Center in July 2016 was billed by Dr. Akhavan. Responding party's custom and practice was to bill directly for the medical care and treatment he provided to patients other than those he covered for Nevada Hospitalist Group through his biller Monica Poulin at Management Solutions, LLC 3022 S. Durango Drive, Suite 100, Las Vegas, Nevada

89117. Responding party would provide his billing for patients he was covering for Nevada Hospitalist Group to Nevada Hospitalist Group to submit to the insurance company for billing.

INTERROGATORY NO. 4:

Please explain why the medical care you provided to Plaintiff at Sunrise Hospital and Medical Center in July 2016 was billed through a third-party.

RESPONSE TO INTERROGATORY NO. 4:

Responding party is unable to determine why his medical care of Plaintiff at Sunrise Hospital and Medical Center in July 2016 was billed by Dr. Akhavan. Responding party's custom and practice was to bill directly for the medical care and treatment he provided to patients other than those he covered for Nevada Hospitalist Group through his biller Monica Poulin at Management Solutions, LLC 3022 S. Durango Drive, Suite 100, Las Vegas, Nevada

89117. Responding party would provide his billing for patients he was covering for Nevada Hospitalist Group to Nevada Hospitalist Group to submit to the insurance company for billing.

INTERROGATORY NO. 5:

Please explain any oral agreements you have with Alexander F. Akhavan, M.D. to provide medical care at Sunrise Hospital and Medical Center in July 2016.

RESPONSE TO INTERROGATORY NO. 5:

Responding party and Dr. Akhavan used to cross cover for each other.

INTERROGATORY NO. 6:

Please explain any oral agreements you have with Muhammad Tufail, M.D. to provide medical care at Sunrise Hospital and Medical Center in July 2016.

RESPONSE TO INTERROGATORY NO. 6:

Responding party was asked to cover calls for Nevada Hospitalist Group.

INTERROGATORY NO. 7:

Please explain any oral agreements you have with Tufail & Associates to provide medical care at Sunrise Hospital and Medical Center in July 2016.

RESPONSE TO INTERROGATORY NO. 7:

Responding party was asked to cover calls for Nevada Hospitalist Group. Dr. Tufail was a member/partner of Nevada Hospitalist Group and he asked responding party for coverage, which he agreed to.

INTERROGATORY NO. 8:

Please explain any oral agreements you have with Bashir Rashid, M.D. to provide medical care at Sunrise Hospital and Medical Center in July 2016.

RESPONSE TO INTERROGATORY NO. 8:

Responding party and Bashir Rashid, M.D. are colleagues who cross covered one another prior to 2016. There was no affiliation in July 2016.

INTERROGATORY NO. 9

Please explain any oral agreements you have with Independent Hospitalist Group to provide medical care at Sunrise Hospital and Medical Center in July 2016.

RESPONSE TO INTERROGATORY NO. 9:

Responding party was a member of Independent Hospitalist Group.

INTERROGATORY NO. 10:

Please explain any oral agreements you have with Defendant Nevada Hospitalist Group to provide medical care at Sunrise Hospital and Medical Center in July 2016.

RESPONSE TO INTERROGATORY NO. 10:

Responding party was asked by Dr. Tufail to cover calls at Sunrise Hospital for Nevada Hospitalist Group.

INTERROGATORY NO. 11:

Were you authorized to treat Medicaid patients at Sunrise Hospital and Medical Center in July 2016?

///

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///

///

1 **RESPONSE TO INTERROGATORY NO. 11:**

2 Yes.

3 DATED: October 16, 2023

COLLINSON, DAEHNKE, INLOW & GRECO

5 BY: /s/ Linda K. Rurangirwa

6 PATRICIA EGAN DAEHNKE

Nevada Bar No. 4976

7 LINDA K. RURANGIRWA

Nevada Bar No. 9172

8 2110 E. Flamingo Road, Suite 212

9 Las Vegas, Nevada 89119

10 Tel. (702) 979-2132

11 Fax (702) 979-2133

Attorneys for Defendant,

Ali Kia, M.D.

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COLLINSON, DAEHNKE, INLOW & GRECO
2110 E. Flamingo Road, Suite 212
LAS VEGAS, NEVADA 89119
TEL. (702) 979-2132 | FAX (702) 979-2133

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2023, a true and correct copy of **DEFENDANT ALI KIA, M.D.'S RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES** 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
Las Vegas, Nevada 89101
Attorneys for Plaintiff

Eric K. Stryker, Esq.
Justin A. Shiroff, Esq.
WILSON ELSEER MOSKOWITZ EDELMAN
& DICKER LLP
6689 Las Vegas Blvd., Suite 200
Las Vegas, NV 89119
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

S. Brent Vogel
Melanie L. Thomas
LEWSI BRISBOIS BISGAARD & SMITH,
LLP
6385 Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant,
Nevada Hospitalist Group, LLP

COLLINS, DAEHNKE, INLOW & GRECO
2110 E. Flamingo Road, Suite 212
LAS VEGAS, NEVADA 89119
TEL. (702) 979-2132 | FAX (702) 979-2133

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

EXHIBIT I

1 DISTRICT COURT
2 CLARK COUNTY, NEVADA
3 * * * * *
4 CHLOE GREEN, an)
5 individual,)
6 Plaintiff,)
7 vs.) Case No.: A-17-757722-C
8 FRANK J. DELEE, M.D., an) Dept. No.: 19
9 individual; FRANK J. DELEE)
10 MD, PC, a Domestic)
11 Professional Corporation,)
12 SUNRISE HOSPITAL AND)
13 MEDICAL CENTER, LLC, a)
14 Foreign Limited-Liability)
15 Company; ALI KIA, M.D., an)
16 individual; and NEVADA)
17 HOSPITALIST GROUP, LLP,)
18 Defendants.)
19 _____)

**CERTIFIED
COPY**

20 DEPOSITION OF KIM L. KOZLOWSKI
21 30(b)(6) CORPORATE DESIGNEE OF NEVADA HOSPITALIST GROUP, LLP
22 Taken on Monday, October 30, 2023
23 At 9:59 a.m.
24 Taken at 610 South Ninth Street
25 Las Vegas, Nevada
26 NV Firm No. 028F
27 Reported By: Terri M. Hughes, CCR No. 619

1 was going to be on the 10th of the month and she was
2 running behind, if she got me the report, then I
3 could have checks ready and hand it to them at our
4 monthly meeting. Other than that, if my numbers
5 didn't match up, if I went down the columns and added
6 it up and it wasn't right, then I'd say, I've got a
7 different number, would you look at that again? But
8 as far as, you know, calling her and saying, hey, do
9 you have information on this patient or that patient,
10 I never had a hospital census on any doctor, I didn't
11 know who they were seeing, I didn't know how many
12 patients they were seeing or where. There was no
13 need for me to be involved in that.

14 Q. And who would know that? Who would know the
15 answers to those questions?

16 A. You'd have to ask Monica and see if she has
17 the answers to that question.

18 Q. Who from NHG made sure that if there was a
19 contract with an insurance company that there was
20 coverage for all the patients that needed coverage?

21 A. It would have probably been the medical
22 director.

23 Q. And that's Dr. Tufail?

24 A. Uh-huh.

25 Q. Is that a yes?

1 A. Yes. Sorry.

2 Q. Have you talked to Dr. Tufail about this
3 Choloe Green situation?

4 A. No.

5 Q. Have you talked to Monica?

6 A. No. I haven't talked to Monica in probably
7 two years.

8 Q. But the document that showed you should pay
9 Ali Kia whatever money you paid Ali Kia, because it's
10 been redacted, you would have had that document in
11 2016 when you wrote him a check?

12 A. Yes. I would have gotten that probably the
13 beginning of July.

14 Q. And you think it was in storage until you
15 moved before the pandemic?

16 A. Yep.

17 Q. And the pandemic, I think we can agree, was
18 March of 2020?

19 A. March of 2020, yep.

20 Q. With that, do you know when you moved in
21 relation to the pandemic?

22 A. Oh, well, we moved twice in the last two
23 years. Uhm -- well, actually we moved in -- we moved
24 in the end of 2020, and then we moved again the end
25 of '22.

1 Q. So do you know whether you had the records
2 that I'm talking about until the end of 2020?

3 A. I don't know.

4 Q. You don't know when --

5 A. I don't know when they got misplaced.

6 Q. Were they -- do your records get shredded
7 or --

8 A. Oh, yes. And they might have been shredded.

9 Q. But you don't know when they were shredded?

10 A. No.

11 Q. Do you have a policy of keeping the, quote,
12 Monica reports for a number of years?

13 A. Not really. The accountant said I need to
14 keep taxes, but I don't need to keep all of the other
15 superfluous things.

16 Q. On your check -- the checkbook for NHG,
17 you're the signer on the account you said?

18 A. Uh-huh.

19 Q. Is there a stub with the check? A lot of
20 business checkbooks have stubs. You write a check to
21 somebody, you could have a memo that you can put on
22 your stub.

23 A. Uh-huh.

24 Q. Do you have that kind of checkbook?

25 A. No.

1 Q. You just have a checkbook that doesn't have a
2 side stub?

3 A. It doesn't -- no, it doesn't -- it -- they
4 were computerized. So it was a three-part and it
5 went through the computer. You put it all in and it
6 just spit them all out.

7 Q. I'm not sure what you mean by a three-part.

8 A. It was a program that we had where I could
9 sit down and type in the payee and the amount and the
10 date and it would autofill everything, you know, it
11 would spell all the words out underneath it and, you
12 know, count how many I did. Okay, there's 30 checks,
13 put 30 of them in it and the computer would just run
14 them through and print up the checks.

15 Q. So I have a question. You never in your
16 career had a doctor call you and say, hey, I don't
17 think I was paid for Ms. Jones and you would have to
18 go search?

19 A. No, because there's nothing for me to search.
20 If they had a problem with the billing, they needed
21 to take it up with the biller. And there were times
22 in the history where someone would say, hey, I didn't
23 get paid, and I'm like, Well, when did you get your
24 billing in, did you talk to the biller? Because I
25 think there were distinct cutoffs. If you -- you

1 CERTIFICATE OF REPORTER

2

3 STATE OF NEVADA)
4) ss:
COUNTY OF CLARK)

5

6 I, Terri M. Hughes, CCR No. 619, do hereby
7 certify: That I reported the deposition of KIM L.
KOZLOWSKI, 30(b)(6) Corporate Designee of
8 Nevada Hospitalist Group, LLP, commencing on Monday,
October 30, 2023, at 9:59 a.m.

9 That prior to being deposed, the witness
10 was duly sworn by me to testify to the truth, the
11 whole truth and nothing but the truth. That I
thereafter transcribed my said shorthand notes into
12 typewritten form, and that the typewritten transcript
of said deposition is a complete, true and accurate
13 transcription of my said shorthand notes. That prior
to the conclusion of the proceedings, pursuant to
14 NRCF 30(e) the reading and signing of the transcript
was requested by the witness or a party.

15 I further certify that I am not a relative
or employee of counsel of any of the parties, nor a
16 relative or employee of the parties involved in said
action, nor a person financially interested in said
17 action.

18 IN WITNESS WHEREOF, I have set my hand in
19 my office in the County of Clark, State of Nevada,
20 this 13th day of November, 2023.

21

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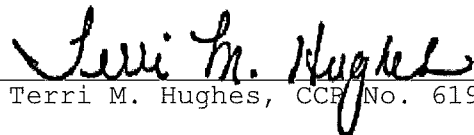

Terri M. Hughes, CCR No. 619

EXHIBIT J

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

**CERTIFIED
COPY**

16 DEPOSITION OF MONICA POULIN
17 Taken on Thursday, November 30, 2023
18 At 1:33 p.m.
19 Taken at 3022 South Durango Drive
20 Suite 100
21 Las Vegas, Nevada
22
23
24 NV Firm No. 028F
25 Reported By: Terri M. Hughes, CCR No. 619

1 and the summary as 4.

2 (Plaintiff's Exhibits 3 and 4 were marked
3 for identification.)

4 BY MR. MARKS:

5 Q. Explain what a biller does.

6 A. A biller prepares the charges, they bill for
7 the services that the physician provided to submit to
8 the insurance company.

9 Q. And how does the doctor -- what kind of
10 documentation does the doctor or the hospital or
11 whoever your client is provide to you?

12 A. Well, they all vary, but they typically give
13 you a copy of the hospital's face sheet with the
14 patient's -- for an inpatient service, they give you
15 a copy of the hospital's face sheet that contains the
16 patient's demographic information and the insurance
17 information, and they submit either on a weekly log
18 or they write what they -- the service they provided
19 and the date that they provided that service on the
20 face sheet.

21 Q. And does each medical provider have some sort
22 of ID number?

23 A. No. The -- you know, the round sheet would
24 -- or the summary would either have their name on it
25 or we -- we know from who we picked up who the

1 charges belong to or they emailed them to us or faxed
2 them.

3 Q. And then do you get a fee and then remit --

4 A. We get a percentage of what we collect.

5 Q. And you remit the rest of the money back to
6 the medical provider?

7 A. The money -- the monies go directly to the
8 provider.

9 Q. Okay.

10 A. We don't handle that end of it. We just
11 report it.

12 Q. And how do you get your fee?

13 A. I bill the physician at the end of the month.

14 Q. Okay. And is that based on collections?

15 A. Correct.

16 Q. Okay. And were you -- and this case
17 involves, obviously, Choloe Green's hospital visit at
18 Sunrise in 2016, okay? Were you still the owner of
19 Management Solutions in 2016?

20 A. I was, yes.

21 Q. Were you the biller for a physician Ali Kia?

22 A. My company was, yes, uh-huh.

23 Q. Okay. And were you also the biller for
24 Nevada Hospitalist Group in July of 2016?

25 A. For their Amerigroup contract only.

1 Q. Excuse me?

2 A. For their Amerigroup contract only.

3 Q. Okay. And what did you understand the
4 Amerigroup contract to be? Was it a Medicaid --

5 A. Amerigroup is a Medicaid HMO, and I
6 understood that NHG had an exclusive to provide
7 services for any Amerigroup inpatient care that was
8 needed.

9 Q. At Sunrise?

10 A. At all area hospitals.

11 Q. Okay. In 20 -- in July of 2016?

12 A. To the best of my recollection. There was --
13 there was changes. They may have lost some
14 facilities, but, yes, they would have been at Sunrise
15 at that time.

16 Q. I'm focusing on Sunrise.

17 A. Okay.

18 Q. And this patient -- there's no dispute this
19 patient went to Sunrise.

20 A. Okay.

21 Q. There's no dispute this patient was seen by
22 Ali Kia July 14th to 16th of 2016. There's no
23 dispute.

24 Do you believe that you were billing for
25 Nevada Hospitalist Group pursuant to or for that

1 Amerigroup contract in July of 2016 to the best of
2 your recollection?

3 A. Uh, let's see. Yes, we have charges for July
4 of 2016.

5 Q. What are you looking at?

6 A. The copy of what I gave you.

7 Q. Okay. We've marked that as Exhibit Number 4.
8 Could you show me or walk me through Exhibit 4 as to
9 how you know it was --

10 A. Okay. It looks like it's on the first page.

11 Q. So I have to -- I'm not trying to be rude,
12 but I have to get the question out so the reporter
13 can take it down, then I'll let you answer.

14 A. Okay.

15 Q. So -- because someone may read this later
16 that's not in the room.

17 How -- walk me through how we know the charges
18 are for Nevada Hospitalist contract pursuant to the
19 Amerigroup insurance company. I see the word
20 Amerigroup.

21 A. Well, typically if they hadn't been archived
22 into this fashion, I would be able to go into the
23 individual patient record and pull out a complete
24 statement showing Nevada Hospitalist Group and the
25 providers and what happened, but when this was

1 archived, this is the format that I get at this
2 point.

3 Q. Okay. So show me how we know it's Nevada
4 Hospitalist Group.

5 A. I know it's Nevada Hospitalist Group because
6 that's how I saved it on my desktop.

7 Q. Okay.

8 A. But there's nothing in here that's going to
9 say Nevada Hospitalist Group.

10 Q. Okay. But you know that from?

11 A. From -- because I just pulled it from my
12 desktop.

13 Q. What do you have on your desktop that's
14 different from this?

15 A. I have the other patients that they saw that
16 we billed for.

17 Q. And they were all Nevada Hospitalist Group?

18 A. That was entirely Nevada Hospitalist Group
19 Amerigroup contract.

20 Q. Okay. And you also know that from your
21 recollection that Nevada Hospitalist Group was the
22 provider --

23 A. Right.

24 Q. -- for any patient --

25 A. Yeah, right. All of the physicians that went

1 through that group, yes.

2 Q. And when Ali Kia billed for seeing Choloe
3 Green, he billed through Nevada Hospitalist Group to
4 the best of your recollection; correct?

5 A. If he did, it was minimal. I mean, he wasn't
6 one of the original or permanent providers.

7 Q. Right. But I'm saying, when Ali Kia saw
8 Choloe Green July 14, 15, 16 of 2016, he saw her
9 pursuant to the Nevada Hospitalist Group Amerigroup
10 contract; correct?

11 A. I believe so, yes.

12 Q. Okay. To the best of your knowledge?

13 A. Correct.

14 Q. And that's based on documents you've reviewed
15 as well as your recollection that Nevada Hospitalist
16 Group had that contract at that time?

17 A. Yes, I remember that.

18 Q. Okay. And is there anything on this
19 paperwork that would show Ali Kia billing? Is there
20 any number or code or anything on Exhibit 4?

21 A. There are numbers on here of who the
22 physician was, but I don't have the grid any longer
23 to say which doctor that was.

24 Q. And what about Nevada Hospitalist Group; is
25 there anything on Exhibit 4 that by number or code or

1 contracted with Amerigroup and the claim would not
2 have gotten paid if it went out with Dr. Kia's name
3 on it.

4 Q. Okay. So you think Dr. Kia used Dr.
5 Akhavan's name?

6 A. Well, we would have -- you know, Kim would
7 have said, you know, Kia is not contracted, bill
8 under somebody else. We used to call them ghosts.
9 It was kind of like a locum. So you have a doctor
10 that's covering for another doctor, so you bill it
11 under the existing physician. So it was decided for
12 whatever reason at that time. This could have been
13 Akhavan, but it could have been any one of the other
14 25 doctors that were contracted.

15 Q. Okay. But I thought the Tax ID Number is
16 Nevada Hospitalist Group's Tax ID?

17 A. Correct, but those physicians are
18 credentialed with Amerigroup under that Tax ID
19 Number, so they're able to bill under that Tax ID
20 Number.

21 Q. So there would be a list?

22 A. Yes, there was many physicians contracted
23 under NHG.

24 Q. Do you know whether Dr. Kia was contracted or
25 not?

1 A. I -- I doubt it.

2 Q. Why do you say that?

3 A. Well, like I said, I don't remember that he
4 was part of them for long. I think he was just kind
5 of a fill-in, but they had so many doctors kind of
6 go, so -- and -- and there was always credentialing
7 issues. Uhm, you know, Kim never got them
8 credentialed or -- and they'd come and go. You know,
9 you could have a guy for a week and then he never
10 comes back again, so it wasn't worth credentialing
11 them.

12 Q. So you think Dr. Kia showed up and treated
13 Ms. Green pursuant to the Nevada Hospitalist Group
14 contract?

15 A. Correct.

16 Q. But he used --

17 A. He billed under -- like I said, it's called a
18 locums (sic). He was -- his charges were billed
19 under another provider.

20 Q. Under Dr. Akhavan?

21 A. It seems to be. I -- so from what you're
22 saying, it appears to me that Doctor 44 is Akhavan --
23 was Akhavan in the system at that time.

24 Q. And they used Dr. Akhavan because he was on
25 some sort of list that Dr. Kia was not on?

1 A. Correct.

2 Q. And do you know whether in July, the month of
3 July in 2016 there would be more people covering for
4 other people because it's summer in Vegas? Do you
5 have any recollection of that, people being out of
6 town at a greater frequency?

7 A. Only that this group had change constantly.
8 And now that you're saying this about Kia, so if Kia
9 worked maybe in August, his charges could have billed
10 under somebody else, if that makes sense. It's just
11 -- you know, it was constantly changing.

12 Q. Is that because you don't know if Kia was
13 credentialed through Amerigroup?

14 A. He, obviously, must not have been
15 credentialed or we wouldn't have had to bill it under
16 another physician.

17 Q. Okay. Well, other people -- other
18 depositions are people saying that you made a billing
19 mistake, not that they ghosted another name. Did
20 anybody ever tell you you made a billing mistake?

21 A. No.

22 Q. You talked to Dr. Akhavan?

23 A. I talked to Dr. Akhavan. I said, you can say
24 -- I mean, we can say it was a billing error, but in
25 reality it was most likely because Kia wasn't

1 A. (877) 932-6301.

2 Q. Okay. Going back --

3 A. Yeah, 932-6301.

4 Q. So going back, back to July of 2016, July
5 14th, to the best of your information from piecing
6 everything together, Nevada Hospitalist Group
7 contacted Dr. Kia to cover the patient, Choloe Green,
8 at Sunrise in July of 2016; is that correct?

9 MS. THOMAS: Objection. Misstates
10 testimony, calls for speculation.

11 MR. MARKS: You can answer.

12 THE WITNESS: He probably did, you know,
13 several shifts for them.

14 BY MR. MARKS:

15 Q. For Nevada Hospitalist Group?

16 A. Correct.

17 Q. And he billed Amerigroup under the Nevada
18 Hospitalist Group Tax ID Number?

19 A. Correct.

20 Q. And Nevada Hospitalist Group was paid by you
21 for Kia's services?

22 A. Amerigroup paid Nevada Hospitalist Group.

23 Q. You collected it?

24 A. We billed it and we got a percentage of that
25 revenue.

1 Q. But you actually gave the money to --

2 A. If the -- I believe those checks came here,
3 but it's been a long time, but I'm pretty sure those
4 checks came here, and then we would give them to Kim.

5 Q. Did Nevada Hospitalist Group ever contact you
6 prior to November of 2022 to preserve any records?

7 A. No.

8 Q. Did Dr. Kia ever contact you prior to
9 November '22 to preserve those records?

10 A. No.

11 MR. MARKS: Let's mark this next in order.

12 (Plaintiff's Exhibit 8 was marked for
13 identification.)

14 THE REPORTER: Exhibit 8.

15 THE WITNESS: Is this the same?

16 BY MR. MARKS:

17 Q. It's a supplemental declaration.

18 So before we get to the specific paragraph,
19 you would bill based on documents submitted to you by
20 Kia with the Nevada Hospitalist Group Tax ID Number;
21 correct?

22 A. Yes, and -- and the other part of that is it
23 could have been a billing error if the biller entered
24 the charge under the wrong provider. So without the
25 backup, I can't say a hundred percent that that was

1 Kia. I mean --

2 Q. Okay. But more likely than not from what
3 you're seeing --

4 A. It was probably correct.

5 Q. Right. If Kia saw the patient in July of
6 2016, which no one is disputing Kia saw Choloe
7 Green --

8 A. Uh-huh.

9 Q. -- and no one's disputing she was on Medicaid
10 and had the Amerigroup insurance.

11 A. Correct.

12 Q. So based on those facts, Nevada Hospitalist
13 Group -- Kia would have billed under the Nevada
14 Hospitalist Group Tax ID Number and then be paid as
15 you've explained it; is that correct?

16 A. Correct. If he billed under his own, he
17 wouldn't have gotten paid.

18 Q. Right. And he went out and saw the patient
19 pursuant to the contract between Nevada Hospitalist
20 Group and Amerigroup?

21 A. Correct.

22 Q. And, therefore, somebody from Nevada
23 Hospitalist Group would have arranged for him to
24 cover pursuant to that contract?

25 A. Yeah, I think Kim used to do their

1 FURTHER EXAMINATION

2 BY MR. MARKS:

3 Q. How long have you been the biller for NHG?

4 A. I -- I don't have the records to say when we
5 started. So a lot of the other physicians were my
6 clients. So NHG was formed -- let's see. Like Dr.
7 Zipf is one of the partners. So Dr. Zipf was 2006.
8 Uhm, I don't know if I could pull up that report when
9 we started.

10 Q. Well, you've been -- NHG has been a client
11 for, you would say, over a decade; is that a fair
12 statement?

13 A. I don't know that -- let's see. This is
14 2015. Looks like it started in 2015.

15 Q. Okay. I'm going to move to another topic.
16 In Exhibit 3, which is the letter you gave to Dr.
17 Akhavan --

18 A. What did I say in that one?

19 Q. No, I'm just asking a different question.
20 -- you didn't mention anything about ghost
21 billing. Is there a reason you didn't mention ghost
22 billing? Is it because doctors don't want to
23 broadcast that they're doing ghost billing?

24 A. Doctors don't understand billing typically in
25 my mind.

1 Uhm, I was trying to -- did I say 2015?

2 MS. YOUNG: Yes.

3 THE WITNESS: Okay. This is July of 2014
4 to July of 2016. I don't know what they knew and
5 what they didn't know.

6 BY MR. MARKS:

7 Q. I'm asking why you didn't use the term "ghost
8 billing" in Exhibit 3?

9 A. It wasn't exactly professional. I would have
10 said something like it could have been like locums.
11 Locums is where somebody's covering for someone
12 that's not contracted.

13 Q. Right. And sometimes ghost billing is done
14 because someone's not a provider under Medicare or
15 Medicaid?

16 A. Someone -- let me think of that question.
17 There are things that I can't even imagine that
18 people are doing. So I don't know. I mean, I see
19 and hear a lot of things.

20 Q. Okay. So to come back to one other question,
21 do you know what Unix is? You mentioned Unix. Is it
22 U-N-I-X?

23 A. Unix is my operating system or was -- is my
24 operating system on the current -- on the old
25 software, yes.

1 Q. Okay. Is that your billing software?

2 A. The name of the software itself is Medical
3 Manager and it -- you know what? And Unix went away
4 years ago, uhm, and I think it's called Linux now,
5 but I'm not a hardware/software person.

6 Q. Okay. Let me come back to what you know.

7 A. Okay.

8 Q. You know for a fact that in 2016 Nevada
9 Hospitalist Group was the exclusive provider for
10 people that were hospitalized pursuant to the
11 Amerigroup contract at Sunrise; is that correct?

12 A. I don't know if it was entirely all of 2016
13 or if it was part of 2016.

14 Q. I'm talking about July, July 14th, 2'16 in
15 terms of --

16 A. We could say yes for July --

17 Q. Okay.

18 A. -- at Sunrise Hospital.

19 Q. Yes.

20 A. That's pretty much all we can determine.

21 Q. And that was -- so there's an exclusive with
22 Nevada Hospitalist Group and Amerigroup?

23 A. Was what I was told, yes.

24 Q. Right. And you believe that to be true?

25 A. Correct.

CERTIFICATE OF REPORTER

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, Terri M. Hughes, CCR No. 619, do hereby
certify: That I reported the deposition of MONICA
POULIN, commencing on Thursday, November 30, 2023, at
1:33 p.m.

That prior to being deposed, the witness
was duly sworn by me to testify to the truth, the
whole truth and nothing but the truth. That I
thereafter transcribed my said shorthand notes into
typewritten form, and that the typewritten transcript
of said deposition is a complete, true and accurate
transcription of my said shorthand notes. That prior
to the conclusion of the proceedings, pursuant to
NRCF 30(e) the reading and signing of the transcript
was requested by the witness or a party.

I further certify that I am not a relative
or employee of counsel of any of the parties, nor a
relative or employee of the parties involved in said
action, nor a person financially interested in said
action.

IN WITNESS WHEREOF, I have set my hand in
my office in the County of Clark, State of Nevada,
this 7th day of December, 2023.

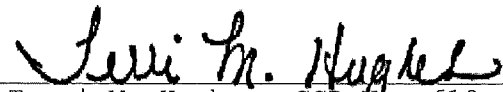

Terri M. Hughes, CCR No. 619

EXHIBIT K

Nicole Young

From: Nicole Young
Sent: Friday, October 13, 2023 10:29 AM
To: 'Linda K. Rurangirwa'
Cc: Office; Lacey Ambro; Laura Lucero
Subject: RE: Green v. Delee- Discovery Deadlines

Good morning Linda:

I was surprised to find that you served my office this morning with an Objection (void on any legal basis) regarding the deposition scheduled for your client. I e-mailed you on September 26, 2023 and October 2, 2023, requesting deposition availability. You neglected to respond to that email, and there is no reason to delay this deposition. Typically, opposing counsel simply e-mails me when they are not available for a deposition, and it gets rescheduled to an available date. I suppose you did the objection (which includes no legal basis for an actual objection) because you want to avoid providing any availability. This is unacceptable.

At the end of the day, your client has failed to comply with NRCP 16.1, specifically as it relates to how he billed for his medical care. You have sent my client on a wild goose chase to uncover these facts that he should have freely and timely disclosed under NRCP 16.1. At this point, it appears he has been attempting to conceal this information. It cannot be disputed that his billing records and information relating to how he billed for Plaintiff's medical care is both relevant and proportional to the needs of this case. Additionally, his connection to NHG, as it relates to Plaintiff's medical treatment, is also relevant and proportional. We need to get to the bottom of this issue.

So, if October 31, November 1, and November 2 do not work for you and your client, please provide me timely alternative dates. I cannot wait weeks for you to figure out availability. Your refusal to provide alternative dates is viewed as an obstructive discovery practice, and I am prepared to go before the Discovery Commissioner if necessary. Please provide alternative dates no later than close of business on October 16, 2023. If you do not, then it will be necessary for us to meet and confer on this issue, which can be done after Dr. Akhavan's deposition on October 18, 2023.

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536
Facsimile: (702) 386-6812

From: Nicole Young
Sent: Monday, October 2, 2023 1:45 PM
To: 'Linda K. Rurangirwa' <Linda.Rurangirwa@cdiglaw.com>
Subject: RE: Green v. Delee- Discovery Deadlines

Hi Linda:

We would like to take Dr. Kia's deposition as it relates to the involvement of NHG, Dr. Tufail, and Dr. Akhavan. As you know, Dr. Kia testified in his deposition that he was at Sunrise to care for Plaintiff through NHG. NHG sent you

admissions regarding this testimony, but a response to those admissions was never served on my office. I believe Dr. Kia's testimony must be clarified as it relates to this issue.

Lacey Ambro, from your office, notified us that 10/31 and 11/1 do not work. What dates are you and your client available?

Please let me know if you have any other questions or would like to discuss further.

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536
Facsimile: (702) 386-6812

From: Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>

Sent: Tuesday, September 26, 2023 7:34 PM

To: Nicole Young <NYoung@danielmarks.net>; Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>; tdobbs@HPSLAW.COM; mprangle@HPSLAW.COM; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>

Cc: Nicole M. Etienne <netienne@HPSLAW.COM>; Deborah Rocha <deborah.rocha@cdiglaw.com>; Harris, Adrina <Adrina.Harris@lewisbrisbois.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>

Subject: Re: Green v. Delee- Discovery Deadlines

I have no problem with a continuance. I would like to discuss what you are proposing about parameters of a second deposition of Dr. Kia.

Linda K. Rurangirwa
Collinson, Daehnke, Inlow & Greco

From: Nicole Young <NYoung@danielmarks.net>

Sent: Tuesday, September 26, 2023 3:38:35 PM

To: Stryker, Eric K. <Eric.Stryker@wilsonelser.com>; Shiroff, Justin A. <Justin.Shiroff@wilsonelser.com>; tdobbs@HPSLAW.COM <tdobbs@HPSLAW.COM>; mprangle@HPSLAW.COM <mprangle@HPSLAW.COM>; Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Thomas, Melanie <Melanie.Thomas@lewisbrisbois.com>; Vogel, Brent <Brent.Vogel@lewisbrisbois.com>

Cc: Nicole M. Etienne <netienne@HPSLAW.COM>; Deborah Rocha <deborah.rocha@cdiglaw.com>; Harris, Adrina <Adrina.Harris@lewisbrisbois.com>

Subject: Green v. Delee- Discovery Deadlines

Good afternoon:

Based on the ongoing saga regarding Dr. Kia's involvement in this case, we request a 30-day extension of the remaining discovery deadlines to ensure there is sufficient time to complete discovery before the initial expert disclosure and last day to amend pleadings and add parties deadlines.

As you know, there is an issue of fact regarding how Dr. Kia came to treat Plaintiff, who he "worked" for, how his treatment was billed, and how he was paid. Dr. Tufail's deposition is going forward next week on October 3, 2023, because at one point it appeared Dr. Kia's treatment of Plaintiff was linked to Dr. Tufail. On September 15, 2023, I received a response to my records request to Amerigroup (Plaintiff's insurance provider), which showed Dr. Akhavan billing Plaintiff's insurance for care that was seemingly rendered by Dr. Kia. I produced those records the same day my

office received them. I also sent discovery requests to Dr. Kia and Sunrise regarding this issue. Those discovery responses are due on October 16, 2023. I also sent a Notice of Intent to Serve Subpoena to obtain Dr. Akhavan's records and take his deposition, which I hope will go forward on October 18, 2023.

In light of the recent developments, I believe we need a 30-day extension. I have been speaking with counsel for NHG and Sunrise regarding scheduling 30(b)(6) depositions. We also are going to need to take Dr. Kia's deposition again. With the 30-day extension, the deadlines are as follows:

	<u>Current Deadline</u>	<u>New Deadline</u>
1. Close of Discovery	January 22, 2024	February 21, 2024
2. Initial Expert Witness Reports	October 24, 2023	November 27, 2023
3. Last Day to Amend Pleadings and/or Add Additional Parties	October 24, 2023	November 27, 2023
4. Rebuttal Expert Witness Reports	November 27, 2023	December 27, 2023
5. Dispositive Motions/Motions to Limine	February 20, 2024	March 22, 2024

Please let me know if you agree and/or have any questions. I will draft a stipulation once I have an agreement regarding the dates.

Thank you!
Nicole

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536
Facsimile: (702) 386-6812

EXHIBIT L

Nicole Young

From: Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>
Sent: Friday, December 1, 2023 11:43 AM
To: Nicole Young
Cc: Deborah Rocha; Patricia Daehnke; Laura Lucero; Office
Subject: RE: Green v. Delee- Depo of Kia

Good morning Nicole:

I discussed the matter with Tricia and we do not intend to produce Dr. Kia for a second deposition at this time. There is no provision in civil procedure that states that a defendant is required to give a second deposition. Furthermore, it is burdensome and harassing, particularly since the questions can, and have been, asked via written discovery. Furthermore, there is a Writ pending, as well as our motion to stay the case pending the outcome of the writ that would make his testimony and deposition regarding billing issues moot should it be granted.

Linda K. Rurangirwa
Collinson, Daehnke, Inlow & Greco

From: Nicole Young <NYoung@danielmarks.net>
Sent: Tuesday, November 28, 2023 3:17 PM
To: Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>
Cc: Deborah Rocha <deborah.rocha@cdiglaw.com>; Patricia Daehnke <Patricia.Daehnke@cdiglaw.com>; Laura Lucero <Laura.Lucero@cdiglaw.com>; Office <office@danielmarks.net>
Subject: Green v. Delee- Depo of Kia

Linda:

Yesterday we discussed your recent objection to the deposition of Kia going forward on December 6, 2023. During that call, you stated you/your client was not available on that date. You were unclear regarding if there was further objection to taking his deposition and said you would discuss with Ms. Daenkhe. As you know, we have been trying to schedule Kia's deposition over the past couple months. We are now getting to the point where this can no longer wait. Please provide availability for your client's deposition to occur prior to December 15th. If you object to taking your client's deposition, please provide all legal bases for such objection so that we may properly meet and confer in anticipation of motion practice. If I do not receive any response by close of business on Friday, December 1, 2023, then we will file the appropriate motion with the discovery commissioner.

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536
Facsimile: (702) 386-6812

EXHIBIT M

Nicole Young

From: Nicole Young
Sent: Thursday, December 7, 2023 4:29 PM
To: 'Linda K. Rurangirwa'; Deborah Rocha
Cc: Office
Subject: RE: Green- Kia's Disclosures and Responses

Linda:

NHG served its Request for Admissions on May 19, 2023, over 6 months ago. You state you "had an extension," but I have never heard of an over 6 month extension to reply to a request for admissions. It's a very simple issue. Did you or did you not respond? If so, why have I not received a copy yet. I have been asking you about this for months now.

Additionally, in light of all the discovery issues with your client, I do not understand how a supplement would be stuck in the drafts folder for over 3 months. I find this extremely concerning. The Supplemental Declaration of Kim Kozlowski shows you shared documents with NHG before you produced them to my office. We had a meet and confer regarding these documents on July 7th. You led me to believe there were only checks from Tufail to Kia. When were the checks from NHG to Kia first discovered and when were they sent to NHG?

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536
Facsimile: (702) 386-6812

From: Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>
Sent: Thursday, December 7, 2023 1:00 PM
To: Nicole Young <NYoung@danielmarks.net>; Deborah Rocha <deborah.rocha@cdiglaw.com>
Cc: Office <office@danielmarks.net>
Subject: RE: Green- Kia's Disclosures and Responses

Good afternoon:

We had an extension from NHG to serve the responses.

It appears the 3rd supplement was stuck in the Odyssey drafts folder as shown below. Deborah will serve it today.

▶ Case # A-17-757722-C - Choloee Green, Plaintiff(s) vs. Frank Delee, M.D., Defendant(s) (Eller, ... Actions ▼
Draft # 12298988 started Friday, August 11, 2023 at 2:37 PM PST by Deborah Rocha on behalf of Patricia Daehnke

Linda K. Rurangirwa
Collinson, Daehnke, Inlow & Greco

From: Nicole Young <NYoung@danielmarks.net>
Sent: Monday, December 4, 2023 11:34 AM

To: Deborah Rocha <deborah.rocha@cdiglaw.com>

Cc: Linda K. Rurangirwa <Linda.Rurangirwa@cdiglaw.com>; Office <office@danielmarks.net>

Subject: Green- Kia's Disclosures and Responses

Hi Linda and Deborah:

I am reviewing the discovery produced by Kia and it appears your 3rd Supplement was never served on my office. I have a copy of the 2nd Supplement (served on August 7, 2023) and 4th Supplement (served on September 8, 2023). Please send me a copy of the 3rd Supplement, including how it was originally served.

Additionally, on May 19, 2023, NHG served you with a request for admissions. Kia never served a response to that request. I have been asking for a copy of his response for months now and have never received a reply. Did he simply not respond?

Thank you!

Nicole

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536
Facsimile: (702) 386-6812

EXHIBIT N

Nicole Young

From: Nicole Young
Sent: Wednesday, December 6, 2023 3:52 PM
To: 'Linda K. Rurangirwa'
Cc: Office; Patricia Daehnke; Deborah Rocha
Subject: Green v. Delee- Deposition of Kia and Motion to Compel
Attachments: Mtn to Compel- Kia.pdf

Good afternoon:

In one last effort to see if we can resolve the instant discovery dispute regarding taking Dr. Kia's deposition, I have attached a copy of the motion we plan to file on Friday, December 8, at 1:00 p.m. I urge you to reconsider your position. Dr. Kia has made many inconsistent statements.

On Monday, December 4, 2023, I sent you an email requesting copies of your 3rd Supplement and your answers to NHG's request for admissions. To date, I have not received copies of either. If these documents exist, please serve me with a copy.

When considering our request to take Kia's deposition, you should consider his prior deposition testimony, compared to his failure to respond to NHG's admissions, compared to Kia's recent response to my first set of interrogatories, which should all be compared with the depositions of Tufail, Akahavan, and Poulin. I believe it is necessary to take his deposition to resolve these factual issues.

I believe that I have met my duty to meet and confer with you in good faith, but I would like to give it one last try. Are you available to meet and confer on Friday, December 8, 2023, between the hours of 10 am and noon, or we can meet and confer after the deposition that is scheduled Friday afternoon.

Thank you!
Nicole

Nicole M. Young, Esq.
Associate Attorney
Law Office of Daniel Marks
610 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 386-0536
Facsimile: (702) 386-6812