

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

2
3 THE STATE OF NEVADA,

4 Plaintiff,

5 vs.

6 KEITH MATHAHS,

7 Defendant.

No. 61359

Electronically Filed
Aug 21 2012 08:01 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

8
9
10 **Petition for Writ of Mandamus**
11 **From the Eighth Judicial District Court**
12 **The Honorable Valerie Adair, District Judge**
13 **District Court Case No. C-10-265107-3**

14 **EMERGENCY MOTION FOR STAY UNDER NRAP 8(a)**
15 **IMMEDIATE ACTION NECESSARY – PRIOR TO COURT’S DECISION**
16 **ON WRIT OF MANDAMUS**

17 GORDON SILVER

18 MICHAEL V. CRISTALLI

19 Nevada Bar No. 6266

20 EUNICE M. MORGAN

21 Nevada Bar No. 10382

22 3960 Howard Hughes Pkwy., 9th Floor

23 Las Vegas, Nevada 89169

24 (702) 796-5555

25 *Attorneys for Petitioner/Defendant*

1 Petitioner/defendant Keith Mathahs, (the “Petitioner or Mr. Mathahs”), by
2 and through his counsel, the law firm of Gordon Silver, hereby moves for an
3 emergency stay of the Honorable Valerie Adair’s June 1, 2012, Order pending this
4 Court’s ruling on Petitioners’ Petition for Writ of Mandamus filed on July 27,
5 2012.

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 **I. INTRODUCTION**

8 Petitioner respectfully requests that this Court immediately stay the district
9 court proceedings pending this Court’s ruling on Petitioner’s Petition for Writ of
10 Mandamus. This stay is requested in compliance with Nevada Rule of Appellate
11 Procedure 8(a). On July 30, 2012, Petitioner filed a Motion for Stay of
12 Proceedings Pending Resolution of Writ Proceedings. At the hearing on the
13 Motion for Stay on August 9, 2012, the Court entered an oral ruling denying
14 Petitioner’s Motion. Accordingly, Petitioner brings the instant Motion to Stay
15 Proceedings Pending Resolution of Writ Proceedings in the Supreme Court.

16
17 **II. RELEVANT BACKGROUND**

18 In the case at bar, the June 4, 2010 Indictment (the “First Indictment”) states
19 (in part) that Mr. Mathahs is being charged (along with his two co-Defendants)
20 with criminal neglect of patient stemming from his employment with Dr. Desai.
21 One of the patients alleged to have been harmed, as charged in the First
22 Indictment, was Mr. Meana, by purportedly infecting him with Hepatitis-C.

23 Recently, a “Second” Indictment was filed, which states, in relevant part,
24 that between September 21, 2007, and April 27, 2012, Defendants killed Mr.
25 Meana by introducing Hepatitis C into his body during the commission of an
26 unlawful act, to wit: criminal neglect of patient.

27

1 Mr. Mathahs filed a Motion to Dismiss the First Indictment. After this
2 motion was denied by the lower court, on July 27, 2012, Mr. Mathahs filed a
3 petition to the Supreme Court for an extraordinary writ pursuant to NRS 34.330
4 (the "Writ").

5 The Writ presents two issues:

- 6 I. WHETHER A PETITION FOR AN EXTRAORDINARY WRIT IS
7 THE APPROPRIATE VEHICLE TO CHALLENGE THE DISTRICT
8 COURT'S JURISDICTION TO PROCEED BASED ON THE
9 CRIMINAL CHARGES PENDING AGAINST PETITIONER
10 REGARDING PETITIONER'S ARGUMENT THAT THE
11 INDICTMENT IS CONSTITUTIONALLY AND STATUTORY
12 DEFECTIVE.
- 10 II. WHETHER THE INDICTMENT MUST BE DISMISSED AS
11 AGAINST MATHAHS BECAUSE IT IS CONSTITUTIONALLY
12 AND STATUTORILY DEFECTIVE AND DOES NOT PROVIDE
ADEQUATE NOTICE SUFFICIENT FOR MATHAHS TO DEFEND
HIMSELF AGAINST THE CHARGES ALLEGED.

13 On August 6, 2012, the Supreme Court issued an Order Directing Answer.

14 Trial in this matter is currently set for October 22, 2012. It is imperative that
15 trial be stayed until the Nevada Supreme Court reaches a determination so that
16 counsel for Mr. Mathahs can understand how to proceed, not only with this case
17 but with the Second Indictment, as the language of the Second Indictment
18 essentially piggy-backs on the language of the First Indictment and if the Nevada
19 Supreme Court determines that the First Indictment cannot stand, then logic
20 follows that the Second Indictment fails as well.¹

21 However, counsel for Mr. Mathahs is unable to properly prepare for trial
22 without knowing the outcome of the Supreme Court's decision pending the issues
23 presented before it. As trial is rapidly approaching, it is respectfully requested the
24

25 ¹ To the extent the State attempts to argue that this is now a murder charge, Mr. Mathahs
26 was already charged with violation of NRS 200.495, which includes a penalty for if the patient
27 dies as a result of the Defendant's actions. As such, literally nothing has changed except for the
28 re-phrasing of the crime, from "criminal neglect resulting in death" to "murder". None of the
facts that gave rise to the circumstances putting Mr. Mathahs on trial are different.

1 case be stayed until the Nevada Supreme Court provides some guidance as to how
2 the case should proceed (if at all).

3 **III. LEGAL ARGUMENT**

4 **A. LEGAL STANDARD**

5 Nevada Rule of Appellate Procedure 8(a) governs motions for stay in the
6 Supreme Court. Nevada Rule of Appellate Procedure 8(a)(2) provides that a
7 motion to stay in the Supreme Court shall:

8 (i) show that moving first in the district court would be impracticable;
9 or

10 (ii) state that, a motion having been made, the district court denied
11 the motion or failed to afford the relief requested and state any reasons
12 given by the district court for its action.

13 (B) The motion shall also include:

14 (i) the reasons for granting the relief requested and the facts relied on;

15 (ii) originals or copies of affidavits or other sworn statements
16 supporting facts subject to dispute; and

17 (iii) relevant parts of the record.

18 NEV. R. APP. P. 8(a)(2).

19 **B. LEGAL ARGUMENT**

20 **1. The District Court Previously Denied Petitioner's Motion for Stay**

21 On July 30, 2012, Petitioner filed a Motion for Stay of Proceedings Pending
22 Resolution of Writ Proceedings. See Motion to Stay, a true and correct copy of
23 which is attached hereto as Exhibit 1. At the hearing on the Motion for Stay on
24 August 9, 2012, the trial court entered an oral ruling denying Petitioner's Motion.
25 The trial court denied the motion on the grounds that it believed its initial ruling on
26 the Motion to Dismiss Indictment was accurate. The trial court asserted that it did
27 not believe its ruling would be overturned and therefore the motion to stay was
28 denied. See August 9, 2012, Transcript of Hearing, Attached as Exhibit 2.

1 Petitioner respectfully disagrees with the lower court's decision and thus brings the
2 instant Motion to Stay in the Supreme Court.

3 **2. The District Court Proceedings Should be Stayed Because the**
4 **Pending Writ of Mandamus Will Significantly Affect Trial**
5 **Preparation**

6 Petitioner filed his Petition for Writ of Mandamus on August 3, 2012. On
7 August 6, 2012, the Supreme Court issued an Order Directing Answer. *See* Order
8 Directing Answer, a true and correct copy of which is attached hereto as Exhibit 3.
9 In its Order, the Supreme Court noted that "an answer may assist the court in
10 resolving the petition" and "the real party in interest, on behalf of respondents,
11 shall have 20 days from the date of this order to file an answer" *See id.*
12 Therefore, the answer to the petition is not due until August 26, 2012. By the time
13 the Supreme Court reviews the answer and the corresponding writ, it will only be a
14 matter of days before Petitioner's October trial is set to begin.

15 This scenario is problematic because the current Indictment is
16 extraordinarily vague and ambiguous. It fails to provide Petitioner with proper
17 notice of what he is charged with committing and fails to even differentiate
18 Petitioner from the co-defendants. For example, the three Defendants were
19 charged without distinction in the Indictment. As such, it appears that Mathahs is
20 being charged with criminal liability for patients he did not even see, for dates and
21 times of service where he was not even working (he was only a part-time
22 employee), and for utilizing medical equipment that may have been in the
23 possession or control of another defendant but were not utilized by the CRNAs.

24 Petitioner is unable to prepare any meaningful defense due to the defective
25 indictment. If the proceedings are not stayed until this Court resolves the pending
26 Writ, Petitioner will be forced to engage in costly and time-consuming trial
27 preparation based on an allegedly defective Indictment that provides no guidance
28 on the State's charges or theory of the case. Instead, Petitioner will be left

1 guessing as to how to defend against the amorphous assertions in the Indictment
2 which fail to provide him with his constitutionally protected right to be adequately
3 apprised of the nature and cause of the accusations. *See West v. State*, 119 Nev.
4 410, 419, 75 P.3d 808, 814 (2003) (observing that the Sixth Amendment to the
5 United States Constitution mandates that the State “inform the defendant of the
6 nature and cause of the accusation against the defendant.”)

7 In *West*, this Court relied on NRS § 173.075² and noted that its provisions
8 existed in order “to prevent prosecutors from changes theories mid-trial, which in
9 effect prejudices the defendant in his or her defense.” *Id.* The exact evil this Court
10 and the Legislature have sought to prevent will occur here if the proceedings are
11 not stayed. If Petitioner’s trial date remains set for October, he will be required to
12 prepare an entire defense on unclear allegations. Furthermore, Petitioner will have
13 to hope that the prosecution forgoes its opportunity to change theories on a whim.
14 Petitioner should not have to rely on hope in order to present a defense to an
15 Indictment. Instead, Petitioner’s constitutionally protected rights should allow him
16 to face a clear and concise Indictment which explains how the alleged offense was
17 committed.

18 The following direct excerpt from the Indictment charging one count of
19 Performance of an Act in Reckless Disregard of Persons or Property exemplifies
20 the Indictment’s infirmities:

21 Defendants did on or about September 21, 2007, then and there
22 willfully and unlawfully perform acts in willful or wanton disregard of
23 the safety of persons or property resulting in substantial bodily harm
24 to PATTY ASPINWALL, in the following manner, to wit: by
25 Defendants performing one or more of the following acts: (1) by
26 directly administering **and/or** directly or indirectly instructing

27 ² NRS § 173.075(1) provides:

28 1. The indictment or the information must be a plain, concise and definite written statement of the essential facts constituting the offense charged. It must be signed by the Attorney General acting pursuant to a specific statute or the district attorney. It need not contain a formal commencement, a formal conclusion or any other matter not necessary to the statement.

1 employees of the Endoscopy Center of Southern Nevada, (ECSN) to
2 administer **one or more** doses of the anesthetic drug Propofol from a
3 single use vial to more than one patient contrary to the express
4 product labeling of said drug and in violation of universally accepted
5 safety precautions for the administration of said drug; **and/or** (2) by
6 creating an employment environment in which said employees were
7 pressured to administer **one or more** doses of the anesthetic drug
8 Propofol from a single use vial to more than one patient contrary to
9 the express product labeling of said drug and in violation of
10 universally accepted safety precautions for the administration of said
11 drug; **and/or** (3) by directly reusing **and/or** directly **or** indirectly
12 instructing said employees, **and/or** creating an employment
13 environment in which said employees were pressured to reuse
14 syringes **and/or** needles **and/or** biopsy forceps **and/or** snares **and/or**
15 bite blocks contrary to the express product labeling of said items,
16 **and/or** in violation of universally accepted safety precautions for the
17 use of said items; **and/or** (4) by directly limiting **and/or** directly **or**
18 indirectly instructing said employees, **and/or** creating an employment
19 environment in which said employees were pressured to limit the use
20 of medical supplies necessary to conduct safe endoscopic procedures;
21 **and/or** (5) by falsely precharting patient records **and/or** rushing
22 patients through said endoscopy center **and/or** rushing patient
23 procedures at the expense of patient safety **and/or** well being **and/or**
24 directly **or** indirectly instructing said employees **and/or** creating an
25 employment environment in which said employees were pressured to
26 falsely prechart patient records **and/or** rush patients through said
27 endoscopy center **and/or** rush patient procedures at the expense of
28 patient safety **and/or** well being; **and/or** (6) by directly **or** indirectly
scheduling **and/or** treating an unreasonable number of patients per
day which resulted in substandard care **and/or** jeopardized the safety
and/or well being of said patients; **and/or** (7) by directly failing to
adequately clean **and/or** prepare endoscopy scopes, contrary to the
express manufacturers guidelines for the handling and processing of
said endoscopy scopes, **and/or** in violation of universally accepted
safety precautions for the use of said scopes **and/or** directly **or**
indirectly instructing said employees, **and/or** creating an employment
environment in which said employees were inadequately trained
and/or pressured to provide endoscopy scopes for patient procedures
that were not adequately cleaned **and/or** prepared contrary to the
express manufacturers guidelines for the handling and processing of
said endoscopy scopes, **and/or** in violation of universally accepted

1 safety precautions for the use of said scopes; Defendants being
2 responsible under **one or more** of the following principles of criminal
3 liability, to wit: (1) by directly committing said acts; **and/or** (2) aiding
4 or abetting each other in the commission of the crime by directly **or**
5 indirectly counseling, encouraging, hiring, commanding, inducing, or
6 procuring each other **and/or** others to commit said acts, Defendants
acting with the intent to commit said crime, **and/or** (3) pursuant to a
conspiracy to commit this crime.

7 *See* Indictment, Count 13, at 16-17:8-20 (emphasis added).

8 In this one count alone, the State lays out more alternatives than any
9 indictments should contain in its entirety. Simply put, this defective Indictment is
10 impossible to defend against and forcing defendant to continue to prepare against
11 these charges while his Writ is currently pending would be a miscarriage of justice.
12 Thus, Petitioner respectfully requests that this Court stay the lower court
13 proceedings until it rules on the currently pending Writ.

14 **3. The Court Should Stay the District Court Proceedings for**
15 **Purposes of Judicial Economy Because the Two Indictments**
Against Petitioner Will Likely be Consolidated

16 Every court has the inherent power to stay proceedings. *Landis v. North*
17 *American Co.*, 299 U.S. 248, 254 (1936). This power “is incidental to the power
18 inherent in every court to control the disposition of the causes on its docket with
19 economy of time and effort for itself, for counsel, and for litigants.” *Id.*
20 Furthermore, a court may consolidate any action involving common questions of
21 fact “to avoid unnecessary costs or delay.” NEV. R. CIV. P. 42(a); *see also Carter*
22 *v. State*, 102 Nev. 164, 166, 717 P.2d 1111, 1111 (1986) (noting that the trial court
23 consolidated two separate actions in the interest of judicial economy where both
24 cases “involved essentially the same parties, witnesses, and circumstances”).

25 Here, the Supreme Court has the power to issue a stay pursuant NRAP 8(a).
26 The proceedings also should be stayed below in light of the recent second
27 Indictment that was filed against Petitioner on August 10, 2012. *See* August 10,
28 2012 Indictment, a true and correct copy of which is attached hereto as Exhibit 4.

1 In the new Indictment, the State relies on the exact facts that formed the basis for
2 the initial Indictment against Petitioner. *Compare* August 10, 2012 Indictment
3 *with* June 4, 2010 Indictment, a true and correct copy of which is attached hereto as
4 Exhibit 5. In fact, the State alleges that the murder charge may be based on
5 “criminal neglect of patients, and/or performance of an unlawful act in reckless
6 disregard of persons or property” *See* Exhibit 4 at 1-2:28-1. These charges
7 (criminal neglect and performance of an act in reckless disregard of persons or
8 property) are the same exact charges contained in the June 4, 2010 Indictment.
9 *See, e.g.,* Exhibit 5 at 12-15:7-12. There is a strong possibility that Mathahs’
10 counsel will file a motion to consolidate the Indictments into a single proceeding.
11 However, resolution of the Writ dismissing the Indictment is required before either
12 case can proceed. In fact, Mathahs’ counsel’s position is that if the June 4, 2010,
13 Indictment cannot stand, the August 10, 2012, Indictment is also invalid as it bases
14 its entire charge on the same allegations set forth in the June 4, 2010, Indictment.
15 Therefore, because the two Indictments are inextricably tied to one another, and
16 involve the same facts, parties, and witnesses, the case below should be stayed
17 pending further guidance from the Supreme Court.

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IV. CONCLUSION

Based on the foregoing, Petitioner respectfully requests that this Court stay the proceedings below pending its ruling on Petitioner's Petition for Writ of Mandamus.

Dated this 20th day of August, 2012.

GORDON SILVER

GORDON SILVER

Michael V. Cristalli

Nevada Bar No. 6266

Eunice M. Morgan

Nevada Bar No. 10382

3960 Howard Hughes Pkwy., 9th Floor

Las Vegas, Nevada 89169

Attorneys for Petitioner/Defendant

NRAP 27(e) CERTIFICATE

A. The telephone numbers and office addresses of the attorneys for the parties are:

GORDON SILVER

MICHAEL V. CRISTALLI, ESQ.

Nevada Bar No. 6266

Email: mcristalli@gordonsilver.com

EUNICE M. MORGAN, ESQ.

Nevada Bar No. 10382

Email: emorgan@gordonsilver.com

3960 Howard Hughes Pkwy., 9th Floor

Las Vegas, Nevada 89169

(702) 795-5555

Counsel for Keith Mathahs

STEVEN WOLFSON, ESQ.

Nevada Bar No. 1565

Clark County District Attorney

MICHAEL STAUDAHER

Nevada Bar No. 8273

200 Lewis Avenue

Las Vegas, Nevada 89155

(702) 671-2500

Counsel for State of Nevada

RICHARD A. WRIGHT, ESQ.

Nevada Bar No. 0886

300 South 4th Street, #701

Las Vegas, Nevada 89101

(702) 382-4004

Counsel for Dipak Desai

CATHERINE CORTEZ MASTO, ESQ.

Nevada Bar No. 003926

Nevada Attorney General

100 N. Carson Street

Carson City, Nevada 89701-4717

(775) 684-1112

Counsel for Respondent

FREDERICK A SANTACROCE, ESQ.

706 South Eighth Street

Las Vegas, Nevada 89101

(702) 598-1666

Counsel for Richard Lakeman

B. Facts showing the existence and nature of the claimed emergency:

Trial is currently set for October 22, 2012. The lower court has refused to stay the proceedings. The pending Writ of Mandamus will significantly affect trial preparation. The State has not yet even responded to the Writ of Mandamus filed by Mr. Mathahs. It is not known whether the Nevada Supreme Court will reach a

1 decision on whether the Indictment should be dismissed prior to the pending
2 October 2012 trial date. However, counsel for Mr. Mathahs cannot proceed with
3 trial preparation until a determination is made by the Nevada Supreme Court
4 whether the Indictment should be dismissed.

5 Additionally, the State has now filed a new Indictment charging Mr.
6 Mathahs with murder, based on the exact same allegations in the June 2010
7 Indictment, that counsel for Mr. Mathahs' has already argued must be dismissed
8 due to the defects contained therein. As such, Mr. Mathahs currently has two cases
9 going forward based on what could potentially be determined by the Supreme
10 Court as defective Indictments that cannot stand.

11 **C. When and how counsel for the other parties were notified and whether**
12 **they have been served with the motion; or, if not notified and served,**
13 **why that was not done:**

14 A copy of this Emergency Motion for Stay and shall be to the District
15 Attorney's office and co-Defendants' counsel concurrent with the filing of this
16 Motion.

17 The undersigned counsel further certifies that all of the grounds advanced in
18 support of this Emergency Motion for Stay were submitted to the District Court.

19 DATED this 20th day of August, 2012.

20 
GORDON SILVER

21
22 GORDON SILVER
23 Michael V. Cristalli
24 Nevada Bar No. 6266
25 Eunice M. Morgan
26 Nevada Bar No. 10382
27 Gabriel A. Blumberg
28 Nevada Bar No. 102332
3960 Howard Hughes Pkwy., 9th Floor
Las Vegas, Nevada 89169
Attorneys for Petitioner/Defendant

CERTIFICATE OF COMPLIANCE

We, the undersigned Petitioner/Defendant's counsel, hereby certify that we have read the foregoing Emergency Motion for Stay, and to the best of our knowledge, information and belief, it is not frivolous or interposed for any improper purpose. We further certify that this brief complies with all applicable Nevada Rules of Appellate Procedures, in particular NRAP 28(e), which requires every assertion in the brief regarding matters in the record. We understand we may be subject to sanctions in the event this brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure as required by NRS 223B.133.

Dated this 20th day of August, 2012.


~~GORDON SILVER~~

MICHAEL V. CRISTALLI
Nevada Bar No. 6266
EUNICE M. MORGAN
Nevada Bar No. 10382
GABRIEL A. BLUMBERG
Nevada Bar No. 102332
3960 Howard Hughes Pkwy., 9th Floor
Las Vegas, Nevada 89169
Attorneys for Petitioner/Defendant

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declare under penalty of perjury, that I am over the age of
3 eighteen (18) years, and I am not a party to, nor interested in, this action.
4 On August 20th, 2012, I caused to be served a true and correct copy of the
5 foregoing **EMERGENCY MOTION FOR STAY** by the method indicated:
6

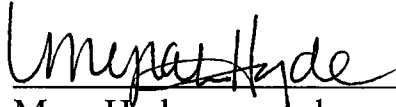
- 7 ☒ **BY FAX:** by transmitting via facsimile the document(s) listed above
8 to the fax number(s) set forth below on this date before 5:00 p.m.
9 pursuant to EDCR Rule 7.26(a). A printed transmission record is
10 attached to the file copy of this document(s).
11 ☒ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed
12 envelope with postage thereon fully prepaid, in the United States mail
13 at Las Vegas, Nevada addressed as set forth below.
14 ☐ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up
15 by an overnight delivery service company for delivery to the
16 addressee(s) on the next business day.
17 ☐ **BY PERSONAL DELIVERY:** by causing personal delivery of the
18 document(s) listed above to the person(s) at the address(es) set forth
19 below.
20 ☐ **BY ELECTRONIC SUBMISSION:** submitted to the above-entitled
21 Court for electronic filing and service upon the Court's Service List
22 for the above-referenced case.
23

19 STEVEN WOLFSON, ESQ.
20 Clark County District Attorney
21 MICHAEL STAUDAHER
22 200 Lewis Avenue
23 Las Vegas, Nevada 89155
(702) 671-2500
Counsel for State of Nevada

FREDERICK A SANTACROCE, ESQ.
706 South Eighth Street
Las Vegas, Nevada 89101
Counsel for Richard Lakeman

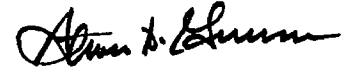
1 RICHARD A. WRIGHT, ESQ.
2 Nevada Bar No.0886
3 300 South 4th Street, #701
4 Las Vegas, Nevada 89101
5 (702) 382-4004
6 Counsel for Desai

CATHERINE CORTEZ MASTO, ESQ.
Nevada Bar No. 003926
Nevada Attorney General
100 N. Carson Street
Carson City, Nevada 89701-4717
(775) 684-1112
Counsel for Respondent

7 
8

Myra Hyde, an employee of
GORDON SILVER

EXHIBIT 1



CLERK OF THE COURT

1 **MTS**
2 **GORDON SILVER**
3 **MICHAEL V. CRISTALLI**
4 Nevada Bar No. 6266
5 Email: mcristalli@gordonsilver.com
6 **EUNICE M. MORGAN**
7 Nevada Bar No. 10382
8 Email: emorgan@gordonsilver.com
9 3960 Howard Hughes Pkwy., 9th Floor
10 Las Vegas, Nevada 89169
11 Tel: (702) 796-5555
12 Fax: (702) 369-2666
13 Attorneys for Defendant Mathahs

8
9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 **STATE OF NEVADA**

12 Plaintiff,

13 vs.

14 **KEITH MATHAHS,**

15 Defendant.

CASE NO. C265107
DEPT. XXI

Hearing Date:
Hearing Time:

16
17 **MOTION FOR STAY OF PROCEEDINGS PENDING RESOLUTION OF WRIT**

18 **PROCEEDINGS**

19 Defendant KEITH MATHAHS, by and through his undersigned attorney MICHAEL V.
20 CRISTALLI, ESQ., of the law firm of Gordon Silver, respectfully files his Motion for Stay of
21 Proceedings Pending Resolution of Writ Proceedings Pursuant to NRAP 8(a)(1)(A) (the
22 "Motion").

23

24

25

26

27

28

1 This Motion is based upon the pleadings and papers on file, the following Memorandum of
2 Points and Authorities, and evidence and/or argument presented at a hearing on this matter.

3 DATED this 20 day of July, 2012.

4 GORDON SILVER

5 

6 MICHAEL V. CRISTALLI

7 Nevada Bar No.

8 EUNICE M. MORGAN

9 Nevada Bar No.

10 Nevada Bar No.

11 3960 Howard Hughes Pkwy., 9th Floor

12 Las Vegas, Nevada 89169

13 (702) 796-5555


14 Attorneys for Defendant Mathahs

15 **NOTICE OF MOTION**

16 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will
17 bring the foregoing motion on for setting before the above entitled Court, in Department XIV
18 thereof, on the 9th day of August 9:30AM
19 July, 2012, at 9:00 a.m., or as soon thereafter as counsel may be heard.

20 DATED this 20 day of July, 2012.

21 GORDON SILVER

22 

23 MICHAEL V. CRISTALLI

24 Nevada Bar No.

25 EUNICE M. MORGAN

26 Nevada Bar No.

27 Nevada Bar No.

28 3960 Howard Hughes Pkwy., 9th Floor

Las Vegas, Nevada 89169

(702) 796-5555

Attorneys for Defendant Mathahs

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **STATEMENT OF FACTS**

4
5 Trial in this matter is currently set for October 22, 2012. On June 1, 2012, the order was
6 filed denying Mr. Mathahs' Motion to Dismiss Indictment. On July 27, 2012, Mr. Mathahs filed
7 a petition to the Supreme Court for an extraordinary writ pursuant to NRS 34.330 (the "Writ").

8 The Writ presents two issues:

- 9 I. WHETHER A PETITION FOR AN EXTRAORDINARY WRIT IS THE APPROPRIATE
10 VEHICLE TO CHALLENGE THE DISTRICT COURT'S JURISDICTION TO
11 PROCEED BASED ON THE CRIMINAL CHARGES PENDING AGAINST
12 PETITIONER REGARDING PETITIONER'S ARGUMENT THAT THE INDICTMENT
13 IS CONSTITUTIONALLY AND STATUTORY DEFECTIVE.
14
15 II. WHETHER THE INDICTMENT MUST BE DISMISSED AS AGAINST MATHAHS
16 BECAUSE IT IS CONSTITUTIONALLY AND STATUTORILY DEFECTIVE AND
17 DOES NOT PROVIDE ADEQUATE NOTICE SUFFICIENT FOR MATHAHS TO
18 DEFEND HIMSELF AGAINST THE CHARGES ALLEGED.

15 **II.**

16 **LEGAL AUTHORITY**

17 NRAP 8(a)(1)(A) states that a party must ordinarily move first in the district court for the
18 following relief:

- 19 (A) A stay of the judgment or order of, or proceedings in, a district court pending
20 appeal or resolution of a petition to the Supreme Court for an extraordinary
21 writ.

21 As stated above, Mr. Mathahs is seeking extraordinary relief from the denial of his motion
22 to dismiss the racketeering count, the criminal neglect of patient counts, and the reckless
23 endangerment counts.

24 A petition for an extraordinary writ is the appropriate method for challenging the district
25 court's jurisdiction to proceed with the criminal charges pending against Mr. Mathahs. NRS
26 34.160 provides that a writ of mandamus may be issued by this Court to compel the performance
27 of an act which the law especially enjoins as a duty resulting from an office, trust or station.
28 NRS 34.170 provides that the writ shall be issued in all cases where there is not a plain, speedy

1 and adequate remedy in the ordinary course of the law. Similarly, NRS 34.320 provides that a
2 writ of prohibition is available to arrest the proceedings of any tribunal, corporation, board or
3 person exercising judicial functions, when such proceedings are without or in excess of the
4 jurisdiction of such tribunal, corporation, board or person. NRS 34.330 provides that this Court
5 may issue a writ of prohibition in all cases where there is not a plain, speedy and adequate
6 remedy in the course of the law.

7 A petition for an extraordinary relief is the proper method for challenging the blatantly
8 defective indictment. The district court lacks jurisdiction to proceed on the indictment due to the
9 numerous and significant statutory and constitutional defects in the indictment.

10 As the Nevada Supreme Court concluded long ago, "It is hard to conceive of a greater
11 legal wrong which might be imposed upon a person charged with a grave and serious offense
12 than to compel him to undergo trial by a court or under a procedure wholly void in law." *Bell v.*
13 *District Court*, 28 Nev. 280, 295, 81 P. 875 (1905) (availability of an appeal following a
14 judgment of conviction not an adequate remedy; writ of prohibition is appropriate remedy to
15 prohibit the trial court from conducting criminal proceedings based upon an unconstitutional
16 statute). The fact that an appeal might be available from a judgment of conviction does not
17 preclude issuance of the writ, particularly in the circumstances presented here because the district
18 court has exceeded its jurisdiction by permitting proceedings based upon the obviously defective
19 indictment. *See G.M. Properties v. District Court*, 95 Nev. 301, 304, 594 P.2d 714 (1979).

20 A petition for a writ of prohibition is the proper method of challenging this defective
21 indictment. In fact, if Mr. Mathahs did not present this writ, he would arguably waive the right
22 to hereafter challenge the Grand Jury proceedings. *Simpson v. District Court*, 88 Nev. 654, 661,
23 503 P.2d 1225 ("An element of waiver is involved, when an accused proceeds to trial without
24 challenging the indictment. Thereafter, he should not be heard to complain if the indictment . . .
25 gave notice of what later transpired at trial[.]"). Further, NRS 174.105(3) provides that "Lack of
26 jurisdiction of the failure of the indictment, information or complaint to charge an offense shall
27 be noticed by the court at any time during the pendency of the proceeding."

28

1 In the case at bar, extrajudicial relief is merited. There are significant issues of
2 procedural and substantive due process. There are also issues of first impression presented in
3 regard to the fatally defective Indictment. As set forth in Dr. Desai's Motion to Stay Proceedings
4 in District Court ("Dr. Desai's Motion"), the manner in which the charges were pled raise
5 constitutional issues left open by the *Aesoph* Court concerning the adequacy of due process
6 notice when the State alleges numerous alternative theories of prosecution or means by which a
7 crime has been committed. See *Sheriff v. Aesoph*, 100 Nev. 477, 479 n. 3, 686 P.2d 237, 239
8 (1984).

9 The Writ also presents issues of first impression regarding the sufficiency of the charging
10 language and notice provided to the Defendants of the charges with which they have to defend
11 themselves, especially Mr. Mathahs, who the State concedes was not the alleged "criminal
12 mastermind" who created an "atmosphere" of negligence and/or corruption. The vague,
13 unsubstantiated, undefinable accusations in the Indictment, as charged, make it impossible for
14 Mr. Mathahs to defend himself because he does not know what he is defending himself against.

15 Finally, Mr. Mathahs contends that this Court exceeded its jurisdiction by implicitly
16 amending the racketeering account to incorporate by reference the substantive insurance fraud
17 counts. As set forth in Dr. Desai's Motion, although the Nevada Supreme Court has not squarely
18 addressed this issue, it is a well-established rule of due process that each count of the indictment
19 must stand on its own and cannot be supplemented by reference to another count unless done so
20 expressly. See *U.S. v. Rodriguez-Gonzalez*, 358 F.3d 1156, 1159 (9th Cir. 2004). As discussed
21 in Dr. Desai's Motion, although NRS 173.075(2) permits allegations in one count to incorporate
22 by reference another count, the Court cannot properly imply this pleading device. *Id.* Part of the
23 basis for both Dr. Desai's (pending) Writ and Mr. Mathahs' Writ is the defectiveness of the
24 Indictment, including but not limited to the issues that: the racketeering count does not
25 incorporate by reference the substantive insurance fraud counts and otherwise fails to set forth
26 the essential elements of the predicate offenses.

27

28

1 Should the Nevada Supreme Court grant the petition, the Indictment could be dismissed
2 or at the very least, the charges could be amended. It is improper to force Mr. Mathahs to go to
3 trial on what could be determined to be facially defective counts. Resolution by the Nevada
4 Supreme Court regarding whether the Indictment is defective is necessary prior to proceeding
5 with trial in this matter.

6 As such, it is requested that Mr. Mathahs' Motion for a stay be granted and that further
7 proceedings cease until the Nevada Supreme Court has ruled on the issues as to whether the
8 Indictment must be dismissed for being fatally defective.

9 III.

10 CONCLUSION

11 Based on the foregoing, it is respectfully requested Mr. Mathahs' Motion be
12 granted and that the proceedings be stayed pending resolution of the Writ that is currently
13 pending before the Nevada Supreme Court

14 Dated this 20 day of July, 2012.

15 GORDON SILVER

16 

17 MICHAEL V. CRISTALLI

18 Nevada Bar No.

19 EUNICE M. MORGAN

20 Nevada Bar No.

21 Nevada Bar No.

22 3960 Howard Hughes Pkwy., 9th Floor

23 Las Vegas, Nevada 89169

24 (702) 796-5555

25 Attorneys for Defendant Mathahs

CERTIFICATE OF SERVICE

The undersigned, an employee of Gordon Silver, hereby certifies that on the 30th day of July, 2012, she served a copy of Defendant, Mathaths' Motion for Stay of Proceedings Pending Resolution of Writ Proceedings, by facsimile transmission to:

STEVEN B. WOLFSON

District Attorney

MICHAEL STAUDAHER

Chief Deputy District Attorney

Facsimile No.: (702) 477-2994

RICHARD A. WRIGHT, ESQ.

Counsel for Desi

Facsimile No.: (702) 382-4800

FREDERICK A. SANTACROCE, ESQ.

Counsel for Lakeman

Facsimile No.: (702) 385-1327

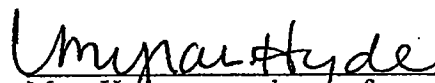

Myra Hyde, an employee of
GORDON SILVER

EXHIBIT 2

 COPY

CASE NO. C265107-3
DEPT. XXI

1 LAS VEGAS, CLARK COUNTY, NV., THURS., AUG. 9, 2012

2
3 THE COURT: State versus Keith Mathahs. We have Mr. Mathahs who's
4 present out of custody with Mr. Cristalli. And we have Mr. Santacroce and his client.

5 And we also have Ms. Stanish, and your client Dr. Desai is not here.

6 MS. STANISH: Your Honor, this -- our petition is not on.

7 THE COURT: Right, I understand. You're just --

8 MS. STANISH: We're here to spectate, and if Your Honor does want to
9 address it or the government --

10 THE COURT: That's fine. I mean, I know he was ordered to be at all the
11 court proceedings, but since this isn't your matter, he is not required to be here
12 today. Just the record should reflect that you are here listening and observing.

13 MS. STANISH: Thank you, Your Honor.

14 THE COURT: All right. This is the defendant's motion for stay of proceedings
15 pending the resolution of the writ.

16 We did not receive an opposition to this.

17 MR. STAUDAHER: No, Your Honor, we do oppose it, but I think that the -- it's
18 actually just an issue for the Court to decide. We really don't have any case law or
19 anything to say that they're not entitled to it if they feel that there's some legal
20 reason for them to bring it before the Court, and we don't -- we don't want to lose
21 our trial date. We know it's up at the Supreme Court, and we've been ordered to
22 answer, but we would oppose a continuance, obviously, at this point.

23 THE COURT: Mr. Cristalli?

24 MR. STAUDAHER: Or rather a stay, I'm sorry, Your Honor.

25 MR. CRISTALLI: Well, Judge, obviously procedurally once the petition is filed

1 in the Supreme Court they have ordered the State to now respond, 20 days to
2 respond. We'll have a period, I think, to reply to that. As a matter of procedure we
3 filed the State --

4 THE COURT: Right, you have to file it here before you can request it with the
5 Supreme Court. You know, my feeling is, you know, I stand by the decision that I
6 made. The Supreme Court, of course, may not agree. Not surprisingly they found
7 that there was a reason to order an answer in this case, but I think at this level I'm
8 going to deny the motion for a stay, which of course gives you now the opportunity
9 to request it in the Supreme Court, and then the Supreme Court can make the
10 determination if they feel the proceedings should be stayed for the October trial
11 date. That's of course likely that they may do that; although they may have --

12 You were given 30 days to respond to the petition --

13 MS. STANISH: We were given 20.

14 MR. STAUDAHER: 20 days, Your Honor.

15 THE COURT: How many?

16 MR. STAUDAHER: 20 days.

17 THE COURT: 20 days and then there was no reply ordered or --

18 MR. CRISTALLI: No.

19 THE COURT: Okay. So it's possible they'll look at that and make a decision
20 one way or the other and decide not to stay it. I don't know how long they're going
21 to take. So I'm not going to -- I'm -- you know, it's kind of up to them how long they
22 take. So I'm not going to issue a stay at this level.

23 That was a long winded way of saying your request for a stay is denied.

24 MR. CRISTALLI: Your Honor, I don't know whether or not we need an order
25 from Your Honor in order to --

1 THE COURT: You can submit an order that, you know, your motion for a stay
2 was denied.

3 MR. CRISTALLI: Okay.

4 THE COURT: I'm happy to sign it.

5 MR. CRISTALLI: All right. Thanks.

6 THE COURT: Or the State can submit it.

7 MR. STAUDAHER: And either way, Your Honor, but the question I had was
8 there was mention of at least Mr. -- or rather Dr. Desai's motion, is it calendared? I
9 don't have it on calendar for --

10 THE COURT: No, the only -- the only motion that's on calendar for today is
11 Mr. Mathahs's motion. I mentioned Dr. Desai that he wasn't required to be here
12 today because it's not his motion but that Ms. Stanish is present today.

13 MR. STAUDAHER: I believe that they -- but my indication was not that it was
14 on today but that there was one filed; is that correct?

15 MS. STANISH: We filed it, served it, I believe it was June 7th by way of
16 petition. There was no response. We were going to just wait to see before we
17 prompted it, but since this issue's been decided, I did speak with Ms. Wexler --
18 sorry.

19 THE COURT: Weckerly.

20 MS. STANISH: -- Weckerly beforehand, and I don't believe the State would
21 have any objection if you want to address our petition so that we can move forward
22 as well.

23 MS. WECKERLY: Assuming they're -- I mean their petition is for the -- they
24 want a stay as well; I assume the Court would make the same decision. It's fine
25 with the State if they want to submit an order as well so they have the same

1 opportunity to request the stay if that's acceptable to the Court.

2 THE COURT: That's fine. I mean, like I said, you know, it's -- I don't know
3 how long the Supreme Court is going to take. I mean, they did order an answer, you
4 know, in a rather speedy fashion. So this may be something that they're going to
5 look at right away and make a decision right away. So if that's the case, then I don't
6 want to give up the October 22nd trial date as of right now. So I think -- well, you
7 know, we'll see. There may be other --

8 MR. CRISTALLI: The future may dictate something different.

9 THE COURT: I know. I read the papers too, Mr. Cristalli, but, you know,
10 there's nothing new in this department as far as I'm concerned as of right now. So
11 like I said, you can't trust what you read in the papers, can you.

12 MR. CRISTALLI: That's for sure.

13 THE COURT: So we may or may not have that date. All I'm saying is I don't
14 know how quickly the Supreme Court is going to decide this, and they may decide it
15 rather quickly. I don't know.

16 That's the only thing we had on for today.

17 MR. SANTACROCE: Can I inquire when the next date is for this? Is there a
18 status check?

19 THE COURT: Ms. Husted would have to look that up when our next status
20 check date is. We have, of course, the calendar call on October 18th.

21 THE CLERK: There's nothing else set until the trial.

22 THE COURT: We don't have any more status checks.

23 MR. STAUDAHER: We probably should set one.

24 THE COURT: Yeah, let's set one a couple of weeks before the calendar call
25 date just to make sure there's no last-minute issues.

1 MR. STAUDAHER: Well, can we set it out at least 21 days so if there's an
2 issue with expert notices or anything, 'cause we have not received any notices at all.

3 THE COURT: Okay.

4 THE CLERK: 21 days from now?

5 MR. STAUDAHER: No, at least from back from the calendar call or trial date.

6 THE CLERK: September 27th at 9:30.

7 MR. STAUDAHER: Thank you, Your Honor.

8 THE COURT: Thank you.

9 -oOo-

10 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video
11 proceedings in the above-entitled case.

12 
13 JANIE L. OLSEN
14 Recorder/Transcriber
15
16
17
18
19
20
21
22
23
24
25

EXHIBIT 3

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH MATHAHS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 61359

FILED

AUG 06 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER DIRECTING ANSWER

This original petition for a writ of mandamus or prohibition requests this court to order the district court dismiss an indictment. Having reviewed the petition, it appears that an answer may assist the court in resolving the petition. Accordingly, the real party in interest, on behalf of respondents, shall have 20 days from the date of this order to file an answer, including authorities, against issuance of the requested writ.

It is so ORDERED.

Cherry C.J.

cc: Hon. Valerie Adair, District Judge
Gordon & Silver, Ltd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

EXHIBIT 4

1 IND

2 STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

3 MICHAEL STAUDAHER
Chief Deputy District Attorney
Nevada Bar #008273

4 200 Lewis Avenue
5 Las Vegas, Nevada 89155-2212
(702) 671-2500

6 Attorney for Plaintiff

FILED

AUG 10 12 31 PM '12

Ann D. Quinn
CLERK OF THE COURT

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9
10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 DIPAK KANTILAL DESAI, #1240942
14 RONALD ERNEST LAKEMAN,
#2753504

15 KEITH H. MATHAHS, #2753191

16 Defendant(s).

CASE NO: C-12-283381-3

DEPT NO: XXIII

INDICTMENT

17 STATE OF NEVADA }
18 COUNTY OF CLARK } ss.

19 The Defendant(s) above named, DIPAK KANTILAL DESAI, RONALD ERNEST
20 LAKEMAN, KEITH H. MATHAHS, accused by the Clark County Grand Jury of the crime
21 of MURDER (SECOND DEGREE) (Category A Felony - NRS 200.010, 200.020, 200.030,
22 200.070, 0.060, 202.595, 200.495), committed at and within the County of Clark, State of
23 Nevada, on or between September 21, 2007 and April 27, 2012 as follows: Defendants did
24 then and there willfully, feloniously, without authority of law, and with malice aforethought,
25 kill RODOLFO MEANA, a human being, by introducing Hepatitis C virus into the body of
26 RODOLFO MEANA, based upon the following principles of criminal liability, to-wit: (1)
27 by the killing occurring under circumstances showing an abandoned and malignant heart;
28 and/or (2) during the commission of an unlawful act, to-wit: criminal neglect of patients,

and/or performance of an unlawful act in reckless disregard of persons or property, which in its consequences, naturally tends to destroy the life of a human being; and/or (3) the killing being committed in the prosecution of a felonious intent, to-wit: criminal neglect of patients, and/or performance of an act in reckless disregard of persons or property, which in its consequences, naturally tends to destroy the life of a human being, by directly or indirectly using and/or introducing contaminated medical instruments, supplies, and/or drugs upon or into the body of RODOLFO MEANA which were contaminated with the Hepatitis C virus; Defendants being responsible under one or more of the following principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) by aiding or abetting each other and/or others including uncharged confederates in the commission of the crime(s) of criminal neglect of patients, and/or performance of an act in reckless disregard of persons or property by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or others to utilize a patient care delivery system which directly or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day, and/or rushed patients or patient procedures all at the expense of patient safety and/or well being, and which resulted in substandard care and/or jeopardized the safety of RODOLFO MEANA, Defendants acting

///

///

///

///

///

///

///

///

///

///

///

1 with the intent to commit the crime(s) of criminal neglect of patients, and/or performance of
2 an act in reckless disregard of persons or property; and/or (3) pursuant to a conspiracy to
3 commit the crime(s) of criminal neglect of patients, and/or performance of an act in reckless
4 disregard of persons or property, Defendants acting in concert throughout.

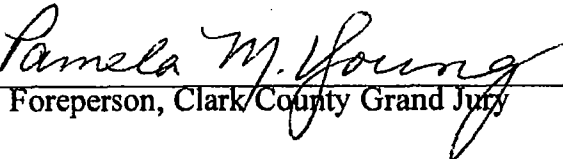
5 DATED this ____ day of August, 2012.

6
7 STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
8

9
10 BY


11 MICHAEL STAUDACHER
Chief Deputy District Attorney
Nevada Bar #008273
12

13 ENDORSEMENT: A True Bill

14 
15 Foreperson, Clark County Grand Jury
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Names of witnesses testifying before the Grand Jury:

2 BAGANG, MAYNARD, LVMPD

3 OLSON, ALANE, MEDICAL EXAMINER

4

5 Additional witnesses known to the District Attorney at time of filing the Indictment:

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28 09BGJ119A-C/ed

EXHIBIT 5

1 IND

2 DAVID ROGER
Clark County District Attorney
Nevada Bar #002781

3 MICHAEL V. STAUDAHER
Chief Deputy District Attorney
4 Nevada Bar #008273
200 Lewis Avenue
5 Las Vegas, Nevada 89155-2212
(702) 671-2500
6 Attorney for Plaintiff

FILED

JUN 4 1 03 PM '10

[Signature]
CLERK OF DISTRICT COURT

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,)

11 Plaintiff,)

12 -vs-)

13 DIPAK KANTILAL DESAI, #1240942,)
14 RONALD ERNEST LAKEMAN,)
KEITH H. MATHAHS,)

15 Defendant(s).)
16

Case No. C265107
Dept. No. XIV

INDICTMENT

17 STATE OF NEVADA }
18 COUNTY OF CLARK } ss.

19 The Defendant(s) above named, DIPAK KANTILAL DESAI, RONALD ERNEST
20 LAKEMAN and KEITH H. MATHAHS accused by the Clark County Grand Jury of the
21 crime(s) of RACKETEERING (Felony - NRS 207.350, 207.360, 207.370, 207.380, 207.390,
22 207.400), PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR
23 PROPERTY (Felony - NRS 0.060, 202.595), CRIMINAL NEGLECT OF PATIENTS
24 (Felony - NRS 0.060, 200.495), INSURANCE FRAUD (Felony - NRS 686A.2815),
25 THEFT (Felony - NRS 205.0832, 205.0835) and OBTAINING MONEY UNDER FALSE
26 PRETENSES (Felony - NRS 205.265, 205.380), committed at and within the County of
27 Clark, State of Nevada, on or between June 3, 2005, and May 5, 2008, as follows:

28 ///

1 COUNT 1 - RACKETEERING

2 Defendants, did on or between June 3, 2005, and May 5, 2008, then and there, within
3 Clark County, Nevada knowingly, willfully and feloniously while employed by or associated
4 with an enterprise, conduct or participate directly or indirectly in racketeering activity
5 through the affairs of said enterprise; and/or with criminal intent receive any proceeds
6 derived, directly or indirectly, from racketeering activity to use or invest, whether directly or
7 indirectly, any part of the proceeds from racketeering activity; and/or through racketeering
8 activity to acquire or maintain, directly or indirectly, any interest in or control of any
9 enterprise; and/or intentionally organize, manage, direct, supervise or finance a criminal
10 syndicate; and/or did conspire to engage in said acts, to-wit: by directly or indirectly causing
11 and/or pressuring the employees and/or agents of the Endoscopy Center of Southern Nevada
12 to falsify patient anesthesia records from various endoscopic procedures; and/or to commit
13 insurance fraud by directly or indirectly submitting said false anesthesia records to various
14 insurance companies for the purpose of obtaining money under false pretenses from said
15 insurance companies and/or patients; said fraudulent submissions resulting in the payment of
16 monies to Defendants and/or their medical practice and/or the enterprise, which exceeded the
17 legitimate reimbursement amount allowed for said procedures; Defendants being responsible
18 under one or more of the following principles of criminal liability, to wit: (1) by directly
19 committing said acts; and/or (2) aiding or abetting each other in the commission of the crime
20 by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or
21 procuring each other, and/or others to commit said acts, Defendants acting with the intent to
22 commit said crime.

23 COUNT 2 - INSURANCE FRAUD

24 Defendants did, on or about July 25, 2007, knowingly and willfully present, or cause
25 to be presented a statement as a part of, or in support of, a claim for payment or other
26 benefits under a policy of insurance issued pursuant to Title 57 of the Nevada Revised
27 Statutes, knowing that the statement concealed or omitted facts, or contained false or
28 misleading information concerning a fact material to said claim; and/or did assist, abet,

1 solicit or conspire to present or cause to be presented a statement to an insurer, a reinsurer, a
2 producer, a broker or any agent thereof, knowing that said statement concealed or omitted
3 facts, or did contain false or misleading information concerning a fact material to a claim for
4 payment or other benefits under such policy issued pursuant to Title 57 of the Nevada
5 Revised Statutes, by falsely representing to ANTHEM BLUE CROSS – BLUE SHIELD
6 that the billed anesthesia time and/or charges for the endoscopic procedure performed on
7 SHARRIEFF ZIYAD were more than the actual anesthetic time and/or charges, said false
8 representation resulting in the payment of money to Defendants and/or their medical practice
9 and/or the racketeering enterprise which exceeded that which would have normally been
10 allowed for said procedure; Defendants being responsible under one or more of the
11 following principles of criminal liability, to wit: (1) by directly committing said acts; and/or
12 (2) aiding or abetting each other in the commission of the crime by directly or indirectly
13 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or
14 others to commit said acts, Defendants acting with the intent to commit said crime, and/or
15 (3) pursuant to a conspiracy to commit this crime.

16 COUNT 3 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
17 OR PROPERTY

18 Defendants did on or about July 25, 2007, then and there willfully and unlawfully
19 perform acts in willful or wanton disregard of the safety of persons or property resulting in
20 substantial bodily harm to MICHAEL WASHINGTON, in the following manner, to-wit: by
21 Defendants performing one or more of the following acts: (1) by directly administering
22 and/or directly or indirectly instructing employees of the Endoscopy Center of Southern
23 Nevada, (ECSN) to administer one or more doses of the anesthetic drug Propofol from a
24 single use vial to more than one patient contrary to the express product labeling of said drug
25 and in violation of universally accepted safety precautions for the administration of said
26 drug; and/or (2) by creating an employment environment in which said employees were
27 pressured to administer one or more doses of the anesthetic drug Propofol from a single use
28 vial to more than one patient contrary to the express product labeling of said drug and in

1 violation of universally accepted safety precautions for the administration of said drug;
2 and/or (3) by directly reusing and/or directly or indirectly instructing said employees, and/or
3 creating an employment environment in which said employees were pressured to reuse
4 syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary to
5 the express product labeling of said items, and/or in violation of universally accepted safety
6 precautions for the use of said items; and/or (4) by directly limiting and/or directly or
7 indirectly instructing said employees, and/or creating an employment environment in which
8 said employees were pressured to limit the use of medical supplies necessary to conduct safe
9 endoscopic procedures; and/or (5) by falsely precharting patient records and/or rushing
10 patients through said endoscopy center and/or rushing patient procedures at the expense of
11 patient safety and/or well being and/or directly or indirectly instructing said employees,
12 and/or creating an employment environment in which said employees were pressured to
13 falsely prechart patient records and/or rush patients through said endoscopy center and/or
14 rush patient procedures at the expense of patient safety and/or well being; and/or (6) by
15 directly or indirectly scheduling and/or treating an unreasonable number of patients per day
16 which resulted in substandard care and/or jeopardized the safety and/or well being of said
17 patients; and/or (7) by directly failing to adequately clean and/or prepare endoscopy scopes,
18 contrary to the express manufacturers guidelines for the handling and processing of said
19 endoscopy scopes, and/or in violation of universally accepted safety precautions for the use
20 of said scopes and/or directly or indirectly instructing said employees, and/or creating an
21 employment environment in which said employees were inadequately trained and/or
22 pressured to provide endoscopy scopes for patient procedures that were not adequately
23 cleaned and/or prepared contrary to the express manufacturers guidelines for the handling
24 and processing of said endoscopy scopes, and/or in violation of universally accepted safety
25 precautions for the use of said scopes; Defendants being responsible under one or more of
26 the following principles of criminal liability, to wit: (1) by directly committing said acts;
27 and/or (2) aiding or abetting each other in the commission of the crime by directly or
28 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,

1 and/or others to commit said acts, Defendants acting with the intent to commit said crime,
2 and/or (3) pursuant to a conspiracy to commit this crime.

3 COUNT 4 - CRIMINAL NEGLECT OF PATIENTS

4 Defendants, on or about July 25, 2007, being professional caretakers of MICHAEL
5 WASHINGTON, did act or omit to act in an aggravated, reckless or gross manner, failing to
6 provide such service, care or supervision as is reasonable and necessary to maintain the
7 health or safety of said MICHAEL WASHINGTON, resulting in substantial bodily harm to
8 MICHAEL WASHINGTON, said acts or omissions being such a departure from what would
9 be the conduct of an ordinarily prudent, careful person under the same circumstances that it
10 is contrary to a proper regard for danger to human life or constitutes indifference to the
11 resulting consequences, said consequences of the negligent act or omission being reasonably
12 foreseeable; said danger to human life not being the result of inattention, mistaken judgment
13 or misadventure, but the natural and probable result of said aggravated reckless or grossly
14 negligent act or omission, by performing one or more of the following acts: (1) by directly
15 or indirectly instructing employees of the Endoscopy Center of Southern Nevada, (ECSN) to
16 administer one or more doses of the anesthetic drug Propofol from a single use vial to more
17 than one patient contrary to the express product labeling of said drug and in violation of
18 universally accepted safety precautions for the administration of said drug; and/or (2) by
19 creating an employment environment in which said employees were pressured to administer
20 one or more doses of the anesthetic drug Propofol from a single use vial to more than one
21 patient contrary to the express product labeling of said drug and in violation of universally
22 accepted safety precautions for the administration of said drug; and/or (3) by directly or
23 indirectly instructing said employees, and/or creating an employment environment in which
24 said employees were pressured to reuse syringes and/or needles and/or biopsy forceps and/or
25 snares and/or bite blocks contrary to the express product labeling of said items, and/or in
26 violation of universally accepted safety precautions for the use of said items; and/or (4) by
27 directly or indirectly instructing said employees, and/or creating an employment
28 environment in which said employees were pressured to limit the use of medical supplies

1 necessary to conduct safe endoscopic procedures; and/or (5) by directly or indirectly
2 instructing said employees, and/or creating an employment environment in which said
3 employees were pressured to falsely prechart patient records and/or rush patients through
4 said endoscopy center and/or rush patient procedures at the expense of patient safety and/or
5 well being; and/or (6) by directly or indirectly scheduling and/or treating an unreasonable
6 number of patients per day which resulted in substandard care and/or jeopardized the safety
7 and/or well being of said patients; and/or (7) by directly or indirectly instructing said
8 employees, and/or creating an employment environment in which said employees were
9 inadequately trained and/or pressured to provide endoscopy scopes for patient procedures
10 that were not adequately cleaned and/or prepared contrary to the express manufacturers
11 guidelines for the handling and processing of said endoscopy scopes, and/or in violation of
12 universally accepted safety precautions for the use of said scopes; and/or (8) by methods
13 unknown; for the purpose of enhancing the financial profit of ECSN, said act(s) or
14 omission(s) causing the transmission of Hepatitis C virus from patient SHARRIEFF ZIYAD
15 to patient MICHAEL WASHINGTON, who was not previously infected with the Hepatitis
16 C virus; Defendants being responsible under one or more of the following principles of
17 criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting
18 each other in the commission of the crime by directly or indirectly counseling, encouraging,
19 hiring, commanding, inducing, or procuring each other, and/or others to commit said acts,
20 Defendants acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy
21 to commit this crime.

22 COUNT 5 - INSURANCE FRAUD

23 Defendants did, on or about July 25, 2007, knowingly and willfully present, or cause
24 to be presented a statement as a part of, or in support of, a claim for payment or other
25 benefits under a policy of insurance issued pursuant to Title 57 of the Nevada Revised
26 Statutes, knowing that the statement concealed or omitted facts, or contained false or
27 misleading information concerning a fact material to said claim; and/or did assist, abet,
28 solicit or conspire to present or cause to be presented a statement to an insurer, a reinsurer, a

1 producer, a broker or any agent thereof, knowing that said statement concealed or omitted
2 facts, or did contain false or misleading information concerning a fact material to a claim for
3 payment or other benefits under such policy issued pursuant to Title 57 of the Nevada
4 Revised Statutes, by falsely representing to VETERANS ADMINISTRATION that the
5 billed anesthesia time and/or charges for the endoscopic procedure performed on MICHAEL
6 WASHINGTON were more than the actual anesthetic time and/or charges, said false
7 representation resulting in the payment of money to Defendants and/or their medical practice
8 and/or the racketeering enterprise which exceeded that which would have normally been
9 allowed for said procedure; Defendants being responsible under one or more of the
10 following principles of criminal liability, to wit: (1) by directly committing said acts; and/or
11 (2) aiding or abetting each other in the commission of the crime by directly or indirectly
12 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or
13 others to commit said acts, Defendants acting with the intent to commit said crime, and/or
14 (3) pursuant to a conspiracy to commit this crime.

15 COUNT 6 - INSURANCE FRAUD

16 Defendants did, on or about July 25, 2007, knowingly and willfully present, or cause
17 to be presented a statement as a part of, or in support of, a claim for payment or other
18 benefits under a policy of insurance issued pursuant to Title 57 of the Nevada Revised
19 Statutes, knowing that the statement concealed or omitted facts, or contained false or
20 misleading information concerning a fact material to said claim; and/or did assist, abet,
21 solicit or conspire to present or cause to be presented a statement to an insurer, a reinsurer, a
22 producer, a broker or any agent thereof, knowing that said statement concealed or omitted
23 facts, or did contain false or misleading information concerning a fact material to a claim for
24 payment or other benefits under such policy issued pursuant to Title 57 of the Nevada
25 Revised Statutes, by falsely representing to ANTHEM BLUE CROSS AND BLUE
26 SHIELD that the billed anesthesia time and/or charges for the endoscopic procedure
27 performed on KENNETH RUBINO were more than the actual anesthetic time and/or
28 charges, said false representation resulting in the payment of money to Defendants and/or

1 their medical practice and/or the racketeering enterprise which exceeded that which would
2 have normally been allowed for said procedure; Defendants being responsible under one or
3 more of the following principles of criminal liability, to wit: (1) by directly committing said
4 acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or
5 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,
6 and/or others to commit said acts, Defendants acting with the intent to commit said crime,
7 and/or (3) pursuant to a conspiracy to commit this crime.

8 COUNT 7 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
9 OR PROPERTY

10 Defendants did on or about September 21, 2007, then and there willfully and
11 unlawfully perform acts in willful or wanton disregard of the safety of persons or property
12 resulting in substantial bodily harm to STACY HUTCHINSON, in the following manner, to-
13 wit: by Defendants performing one or more of the following acts: (1) by directly
14 administering and/or directly or indirectly instructing employees of the Endoscopy Center of
15 Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug Propofol
16 from a single use vial to more than one patient contrary to the express product labeling of
17 said drug and in violation of universally accepted safety precautions for the administration of
18 said drug; and/or (2) by creating an employment environment in which said employees were
19 pressured to administer one or more doses of the anesthetic drug Propofol from a single use
20 vial to more than one patient contrary to the express product labeling of said drug and in
21 violation of universally accepted safety precautions for the administration of said drug;
22 and/or (3) by directly reusing and/or directly or indirectly instructing said employees, and/or
23 creating an employment environment in which said employees were pressured to reuse
24 syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary to
25 the express product labeling of said items, and/or in violation of universally accepted safety
26 precautions for the use of said items; and/or (4) by directly limiting and/or directly or
27 indirectly instructing said employees, and/or creating an employment environment in which
28 said employees were pressured to limit the use of medical supplies necessary to conduct safe

1 endoscopic procedures; and/or (5) by falsely precharting patient records and/or rushing
2 patients through said endoscopy center and/or rushing patient procedures at the expense of
3 patient safety and/or well being and/or directly or indirectly instructing said employees,
4 and/or creating an employment environment in which said employees were pressured to
5 falsely prechart patient records and/or rush patients through said endoscopy center and/or
6 rush patient procedures at the expense of patient safety and/or well being; and/or (6) by
7 directly or indirectly scheduling and/or treating an unreasonable number of patients per day
8 which resulted in substandard care and/or jeopardized the safety and/or well being of said
9 patients; and/or (7) by directly failing to adequately clean and/or prepare endoscopy scopes,
10 contrary to the express manufacturers guidelines for the handling and processing of said
11 endoscopy scopes, and/or in violation of universally accepted safety precautions for the use
12 of said scopes and/or directly or indirectly instructing said employees, and/or creating an
13 employment environment in which said employees were inadequately trained and/or
14 pressured to provide endoscopy scopes for patient procedures that were not adequately
15 cleaned and/or prepared contrary to the express manufacturers guidelines for the handling
16 and processing of said endoscopy scopes, and/or in violation of universally accepted safety
17 precautions for the use of said scopes; Defendants being responsible under one or more of
18 the following principles of criminal liability, to wit: (1) by directly committing said acts;
19 and/or (2) aiding or abetting each other in the commission of the crime by directly or
20 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,
21 and/or others to commit said acts, Defendants acting with the intent to commit said crime,
22 and/or (3) pursuant to a conspiracy to commit this crime.

23 COUNT 8 - CRIMINAL NEGLECT OF PATIENTS

24 Defendants, on or about September 21, 2007, being professional caretakers of
25 STACY HUTCHINSON, did act or omit to act in an aggravated, reckless or gross manner,
26 failing to provide such service, care or supervision as is reasonable and necessary to
27 maintain the health or safety of said STACY HUTCHINSON, resulting in substantial bodily
28 harm to STACY HUTCHINSON, said acts or omissions being such a departure from what

would be the conduct of an ordinarily prudent, careful person under the same circumstances that it is contrary to a proper regard for danger to human life or constitutes indifference to the resulting consequences, said consequences of the negligent act or omission being reasonably foreseeable; said danger to human life not being the result of inattention, mistaken judgment or misadventure, but the natural and probable result of said aggravated reckless or grossly negligent act or omission, by performing one or more of the following acts: (1) by directly or indirectly instructing employees of the Endoscopy Center of Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug Propofol from a single use vial to more than one patient contrary to the express product labeling of said drug and in violation of universally accepted safety precautions for the administration of said drug; and/or (2) by creating an employment environment in which said employees were pressured to administer one or more doses of the anesthetic drug Propofol from a single use vial to more than one patient contrary to the express product labeling of said drug and in violation of universally accepted safety precautions for the administration of said drug; and/or (3) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to reuse syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary to the express product labeling of said items, and/or in violation of universally accepted safety precautions for the use of said items; and/or (4) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to limit the use of medical supplies necessary to conduct safe endoscopic procedures; and/or (5) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to falsely prechart patient records and/or rush patients through said endoscopy center and/or rush patient procedures at the expense of patient safety and/or well being; and/or (6) by directly or indirectly scheduling and/or treating an unreasonable number of patients per day which resulted in substandard care and/or jeopardized the safety and/or well being of said patients; and/or (7) by directly or indirectly instructing said employees, and/or creating an employment environment in which

1 said employees were inadequately trained and/or pressured to provide endoscopy scopes for
2 patient procedures that were not adequately cleaned and/or prepared contrary to the express
3 manufacturers guidelines for the handling and processing of said endoscopy scopes, and/or
4 in violation of universally accepted safety precautions for the use of said scopes; and/or (8)
5 by methods unknown; for the purpose of enhancing the financial profit of ECSN, said act(s)
6 or omission(s) causing the transmission of Hepatitis C virus from patient KENNETH
7 RUBINO to patient STACY HUTCHINSON, who was not previously infected with the
8 Hepatitis C virus; Defendants being responsible under one or more of the following
9 principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding
10 or abetting each other in the commission of the crime by directly or indirectly counseling,
11 encouraging, hiring, commanding, inducing, or procuring each other, and/or others to
12 commit said acts, Defendants acting with the intent to commit said crime, and/or (3)
13 pursuant to a conspiracy to commit this crime.

14 COUNT 9 - INSURANCE FRAUD

15 Defendants did, on or about September 21, 2007, knowingly and willfully present, or
16 cause to be presented a statement as a part of, or in support of, a claim for payment or other
17 benefits under a policy of insurance issued pursuant to Title 57 of the Nevada Revised
18 Statutes, knowing that the statement concealed or omitted facts, or contained false or
19 misleading information concerning a fact material to said claim; and/or did assist, abet,
20 solicit or conspire to present or cause to be presented a statement to an insurer, a reinsurer, a
21 producer, a broker or any agent thereof, knowing that said statement concealed or omitted
22 facts, or did contain false or misleading information concerning a fact material to a claim for
23 payment or other benefits under such policy issued pursuant to Title 57 of the Nevada
24 Revised Statutes, by falsely representing to HEALTH PLAN OF NEVADA that the billed
25 anesthesia time and/or charges for the endoscopic procedure performed on STACY
26 HUTCHINSON were more than the actual anesthetic time and/or charges, said false
27 representation resulting in the payment of money to Defendants and/or their medical practice
28 and/or the racketeering enterprise which exceeded that which would have normally been

1 allowed for said procedure; Defendants being responsible under one or more of the
2 following principles of criminal liability, to wit: (1) by directly committing said acts; and/or
3 (2) aiding or abetting each other in the commission of the crime by directly or indirectly
4 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or
5 others to commit said acts, Defendants acting with the intent to commit said crime, and/or
6 (3) pursuant to a conspiracy to commit this crime.

7 COUNT 10 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
8 OR PROPERTY

9 Defendants did on or about September 21, 2007, then and there willfully and
10 unlawfully perform acts in willful or wanton disregard of the safety of persons or property
11 resulting in substantial bodily harm to RUDOLFO MEANA, in the following manner, to-
12 wit: by Defendants performing one or more of the following acts: (1) by directly
13 administering and/or directly or indirectly instructing employees of the Endoscopy Center of
14 Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug Propofol
15 from a single use vial to more than one patient contrary to the express product labeling of
16 said drug and in violation of universally accepted safety precautions for the administration of
17 said drug; and/or (2) by creating an employment environment in which said employees were
18 pressured to administer one or more doses of the anesthetic drug Propofol from a single use
19 vial to more than one patient contrary to the express product labeling of said drug and in
20 violation of universally accepted safety precautions for the administration of said drug;
21 and/or (3) by directly reusing and/or directly or indirectly instructing said employees, and/or
22 creating an employment environment in which said employees were pressured to reuse
23 syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary to
24 the express product labeling of said items, and/or in violation of universally accepted safety
25 precautions for the use of said items; and/or (4) by directly limiting and/or directly or
26 indirectly instructing said employees, and/or creating an employment environment in which
27 said employees were pressured to limit the use of medical supplies necessary to conduct safe
28 endoscopic procedures; and/or (5) by falsely precharting patient records and/or rushing

1 patients through said endoscopy center and/or rushing patient procedures at the expense of
2 patient safety and/or well being and/or directly or indirectly instructing said employees,
3 and/or creating an employment environment in which said employees were pressured to
4 falsely prechart patient records and/or rush patients through said endoscopy center and/or
5 rush patient procedures at the expense of patient safety and/or well being; and/or (6) by
6 directly or indirectly scheduling and/or treating an unreasonable number of patients per day
7 which resulted in substandard care and/or jeopardized the safety and/or well being of said
8 patients; and/or (7) by directly failing to adequately clean and/or prepare endoscopy scopes,
9 contrary to the express manufacturers guidelines for the handling and processing of said
10 endoscopy scopes, and/or in violation of universally accepted safety precautions for the use
11 of said scopes and/or directly or indirectly instructing said employees, and/or creating an
12 employment environment in which said employees were inadequately trained and/or
13 pressured to provide endoscopy scopes for patient procedures that were not adequately
14 cleaned and/or prepared contrary to the express manufacturers guidelines for the handling
15 and processing of said endoscopy scopes, and/or in violation of universally accepted safety
16 precautions for the use of said scopes; Defendants being responsible under one or more of
17 the following principles of criminal liability, to wit: (1) by directly committing said acts;
18 and/or (2) aiding or abetting each other in the commission of the crime by directly or
19 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,
20 and/or others to commit said acts, Defendants acting with the intent to commit said crime,
21 and/or (3) pursuant to a conspiracy to commit this crime.

22 COUNT 11 - CRIMINAL NEGLIGENCE OF PATIENTS

23 Defendants, on or about September 21, 2007, being professional caretakers of
24 RUDOLFO MEANA, did act or omit to act in an aggravated, reckless or gross manner,
25 failing to provide such service, care or supervision as is reasonable and necessary to
26 maintain the health or safety of said RUDOLFO MEANA, resulting in substantial bodily
27 harm to RUDOLFO MEANA, said acts or omissions being such a departure from what
28 would be the conduct of an ordinarily prudent, careful person under the same circumstances

that it is contrary to a proper regard for danger to human life or constitutes indifference to the resulting consequences, said consequences of the negligent act or omission being reasonably foreseeable; said danger to human life not being the result of inattention, mistaken judgment or misadventure, but the natural and probable result of said aggravated reckless or grossly negligent act or omission, by performing one or more of the following acts: (1) by directly or indirectly instructing employees of the Endoscopy Center of Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug Propofol from a single use vial to more than one patient contrary to the express product labeling of said drug and in violation of universally accepted safety precautions for the administration of said drug; and/or (2) by creating an employment environment in which said employees were pressured to administer one or more doses of the anesthetic drug Propofol from a single use vial to more than one patient contrary to the express product labeling of said drug and in violation of universally accepted safety precautions for the administration of said drug; and/or (3) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to reuse syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary to the express product labeling of said items, and/or in violation of universally accepted safety precautions for the use of said items; and/or (4) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to limit the use of medical supplies necessary to conduct safe endoscopic procedures; and/or (5) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to falsely prechart patient records and/or rush patients through said endoscopy center and/or rush patient procedures at the expense of patient safety and/or well being; and/or (6) by directly or indirectly scheduling and/or treating an unreasonable number of patients per day which resulted in substandard care and/or jeopardized the safety and/or well being of said patients; and/or (7) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were inadequately trained and/or pressured to provide endoscopy scopes for

1 patient procedures that were not adequately cleaned and/or prepared contrary to the express
2 manufacturers guidelines for the handling and processing of said endoscopy scopes, and/or
3 in violation of universally accepted safety precautions for the use of said scopes; and/or (8)
4 by methods unknown; for the purpose of enhancing the financial profit of ECSN, said act(s)
5 or omission(s) causing the transmission of Hepatitis C virus from patient KENNETH
6 RUBINO to patient RUDOLFO MEANA, who was not previously infected with the
7 Hepatitis C virus; Defendants being responsible under one or more of the following
8 principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding
9 or abetting each other in the commission of the crime by directly or indirectly counseling,
10 encouraging, hiring, commanding, inducing, or procuring each other, and/or others to
11 commit said acts, Defendants acting with the intent to commit said crime, and/or (3)
12 pursuant to a conspiracy to commit this crime.

13 COUNT 12 - INSURANCE FRAUD

14 Defendants did, on or about September 21, 2007, knowingly and willfully present, or
15 cause to be presented a statement as a part of, or in support of, a claim for payment or other
16 benefits under a policy of insurance issued pursuant to Title 57 of the Nevada Revised
17 Statutes, knowing that the statement concealed or omitted facts, or contained false or
18 misleading information concerning a fact material to said claim; and/or did assist, abet,
19 solicit or conspire to present or cause to be presented a statement to an insurer, a reinsurer, a
20 producer, a broker or any agent thereof, knowing that said statement concealed or omitted
21 facts, or did contain false or misleading information concerning a fact material to a claim for
22 payment or other benefits under such policy issued pursuant to Title 57 of the Nevada
23 Revised Statutes, by falsely representing to SECURE HORIZONS and/or PACIFICARE that
24 the billed anesthesia time and/or charges for the endoscopic procedure performed on
25 RUDOLFO MEANA were more than the actual anesthetic time and/or charges, said false
26 representation resulting in the payment of money to Defendants and/or their medical practice
27 and/or the racketeering enterprise which exceeded that which would have normally been
28 allowed for said procedure; Defendants being responsible under one or more of the

1 following principles of criminal liability, to wit: (1) by directly committing said acts; and/or
2 (2) aiding or abetting each other in the commission of the crime by directly or indirectly
3 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or
4 others to commit said acts, Defendants acting with the intent to commit said crime, and/or
5 (3) pursuant to a conspiracy to commit this crime.

6 COUNT 13 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
7 OR PROPERTY

8 Defendants did on or about September 21, 2007, then and there willfully and
9 unlawfully perform acts in willful or wanton disregard of the safety of persons or property
10 resulting in substantial bodily harm to PATTY ASPINWALL, in the following manner, to-
11 wit: by Defendants performing one or more of the following acts: (1) by directly
12 administering and/or directly or indirectly instructing employees of the Endoscopy Center of
13 Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug Propofol
14 from a single use vial to more than one patient contrary to the express product labeling of
15 said drug and in violation of universally accepted safety precautions for the administration of
16 said drug; and/or (2) by creating an employment environment in which said employees were
17 pressured to administer one or more doses of the anesthetic drug Propofol from a single use
18 vial to more than one patient contrary to the express product labeling of said drug and in
19 violation of universally accepted safety precautions for the administration of said drug;
20 and/or (3) by directly reusing and/or directly or indirectly instructing said employees, and/or
21 creating an employment environment in which said employees were pressured to reuse
22 syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary to
23 the express product labeling of said items, and/or in violation of universally accepted safety
24 precautions for the use of said items; and/or (4) by directly limiting and/or directly or
25 indirectly instructing said employees, and/or creating an employment environment in which
26 said employees were pressured to limit the use of medical supplies necessary to conduct safe
27 endoscopic procedures; and/or (5) by falsely precharting patient records and/or rushing
28 patients through said endoscopy center and/or rushing patient procedures at the expense of

1 patient safety and/or well being and/or directly or indirectly instructing said employees,
2 and/or creating an employment environment in which said employees were pressured to
3 falsely prechart patient records and/or rush patients through said endoscopy center and/or
4 rush patient procedures at the expense of patient safety and/or well being; and/or (6) by
5 directly or indirectly scheduling and/or treating an unreasonable number of patients per day
6 which resulted in substandard care and/or jeopardized the safety and/or well being of said
7 patients; and/or (7) by directly failing to adequately clean and/or prepare endoscopy scopes,
8 contrary to the express manufacturers guidelines for the handling and processing of said
9 endoscopy scopes, and/or in violation of universally accepted safety precautions for the use
10 of said scopes and/or directly or indirectly instructing said employees, and/or creating an
11 employment environment in which said employees were inadequately trained and/or
12 pressured to provide endoscopy scopes for patient procedures that were not adequately
13 cleaned and/or prepared contrary to the express manufacturers guidelines for the handling
14 and processing of said endoscopy scopes, and/or in violation of universally accepted safety
15 precautions for the use of said scopes; Defendants being responsible under one or more of
16 the following principles of criminal liability, to wit: (1) by directly committing said acts;
17 and/or (2) aiding or abetting each other in the commission of the crime by directly or
18 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,
19 and/or others to commit said acts, Defendants acting with the intent to commit said crime,
20 and/or (3) pursuant to a conspiracy to commit this crime.

21 COUNT 14 - CRIMINAL NEGLIGENCE OF PATIENTS

22 Defendants, on or about September 21, 2007, being professional caretakers of
23 PATTY ASPINWALL, did act or omit to act in an aggravated, reckless or gross manner,
24 failing to provide such service, care or supervision as is reasonable and necessary to
25 maintain the health or safety of said PATTY ASPINWALL, resulting in substantial bodily
26 harm to PATTY ASPINWALL, said acts or omissions being such a departure from what
27 would be the conduct of an ordinarily prudent, careful person under the same circumstances
28 that it is contrary to a proper regard for danger to human life or constitutes indifference to

the resulting consequences, said consequences of the negligent act or omission being reasonably foreseeable; said danger to human life not being the result of inattention, mistaken judgment or misadventure, but the natural and probable result of said aggravated reckless or grossly negligent act or omission, by performing one or more of the following acts: (1) by directly or indirectly instructing employees of the Endoscopy Center of Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug Propofol from a single use vial to more than one patient contrary to the express product labeling of said drug and in violation of universally accepted safety precautions for the administration of said drug; and/or (2) by creating an employment environment in which said employees were pressured to administer one or more doses of the anesthetic drug Propofol from a single use vial to more than one patient contrary to the express product labeling of said drug and in violation of universally accepted safety precautions for the administration of said drug; and/or (3) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to reuse syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary to the express product labeling of said items, and/or in violation of universally accepted safety precautions for the use of said items; and/or (4) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to limit the use of medical supplies necessary to conduct safe endoscopic procedures; and/or (5) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to falsely prechart patient records and/or rush patients through said endoscopy center and/or rush patient procedures at the expense of patient safety and/or well being; and/or (6) by directly or indirectly scheduling and/or treating an unreasonable number of patients per day which resulted in substandard care and/or jeopardized the safety and/or well being of said patients; and/or (7) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were inadequately trained and/or pressured to provide endoscopy scopes for patient procedures that were not adequately cleaned and/or prepared contrary to the express

1 manufacturers guidelines for the handling and processing of said endoscopy scopes, and/or
2 in violation of universally accepted safety precautions for the use of said scopes; and/or (8)
3 by methods unknown; for the purpose of enhancing the financial profit of ECSN, said act(s)
4 or omission(s) causing the transmission of Hepatitis C virus from patient KENNETH
5 RUBINO to patient PATTY ASPINWALL, who was not previously infected with the
6 Hepatitis C virus; Defendants being responsible under one or more of the following
7 principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding
8 or abetting each other in the commission of the crime by directly or indirectly counseling,
9 encouraging, hiring, commanding, inducing, or procuring each other, and/or others to
10 commit said acts, Defendants acting with the intent to commit said crime, and/or (3)
11 pursuant to a conspiracy to commit this crime.

12 COUNT 15 - INSURANCE FRAUD

13 Defendants did, on or about September 21, 2007, knowingly and willfully present, or
14 cause to be presented a statement as a part of, or in support of, a claim for payment or other
15 benefits under a policy of insurance issued pursuant to Title 57 of the Nevada Revised
16 Statutes, knowing that the statement concealed or omitted facts, or contained false or
17 misleading information concerning a fact material to said claim; and/or did assist, abet,
18 solicit or conspire to present or cause to be presented a statement to an insurer, a reinsurer, a
19 producer, a broker or any agent thereof, knowing that said statement concealed or omitted
20 facts, or did contain false or misleading information concerning a fact material to a claim for
21 payment or other benefits under such policy issued pursuant to Title 57 of the Nevada
22 Revised Statutes, by falsely representing to ANTHEM BLUE CROSS AND BLUE
23 SHIELD that the billed anesthesia time and/or charges for the endoscopic procedure
24 performed on PATTY ASPINWALL were more than the actual anesthetic time and/or
25 charges, said false representation resulting in the payment of money to Defendants and/or
26 their medical practice and/or the racketeering enterprise which exceeded that which would
27 have normally been allowed for said procedure; Defendants being responsible under one or
28 more of the following principles of criminal liability, to wit: (1) by directly committing said

1 acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or
2 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,
3 and/or others to commit said acts, Defendants acting with the intent to commit said crime,
4 and/or (3) pursuant to a conspiracy to commit this crime.

5 COUNT 16 - INSURANCE FRAUD

6 Defendants did, on or about September 21, 2007, knowingly and willfully present, or
7 cause to be presented a statement as a part of, or in support of, a claim for payment or other
8 benefits under a policy of insurance issued pursuant to Title 57 of the Nevada Revised
9 Statutes, knowing that the statement concealed or omitted facts, or contained false or
10 misleading information concerning a fact material to said claim; and/or did assist, abet,
11 solicit or conspire to present or cause to be presented a statement to an insurer, a reinsurer, a
12 producer, a broker or any agent thereof, knowing that said statement concealed or omitted
13 facts, or did contain false or misleading information concerning a fact material to a claim for
14 payment or other benefits under such policy issued pursuant to Title 57 of the Nevada
15 Revised Statutes, by falsely representing to UNITED HEALTH SERVICES that the billed
16 anesthesia time and/or charges for the endoscopic procedure performed on PATTY
17 ASPINWALL were more than the actual anesthetic time and/or charges, said false
18 representation resulting in the payment of money to Defendants and/or their medical practice
19 and/or the racketeering enterprise which exceeded that which would have normally been
20 allowed for said procedure; Defendants being responsible under one or more of the
21 following principles of criminal liability, to wit: (1) by directly committing said acts; and/or
22 (2) aiding or abetting each other in the commission of the crime by directly or indirectly
23 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or
24 others to commit said acts, Defendants acting with the intent to commit said crime, and/or
25 (3) pursuant to a conspiracy to commit this crime.

26 COUNT 17 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
27 OR PROPERTY

28 Defendants did on or about September 21, 2007, then and there willfully and

unlawfully perform acts in willful or wanton disregard of the safety of persons or property resulting in substantial bodily harm to SONIA ORELLANA-RIVERA, in the following manner, to-wit: by Defendants performing one or more of the following acts: (1) by directly administering and/or directly or indirectly instructing employees of the Endoscopy Center of Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug Propofol from a single use vial to more than one patient contrary to the express product labeling of said drug and in violation of universally accepted safety precautions for the administration of said drug; and/or (2) by creating an employment environment in which said employees were pressured to administer one or more doses of the anesthetic drug Propofol from a single use vial to more than one patient contrary to the express product labeling of said drug and in violation of universally accepted safety precautions for the administration of said drug; and/or (3) by directly reusing and/or directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to reuse syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary to the express product labeling of said items, and/or in violation of universally accepted safety precautions for the use of said items; and/or (4) by directly limiting and/or directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to limit the use of medical supplies necessary to conduct safe endoscopic procedures; and/or (5) by falsely precharting patient records and/or rushing patients through said endoscopy center and/or rushing patient procedures at the expense of patient safety and/or well being and/or directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to falsely prechart patient records and/or rush patients through said endoscopy center and/or rush patient procedures at the expense of patient safety and/or well being; and/or (6) by directly or indirectly scheduling and/or treating an unreasonable number of patients per day which resulted in substandard care and/or jeopardized the safety and/or well being of said patients; and/or (7) by directly failing to adequately clean and/or prepare endoscopy scopes, contrary to the express manufacturers guidelines for the handling and processing of said

1 endoscopy scopes, and/or in violation of universally accepted safety precautions for the use
2 of said scopes and/or directly or indirectly instructing said employees, and/or creating an
3 employment environment in which said employees were inadequately trained and/or
4 pressured to provide endoscopy scopes for patient procedures that were not adequately
5 cleaned and/or prepared contrary to the express manufacturers guidelines for the handling
6 and processing of said endoscopy scopes, and/or in violation of universally accepted safety
7 precautions for the use of said scopes; Defendants being responsible under one or more of
8 the following principles of criminal liability, to wit: (1) by directly committing said acts;
9 and/or (2) aiding or abetting each other in the commission of the crime by directly or
10 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,
11 and/or others to commit said acts, Defendants acting with the intent to commit said crime,
12 and/or (3) pursuant to a conspiracy to commit this crime.

13 COUNT 18 - CRIMINAL NEGLECT OF PATIENTS

14 Defendants, on or about September 21, 2007, being professional caretakers of SONIA
15 ORELLANA-RIVERA, did act or omit to act in an aggravated, reckless or gross manner,
16 failing to provide such service, care or supervision as is reasonable and necessary to
17 maintain the health or safety of said SONIA ORELLANA-RIVERA, resulting in substantial
18 bodily harm to SONIA ORELLANA-RIVERA, said acts or omissions being such a
19 departure from what would be the conduct of an ordinarily prudent, careful person under the
20 same circumstances that it is contrary to a proper regard for danger to human life or
21 constitutes indifference to the resulting consequences, said consequences of the negligent act
22 or omission being reasonably foreseeable; said danger to human life not being the result of
23 inattention, mistaken judgment or misadventure, but the natural and probable result of said
24 aggravated reckless or grossly negligent act or omission, by performing one or more of the
25 following acts: (1) by directly or indirectly instructing employees of the Endoscopy Center
26 of Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug
27 Propofol from a single use vial to more than one patient contrary to the express product
28 labeling of said drug and in violation of universally accepted safety precautions for the

1 administration of said drug; and/or (2) by creating an employment environment in which
2 said employees were pressured to administer one or more doses of the anesthetic drug
3 Propofol from a single use vial to more than one patient contrary to the express product
4 labeling of said drug and in violation of universally accepted safety precautions for the
5 administration of said drug; and/or (3) by directly or indirectly instructing said employees,
6 and/or creating an employment environment in which said employees were pressured to
7 reuse syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary
8 to the express product labeling of said items, and/or in violation of universally accepted
9 safety precautions for the use of said items; and/or (4) by directly or indirectly instructing
10 said employees, and/or creating an employment environment in which said employees were
11 pressured to limit the use of medical supplies necessary to conduct safe endoscopic
12 procedures; and/or (5) by directly or indirectly instructing said employees, and/or creating an
13 employment environment in which said employees were pressured to falsely prechart patient
14 records and/or rush patients through said endoscopy center and/or rush patient procedures at
15 the expense of patient safety and/or well being; and/or (6) by directly or indirectly
16 scheduling and/or treating an unreasonable number of patients per day which resulted in
17 substandard care and/or jeopardized the safety and/or well being of said patients; and/or (7)
18 by directly or indirectly instructing said employees, and/or creating an employment
19 environment in which said employees were inadequately trained and/or pressured to provide
20 endoscopy scopes for patient procedures that were not adequately cleaned and/or prepared
21 contrary to the express manufacturers guidelines for the handling and processing of said
22 endoscopy scopes, and/or in violation of universally accepted safety precautions for the use
23 of said scopes; and/or (8) by methods unknown; for the purpose of enhancing the financial
24 profit of ECSN, said act(s) or omission(s) causing the transmission of Hepatitis C virus from
25 patient KENNETH RUBINO to patient SONIA ORELLANA-RIVERA, who was not
26 previously infected with the Hepatitis C virus; Defendants being responsible under one or
27 more of the following principles of criminal liability, to wit: (1) by directly committing said
28 acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or

1 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,
2 and/or others to commit said acts, Defendants acting with the intent to commit said crime,
3 and/or (3) pursuant to a conspiracy to commit this crime.

4 COUNT 19 - INSURANCE FRAUD

5 Defendants did, on or about September 21, 2007, knowingly and willfully present, or
6 cause to be presented a statement as a part of, or in support of, a claim for payment or other
7 benefits under a policy of insurance issued pursuant to Title 57 of the Nevada Revised
8 Statutes, knowing that the statement concealed or omitted facts, or contained false or
9 misleading information concerning a fact material to said claim; and/or did assist, abet,
10 solicit or conspire to present or cause to be presented a statement to an insurer, a reinsurer, a
11 producer, a broker or any agent thereof, knowing that said statement concealed or omitted
12 facts, or did contain false or misleading information concerning a fact material to a claim for
13 payment or other benefits under such policy issued pursuant to Title 57 of the Nevada
14 Revised Statutes, by falsely representing to CULINARY WORKERS HEALTH FUND that
15 the billed anesthesia time and/or charges for the endoscopic procedure performed on SONIA
16 ORELLANA-RIVERA were more than the actual anesthetic time and/or charges, said false
17 representation resulting in the payment of money to Defendants and/or their medical practice
18 and/or the racketeering enterprise which exceeded that which would have normally been
19 allowed for said procedure; Defendants being responsible under one or more of the
20 following principles of criminal liability, to wit: (1) by directly committing said acts; and/or
21 (2) aiding or abetting each other in the commission of the crime by directly or indirectly
22 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or
23 others to commit said acts, Defendants acting with the intent to commit said crime, and/or
24 (3) pursuant to a conspiracy to commit this crime.

25 COUNT 20 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
26 OR PROPERTY

27 Defendants did on or about September 21, 2007, then and there willfully and
28 unlawfully perform acts in willful or wanton disregard of the safety of persons or property

1 resulting in substantial bodily harm to CAROLE GRUESKIN, in the following manner, to-
2 wit: by Defendants performing one or more of the following acts: (1) by directly
3 administering and/or directly or indirectly instructing employees of the Endoscopy Center of
4 Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug Propofol
5 from a single use vial to more than one patient contrary to the express product labeling of
6 said drug and in violation of universally accepted safety precautions for the administration of
7 said drug; and/or (2) by creating an employment environment in which said employees were
8 pressured to administer one or more doses of the anesthetic drug Propofol from a single use
9 vial to more than one patient contrary to the express product labeling of said drug and in
10 violation of universally accepted safety precautions for the administration of said drug;
11 and/or (3) by directly reusing and/or directly or indirectly instructing said employees, and/or
12 creating an employment environment in which said employees were pressured to reuse
13 syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary to
14 the express product labeling of said items, and/or in violation of universally accepted safety
15 precautions for the use of said items; and/or (4) by directly limiting and/or directly or
16 indirectly instructing said employees, and/or creating an employment environment in which
17 said employees were pressured to limit the use of medical supplies necessary to conduct safe
18 endoscopic procedures; and/or (5) by falsely precharting patient records and/or rushing
19 patients through said endoscopy center and/or rushing patient procedures at the expense of
20 patient safety and/or well being and/or directly or indirectly instructing said employees,
21 and/or creating an employment environment in which said employees were pressured to
22 falsely prechart patient records and/or rush patients through said endoscopy center and/or
23 rush patient procedures at the expense of patient safety and/or well being; and/or (6) by
24 directly or indirectly scheduling and/or treating an unreasonable number of patients per day
25 which resulted in substandard care and/or jeopardized the safety and/or well being of said
26 patients; and/or (7) by directly failing to adequately clean and/or prepare endoscopy scopes,
27 contrary to the express manufacturers guidelines for the handling and processing of said
28 endoscopy scopes, and/or in violation of universally accepted safety precautions for the use

1 of said scopes and/or directly or indirectly instructing said employees, and/or creating an
2 employment environment in which said employees were inadequately trained and/or
3 pressured to provide endoscopy scopes for patient procedures that were not adequately
4 cleaned and/or prepared contrary to the express manufacturers guidelines for the handling
5 and processing of said endoscopy scopes, and/or in violation of universally accepted safety
6 precautions for the use of said scopes; Defendants being responsible under one or more of
7 the following principles of criminal liability, to wit: (1) by directly committing said acts;
8 and/or (2) aiding or abetting each other in the commission of the crime by directly or
9 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,
10 and/or others to commit said acts, Defendants acting with the intent to commit said crime,
11 and/or (3) pursuant to a conspiracy to commit this crime.

12 COUNT 21- CRIMINAL NEGLIGENCE OF PATIENTS

13 Defendants, on or about September 21, 2007, being professional caretakers of
14 CAROLE GRUESKIN, did act or omit to act in an aggravated, reckless or gross manner,
15 failing to provide such service, care or supervision as is reasonable and necessary to
16 maintain the health or safety of said CAROLE GRUESKIN, resulting in substantial bodily
17 harm to CAROLE GRUESKIN, said acts or omissions being such a departure from what
18 would be the conduct of an ordinarily prudent, careful person under the same circumstances
19 that it is contrary to a proper regard for danger to human life or constitutes indifference to
20 the resulting consequences, said consequences of the negligent act or omission being
21 reasonably foreseeable; said danger to human life not being the result of inattention,
22 mistaken judgment or misadventure, but the natural and probable result of said aggravated
23 reckless or grossly negligent act or omission, by performing one or more of the following
24 acts: (1) by directly or indirectly instructing employees of the Endoscopy Center of
25 Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug Propofol
26 from a single use vial to more than one patient contrary to the express product labeling of
27 said drug and in violation of universally accepted safety precautions for the administration of
28 said drug; and/or (2) by creating an employment environment in which said employees were

1 pressured to administer one or more doses of the anesthetic drug Propofol from a single use
2 vial to more than one patient contrary to the express product labeling of said drug and in
3 violation of universally accepted safety precautions for the administration of said drug;
4 and/or (3) by directly or indirectly instructing said employees, and/or creating an
5 employment environment in which said employees were pressured to reuse syringes and/or
6 needles and/or biopsy forceps and/or snares and/or bite blocks contrary to the express
7 product labeling of said items, and/or in violation of universally accepted safety precautions
8 for the use of said items; and/or (4) by directly or indirectly instructing said employees,
9 and/or creating an employment environment in which said employees were pressured to limit
10 the use of medical supplies necessary to conduct safe endoscopic procedures; and/or (5) by
11 directly or indirectly instructing said employees, and/or creating an employment
12 environment in which said employees were pressured to falsely prechart patient records
13 and/or rush patients through said endoscopy center and/or rush patient procedures at the
14 expense of patient safety and/or well being; and/or (6) by directly or indirectly scheduling
15 and/or treating an unreasonable number of patients per day which resulted in substandard
16 care and/or jeopardized the safety and/or well being of said patients; and/or (7) by directly or
17 indirectly instructing said employees, and/or creating an employment environment in which
18 said employees were inadequately trained and/or pressured to provide endoscopy scopes for
19 patient procedures that were not adequately cleaned and/or prepared contrary to the express
20 manufacturers guidelines for the handling and processing of said endoscopy scopes, and/or
21 in violation of universally accepted safety precautions for the use of said scopes; and/or (8)
22 by methods unknown; for the purpose of enhancing the financial profit of ECSN, said act(s)
23 or omission(s) causing the transmission of Hepatitis C virus from patient KENNETH
24 RUBINO to patient CAROLE GRUESKIN, who was not previously infected with the
25 Hepatitis C virus; Defendants being responsible under one or more of the following
26 principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding
27 or abetting each other in the commission of the crime by directly or indirectly counseling,
28 encouraging, hiring, commanding, inducing, or procuring each other, and/or others to

1 commit said acts, Defendants acting with the intent to commit said crime, and/or (3)
2 pursuant to a conspiracy to commit this crime.

3 COUNT 22 - INSURANCE FRAUD

4 Defendants did, on or about September 21, 2007, knowingly and willfully present, or
5 cause to be presented a statement as a part of, or in support of, a claim for payment or other
6 benefits under a policy of insurance issued pursuant to Title 57 of the Nevada Revised
7 Statutes, knowing that the statement concealed or omitted facts, or contained false or
8 misleading information concerning a fact material to said claim; and/or did assist, abet,
9 solicit or conspire to present or cause to be presented a statement to an insurer, a reinsurer, a
10 producer, a broker or any agent thereof, knowing that said statement concealed or omitted
11 facts, or did contain false or misleading information concerning a fact material to a claim for
12 payment or other benefits under such policy issued pursuant to Title 57 of the Nevada
13 Revised Statutes, by falsely representing to HEALTH PLAN OF NEVADA that the billed
14 anesthesia time and/or charges for the endoscopic procedure performed on CAROLE
15 GRUESKIN were more than the actual anesthetic time and/or charges, said false
16 representation resulting in the payment of money to Defendants and/or their medical practice
17 and/or the racketeering enterprise which exceeded that which would have normally been
18 allowed for said procedure; Defendants being responsible under one or more of the
19 following principles of criminal liability, to wit: (1) by directly committing said acts; and/or
20 (2) aiding or abetting each other in the commission of the crime by directly or indirectly
21 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or
22 others to commit said acts, Defendants acting with the intent to commit said crime, and/or
23 (3) pursuant to a conspiracy to commit this crime.

24 COUNT 23 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
25 OR PROPERTY

26 Defendants did on or about September 21, 2007, then and there willfully and
27 unlawfully perform acts in willful or wanton disregard of the safety of persons or property
28 resulting in substantial bodily harm to GWENDOLYN MARTIN, in the following manner,

1 to-wit: by Defendants performing one or more of the following acts: (1) by directly
2 administering and/or directly or indirectly instructing employees of the Endoscopy Center of
3 Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug Propofol
4 from a single use vial to more than one patient contrary to the express product labeling of
5 said drug and in violation of universally accepted safety precautions for the administration of
6 said drug; and/or (2) by creating an employment environment in which said employees were
7 pressured to administer one or more doses of the anesthetic drug Propofol from a single use
8 vial to more than one patient contrary to the express product labeling of said drug and in
9 violation of universally accepted safety precautions for the administration of said drug;
10 and/or (3) by directly reusing and/or directly or indirectly instructing said employees, and/or
11 creating an employment environment in which said employees were pressured to reuse
12 syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary to
13 the express product labeling of said items, and/or in violation of universally accepted safety
14 precautions for the use of said items; and/or (4) by directly limiting and/or directly or
15 indirectly instructing said employees, and/or creating an employment environment in which
16 said employees were pressured to limit the use of medical supplies necessary to conduct safe
17 endoscopic procedures; and/or (5) by falsely precharting patient records and/or rushing
18 patients through said endoscopy center and/or rushing patient procedures at the expense of
19 patient safety and/or well being and/or directly or indirectly instructing said employees,
20 and/or creating an employment environment in which said employees were pressured to
21 falsely prechart patient records and/or rush patients through said endoscopy center and/or
22 rush patient procedures at the expense of patient safety and/or well being; and/or (6) by
23 directly or indirectly scheduling and/or treating an unreasonable number of patients per day
24 which resulted in substandard care and/or jeopardized the safety and/or well being of said
25 patients; and/or (7) by directly failing to adequately clean and/or prepare endoscopy scopes,
26 contrary to the express manufacturers guidelines for the handling and processing of said
27 endoscopy scopes, and/or in violation of universally accepted safety precautions for the use
28 of said scopes and/or directly or indirectly instructing said employees, and/or creating an

1 employment environment in which said employees were inadequately trained and/or
2 pressured to provide endoscopy scopes for patient procedures that were not adequately
3 cleaned and/or prepared contrary to the express manufacturers guidelines for the handling
4 and processing of said endoscopy scopes, and/or in violation of universally accepted safety
5 precautions for the use of said scopes; Defendants being responsible under one or more of
6 the following principles of criminal liability, to wit: (1) by directly committing said acts;
7 and/or (2) aiding or abetting each other in the commission of the crime by directly or
8 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,
9 and/or others to commit said acts, Defendants acting with the intent to commit said crime,
10 and/or (3) pursuant to a conspiracy to commit this crime.

11 COUNT 24 - CRIMINAL NEGLECT OF PATIENTS

12 Defendants, on or about September 21, 2007, being professional caretakers of
13 GWENDOLYN MARTIN, did act or omit to act in an aggravated, reckless or gross manner,
14 failing to provide such service, care or supervision as is reasonable and necessary to
15 maintain the health or safety of said GWENDOLYN MARTIN, resulting in substantial
16 bodily harm to GWENDOLYN MARTIN, said acts or omissions being such a departure
17 from what would be the conduct of an ordinarily prudent, careful person under the same
18 circumstances that it is contrary to a proper regard for danger to human life or constitutes
19 indifference to the resulting consequences, said consequences of the negligent act or
20 omission being reasonably foreseeable; said danger to human life not being the result of
21 inattention, mistaken judgment or misadventure, but the natural and probable result of said
22 aggravated reckless or grossly negligent act or omission, by performing one or more of the
23 following acts: (1) by directly or indirectly instructing employees of the Endoscopy Center
24 of Southern Nevada, (ECSN) to administer one or more doses of the anesthetic drug
25 Propofol from a single use vial to more than one patient contrary to the express product
26 labeling of said drug and in violation of universally accepted safety precautions for the
27 administration of said drug; and/or (2) by creating an employment environment in which
28 said employees were pressured to administer one or more doses of the anesthetic drug

Propofol from a single use vial to more than one patient contrary to the express product labeling of said drug and in violation of universally accepted safety precautions for the administration of said drug; and/or (3) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to reuse syringes and/or needles and/or biopsy forceps and/or snares and/or bite blocks contrary to the express product labeling of said items, and/or in violation of universally accepted safety precautions for the use of said items; and/or (4) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to limit the use of medical supplies necessary to conduct safe endoscopic procedures; and/or (5) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were pressured to falsely prechart patient records and/or rush patients through said endoscopy center and/or rush patient procedures at the expense of patient safety and/or well being; and/or (6) by directly or indirectly scheduling and/or treating an unreasonable number of patients per day which resulted in substandard care and/or jeopardized the safety and/or well being of said patients; and/or (7) by directly or indirectly instructing said employees, and/or creating an employment environment in which said employees were inadequately trained and/or pressured to provide endoscopy scopes for patient procedures that were not adequately cleaned and/or prepared contrary to the express manufacturers guidelines for the handling and processing of said endoscopy scopes, and/or in violation of universally accepted safety precautions for the use of said scopes; and/or (8) by methods unknown; for the purpose of enhancing the financial profit of ECSN, said act(s) or omission(s) causing the transmission of Hepatitis C virus from patient KENNETH RUBINO to patient GWENDOLYN MARTIN, who was not previously infected with the Hepatitis C virus; Defendants being responsible under one or more of the following principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or

///

1 others to commit said acts, Defendants acting with the intent to commit said crime, and/or
2 (3) pursuant to a conspiracy to commit this crime.

3 COUNT 25 - INSURANCE FRAUD

4 Defendants did, on or about September 21, 2007, knowingly and willfully present, or
5 cause to be presented a statement as a part of, or in support of, a claim for payment or other
6 benefits under a policy of insurance issued pursuant to Title 57 of the Nevada Revised
7 Statutes, knowing that the statement concealed or omitted facts, or contained false or
8 misleading information concerning a fact material to said claim; and/or did assist, abet,
9 solicit or conspire to present or cause to be presented a statement to an insurer, a reinsurer, a
10 producer, a broker or any agent thereof, knowing that said statement concealed or omitted
11 facts, or did contain false or misleading information concerning a fact material to a claim for
12 payment or other benefits under such policy issued pursuant to Title 57 of the Nevada
13 Revised Statutes, by falsely representing to PACIFIC CARE that the billed anesthesia time
14 and/or charges for the endoscopic procedure performed on GWENDOLYN MARTIN were
15 more than the actual anesthetic time and/or charges, said false representation resulting in the
16 payment of money to Defendants and/or their medical practice and/or the racketeering
17 enterprise which exceeded that which would have normally been allowed for said procedure;
18 Defendants being responsible under one or more of the following principles of criminal
19 liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other
20 in the commission of the crime by directly or indirectly counseling, encouraging, hiring,
21 commanding, inducing, or procuring each other, and/or others to commit said acts,
22 Defendants acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy
23 to commit this crime.

24 COUNT 26 - THEFT

25 Defendants did, between July 25, 2007 and December 31, 2007, then and there
26 knowingly, feloniously, and without lawful authority, commit theft by obtaining personal
27 property in the amount of \$250.00, or more, lawful money of the United States, from
28 STACY HUTCHINSON, KENNETH RUBINO, PATTY ASPINWALL, SHARRIEFF

1 ZIYAD, MICHAEL WASHINGTON, CAROLE GRUESKIN and RODOLFO MEANA,
2 and/or ANTHEM BLUE CROSS AND BLUE SHIELD, HEALTHCARE PARTNERS OF
3 NEVADA, UNITED HEALTH SERVICES, VETERANS ADMINISTRATION and
4 SECURED HORIZONS, by a material misrepresentation with intent to deprive those
5 persons of the property, in the following manner, to-wit: by falsely representing that the
6 billed anesthesia time and/or charges for the endoscopic procedure performed on STACY
7 HUTCHINSON, KENNETH RUBINO, PATTY ASPINWALL, SHARRIEFF ZIYAD,
8 MICHAEL WASHINGTON, CAROLE GRUESKIN and RODOLFO MEANA, were more
9 than the actual anesthetic time and/or charges, said false representation resulting in the
10 payment of money to Defendants and/or their medical practice and/or the racketeering
11 enterprise, which exceeded that which would have normally been allowed for said
12 procedure, thereby obtaining said personal property by a material misrepresentation with
13 intent to deprive them of the property, Defendants being responsible under one or more of
14 the following principles of criminal liability, to wit: (1) by directly committing said acts;
15 and/or (2) aiding or abetting each other in the commission of the crime by directly or
16 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,
17 and/or others to commit said acts, Defendants acting with the intent to commit said crime,
18 and/or (3) pursuant to a conspiracy to commit this crime.

19 COUNT 27 - OBTAINING MONEY UNDER FALSE PRETENSES

20 Defendants, did on or between September 20, 2007, and December 31, 2007, with
21 intent to cheat and defraud, wilfully, unlawfully, feloniously, knowingly, designedly, and by
22 use of false pretenses, obtain \$250.00, or more, lawful money of the United States from
23 GWENDOLYN MARTIN and/or PACIFICARE, within Las Vegas, Clark County, Nevada,
24 in the following manner, to-wit: by falsely representing that the billed anesthesia times
25 and/or charges for the endoscopic procedures performed on GWENDOLYN MARTIN were
26 more than the actual anesthetic times and/or charges, said false representation resulting in the
27 payment of money to Defendants and/or the medical practice and/or the racketeering
28 enterprise, which exceeded that which would have normally been allowed for said

1 procedures Defendants being responsible under one or more of the following principles of
2 criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting
3 each other in the commission of the crime by directly or indirectly counseling, encouraging,
4 hiring, commanding, inducing, or procuring each other, and/or others to commit said acts,
5 Defendants acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy
6 to commit this crime.

7 COUNT 28 - OBTAINING MONEY UNDER FALSE PRETENSES

8 Defendants, did on or between September 21, 2007, and December 31, 2007, with
9 intent to cheat and defraud, wilfully, unlawfully, feloniously, knowingly, designedly, and by
10 use of false pretenses, obtain \$250.00, or more, lawful money of the United States from
11 SONIA ORELLANA-RIVERA and/or CULINARY WORKERS HEALTH FUND, within
12 Las Vegas, Clark County, Nevada, in the following manner, to-wit: by falsely representing
13 that the billed anesthesia times and/or charges for the endoscopic procedures performed on
14 SONIA ORELLANA-RIVERA were more than the actual anesthetic times and/or charges,
15 said false representation resulting in the payment of money to Defendants and/or the medical
16 practice and/or the racketeering enterprise, which exceeded that which would have normally
17 been allowed for said procedures Defendants being responsible under one or more of the
18 following principles of criminal liability, to wit: (1) by directly committing said acts; and/or
19 (2) aiding or abetting each other in the commission of the crime by directly or indirectly
20 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

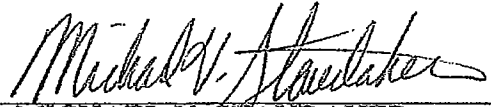
28 ///

1 others to commit said acts, Defendants acting with the intent to commit said crime, and/or
2 (3) pursuant to a conspiracy to commit this crime.

3 DATED this 3rd day of June, 2010.

4
5 DAVID ROGER
6 DISTRICT ATTORNEY
7 Nevada Bar #002781

8 BY


9 MICHAEL V. STAUDAHER
10 Chief Deputy District Attorney
11 Nevada Bar #008273

12 ENDORSEMENT: A True Bill

13 
14 Foreperson, Clark County Grand Jury
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Names of witnesses testifying before the Grand Jury:
2 CARRERA, HILARIO
3 DESAI, SAEHAL
4 RIVERA, SONIA ORELLONO
5 ZIYAD, SHARRIEFF
6 MEANA, RODOLFO
7 RUBINO, KENNETH
8 WASHINGTON, MICHAEL
9 GRUESKIN, CAROLE
10 MARTIN, GWENDOLYN
11 HUTCHINSON, STACY
12 ASPINWALL, PATTY
13 CAROL, CLIFFORD
14 LANGLEY, GAYLE, CDC PHYSICIAN
15 SCHAEFER, MELISSA, CDC PHYSICIAN
16 DROBENINE, JAN, CDC LAB SUPERVISOR
17 KHUDYAKOV, YURY, CDC
18 ARMOUR, PATRICIA, NV. HEALTH DISTRICT
19 LABUS, BRIAN, NV HEALTH DISTRICT
20 HAWKINS, MELVIN
21 YEE, THOMAS, ANESTHESIOLOGIST
22 SHARMA, SATISH, ANESTHESIOLOGIST
23 DUENAS, YERENY, INSURANCE CLAIMS
24 YOST, ANNE, NURSE
25 SAGENDORF, VINCENT, CRNA
26 CERDA, RYAN, HEALTH CARE BUSINESS SOLUTIONS
27 VANDRUFF, MARION, MEDICAL ASSISTANT
28 MYERS, ELAINE, CLAIMS DIRECTOR

1 SPAETH, CORRINE, CLAIMS DIRECTOR
2 GONZALES, PATRICIA, BLUE CROSS DIRECTOR DEPT.
3 SAMPSON, NANCY, LVMPD
4 SAMS, JOANNE, VET ADMIN. CODER
5 LOBIANBO, ANNAMARIE, CRNA
6 NEMEC, FRANK, GASTROENTEROLOGIST
7 CAMPBELL, LYNETTE, RN
8 SIMS, DOROTHY, BUREAU OF LICENSING AND CERTIFICATION
9 KALKA, KATIE, UNITED HEALTH GROUP INV.
10 KRUEGER, JEFFREY ALEN, RN
11 RUSHING, TONYA, OFFICE MGR.
12 Additional witnesses known to the District Attorney at time of filing the Indictment:
13 WHITELY, R. LVMPD
14 FORD, MIKE, LVMPD
15 HANCOCK, L., LVMPD #7083
16 KELLEY, J., LVMPD #3716
17 COE, DANIEL, LVMPD
18 ARNONE, ANTHONY, LVMPD
19 GRAY, WARREN, LVMPD
20 MCILROY, ROBIN, FBI
21 DESAI, DIPAK, 3093 RED ARROW, LVN 89135
22 LAKEMAN, RONALD, 700 SHADOW LN #165B, LVN 89106
23 MATHAHS, KEITH, 10220 BUTTON WILLOW DR., LVN 89134
24 HERRERO, CARMELO, 1864 WOODHAVEN DR., HNV 89074
25 KHAN, IKRAM, 3006 S. MARYLAND PKWY, #465 LVN 89109
26 ANWAR, JAVAID, 3006 MARYLAND PKWY #400, LVN 89109
27 FISHCHER, GAYLE, 1600 CLIFTON MAIL STOP #G37, ATLANTA, GA. 30333
28 SHARMA, VISHVINDER, DR. 3212 CEDARDALE PL., LVN 89134

1 COHAN, DR. CHARLES, POB 4144, SAYLORSBURG, PA
2 LOPEZ, J. JULIAN, 7106 SMOKE RANCH RD. #120 LVN 89128
3 MALEY, KATIE, 4275 BURNHAM #101, LVN
4 HANSEN, IDA
5 PETERSON, KAREN, 2138 FT. SANDERS ST., HNV
6 BIEN, KATHY, 3800 DALECREST DR. #1117, LVN 89129
7 CAVETT, JOSHUA, 7829 TATTERSALL FLAG ST., LVN 89139
8 HARRIS, ORELENA (HOLLEMAN), 2816 DESERT SONG, LVN 89106
9 GREGORY, MARTHA
10 HIGUERA, LILIA, 3504 FLOWER, NLVN 89030
11 CARAWAY, ANTOINETTE, 1407 BAREBACK CT., HNV 89014
12 DRURY, JANINE
13 JOHNSON, SHONNA S., 22 VIA DE LUCCIA, HNV 89074
14 BAILEY, PAULINE, 3416 MONTE CARLO DR., LVN 89121
15 FALZONE, LISA, 8024 PEACEFUL WOODS STREET, LVN 89143
16 IRVIN, JOHNNA
17 MCDOWELL, RALPH, 388 SANTA CANDIDA ST., LVN
18 RICHVALSKY, KAREN, 3325 NIGUL WAY, LVN 89117
19 HUBBARD, LINDA, 515 PARK ROYAL DR., NLVN 89031
20 MURPHY, MAGGIE, 10175 W. SPRING MTN RD. #2012 LVN 89117
21 RUSSOM, RUTA, 4854 MONTERREY AVE., LVN 89121
22 SCHULL, JERRY, 5413 SWEET SHADE ST., LVN
23 MCDOWELL, RALPH, 388 SANTA CANDIDA ST., LVN 89138
24 SUKHDEO, DANIEL, 3925 LEGEND HILLS ST. #203, LVN 89129
25 CLEMMER, DANA MARIE, 4913 FERRELL ST., NLVN 89034
26 WEBB, KAREN, 1459 S. 14TH ST., OMAHA, NE
27 MIONE, VINCENT, 2408 W. EL CAMPO GRANDE AVE., NLVN 89031
28 CHAFFEE, ROD, 9303 GILCREASE #1080, LVN 89149

1 MCGOWAN, SHANNON, 5420 CARNATION MEADOW ST., LVN 89130
2 KOSLOY, LESLEE, RN, HEALTH FACILITIES SURVEYOR
3 HOWARD, NADINE, HEALTH FACILITIES SURVEYOR
4 WHITAKER, GERALDINE, 701 CARPICE DR. #17B, BOULDER CITY, NV 89005
5 HUYNH, NGUYEN, 3004 HAZY MEADOW LN., LVN 89108
6 MANTHEI, PETER, 7066 AZURE BEACH AZURE ST., LVN 89148
7 PRESTON, LAWRENCE, 801 S. RANCHO DR., STE C-1, LVN
8 SHEFNOFF, NEIL, 755 E. MCDOWELL RD., PHOENIX, AZ 85006
9 GREER, MARY, 3462 SHAMROCK AVE., LVN 89120
10 SCAMBIO, JEAN, 2920 YUKON FLATS CT., NLVN 89031
11 LATHROP, CAROL, 1741 AUGUSTA ST., PAHRUMP, NV 89048
12 PHELPS, LISA, 784 MORMON PEAK ST., OVERTON, NV 89040
13 ZIMMERMAN, MARILYN, 550 SEASONS PKWY, BELVIDERE, IL 89040
14 BLEMINES, RENATE, 2100 PLAIN ST., PAHRUMP, NV 89060
15 ELLEN, DIANE
16 CARRERA, ELADIO, 612 CANYON GREENS DR., LVN 89144
17 CARROLL, CLIFFORD, 10313 ORKINEY DR., LVN 89144
18 JONES, LISA, CHIEF NSB OF LICENSURE AND CERTIFICATION (BLC)
19 WILLIAMS, SKLAR, RESIDENT AGENT, 8363 W. SUNSET RD. #300, LVN 89113
20 DESAI, KUSAM, MD
21 FARIS, FRANK
22 WAHID, SHAHID, MD
23 NAYYAR, SANJAY, MD
24 MUKHERJEE, RANADER, MD
25 OM, HARI, LLC MGR
26 COOPER, DOUG, CHIEF INV., NV. ST. BOARD OF ME
27 MASON, ALBERT
28 HIGGINS, HEATHER, INV. NV. ST. BOARD OF ME

1 HUGHES, LAURA, AG S/A
2 FRANKS, LISA, PHYSICIAN ASST.
3 ECKERT, PHYSICIAN ASST.
4 KAUL, DR.
5 PATEL, DR.
6 QUANNAH, LAKOTA
7 HUYNH, NGUYEN
8 COOK, KATIE, FBI S/A
9 VAZIRI, DR.
10 BUI, DR.
11 SAMEER, DR. SHEIKH
12 MANUEL, DR. DAVID
13 MANUEL, DR.
14 RICHVALSKY, KAREN, RN
15 CALVALHO, DANIEL CARRERA
16 JURANI, DR.
17 CASTLEMAN, DR. STEPHANIE
18 SENI, DR.
19 FALZONE, NURSE
20 TONY, DR.
21 LOPEZ, DR.
22 ALFARO-MARTINEZ, SAMUEL
23 WISE, PATTY
24 TERRY, JENNIFER, LVMPD INTERPRETER
25 MOORE, DAVID
26 DIAZ, ALLEN, LVMPD INTERPRETER
27 LEWIS, DR. DANIEL
28 O'REILLY, TIM

1 O'REILLY, JOHN
2 MARTIN, LOVEY
3 MALMBERG, GEORGE
4 ASHANTE, DR.
5 KNOWLES, DR.
6 SAPP, BETSY, PHLEBOTOMIST
7 PAGE-TAYLOR, LESLIE, CDC
8 HUBBARD, LINDA, CRNA
9 ROSEL, LINDA, FBI SA
10 LOBIONDA, CRNA
11 YAMPOLSKY, MACE
12 POMERANZ, AUSA
13 FIGLER, DAYVID
14 BUNIN, DANIEL
15 TAGLE, PEGGY, RN
16 BLEMINGS, RENATE
17 LUKENS, JOHN
18 KOSLOY, LESLEE, RN
19 HAHN, JASON, LVMPD
20 SMITH, CHARNESHA
21 HITTI, DR. MIRANDA
22 NAZARIO, DR. BRUNILDA
23 BARCLAY, DR. ROBERT
24 REXFORD, KEVIN
25 CAVETT, JOSHUA, GI TECH
26 ARBOREEN, DAVE, LVMPD
27 BURKIN, JERALD, FBI SA
28 NAZAR, WILLIAM

1 PHELPS, LISA
2 HARPER, TIFFANY
3 SCAMBIO, JEAN, NURSE
4 HUGHES, LAURA, AG INV.
5 MAANO, PETER, RN
6 MILLER, JAMES
7 CRANE, AUSA
8 DIBUDUO, CHARLES
9 GLASS-SERAN, BARBARA, CRNA
10 PENSAKOVIC, JOAN
11 KIRCH, MARLENE
12 KAUSHAL, DR. DHAN
13 LATHROP, CAROL
14 LATHROP, WILLIAM
15 SHARMA, DR. SATISH
16 STURMAN, GLORIA
17 GASKILL, SARA
18 BROWN, DAVID
19 DORAME, JOHN
20 GENTILE, DOMINIC
21 ARMENI, PAOLA
22 CREMEN, FRANK
23 SAGENDORF, VINCENT
24 TAGLE, PEGGY
25 IRVIN, JOHNNA
26 SOOD, RAJAT
27 09BGJ049A-C/10F03793A-C/GJ/mj
28 LVMPD EV #080229-2576
(TK11)