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Jul 08 2019 02:48 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 **NOAS**  
MICHAEL D. DAVIDSON, ESQ.  
2 Nevada Bar No. 000878  
**KOLESAR & LEATHAM**  
3 400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
4 Telephone: (702) 362-7800  
Facsimile: (702) 362-9472  
5 E-Mail: [mdavidson@klnevada.com](mailto:mdavidson@klnevada.com)

6 MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*  
**BOSSIE, REILLY & OH, P.C.**  
7 15333 N. Pima Rd., Ste. 300  
Scottsdale, Arizona 85260  
8 Telephone: (602) 553-4552  
Facsimile: (602) 553-4557  
9 E-Mail: [mbossie@brolawfirm.com](mailto:mbossie@brolawfirm.com)

10 BENNIE LAZZARA, JR., ESQ. - *Pro Hac Vice*  
**WILKES & MCHUGH, P.A.**  
11 One North Dale Mabry Highway, Suite 700  
Tampa, FL, 33609  
12 Telephone: (813) 873-0026  
Facsimile: (813) 286-8820  
13 Email: [bennie@wilkesmchugh.com](mailto:bennie@wilkesmchugh.com)

14 *Attorneys for Plaintiffs*

15 **DISTRICT COURT**  
16 **CLARK COUNTY, NEVADA**

17 \* \* \*

18 Estate of MARY CURTIS, deceased; LAURA  
19 LATRENTA, as Personal Representative of the  
Estate of MARY CURTIS; and LAURA  
20 LATRENTA, individually,

21 Plaintiffs,

22 vs.

23 SOUTH LAS VEGAS MEDICAL INVESTORS,  
24 LLC dba LIFE CARE CENTER OF SOUTH  
LAS VEGAS f/k/a LIFE CARE CENTER OF  
25 PARADISE VALLEY; SOUTH LAS VEGAS  
INVESTORS LIMITED PARTNERSHIP; LIFE  
26 CARE CENTERS OF AMERICA, INC.; BINA  
HRIBIK PORTELLO, Administrator; CARL  
27 WAGNER, Administrator; and DOES 1-50,  
inclusive,

28 Defendants.

Case No. A-17-750520-C

Dept No. XVIII

Consolidated With:  
Case No. A-17-754013-C

**PLAINTIFFS' NOTICE OF APPEAL  
OF THE ORDER GRANTING IPC  
DEFENDANTS' MOTION FOR  
RECONSIDERATION**

**KOLESAR & LEATHAM**  
400 S. Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800 / Fax: (702) 362-9472

1 Estate of MARY CURTIS, deceased; LAURA  
2 LATRENTA, as Personal Representative of the  
3 Estate of MARY CURTIS; and LAURA  
4 LATRENTA, individually,

5 Plaintiffs,

6 vs.

7 SAMIR SAXENA, M.D.; ANNABELLE  
8 SOCAOCO, N.P.; IPC HEALTHCARE, INC.  
9 aka THE HOSPITALIST COMPANY, INC.;  
10 INPATIENT CONSULTANTS OF NEVADA,  
11 INC.; IPC HEALTHCARE SERVICES OF  
12 NEVADA, INC.; HOSPITALISTS OF  
13 NEVADA, INC.; and DOES 51-100,

14 Defendant.

15 **PLAINTIFFS' NOTICE OF APPEAL OF THE ORDER GRANTING IPC**  
16 **DEFENDANTS' MOTION FOR RECONSIDERATION**

17 Notice is hereby given that Plaintiffs Estate of Mary Curtis, deceased; Laura Latrenta, as  
18 Personal Representative of the Estate of Mary Curtis; and Laura Latrenta, individually, by and  
19 through their attorneys at the law firms of Kolesar & Leatham, Bossie, Reilly & Oh, and Wilkes  
20 & McHugh, P.A., hereby appeal to the Supreme Court of Nevada the Order Granting IPC  
21 Defendants' Motion for Reconsideration entered in this action on the 25<sup>th</sup> day of April, 2019.

22 DATED this 1<sup>st</sup> day of July, 2019.

23 **KOLESAR & LEATHAM**

24 By /s/ Michael D. Davidson, Esq.

25 MICHAEL D. DAVIDSON, ESQ.  
26 Nevada Bar No. 000878  
27 400 S. Rampart Blvd, Suite 400  
28 Las Vegas, Nevada 89145

MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*  
**BOSSIE, REILLY & OH, P.C.**  
15333 N. Pima Road, Suite 300  
Scottsdale, Arizona 85260

BENNIE LAZZARA, JR., ESQ. - *Pro Hac Vice*  
**WILKES & MCHUGH, P.A.**  
One North Dale Mabry Highway, Suite 700  
Tampa, Florida 33609

*Attorneys for Plaintiffs*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of Kolesar & Leatham, and that on the 1<sup>st</sup> day of  
3 July, 2019, I caused to be served a true and correct copy of **PLAINTIFFS’ NOTICE OF**  
4 **APPEAL OF THE ORDER GRANTING IPC DEFENDANTS’ MOTION FOR**  
5 **RECONSIDERATION** in the following manner:

6 (ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced  
7 document was electronically filed on the date hereof and served through the Notice of Electronic  
8 Filing automatically generated by that Court’s facilities to those parties listed on the Court’s  
9 Master Service List and to those parties listed below:

10 S. Brent Vogel, Esq.  
11 Erin E. Jordan, Esq.  
12 **LEWIS BRISBOIS BISGAARD & SMITH, L.L.P.**  
13 6385 S. Rainbow Blvd., Suite 600  
14 Las Vegas, Nevada 89118

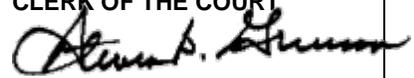
Vincent J. Vitatoe, Esq.  
John H. Cotton, Esq.  
**JOHN H. COTTON & ASSOCIATES, LTD.**  
7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117

13 *Attorneys for Defendants*  
14 *South Las Vegas Medical Investors, LLC dba*  
15 *Life Care Center of South Las Vegas fka Life*  
16 *Care Center of Paradise Valley, South Las*  
17 *Vegas Investors, LP, Life Care Centers of*  
18 *America, Inc., and Carl Wagner*

*Attorneys for Defendants*  
*Samir Saxena, MD, Annabelle Socaoco, NP,*  
*IPC Healthcare, Inc. aka The Hospitalist*  
*Company, Inc., Inpatient Consultants of*  
*Nevada, Inc., IPC Healthcare Services of*  
*Nevada, Inc., Hospitalists of Nevada, Inc.*

17 /s/ Kristina R. Cole  
18 An Employee of KOLESAR & LEATHAM

KOLESAR & LEATHAM  
400 S. Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800 / Fax: (702) 362-9472



1 **ASTA**  
MICHAEL D. DAVIDSON, ESQ.  
2 Nevada Bar No. 000878  
3 **KOLESAR & LEATHAM**  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
4 Telephone: (702) 362-7800  
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5 E-Mail: [mdavidson@knevada.com](mailto:mdavidson@knevada.com)

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13 *Attorneys for Plaintiffs*

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 \* \* \*

17 Estate of MARY CURTIS, deceased; LAURA  
LATRENTA, as Personal Representative of the  
18 Estate of MARY CURTIS; and LAURA  
LATRENTA, individually,

Case No. A-17-750520-C

Dept No. XVIII

Consolidated With:  
Case No. A-17-754013-C

19 Plaintiffs,

20 vs.

21 **PLAINTIFFS' CASE APPEAL  
STATEMENT**

22 SOUTH LAS VEGAS MEDICAL INVESTORS,  
23 LLC dba LIFE CARE CENTER OF SOUTH  
LAS VEGAS f/k/a LIFE CARE CENTER OF  
24 PARADISE VALLEY; SOUTH LAS VEGAS  
INVESTORS LIMITED PARTNERSHIP; LIFE  
25 CARE CENTERS OF AMERICA, INC.; BINA  
HRIBIK PORTELLO, Administrator; CARL  
WAGNER, Administrator; and DOES 1-50,  
inclusive,

Defendants.

26 Estate of MARY CURTIS, deceased; LAURA  
LATRENTA, as Personal Representative of the  
27 Estate of MARY CURTIS; and LAURA  
LATRENTA, individually,

28 Plaintiffs,

**KOLESAR & LEATHAM**  
400 S. Rampart Boulevard, Suite 400  
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Tel: (702) 362-7800 / Fax: (702) 362-9472

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vs.  
SAMIR SAXENA, M.D.; ANNABELLE  
SOCAOCO, N.P.; IPC HEALTHCARE, INC.  
aka THE HOSPITALIST COMPANY, INC.;  
INPATIENT CONSULTANTS OF NEVADA,  
INC.; IPC HEALTHCARE SERVICES OF  
NEVADA, INC.; HOSPITALISTS OF  
NEVADA, INC.; and DOES 51-100,  
Defendant.

**PLAINTIFFS' CASE APPEAL STATEMENT**

- 1. Name of appellant filing this case appeal statement:  
The Estate of Mary Curtis, deceased, Laura Latrenta, as Personal Representative of the Estate of Mary Curtis, and Laura Latrenta, individually
- 2. Identify the judge issuing the decision, judgment, or order appealed from:  
Judge Mary Kay Holthus
- 3. Identify each appellant and the name and address of counsel for each appellant:

Appellants are:  
The Estate of Mary Curtis  
Laura Latrenta, as Personal Representative of the Estate  
Laura Latrenta, individually

Appellants share the same counsel:  
Michael Davidson, Esq.  
**KOLESAR & LEATHAM**  
400 S. Rampart Blvd, Suite 400  
Las Vegas, NV 89145  
Melanie L. Bossie, Esq. - *Pro Hac Vice*  
**BOSSIE, REILLY & OH, P.C.**  
15333 N. Pima Road, Suite 300  
Scottsdale, AZ 85260  
Bennie Lazzara, Jr., Esq. - *Pro Hac Vice*  
**WILKES & MCHUGH, P.A.**  
One North Dale Mabry Highway, Suite 700  
Tampa, FL 33609

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

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Respondents are:

Annabelle Socaoco, N.P.

IPC Healthcare, Inc. aka The Hospitalists Company Inc.

Inpatient Consultants of Nevada Inc.

IPC Healthcare Services of Nevada Inc.

Hospitalists of Nevada, Inc.

The name of respondents' appellate counsel is unknown.

Respondents shared the same trial counsel:

Vincent J. Vitatoe  
John H. Cotton & Associates, Ltd.  
7900 W. Sahara Ave., Ste. 200  
Las Vegas, NV 89117

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

Melanie L. Bossie, Esq. is not licensed to practice law in Nevada. On April 26, 2017, the Eighth Judicial District Court granted Melanie L. Bossie, Esq. permission to appear under SCR 42. *See Exhibit A* attached hereto.

Bennie Lazzara, Jr., Esq. is not licensed to practice law in Nevada. On July 31, 2018, the Eighth Judicial District Court granted Bennie Lazzara, Jr., Esq. permission to appear under SCR 42. *See Exhibit B* attached hereto.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Appellants were represented by retained counsel in the district court.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Appellants are represented by retained counsel on appeal.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

Appellant was not granted leave to proceed in forma pauperis.

1 9. Indicate the date the proceedings commenced in the district court (e.g., date  
2 complaint, indictment, information, or petition was filed):

3 The proceedings commenced in the district court on February 2, 2017.

4 10. Provide a brief description of the nature of the action and result in the district court,  
5 including the type of judgment or order being appealed and the relief granted by the district court:

6 On February 2, 2017, in Case No. A-17-750520-C, Plaintiffs filed a Complaint  
7 against Defendants South Las Vegas Medical Investors, LLC dba Life Care Center  
8 of South Las Vegas f/k/a Life Care Center of Paradise Valley, South Las Vegas  
9 Investors Limited Partnership; Life Care Centers Of America, Inc., and Carl  
10 Wagner (“Life Care Defendants” or “Respondents”) alleging causes of action for  
11 (1) abuse/neglect of an older person pursuant to N.R.S. § 41.1395, (2) wrongful  
12 death by the Estate, (3) wrongful death by Ms. Curtis’ surviving daughter, and (3)  
13 bad faith tort.

14 In short, Plaintiffs’ claims against Life Care Defendants are based upon the injuries  
15 Ms. Curtis sustained during her residency at Life Care Defendants’ nursing home  
16 facility called Life Care Center of South Las Vegas f/k/a Life Care Center of  
17 Paradise Valley (“the facility”). Ms. Curtis entered the facility on March 2, 2016.  
18 Mary Curtis was 90 years old at the time of her admission and therefore was  
19 considered an “older person” under NRS 41-1395. Within a week of her admission,  
20 Ms. Curtis was twice permitted her to fall. Additionally, Mrs. Curtis was  
21 administered drugs that had not been prescribed for her—morphine, in fact. As  
22 found by the trial court, Ms. Curtis was administered “a dose of morphine  
23 prescribed to another resident.” Although aware that Ms. Curtis had been wrongly  
24 administered morphine, Ms. Curtis was retained as a resident until March 8, 2016.  
25 After Ms. Curtis’ daughter discovered Ms. Curtis in distress on March 8, 2016, 911  
26 was called and emergency personnel transported Ms. Curtis to the hospital where  
27 she was diagnosed with anoxic brain encephalopathy. Ms. Curtis died three days  
28 later of morphine intoxication.

On April 14, 2017, in Case No. A-17-754013-C, Plaintiffs filed a separate  
Complaint against Defendant Samir Saxena, M.D.

On September 10, 2017, the district court consolidated Case No. A-17-754013-C  
with Case No. A-17-750520-C.

On January 17, 2018, Plaintiffs filed a Motion to Amend Complaint to add the  
following defendants: Annabelle Socaoco, N.P., IPC Healthcare, Inc. aka The  
Hospitalist Company, Inc., Inpatient Consultants of Nevada, Inc., IPC Healthcare  
Services Of Nevada, Inc., Hospitalists Of Nevada, Inc. (collectively referred to as  
“IPC Defendants”) after discovering the involvement of the IPC Defendants.

On February 6, 2018, Dr. Saxena opposed Plaintiffs’ Motion to Amend Complaint  
and moved for summary judgment, arguing that the statute of limitations defeated  
Plaintiffs’ claims both against him and against the prospective IPC Defendants.

On April 11, 2018, the District Court granted Plaintiffs’ Motion to Amend and  
denied without prejudice Dr. Saxena’s Countermotion for Summary Judgment as  
to the statute of limitations issue.

1 On May 1, 2018, Annabelle Socaoco, N.P., IPC Healthcare, Inc. aka The  
2 Hospitalist Company, Inc., Inpatient Consultants of Nevada, Inc., IPC Healthcare  
3 Services Of Nevada, Inc., Hospitalists Of Nevada, Inc. were added as defendants  
to Case No. A-17-754013-C.

4 On June 12, 2018, the IPC Defendants filed their Motion to Dismiss, or, in the  
5 Alternative, for Summary Judgment seeking summary judgment on statute of  
limitations grounds.

6 On June 29, 2018, Plaintiffs filed her Opposition to Defendants' Motion to  
7 Dismiss/Motion for Summary Judgment.

8 On August 1, 2018, the district court held a hearing on the IPC Motion to Dismiss,  
or, in the Alternative, for Summary Judgment.

9 On November 7, 2018, the IPC Defendants filed the Notice of Entry of Order  
10 Granting In Part and Denying In Part IPC Defendants' Motion To Dismiss, Or, In  
The Alterative, For Summary Judgment. Specifically, the district court granted the  
11 IPC Defendants' Motion as to Plaintiffs' First Cause of Action for Abuse/Neglect  
of an Older Person and dismissed that claim. However, the district court denied the  
12 IPC Defendants' Motion to Dismiss based upon the statute of limitations because  
the district court found that the date of inquiry as to the identity of the IPC  
13 Defendants was a question of fact.

14 On November 26, 2018, the IPC Defendants filed their Motion for Reconsideration  
and Plaintiffs filed an Opposition on December 6, 2018.

15 On January 9, 2019, the new acting judge in the case entered Court Minutes denying  
16 "Plaintiff s Motion for Reconsideration of the Court's ruling Granting Defendant s  
Summary Judgement" because the previous Order was not clearly erroneous and  
17 "Plaintiff did not argue any new facts or law and did not introduce any substantially  
different evidence." However, Plaintiffs never filed a Motion for Reconsideration.

18 On February 27, 2019, the district court filed its Order to Strike the Court Minutes  
19 on IPC Defendants' Motion for Reconsideration finding that the acting judge ruled  
upon the IPC Defendants' Motion that had already been previously ruled upon by  
20 the prior judge.

21 On that same day, February 27, 2019, the district court entered an Order granting  
22 IPC Defendants' Motion for Reconsideration. In the Order, the district court ruled  
that the case against IPC Defendant was barred by the statute of limitations and  
ordered the case dismissed with prejudice.

23 On April 25, 2019, the IPC Defendants filed the Notice of Entry of Order Granting  
24 IPC Defendants' Motion for Reconsideration. In the Granting IPC Defendants'  
Motion for Reconsideration, the district court dismissed the case against the IPC  
25 Defendants with prejudice.

26 On April 29, 2019, Plaintiffs filed a Motion for Reconsideration of the Order  
27 Granting the IPC Defendants' Motion for Reconsideration requesting the Court to  
reconsider and amend its order granting IPC Defendants' Motion for  
Reconsideration/Motion to Dismiss.

28 On June 5, 2019, the district court held a hearing on Plaintiffs' Motion for  
Reconsideration.





1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of Kolesar & Leatham, and that on the 1<sup>st</sup> day of  
3 July, 2019, I caused to be served a true and correct copy of **PLAINTIFFS' CASE APPEAL**  
4 **STATEMENT** in the following manner:

5 (ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced  
6 document was electronically filed on the date hereof and served through the Notice of Electronic  
7 Filing automatically generated by that Court's facilities to those parties listed on the Court's  
8 Master Service List and to those parties listed below:

9 S. Brent Vogel, Esq.  
10 Erin E. Jordan, Esq.  
11 **LEWIS BRISBOIS BISGAARD & SMITH, L.L.P.**  
12 6385 S. Rainbow Blvd., Suite 600  
13 Las Vegas, Nevada 89118

Vincent J. Vitatoe, Esq.  
John H. Cotton, Esq.  
**JOHN H. COTTON & ASSOCIATES, LTD.**  
7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117

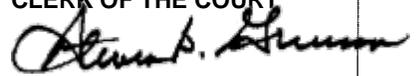
12 *Attorneys for Defendants*  
13 *South Las Vegas Medical Investors, LLC dba*  
14 *Life Care Center of South Las Vegas fka Life*  
15 *Care Center of Paradise Valley, South Las*  
16 *Vegas Investors, LP, Life Care Centers of*  
17 *America, Inc., and Carl Wagner*

*Attorneys for Defendants*  
*Samir Saxena, MD, Annabelle Socaoco, NP,*  
*IPC Healthcare, Inc. aka The Hospitalist*  
*Company, Inc., Inpatient Consultants of*  
*Nevada, Inc., IPC Healthcare Services of*  
*Nevada, Inc., Hospitalists of Nevada, Inc.*

16 /s/ Kristina R. Cole  
17 An Employee of KOLESAR & LEATHAM

KOLESAR & LEATHAM  
400 S. Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800 / Fax: (702) 362-9472

# EXHIBIT A



1 **ORD**  
MICHAEL D. DAVIDSON, ESQ.  
2 Nevada Bar No. 000878  
**KOLESAR & LEATHAM**  
3 400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
4 Telephone: (702) 362-7800  
Facsimile: (702) 362-9472  
5 E-Mail: [mdavidson@klnevada.com](mailto:mdavidson@klnevada.com)

6 -and-

7 MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice Pending*  
**WILKES & MCHUGH, P.A.**  
8 15333 N. Pima Rd., Ste. 300  
Scottsdale, Arizona 85260  
9 Telephone: (602) 553-4552  
Facsimile: (602) 553-4557  
10 E-Mail: [Melanie@wilkesmchugh.com](mailto:Melanie@wilkesmchugh.com)

11 Attorneys for Plaintiffs

12 **DISTRICT COURT**  
13 **CLARK COUNTY, NEVADA**

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LATRENTA, as Personal Representative of the  
16 Estate of MARY CURTIS; and LAURA  
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17 Plaintiffs,

18 vs.

19 SOUTH LAS VEGAS MEDICAL  
20 INVESTORS, LLC dba LIFE CARE CENTER  
OF SOUTH LAS VEGAS f/k/a LIFE CARE  
21 CENTER OF PARADISE VALLEY; SOUTH  
LAS VEGAS INVESTORS LIMITED  
22 PARTNERSHIP; LIFE CARE CENTERS OF  
AMERICA, INC.; BINA HRIBIK PORTELLO,  
23 Administrator; CARL WAGNER,  
Administrator; and DOES 1-50, inclusive,

24 Defendants.

CASE NO. A-17-750520-C

DEPT NO. XXIII

**ORDER ADMITTING TO  
PRACTICE PURSUANT TO SCR 42**

25  
26 Melanie Lynn Bossie, Esq., having filed her Motion to Associate Counsel under Nevada  
27 Supreme Court Rule 42, together with a Verified Application for Association of Counsel,  
28 Certificates of Good Standing from the Supreme Court of Arizona, the Supreme Court of New

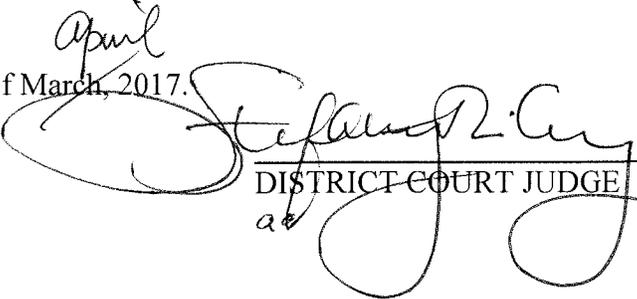
KOLESAR & LEATHAM,  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
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KOLESAR & LEATHAM,  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800 / Fax: (702) 362-9472

1 Mexico and the State Bar of Florida, and the State Bar of Nevada Statement; said application  
2 having been noticed, no objections having been made, and the Court being fully apprised in the  
3 premises, and good cause appearing, it is hereby

4 **ORDERED**, that said application is hereby granted, and **MELANIE LYNN BOSSIE,**  
5 **ESQ.** is hereby admitted to practice in the above-entitled Court for the purposes of the above  
6 entitled matter only.

7 Dated this 24 day of <sup>April</sup> March, 2017.

8   
9 DISTRICT COURT JUDGE  
10  
11 JUDGE STEPHANIE R. MILEY

11 Submitted by:

12 **KOLESAR & LEATHAM**

13  
14 By: 

15 MICHAEL D. DAVIDSON, ESQ.  
16 Nevada Bar No. 000878  
17 **KOLESAR & LEATHAM**  
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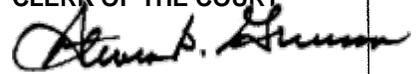
19 -and-

20 MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice Pending*  
21 **WILKES & MCHUGH, P.A.**  
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26 E-Mail: [Melanie@wilkesmchugh.com](mailto:Melanie@wilkesmchugh.com)

24 *Attorneys for Plaintiffs*

25  
26  
27  
28

# EXHIBIT B



ORIGINAL

1 **ORD**  
2 MICHAEL D. DAVIDSON, ESQ.  
3 Nevada Bar No. 000878  
4 **KOLESAR & LEATHAM**  
5 400 South Rampart Boulevard, Suite 400  
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15 E-Mail: [Melanie@wilkesmchugh.com](mailto:Melanie@wilkesmchugh.com)  
16 *Attorneys for Plaintiffs,*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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12 LATRENTA, as Personal Representative of  
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vs.

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16 INVESTORS, LLC dba LIFE CARE CENTER  
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18 CENTER OF PARADISE VALLEY; SOUTH  
19 LAS VEGAS INVESTORS LIMITED  
20 PARTNERSHIP; LIFE CARE CENTERS OF  
21 AMERICA, INC.; BINA HRIBIK  
22 PORTELLO, Administrator; CARL  
23 WAGNER, Administrator; and DOES 1-50,  
24 inclusive,

Defendants.

21 Estate of MARY CURTIS, deceased; LAURA  
22 LATRENTA, as Personal Representative of  
23 the Estate of MARY CURTIS; and LAURA  
24 LATRENTA, individually,

Plaintiffs,

vs.

25 SAMIR SAXENA, M.D.; ANNABELLE  
26 SOCAOCO, N.P.; IPC HEALTHCARE, INC.  
27 aka THE HOSPITALIST COMPANY, INC.;  
28 INPATIENT CONSULTANTS OF NEVADA,  
INC.; IPC HEALTHCARE SERVICES OF  
NEVADA, INC.; HOSPITALISTS OF  
NEVADA, INC.; and DOES 51-100,

Defendants.

CASE NO. A-17-750520-C

DEPT NO. XVII

CONSOLIDATED WITH:

CASE NO. A-17-754013-C

**ORDER ADMITTING TO  
PRACTICE PURSUANT TO SCR 42**

KOLESAR & LEATHAM  
400 S. Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800 / Fax: (702) 362-9472

RECEIVED BY  
DEPT 17 ON  
JUL 19 2018

**KOLESAR & LEATHAM**  
400 S. Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800 / Fax: (702) 362-9472

1                                   **ORDER ADMITTING TO PRACTICE PURSUANT TO SCR 42**

2           Bennie Lazzara, Jr., Esq., having filed his Motion to Associate Counsel under Nevada  
3 Supreme Court Rule 42, together with a Verified Application for Association of Counsel,  
4 Certificates of Good Standing from The Florida Bar, State Bar of Montana, State Bar of Texas,  
5 Board of Professional Responsibility of the Supreme Court of Tennessee, the Mississippi Bar,  
6 Kentucky Bar Association, the Supreme Court of Pennsylvania, the Supreme Court of the State of  
7 Arizona and Disciplinary Clerk for and on Behalf of the Supreme Court of Arizona, the State Bar  
8 of Georgia, and the Supreme Court of the State of New Mexico; said application having been  
9 noticed, no objections having been made, and the Court being fully apprised in the premises, and  
10 good cause appearing, it is hereby

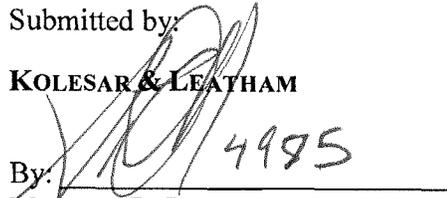
11                   **ORDERED**, that said application is hereby granted, and **BENNIE LAZZARA, JR., ESQ.**  
12 is hereby admitted to practice in the above-entitled Court for the purposes of the above entitled  
13 matter only.

14                   Dated this 31 day of July, 2018.



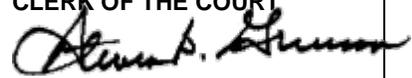
15                   \_\_\_\_\_  
16                   DISTRICT COURT JUDGE

17 Submitted by:  
18 **KOLESAR & LEATHAM**

19 By:  4975  
20 MICHAEL D. DAVIDSON, ESQ.  
21 Nevada Bar No. 000878  
22 **KOLESAR & LEATHAM**  
23 400 South Rampart Boulevard, Suite 400  
24 Las Vegas, Nevada 89145  
25 Telephone: (702) 362-7800  
26 Facsimile: (702) 362-9472  
27 E-Mail: [mdavidson@klnevada.com](mailto:mdavidson@klnevada.com)

28                   -and-  
29 MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*  
30 **WILKES & MCHUGH, P.A.**  
31 15333 N. Pima Rd., Ste. 300  
32 Scottsdale, Arizona 85260  
33 Telephone: (602) 553-4552  
34 Facsimile: (602) 553-4557  
35 E-Mail: [Melanie@wilkesmchugh.com](mailto:Melanie@wilkesmchugh.com)

36 *Attorneys for Plaintiffs*



1 **PAB**  
MICHAEL D. DAVIDSON, ESQ.  
2 Nevada Bar No. 000878  
3 **KOLESAR & LEATHAM**  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
4 Telephone: (702) 362-7800  
Facsimile: (702) 362-9472  
5 E-Mail: [mdavidson@knevada.com](mailto:mdavidson@knevada.com)  
MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*

6 **WILKES & MCHUGH, P.A.**  
15333 N. Pima Rd., Ste. 300  
7 Scottsdale, Arizona 85260  
Telephone: (602) 553-4552  
8 Facsimile: (602) 553-4557  
E-Mail: [Melanie@wilkesmchugh.com](mailto:Melanie@wilkesmchugh.com)

9 BENNIE LAZZARA, JR., ESQ. - *Pro Hac Vice*  
10 **WILKES & MCHUGH, P.A.**  
One North Dale Mabry Highway, Suite 700  
Tampa, FL, 33609  
11 Telephone: (813) 873-0026  
Facsimile: (813) 286-8820  
12 Email: [bennie@wilkesmchugh.com](mailto:bennie@wilkesmchugh.com)  
*Attorneys for Plaintiffs*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

\* \* \*

15 Estate of MARY CURTIS, deceased; LAURA  
16 LATRENTA, as Personal Representative of the  
Estate of MARY CURTIS; and LAURA  
17 LATRENTA, individually,

Plaintiffs,

vs.

19 SOUTH LAS VEGAS MEDICAL INVESTORS,  
20 LLC dba LIFE CARE CENTER OF SOUTH  
LAS VEGAS f/k/a LIFE CARE CENTER OF  
21 PARADISE VALLEY; SOUTH LAS VEGAS  
INVESTORS LIMITED PARTNERSHIP; LIFE  
22 CARE CENTERS OF AMERICA, INC.; BINA  
HRIBIK PORTELLO, Administrator; CARL  
23 WAGNER, Administrator; and DOES 1-50,  
inclusive,

Defendants.

25 Estate of MARY CURTIS, deceased; LAURA  
26 LATRENTA, as Personal Representative of the  
Estate of MARY CURTIS; and LAURA  
27 LATRENTA, individually,

Plaintiffs.

Case No. A-17-750520-C

Dept No. XVII

Consolidated With:  
Case No. A-17-754013-C

**PLAINTIFFS' NOTICE OF  
POSTING COST BOND ON APPEAL**

**KOLESAR & LEATHAM**  
400 S. Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800 / Fax: (702) 362-9472

KOLESAR & LEATHAM  
400 S. Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800 / Fax: (702) 362-9472

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vs.  
SAMIR SAXENA, M.D.; ANNABELLE  
SOCAOCO, N.P.; IPC HEALTHCARE, INC.  
aka THE HOSPITALIST COMPANY, INC.;  
INPATIENT CONSULTANTS OF NEVADA,  
INC.; IPC HEALTHCARE SERVICES OF  
NEVADA, INC.; HOSPITALISTS OF  
NEVADA, INC.; and DOES 51-100,  
Defendant.

**PLAINTIFFS’ NOTICE OF POSTING COST BOND ON APPEAL**

Pursuant to NRAP 7(a) notice is hereby given that Plaintiffs, Estate of MARY CURTIS, deceased; LAURA LATRENTA, as Personal Representative of the Estate of MARY CURTIS; and LAURA LATRENTA, individually, posted a bond on July 1, 2019, in the amount of Five Hundred Dollars (\$500). A copy of the Official Receipt is attached hereto as **Exhibit 1**.

DATED this 1<sup>st</sup> day of July, 2019.

**KOLESAR & LEATHAM**

By /s/ Michael D. Davidson, Esq.  
MICHAEL D. DAVIDSON, ESQ.  
Nevada Bar No. 000878  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*  
**WILKES & MCHUGH, P.A.**  
15333 N. Pima Rd., Ste. 300  
Scottsdale, Arizona 85260  
BENNIE LAZZARA, JR., ESQ. - *Pro Hac Vice*  
**WILKES & MCHUGH, P.A.**  
One North Dale Mabry Highway, Suite 700  
Tampa, FL, 33609

*Attorneys for Plaintiffs*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of Kolesar & Leatham, and that on the 1<sup>st</sup> day of  
3 July, 2019, I caused to be served a true and correct copy of **PLAINTIFFS’ NOTICE OF**  
4 **POSTING COST BOND ON APPEAL** in the following manner:

5 (ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced  
6 document was electronically filed on the date hereof and served through the Notice of Electronic  
7 Filing automatically generated by that Court’s facilities to those parties listed on the Court’s  
8 Master Service List and to those parties listed below:

9 S. Brent Vogel, Esq.  
10 Erin E. Jordan, Esq.  
11 **LEWIS BRISBOIS BISGAARD & SMITH, L.L.P.**  
12 6385 S. Rainbow Blvd., Suite 600  
13 Las Vegas, Nevada 89118

Vincent J. Vitatoe, Esq.  
John H. Cotton, Esq.  
**JOHN H. COTTON & ASSOCIATES, LTD.**  
7900 W. Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117

12 *Attorneys for Defendants*  
13 *South Las Vegas Medical Investors, LLC dba*  
14 *Life Care Center of South Las Vegas fka Life*  
15 *Care Center of Paradise Valley, South Las*  
16 *Vegas Investors, LP, Life Care Centers of*  
17 *America, Inc., and Carl Wagner*

*Attorneys for Defendants*  
*Samir Saxena, MD, Annabelle Socaoco, NP,*  
*IPC Healthcare, Inc. aka The Hospitalist*  
*Company, Inc., Inpatient Consultants of*  
*Nevada, Inc., IPC Healthcare Services of*  
*Nevada, Inc., Hospitalists of Nevada, Inc.*

16 /s/ Kristina R. Cole  
17 An Employee of KOLESAR & LEATHAM

KOLESAR & LEATHAM  
400 S. Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800 / Fax: (702) 362-9472

**EXHIBIT 1**

**EXHIBIT 1**

# OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor  
Kolesar & Leatham, CHTD

Receipt No.  
**2019-40089-CCCLK**

Transaction Date  
07/1/2019

Description	Amount Paid
-------------	-------------

On Behalf Of Latrenta, Laura  
A-17-750520-C  
Estate of Mary Curtis, Plaintiff(s) vs. South Las Vegas Investors Limited Partnership, Defendant(s)  
Appeal Bond

Appeal Bond  
**SUBTOTAL**

500.00  
**500.00**

**PAYMENT TOTAL** **500.00**

Check (Ref #5808) Tendered 500.00  
Total Tendered **500.00**  
Change 0.00

Notice of Appeal filed on 7/1/19 on behalf of Plaintiff.

07/01/2019  
03:14 PM

Cashier  
Station RJCC1

Audit  
36493880

## OFFICIAL RECEIPT

**KOLESAR & LEATHAM CHARTERED**

**5808**

Cole District Court Clerk

7/1/2019

\$500.00

Inv.Date	Inv.No.	Invoice Description	Amount
07-01-2019	9770-1 Cole	Bond for Costs on Appeal	500.00

Amount  
500.00

5808

Total:

\$500.00

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

Estate of Mary Curtis, Plaintiff(s)  
 vs.  
 South Las Vegas Investors Limited Partnership, Defendant  
 (s)

§  
§  
§  
§  
§  
§

Location: **Department 18**  
 Judicial Officer: **Holthus, Mary Kay**  
 Filed on: **02/02/2017**  
 Case Number History:  
 Cross-Reference Case Number: **A750520**  
 Supreme Court No.: **77810**

CASE INFORMATION

**Related Cases**  
 A-17-754013-C (Consolidated)

Case Type: **Negligence - Other Negligence**  
 Case Status: **02/02/2017 Open**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	A-17-750520-C
Court	Department 18
Date Assigned	01/07/2019
Judicial Officer	Holthus, Mary Kay

PARTY INFORMATION

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Estate of Mary Curtis</b>	<b>Davidson, Michael D.</b> <i>Retained</i> 702-362-7800(W)
	<b>Latrenta, Laura</b>	<b>Davidson, Michael D.</b> <i>Retained</i> 702-362-7800(W)
<b>Defendant</b>	<b>Life Care Centers of America Inc</b>	<b>Vogel, Stephen B.</b> <i>Retained</i> 702-893-3383(W)
	<b>Portello, Bina Hribik</b>	
	<b>South Las Vegas Investors Limited Partnership</b>	<b>Vogel, Stephen B.</b> <i>Retained</i> 702-893-3383(W)
	<b>South Las Vegas Medical Investors LLC</b>	<b>Vogel, Stephen B.</b> <i>Retained</i> 702-893-3383(W)
	<b>Wagner, Carl</b>	<b>Vogel, Stephen B.</b> <i>Retained</i> 702-893-3383(W)
<b>Consolidated Case Party</b>	<b>Saxena, Samir S., M.D.</b>	<b>Cotton, John H</b> <i>Retained</i> 702-832-5909(W)
<b>Personal Representative</b>	<b>Latrenta, Laura</b>	<b>Davidson, Michael D.</b> <i>Retained</i> 702-362-7800(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

**EVENTS**

- 02/02/2017  Complaint  
Filed By: Plaintiff Estate of Mary Curtis  
*Complaint for Damages*
  
- 02/02/2017  Initial Appearance Fee Disclosure  
Filed By: Personal Representative Latrenta, Laura  
*Initial Appearance Fee Disclosure*
  
- 03/03/2017  Affidavit of Service  
Filed By: Plaintiff Estate of Mary Curtis  
*Affidavit of Service*
  
- 03/03/2017  Initial Appearance Fee Disclosure  
Filed By: Defendant South Las Vegas Medical Investors LLC  
*Initial Appearance Fee Disclosure(NRS Chapter 19)*
  
- 03/03/2017  Demand for Jury Trial  
Filed By: Defendant South Las Vegas Medical Investors LLC  
*Demand for Jury Trial*
  
- 03/03/2017  Answer to Complaint  
Filed by: Defendant South Las Vegas Medical Investors LLC  
*Defendants' Answer to Plaintiffs' Complaint*
  
- 03/08/2017  Motion to Associate Counsel  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Motion to Associate Counsel Pursuant to SRC 42*
  
- 03/09/2017  Demand for Security of Costs  
Filed By: Defendant South Las Vegas Medical Investors LLC  
*Defendants' Demand For Posting Of Non-Resident Security Cost Bond Pursuant To NRS 18.130*
  
- 03/09/2017  Affidavit of Service  
Filed By: Plaintiff Estate of Mary Curtis  
*Affidavit of Service*
  
- 03/09/2017  Affidavit of Service  
Filed By: Plaintiff Estate of Mary Curtis  
*Affidavit of Service*
  
- 03/28/2017  Notice of Posting Non-Resident Cost Bond  
Filed by: Personal Representative Latrenta, Laura  
*Notice of Posting Non-Resident Cost Bond*
  
- 04/14/2017  Commissioners Decision on Request for Exemption - Granted  
*Commissioner's Decision on Request for Exemption - Granted*
  
- 04/21/2017  Decision and Order  
*Decision*
  
- 05/02/2017  Order Admitting to Practice

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura  
*Order Admitting to Practice Pursuant to SCR 42.*

05/05/2017

 Notice of Entry of Order

Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura  
*Notice of Entry of Order Admitting to Practice Pursuant to SRC 42*

05/12/2017

 Proof of Compliance

Party: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura  
*Proof of Compliance*

05/26/2017

 Affidavit

Filed By: Personal Representative Latrenta, Laura  
*Affidavit of Service on Defendant, Life Care Centers of America, Inc.*

05/30/2017

 Affidavit of Service

Filed By: Personal Representative Latrenta, Laura  
*Affidavit of Service on Bina Hribik Portello*

06/12/2017

 Motion for Summary Judgment

Filed By: Defendant Portello, Bina Hribik  
*(7/18/17 Withdrawn) Defendant Bina Hribik Portello's Motion for Summary Judgment*

06/12/2017

 Initial Appearance Fee Disclosure

Filed By: Defendant Portello, Bina Hribik  
*Initial Appearance Fee Disclosure*

06/13/2017

 Joint Case Conference Report

Filed By: Plaintiff Estate of Mary Curtis  
*Joint Case Conference Report*

06/20/2017

 Scheduling Order

*Scheduling Order*

07/06/2017

 Motion to Consolidate

Filed By: Personal Representative Latrenta, Laura  
*Plaintiffs' Motion to Consolidate Case No. A-17-754013-C With This Action*

07/18/2017

 Stipulation and Order for Dismissal Without Prejudice

Filed By: Personal Representative Latrenta, Laura  
*Stipulation to Dismiss Bina Hribik Poretello Without Prejudice*

07/19/2017

 Opposition to Motion

Filed By: Plaintiff Estate of Mary Curtis  
*Defendant Samir Saxena M.D. s Opposition to Motion to Consolidate Case No. A-17-754013-C with this Action*

07/24/2017

 Notice of Entry of Stipulation & Order for Dismissal

Filed By: Personal Representative Latrenta, Laura  
*Notice of Entry of Stipulation to Dismiss Bina Hribik Poretello Without Prejudice*

07/27/2017

 Order Setting Civil Jury Trial

*Order Setting Civil Jury Trial*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

- 08/15/2017  Reply in Support  
 Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Reply in Support of Their Motion to Consolidate Case No. A-17-754013-C With This Action*
  
- 08/17/2017  Notice of Department Reassignment  
*Notice of Department Reassignment*
  
- 08/17/2017  Notice of Change of Hearing  
*Notice of Change of hearing*
  
- 09/14/2017  Notice of Department Reassignment  
*Notice of Department Reassignment*
  
- 09/27/2017  Order Setting Civil Jury Trial  
*Order Setting Civil Jury Trial*
  
- 10/10/2017  Order Granting Motion  
 Filed By: Plaintiff Estate of Mary Curtis  
*Order Granting Plaintiff's Motion to Consolidate Case No. A-17-754013-C With This Action*
  
- 10/11/2017  Notice of Entry of Stipulation & Order for Dismissal  
 Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura  
*Notice of Entry of Order Granting Plaintiff's Motion to Consolidate Case No. A-17-754013-C With This Action*
  
- 10/17/2017  Stipulation to Extend Discovery  
 Party: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura  
*Stipulation and Order for Extension of Time to Complete Discovery (First Request)*
  
- 10/31/2017  Notice of Entry of Stipulation & Order for Dismissal  
 Filed By: Personal Representative Latrenta, Laura  
*Notice of Entry of Stipulation and Order for Extension of Time to Complete Discovery (First Request)*
  
- 11/08/2017  Motion to Compel  
 Filed By: Personal Representative Latrenta, Laura  
*Plaintiffs' Motion to Compel Further Responses to Requests for Production*
  
- 11/08/2017  Motion for Protective Order  
 Filed By: Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion for Protective Order*
  
- 11/09/2017  Declaration  
 Filed By: Personal Representative Latrenta, Laura  
*Declaration of Melanie L. Bossie, Esq. in Support of Order Shortening Time on Plaintiffs' Motion to Compel Further Responses to Requests for Production*
  
- 11/15/2017  Demand for Prior Discovery  
*Demand for Prior Discovery*
  
- 11/20/2017  Opposition to Motion For Protective Order  
 Filed By: Plaintiff Estate of Mary Curtis

**CASE SUMMARY**  
**CASE NO. A-17-750520-C**

*Plaintiffs' Response to Defendants' Motion for Protective Order*

11/27/2017

 Opposition

Filed By: Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Opposition to Plaintiffs' Motion to Compel*

11/29/2017

 Declaration

Filed By: Plaintiff Estate of Mary Curtis  
*Declaration of Michael D. Davidson, Esq. in Support of Order Shortening Time on Plaintiffs' Motion to Compel Further Responses to Requests for Production - and- Order Shortening Time*

12/06/2017

 Reply to Opposition

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Reply to Opposition to Motion for Protective Order*

12/06/2017

 Reply in Support

Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Reply in Support of Motion to Compel*

01/17/2018

 Motion to Amend Complaint

Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Motion to Amend Complaint*

01/18/2018

 Errata

Filed By: Plaintiff Estate of Mary Curtis  
*Errata to Plaintiff's Motion to Amend Complaint*

01/30/2018

 Stipulation to Extend Discovery

Party: Plaintiff Estate of Mary Curtis  
*Stipulation and Order for Extension of Discovery Deadlines (Second Request)*

02/01/2018

 Notice of Entry of Stipulation and Order

Filed By: Plaintiff Estate of Mary Curtis  
*Notice of Entry of Stipulation and Order for Extension of Discovery Deadlines (Second Request)*

02/06/2018

 Countermotion For Summary Judgment

Filed By: Consolidated Case Party Saxena, Samir S., M.D.  
*Defendant Samir S. Saxena M.D.'s Opposition to Plaintiffs' Motion to Amend Complaint and Countermotion for Summary Judgment*

02/21/2018

 Reply to Opposition

Filed by: Plaintiff Estate of Mary Curtis  
*Plaintiffs Reply in Support of Motion to Amend Complaint and Opposition to Defendant Samir S. Saxena M.D. S Countermotion for Summary Judgment*

02/26/2018

 Discovery Commissioners Report and Recommendations

*Discovery Commissioner's Report and Recommendation*

02/26/2018

 Reply in Support

Filed By: Consolidated Case Party Saxena, Samir S., M.D.

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

*Defendant Samir S. Saxena M.D.'s Reply in Support of Countermotion for Summary Judgment*

03/14/2018



Brief

Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Supplemental Brief Re: Elder Abuse Statute*

03/14/2018



Reply in Support

*Defendant Samir S. Saxena, M.D. s Supplemental Reply in Support of Countermotion for Summary Judgment*

03/29/2018



Motion to Compel

Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Second Motion to Compel Further Responses to Requests for Production and Request for Order Shortening Time*

04/02/2018



Errata

Filed By: Plaintiff Estate of Mary Curtis  
*Errata to Plaintiffs' Second Motion to Compel Further Responses to Requests for Production and Request for Order Shortening Time*

04/03/2018



Opposition

Filed By: Defendant Life Care Centers of America Inc  
*Defendants' Opposition to Plaintiffs' Second Motion to Compel*

04/11/2018



Order Granting Motion

Filed By: Personal Representative Latrenta, Laura  
*Order Granting Plaintiffs' Motion to Amend and Granting in Part Defendant Saxena's Countermotion for Summary Judgment*

04/12/2018



Notice of Entry of Order

Filed By: Plaintiff Estate of Mary Curtis  
*Notice of Entry of Order Granting Plaintiffs' Motion to Amend and Granting in Part Defendant Saxena's Countermotion for Summary Judgment*

04/23/2018



Motion to Continue Trial

Filed By: Plaintiff Estate of Mary Curtis  
*Joint Motion to Move Firm Trial Date and Extend Discovery Deadlines -and- Request for Order Shortening Time*

04/25/2018



Objection to Discovery Commissioners Report and Recommend

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Objection to Discovery Commissioner's Report and Recommendations*

05/01/2018



Amended Complaint

Filed By: Plaintiff Estate of Mary Curtis  
*(A750520, A754013) Amended Complaint for Damages*

05/03/2018



Summons Electronically Issued - Service Pending

Party: Plaintiff Estate of Mary Curtis  
*Summons - Defendant, Annabelle Socaoco, N.P.*

05/03/2018



Summons Electronically Issued - Service Pending

Party: Plaintiff Estate of Mary Curtis

CASE SUMMARY

CASE NO. A-17-750520-C

*Summons - Defendant, Hospitalists of Nevada, Inc.*

05/03/2018

 Summons Electronically Issued - Service Pending  
Party: Plaintiff Estate of Mary Curtis  
*Summons - Defendant, Inpatient Consultants of Nevada, Inc.*

05/03/2018

 Summons Electronically Issued - Service Pending  
Party: Plaintiff Estate of Mary Curtis  
*Summons - Defendant, IPC Healthcare, Services of Nevada, Inc.*

05/03/2018

 Summons Electronically Issued - Service Pending  
Party: Plaintiff Estate of Mary Curtis  
*Summons - Defendant, IPC Healthcare, Inc. aka The Hospitalist Company, Inc.*

05/04/2018

 Response  
Filed by: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Objection to Discovery Commissioner s Report and Recommendation*

05/10/2018

 Acceptance of Service  
Filed By: Plaintiff Estate of Mary Curtis  
*Acceptance of Service of Summons and Amended Complaint - Annabelle Socaoco, N.P., IPC Healthcare, Inc. aka The Hospitalist Company, Inc., Inpatient Consultants of Nevada Inc., IPC Healthcare Services of Nevada, Inc., and Hospitalists of Nevada, Inc.*

05/10/2018

 Supplement  
Filed by: Defendant Life Care Centers of America Inc  
*Supplement to Objection to Discovery Commissioner s Report and Recommendations*

05/15/2018

 Discovery Commissioners Report and Recommendations  
Filed By: Plaintiff Estate of Mary Curtis  
*Discovery Commissioner's Report and Recommendation*

05/16/2018

 Response  
Filed by: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura  
*Plaintiffs' Response to Defendants' Supplement to Objection to Discovery Commissioner's Report and Recommendation*

05/31/2018

 Order Granting Motion  
Filed By: Plaintiff Estate of Mary Curtis  
*Order Granting Joint Motion to Move Firm Trial Date and extend Discovery Deadlines*

05/31/2018

 Motion for Good Faith Settlement  
*Defendant Samir S. Saxena, M.D.'s Motion for Good Faith Settlement on Order Shortening Time*

06/04/2018

 Notice of Entry of Order  
Filed By: Plaintiff Estate of Mary Curtis  
*Notice of Entry of Order Granting Joint Motion to Move Firm Trial Date and extend Discovery Deadlines*

06/08/2018

 Joinder  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Joinder to Defendant Saxena s Motion for Good Faith Settlement*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

06/11/2018



Response

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants South Las Vegas Medical Investors, Llc Dba Life Care Center Of South Las Vegas Fka Life Care Center Of Paradise Valley, South Las Vegas Investors Limited Partnership, Life Care Centers Of America, Inc And Carl Wagner Response to Motion for Good Faith Settlement*

06/12/2018



Motion To Dismiss - Alternative Motion For Summary Judgment

Filed By: Consolidated Case Party Saxena, Samir S., M.D.

*Defendants' Motion to Dismiss, or in the alternative, for Summary Judgment*

06/25/2018



Order

Filed By: Plaintiff Estate of Mary Curtis

*Order Adopting Discovery Commissioner's Report & Recommendation*

06/29/2018



Filed Under Seal

Filed By: Plaintiff Estate of Mary Curtis

*SEALED PER MINUTE ORDER 7/2/18 Plaintiffs' Opposition to Defendants' Motion to Dismiss/Motion to Dismiss/Motion for Summary Judgment*

07/20/2018



Motion to Associate Counsel

Filed By: Plaintiff Estate of Mary Curtis

*Plaintiffs' Motion to Associate Counsel Pursuant to SRC 42 and Request for Order Shortening Time*

07/26/2018



Order Shortening Time

Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura

*Plaintiffs' Motion to Compel Defendants' Compliance with Court Order and Request for Order Shortening Time*

07/26/2018



Reply in Support

Filed By: Consolidated Case Party Saxena, Samir S., M.D.

*Defendants' Reply in Support of Motion to Dismiss, or, in the alternative, for Summary Judgment*

08/03/2018



Order

Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura

*Order Admitting to Practice Pursuant to SCR 42 ((BENNIE LAZZARA, JR.)*

08/08/2018



Notice of Entry of Order

*Notice of Entry of Order Granting Samir S. Saxena, M.D.'s Motion for Good Faith Settlement on Order Shortening Time*

08/09/2018



Application for Issuance of Commission to Take Deposition

*Application for Issuance of Commission to Take Out of State Deposition (Kirby)*

08/09/2018



Application for Issuance of Commission to Take Deposition

*Application for Issuance of Commission to Take Out of State Deposition (Hill-O'Neill)*

08/13/2018



Commission to Take Deposition Outside the State of Nevada

*Commission to Take Deposition Outside the State of Nevada (Kirby)*

08/13/2018



Commission to Take Deposition Outside the State of Nevada

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-750520-C

*Commission to Take Deposition Outside the State of Nevada (Hill-O'Neill)*

- 08/15/2018  Motion for Protective Order  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion for Protective Order*
- 08/16/2018  Notice of Change of Hearing  
*Notice of Change of Hearing*
- 08/22/2018  Receipt of Copy  
Filed by: Plaintiff Estate of Mary Curtis  
*Receipt of Copy of Notices of Depositions*
- 09/04/2018  Opposition to Motion For Protective Order  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Response to Defendants' Motion for Protective Order*
- 09/10/2018  Motion for Summary Judgment  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion for Summary Judgment*
- 09/12/2018  Reply to Opposition  
Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Reply to Opposition to Motion for Protective Order*
- 09/21/2018  Appendix  
Filed By: Plaintiff Estate of Mary Curtis  
*Appendix of Exhibits 26 - 52 to Plaintiffs' Motion for Prima Facie Claim for Punitive Damages*
- 09/21/2018  Motion  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Motion for Prima Facie Claim for Punitive Damages*
- 09/21/2018  Appendix  
Filed By: Plaintiff Estate of Mary Curtis  
*Appendix of Exhibits to Plaintiffs' Motion for Prima Facie Claim for Punitive Damages*
- 09/21/2018  Appendix  
Filed By: Plaintiff Estate of Mary Curtis  
*Appendix of Exhibits to Plaintiffs' Motion for Prima Facie Claim for Punitive Damages*
- 09/21/2018  Motion for Summary Judgment  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc  
*Motion for Summary Judgment Regarding Punative Damages*
- 09/24/2018  Motion for Partial Summary Judgment  
*Defendants' Motion for Partial Summary Judgment*

CASE SUMMARY

CASE NO. A-17-750520-C

- 10/04/2018  Opposition to Motion For Summary Judgment  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Response to Defendants' Motion for Summary Judgment*
- 10/08/2018  Opposition to Motion  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Opposition to Plaintiffs' Motion for Prima Facie Claim for Punitive Damages*
- 10/10/2018  Stipulation and Order  
Filed by: Plaintiff Estate of Mary Curtis  
*Stipulation and Order to Extend Plaintiff's Response to Defendants' Motion for Summary Judgment Regarding Punitives*
- 10/10/2018  Stipulation and Order  
Filed by: Plaintiff Estate of Mary Curtis  
*Stipulation and Order to Extend Plaintiff's Response to Defendants' Motion for Summary Judgment*
- 10/10/2018  Opposition to Motion For Summary Judgment  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Opposition to Defendants' Motion for Summary Judgment Re: Punitive Damages*
- 10/12/2018  Motion in Limine  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion in Limine to Preclude the Use of Reptile Tactics in Trial*
- 10/12/2018  Motion in Limine  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion in Limine to Preclude Evidence of Surveys Conducted at Life Care Centers of Paradise Valley*
- 10/12/2018  Motion in Limine  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion in Limine to Prohibit Argument Regarding Responsibility Avoidance*
- 10/12/2018  Motion in Limine  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion in Limine to Preclude Plaintiffs from Mentioning any Actual or Potential Dollar Amount of Damages to the Jury During Voir Dire*
- 10/12/2018  Motion in Limine  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion in Limine to Preclude Medical Opinions of Non-Medically Trained Witnesses*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

10/12/2018



Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Motion in Limine to Preclude Plaintiff's Experts from Testifying as to Whether any Conduct at Issue Constitutes Fraud, Oppression, or Malice*

10/12/2018



Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Motion in Limine Prohibit Treating Physicians from Offering Standard of Care or Causation Opinions*

10/12/2018



Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Motion in Limine to Limit Video and Photographic Evidence of Mary Curtis*

10/12/2018



Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Motion in Limine to Bifurcate Proceedings Regarding Punitive Damages*

10/12/2018



Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Motion in Limine to Strike Cost Reports*

10/12/2018



Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Motion in Limine to Preclude Evidence of the Relative Wealth of the Parties*

10/12/2018



Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Motion in Limine to Limit Expert Testimony to Opinions Contained Within Their Reports*

10/12/2018



Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Motion in Limine to Preclude Evidence of Surveys and Other Materials from Other Facilities*

10/12/2018



Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership

*Defendants' Motion in Limine to Preclude Evidence of a Printout Dated September 7, 2018 of <https://lcca.com>.*

10/12/2018



Motion in Limine

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion in Limine to Strike Anonymous Letter*

10/12/2018

 Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion in Limine to Preclude Evidence of a Survey Results Summary*

10/12/2018

 Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion in Limine to Strike Prior Medication Error Reports*

10/12/2018

 Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion in Limine to Strike Plaintiff's Expert Ernest Tosh, J.D., B.B.A.*

10/12/2018

 Motion in Limine

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Motion in Limine to Preclude Evidence of Yelp Reviews*

10/12/2018

 Motion in Limine

*Defendants' Motion in Limine to Preclude Evidence of Prior Lawsuits*

10/12/2018

 Motion in Limine

*IPC Defendants Motion In Limine No. 1 to Limit Noneconomic Damages Argument*

10/12/2018

 Motion in Limine

*IPC Defendants Motion In Limine No. 2 To Limit Treating Physician Testimony*

10/12/2018

 Motion in Limine

*IPC Defendants Motion In Limine No. 3 To Limit Plaintiffs Cumulative Expert Testimony*

10/12/2018

 Motion in Limine

*IPC Defendants Motion In Limine No. 5 To Permit Collateral Source Evidence*

10/12/2018

 Motion in Limine

*IPC Defendants' Motion in Limine No 4 to Exclude Irrelevant Deviations From Standard of Care*

10/15/2018

 Non Opposition

Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Response to IPC Defendants' Motion for Summary Judgment Re: Punitive Damages*

10/17/2018

 Joinder

Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

CASE SUMMARY

CASE NO. A-17-750520-C

*Defendants' Joinder to IPC Defendants Motion in Limine No. 4 to Exclude Irrelevant Deviations from Standard of Care*

- 10/17/2018  Joinder  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Joinder to IPC Defendants Motion in Limine No. 3 to Limit Cumulative Expert Testimony*
- 10/17/2018  Joinder  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Joinder to IPC Defendants Motion in Limine No. 2 to Limit Treating Physician Testimony*
- 10/17/2018  Joinder  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Joinder to IPC Defendants Motion in Limine No. 1 to Limit Noneconomic Damages Argument*
- 10/17/2018  Reply  
Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Reply to Plaintiffs Opposition to Motion for Summary Judgment*
- 10/17/2018  Reply in Support  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Reply in Support of Their Motion for Prima Facie Claim for Punitive Damages*
- 10/17/2018  Reply  
Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Reply in Support of Motion for Summary Judgment as to Punitive Damages*
- 10/24/2018  Notice of Entry of Stipulation and Order  
Filed By: Plaintiff Estate of Mary Curtis  
*Notice of Entry of Stipulation and Order to Extend Plaintiffs' Response to Defendants' Motion for Summary Judgment Regarding Punitives*
- 10/24/2018  Notice of Entry of Stipulation and Order  
Filed By: Plaintiff Estate of Mary Curtis  
*Notice of Entry of Stipulation and Order to Extend Plaintiff's Response to Defendants' Motion for Summary Judgment*
- 10/25/2018  Pre-Trial Disclosure  
Party: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura  
*Plaintiffs Pre-Trial Disclosures Pursuant to NRCP 16.1(a)(3)*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine to Preclude Plaintiffs from Mentioning*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

*Any Actual or Potential Dollar Amount of Damages to the Jury During Voir Dire*

- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Response to Defendants' MIL Re: Expert Testimony on Ultimate Issues*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Survey Results Summary*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Response to Defendants' MIL re: Treating Physicians Testimony*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Yelp Reviews*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine to Bifurcate Proceedings Regarding Punitive Damages*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to IPC Defendants' MIL No. 5 Re Collateral Source Evidence*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Surveys Conducted at Life Care Centers of Paradise Valley*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants MIL Re Photo/Video Evidence*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants MIL Re Anonymous Letter*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine to Preclude Medical Opinions of Non-Medically Trained Witnesses*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of the Relative Wealth of the Parties*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to IPC Defendants Motion in Limine No. 4 to Exclude Irrelevant Deviations from Standard of Care*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Surveys and Other Materials from Other Facilities*
- 11/01/2018  Errata  
Filed By: Plaintiff Estate of Mary Curtis  
*Errata to Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Surveys and Other Materials from Other Facilities*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants MIL Re Limiting Expert Testimony*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants MIL Re Medication Error Reports*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine to Prohibit Argument Regarding Responsibility Avoidance*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to IPC Defendants Motion in Limine No. 1 to Limit Noneconomic Damages Argument and Defendants Joinder to IPC Defendants Motion in Limine No. 1 to Limit Noneconomic Damages Argument*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Response to Defendants Motion in Limine to Preclude Evidence of a Printout Dated September 7, 2018 of <https://lcca.com>.*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine to Preclude Evidence of Prior Lawsuits*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to IPC Defendants Motion in Limine No. 3 to Limit Plaintiffs Cumulative Expert Testimony*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants MIL Re Ernie Tosh*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine Re Cost Reports*
- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to Defendants Motion in Limine to Preclude the Use of Reptile Tactics in*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

*Trial*

- 11/01/2018  Opposition to Motion in Limine  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Response to IPC Defendants Motion in Limine No. 2 Re Saxena Testimony*
- 11/02/2018  Trial Memorandum  
Filed by: Plaintiff Estate of Mary Curtis  
*Plaintiffs Trial Memorandum Regarding General Conditions in Response to Defendants Various Motions in Limine*
- 11/06/2018  Order  
*(A754013) Order Granting in Part and Denying in Part IPC Defendants' Motion to Dismiss, or, in the Alternative, for Summary Judgment*
- 11/07/2018  Notice of Entry of Order  
*Notice of Entry of Order Granting in Part and Denying in Part IPC Defendants' Motion to Dismiss, or, in the Alternative, for Summary Judgment*
- 11/07/2018  Designation of Witness  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiff's Trial Designation of Deposition of Loretta Chatman*
- 11/07/2018  Designation of Witness  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiff's Trial Designation of Deposition of Regina Ramos*
- 11/07/2018  Designation of Witness  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiff's Trial Designation of Deposition of Debra Johnson*
- 11/07/2018  Designation of Witness  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Trial Designation of Deposition of Tessie Hecht*
- 11/07/2018  Designation of Witness  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiff's Trial Designation of Deposition of Isabella Reyes*
- 11/07/2018  Designation of Witness  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiff's Trial Designation of Deposition of Annabelle Socaoco*
- 11/07/2018  Designation of Witness  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiff's Trial Designation of Deposition of Ershiela Dawson*
- 11/07/2018  Reply  
Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Reply to Opposition to Motion in Limine to Limit Video and Photographic Evidence of Mary Curtis*
- 11/07/2018

**CASE SUMMARY**

**CASE NO. A-17-750520-C**



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Reply to Opposition to Motion in Limine Prohibit Treating Physicians from Offering Standard of Care or Causation Testimony*

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Reply to Opposition to Motion in Limine to Preclude Evidence of Prior Lawsuits*

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Reply to Opposition to Motion in Limine to Preclude Plaintiffs from Mentioning Any Actual or Potential Dollar Amount of Damages to the Jury During Voir Dire*

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Reply to Opposition to Motion in Limine to Bifurcate Proceedings Regarding Punitive Damages*

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Reply to Opposition to Motion in Limine to Preclude Plaintiff's Experts from Testifying as to Whether any Conduct at Issue Constitutes Fraud, Oppression, or Malice*

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Reply to Plaintiffs Opposition to Motion in Limine to Strike Plaintiff's Expert Ernest Tosh, J.D., B.B.A*

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Reply to Opposition to Motion in Limine to Preclude the Use of Reptile Tactics in Trial*

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

*Defendants' Reply to Opposition to Motion in Limine to Strike Anonymous Letter*

11/07/2018



Reply

Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

*Defendants' Reply to Opposition to Motion in Limine to Preclude Medical Opinions of Non-Medically Trained Witnesses*

- 11/07/2018  Reply  
 Filed by: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Defendants' Reply to Opposition to Motion in Limine to Preclude Evidence of the Relative Wealth of the Parties*
- 11/07/2018  Reply  
*Defendants' Reply to Opposition to Motion in Limine to Preclude Evidence of Surveys and Other Materials from Other Facilities*
- 11/07/2018  Reply  
 Filed by: Defendant South Las Vegas Investors Limited Partnership  
*Defendants' Reply to Opposition to Motion in Limine to Preclude Evidence of Surveys Conducted at Life Care Centers of Paradise Valley*
- 11/07/2018  Reply  
 Filed by: Defendant Life Care Centers of America Inc  
*Defendants' Reply to Opposition to Motion in Limine to Strike Prior Medication Error Reports*
- 11/07/2018  Reply  
 Filed by: Defendant Life Care Centers of America Inc  
*Defendants' Reply to Plaintiffs Opposition to Defendants Motion in Limine to Preclude Evidence of Yelp Reviews*
- 11/07/2018  Reply  
 Filed by: Defendant Life Care Centers of America Inc  
*Defendants' Reply to Plaintiffs Opposition to Defendants Motion in Limine to Preclude Evidence of a Survey Results Summary*
- 11/07/2018  Reply  
 Filed by: Defendant South Las Vegas Investors Limited Partnership  
*Defendants' Reply to Opposition to Motion in Limine to Limit Expert Testimony to Opinions Contained Within Their Reports*
- 11/07/2018  Reply  
 Filed by: Defendant South Las Vegas Investors Limited Partnership  
*Defendants' Reply to Plaintiffs Opposition to Defendants Motion in Limine to Preclude Evidence of a Printout Dated September 2018 of HTTP://LCCA.com.*
- 11/07/2018  Reply in Support  
 Filed By: Consolidated Case Party Saxena, Samir S., M.D.  
*IPC Defendants' Reply in Support of Motions in Limine No. 1 to Limit Noneconomic Damages Argument*
- 11/07/2018  Reply in Support  
*IPC Defendants' Reply in Support of Motion in Limine No.2 to Limit Treating Physician Testimony*
- 11/07/2018  Reply in Support  
*IPC Defendants' Reply in Support of Motion in Limine No.3 to Limit Plaintiffs' Cumulative Expert Testimony*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

- 11/07/2018  Reply in Support  
*IPC Defendants' Reply in Support of Motion in Limine No.4 to Exclude Irrelevant Deviations from Standar of Care*
  
- 11/08/2018  Designation of Witness  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiff's Trial Designation of Deposition of Machelles Harris*
  
- 11/08/2018  Designation of Witness  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiff's Trial Designation of Deposition of Connie Blackmore*
  
- 11/08/2018  Initial Appearance Fee Disclosure  
*Initial Appearance Fee Disclosure*
  
- 11/13/2018  Designation of Witness  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiff's Trial Designation of Deposition of Mezert Werago*
  
- 11/13/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Florence Agorta*
  
- 11/13/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Juvy Solis*
  
- 11/13/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Linda Sanchez*
  
- 11/13/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Cherrie Sayson*
  
- 11/13/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Asiya Hassan*
  
- 11/13/2018  Objection  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Objections to IPC Defendants Pre-Trial Disclosures Pursuant to NRCP 16.1(a)(3)*
  
- 11/13/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Meskereme Wolde*
  
- 11/13/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Maria Sabanico*
  
- 11/13/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Tiffany Love*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

- 11/13/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Michael Malacaman*
- 11/13/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Cecelia Sansone*
- 11/13/2018  Objection  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs Objections to Life Care Defendants Pre-Trial Disclosures Pursuant to NRCP 16.1(a) (3)*
- 11/19/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Mariver Delloro*
- 11/19/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Cherry Uy*
- 11/19/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Gabriela Gregory, M.D.*
- 11/20/2018  Discovery Commissioners Report and Recommendations  
Filed By: Defendant South Las Vegas Investors Limited Partnership; Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Discovery Commissioners Report and Recommendations*
- 11/26/2018  Motion to Reconsider  
Filed By: Consolidated Case Party Saxena, Samir S., M.D.  
*IPC Defendants' Motion for Reconsideration*
- 11/28/2018  Trial Subpoena  
Filed by: Plaintiff Estate of Mary Curtis  
*Trial Subpoena to Timothy Dutra, M.D.*
- 12/06/2018  Opposition to Motion  
Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Opposition to IPC Defendants' Motion for Reconsideration*
- 12/07/2018  Order Granting Summary Judgment  
*Order Granting Defendants' Motion for Summary Judgment*
- 12/11/2018  Notice of Entry of Order  
Filed By: Defendant South Las Vegas Medical Investors LLC; Defendant Life Care Centers of America Inc; Defendant Wagner, Carl  
*Notice of Entry of Order Granting Defendants' Motion for Summary Judgment*
- 12/17/2018  Memorandum of Costs and Disbursements  
*Defendants' Verified Memorandum of Costs*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

- 12/20/2018  Opposition  
 Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Opposition to Defendants' Verified Statement of Costs*
- 12/27/2018  Reply in Support  
 Filed By: Consolidated Case Party Saxena, Samir S., M.D.  
*IPC Defendants' Reply in Support of Motion for Reconsideration*
- 12/27/2018  Notice of Appeal  
 Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura  
*Plaintiffs' Notice of Appeal of the Order Granting Defendants' Motion for Summary Judgment*
- 12/27/2018  Case Appeal Statement  
 Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura  
*Plaintiffs' Case Appeal Statement*
- 01/02/2019  Posting of Appeal Bond  
 Filed by: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Notice of Posting Cost Bond on Appeal*
- 01/07/2019 Case Reassigned to Department 18  
*Judicial Reassignment - From Judge Villani to Judge Holthus*
- 02/27/2019  Order  
*Order To Strike The Court Minutes on IPC Defendants' Motion For Reconsideration*
- 02/28/2019  Order  
*(A-17-754013-C Only) Order*
- 03/11/2019  Recorders Transcript of Hearing  
*Recorder's Transcript of Hearing: Plaintiff's Motion to Amend Complaint Defendant Samir S. Saxena M.D.'s Opposition to Plaintiff's Motion to Amend Complaint and Countermotion for Summary Judgment Heard on February 28, 2018*
- 03/25/2019  Recorders Transcript of Hearing  
*Recorder's Transcript of Hearing: Plaintiffs' Motion to Associate Counsel Pursuant to SCR 42 and Request for Order Shortening Time Plaintiffs' Motion to Compel Defendants' Compliance With Court Order and Request for Order Shortening Time Defendants Samir S. Saxena M.D., Anabelle Socaoco, N.P., IPC Healthcare, Inc., Inpatient Consultants of Nevada, Inc., IPC Healthcare Services of Nevada, Inc., and Hospitalist of Nevada's Motion to Dismiss or, in the Alternative, for Summary Judgment (A-11-642547-C) Heard on August 1, 2018*
- 04/18/2019  Request  
 Filed by: Plaintiff Estate of Mary Curtis  
*Request for Transcript of Proceedings*
- 04/24/2019  Order Granting Motion  
*(A754013) Order Granting IPC Defendants' Motion for Reconsideration*
- 04/25/2019  Notice of Entry of Order  
*Notice of Entry of Order Granting IPC Defendants' Motion for Reconsideration*
- 04/25/2019  Recorders Transcript of Hearing

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

*Recorder's Transcript of Hearing: All Pending Motions Heard on October 31, 2018*

04/29/2019



Motion to Reconsider

Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Motion for Reconsideration*

04/29/2019



Appendix

Filed By: Plaintiff Estate of Mary Curtis  
*Appendix of Exhibits to Plaintiffs' Motion for Reconsideration*

04/29/2019



Clerk's Notice of Hearing

*Notice of Hearing*

05/14/2019



Opposition to Motion

Filed By: Consolidated Case Party Saxena, Samir S., M.D.  
*IPC DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION FOR RECONSIDERATION*

05/29/2019



Errata

*ERRATA TO IPC DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION FOR RECONSIDERATION*

05/31/2019



Reply in Support

Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Reply in Support of Motion for Reconsideration*

06/26/2019



Order Denying Motion

Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura  
*Order Denying Plaintiffs' Motion to Reconsider*

06/27/2019



Notice of Entry of Order

Filed By: Plaintiff Estate of Mary Curtis; Personal Representative Latrenta, Laura  
*Notice of Entry of Order*

07/01/2019



Notice of Appeal

Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Notice of Appeal of the Order Granting IPC Defendants' Motion for Reconsideration*

07/01/2019



Case Appeal Statement

Filed By: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Case Appeal Statement*

07/01/2019



Posting of Appeal Bond

Filed by: Plaintiff Estate of Mary Curtis  
*Plaintiffs' Notice of Posting Cost Bond on Appeal*

**DISPOSITIONS**

07/18/2017

**Order of Dismissal Without Prejudice** (Judicial Officer: Miley, Stefany)  
Debtors: Bina Hribik Portello (Defendant)  
Creditors: Estate of Mary Curtis (Plaintiff), Laura Latrenta (Plaintiff)  
Judgment: 07/18/2017, Docketed: 07/18/2017

12/07/2018

**Summary Judgment** (Judicial Officer: Villani, Michael)  
Debtors: Estate of Mary Curtis (Plaintiff), Laura Latrenta (Personal Representative, Plaintiff)  
Creditors: South Las Vegas Investors Limited Partnership (Defendant), South Las Vegas Medical

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

Investors LLC (Defendant), Life Care Centers of America Inc (Defendant)  
 Judgment: 12/07/2018, Docketed: 12/10/2018

**HEARINGS**

- 04/25/2017 **CANCELED Motion to Associate Counsel** (9:30 AM) (Judicial Officer: Miley, Stefany)  
*Vacated*  
*Plaintiffs' Motion to Associate Counsel Pursuant to SRC 42*
  
- 07/25/2017 **CANCELED Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Miley, Stefany)  
*Vacated - per Stipulation and Order*  
*Defendant Bina Hribik Portello's Motion for Summary Judgment*
  
- 08/16/2017  **Minute Order** (3:57 PM) (Judicial Officer: Miley, Stefany)  
*Minute Order Re: Court's Recusal*  
 Recused; Minute Order Re: Court's Recusal  
 Journal Entry Details:  
*Pursuant to Millen v. District Court, 122 Nev. Adv. Op. No. 105, a Recusal List was prepared, made public record and attorney John H. Cotton, Esq., was named on the list. To avoid the appearance of impropriety and implied bias, the COURT hereby recuses itself. The Motion to Consolidate set for August 22, 2017 at 9:30 am and the Calendar Call set for June 19, 2018 at 11:00 am as well as the Jury Trial set for June 25, 2018 at 1:00 pm are hereby vacated. This matter will be reassigned at random and the hearings will be calendared in the new department.;*
  
- 08/22/2017 **CANCELED Motion to Consolidate** (9:30 AM) (Judicial Officer: Miley, Stefany)  
*Vacated - Case Reassigned*  
*Plaintiffs' Motion to Consolidate Case No. A-17-754013-C With This Action*
  
- 08/24/2017  **Motion to Consolidate** (9:30 AM) (Judicial Officer: Allf, Nancy)  
 Granted;  
 Journal Entry Details:  
*Appearances: Michael D. Davidson, Esq. for Plaintiff (A750520 and A754013) along with lead counsel Melanie L. Bossie, Pro Hac Vice John Orr, Esq. for Defendant South Las Vegas Medical Investors LLC (A750520) Vincent Vitatoe, Esq. for Samir Saxena M.D. (A754013) Arguments by Ms. Bossie and Mr. Vitatoe regarding the merits of and opposition to the motion. Mr. Orr stated he had nothing to add. Court stated its findings and ORDERED, Motion to Consolidate (A750520 and A754013) GRANTED. Plaintiff's counsel to prepare the order and submit it to opposing counsel for approval. -----CASE CONSOLIDATED (A750520 AND A754013)-----*  
*-----LEAD CASE-----;*
  
- 09/08/2017  **Minute Order** (1:59 PM) (Judicial Officer: Gonzalez, Elizabeth)  
*Minute Order: Case Reassignment*  
 Matter Transferred;  
 Journal Entry Details:  
*COURT ORDERED, pursuant to EDCR 1.31, this consolidated matter is TRANSFERRED due to the special assignment of the current department (business court) to a department hearing civil but not CD or business court matters. CLERK'S NOTE: A copy of this minute order was distributed to the parties via the E-Service List./ dr 9-8-17;*
  
- 09/12/2017  **Discovery Conference** (9:30 AM) (Judicial Officer: Bulla, Bonnie)  
*Discovery Conference for Sub Case A754013*  
 Matter Continued; Discovery Conference for Sub Case A754013  
 Journal Entry Details:  
*Vincent Vitatoe, Esq., present on behalf of Deft. Samir Saxena, M.D., in consolidated case A754013. Commissioner noted this is a procedural mess. Cases are consolidated now. Judge Allf consolidated the cases but she is business court and will not be hearing the medical malpractice so it was to be randomly reassigned per Chief Judge Gonzales. Statement by Mr. Davidson. Further, Commissioner stated there is a scheduling order in the lead case controls. There is a scheduling order in the lead case, do not have one in the subordinate case, have a*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

trial date in the subordinate case and not in the lead case. Additionally, Commissioner does not believe the trial date stands in the subordinate case. At the medical malpractice status checks, Judge Weiss actually transferred the subordinate case to Department VI. But now it is consolidated, subordinate case out of Department VI, is with Department XXVII until it is going to be reassigned. The trial date in the lead case has been vacated and will be reset by the department. This case will not go back to the sweeps because it already had a trial date and now is consolidated. The lead case will not go back because it has a scheduling order and trial date. **COMMISSIONER RECOMMENDED**, counsel to follow the scheduling order in the lead case and there will not be a scheduling order issued for the subordinate case. If counsel needs more time, does not have a trial date in the lead case, counsel to prepare a 2.35 stipulation and send to the Commissioner. **FURTHER COMMISSIONER RECOMMENDED**, matter SET for status check. Mr. Vitatoe stated in terms of the stipulation, not sure if parties are going to agree to extend the deadlines. Commissioner stated a motion will have to be done and serve in the consolidate case as well. Parties to either submit a 2.35 stipulation in the consolidated cases or file motion to extend in the consolidated cases. Mr. Davidson stated parties anticipated that parties would come back once the cases were consolidated either the Commissioner or the Judge would take a look at the two cases and set a unified schedule. Commissioner stated that does not happen. Once parties receive a scheduling order, the only way to move discovery deadlines by 2/35 stipulation or motion. A new scheduling order will not be issued in this case as the lead case already has one. **CONTINUED TO: 10/24/17 9:30 AM;**

12/13/2017 **Motion to Compel** (9:00 AM) (Judicial Officer: Bulla, Bonnie)  
*Plaintiffs Motion to Compel Further Responses to Requests for Production*  
 Granted in Part;

12/13/2017 **Motion for Protective Order** (9:00 AM) (Judicial Officer: Bulla, Bonnie)  
*Defendant's Motion for Protective Order*  
 Granted in Part;

12/13/2017  **All Pending Motions** (9:00 AM) (Judicial Officer: Bulla, Bonnie)  
 Matter Heard;  
 Journal Entry Details:  
*Plaintiffs Motion to Compel Further Responses to Requests for Production ..... Defendant's Motion for Protective Order Mr. Bossie asked to proceed without Mr. Davidson (adding another hearing); no objection by Defense counsel. Once the Protective Order is in place, it appears to Commissioner that Defense counsel will provide a significant part of information. COMMISSIONER RECOMMENDED, Plaintiffs Motion to Compel is GRANTED IN PART; Defendant's Motion for Protective Order is GRANTED IN PART; parameters discussed; (1) INSUFFICIENT STAFFING - staffing information must be provided during the time Plaintiff was in the life care center for six months before and six months after to determine trending, and was there a subsequent remedial measure; (2) any MEDICATION ERRORS - Deft needs to be more responsive, but REDACT resident patient names or use a code sheet; go back five years - start with local facility to determine the process, then do a 30(b)(6) deposition. Two hundred plus facilities nationwide. COMMISSIONER RECOMMENDED, Request to Produce 46 - look at 1-1-2016 through 3-31-2016, Plaintiff was only there March 2nd through March 8th (a few days); colloquy re: other lawsuits for five years before; turn over employment file for Nurse with proper redactions, and go back five years before date of this medication error. Michael Davidson, Esquire, present. Start with this facility and broaden to the Southwest if necessary. Commissioner addressed the confusing Motion work; lack of 2.34 conference. Ms. Bossie moved the case forward with depositions without the Incident Report or Error Report. Mr. Vogel will provide it if he can obtain it. Ms. Bossie stated the Autopsy Report confirmed Pltf died of Morphine intoxication. Commissioner offered a Mandatory Settlement Conference coordinated by Judge Scotti's Department or the Senior Judge Department. Mr. Vogel and Mr. Weiss agreed. Ms. Bossie agreed, but requested to speak with her client in New Jersey. COMMISSIONER RECOMMENDED a Mandatory Settlement Conference or alternatively Mediation. Argument by Ms. Bossie. Commissioner stated the insurance policy and policies and procedures will be disclosed without necessarily being protected. Ms. Bossie to prepare the Report and Recommendations, and Defense counsel to approve as to form and content. A proper report must be timely submitted within 20 days of the hearing. Otherwise, counsel will pay a contribution. ;*

02/01/2018 **CANCELED Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie)  
*Vacated - per Commissioner*

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-17-750520-C

02/28/2018 **Motion to Amend Complaint** (8:30 AM) (Judicial Officer: Villani, Michael)  
**02/28/2018, 03/21/2018**

*Plaintiffs' Motion to Amend Complaint*

Matter Continued;

Granted;

Matter Continued;

Granted;

02/28/2018 **Opposition and Countermotion** (8:30 AM) (Judicial Officer: Villani, Michael)  
**02/28/2018, 03/21/2018**

*Defendant Samir S. Saxena M.D.'s Opposition to Plaintiffs' Motion to Amend Complaint and Countermotion for Summary Judgment*

Matter Continued;

Granted in Part;

Matter Continued;

Granted in Part;

02/28/2018  **All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)

Matter Heard;

Journal Entry Details:

*PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT SAMIR S. SAXENA M.D.'S OPPOSITION TO PLAINTIFF'S MOTION TO AMEND COMPLAINT AND COUNTERMOTION FOR SUMMARY JUDGMENT Ms. Bossie stated the alleged facts and procedural history of the case. Ms. Bossie requested a Motion to leave and Amend the Complaint and argued Defendant Life Care and Defendant Saxena didn't list Nurse Annabelle in their disclosure statements. Ms. Bossie stated it was a discovery rule and question of fact when it was learned of the injury and who was part and parcel of committing the injury. As to the elder abuse issue, Ms. Bossie noted there was not much Nevada law pertaining to medical professions regarding if it came under a Medical Mal-Practice action, 41A, or the older adult statute and argued in reading both statutes if the legislature wanted to make one or the other the exclusive remedy for the cause of action they would have done so. Ms. Bossie argued the statute does not eliminate out this cause of action as if it couldn't be brought against the attending physician of the provider and there wasn't exclusive language in 41A. Ms. Bossie requested Defendant's summary judgment motion be denied as to the older abuse statute and grant Plaintiff's Motion to Amend Complaint. Upon Court's inquiry, Ms. Bossie argued Plaintiff didn't know what the cause of death was until April 15th and the complaint was filed within one year. Mr. Vitatoe stated the criticisms level of Dr. Saxena was two-fold, he didn't transfer Plaintiff Curtis quickly enough and he provided her an IV drip of Narcan, that's important to the statute of limitation analysis. Mr. Vitatoe argued there was no case law that stated only when an autopsy was received did the statute of limitation commence. Mr. Vitatoe further argued the standard as set forth in Massey was when facts were presented to Plaintiff that would put a reasonable person to be on inquiry notice that some negligence may have caused the death, at that point they were supposed to investigate further. Mr. Vitatoe argued there was no issue of fact because parties were relying on admissions. Mr. Vitatoe cited case law and stated parties inconsistent statements were not genuine issues of fact and argued the undisputed admissions put Plaintiff on inquiry notice in March, under Massey that barred the claims against Dr. Saxena. Further arguments by counsel. Court stated as to cause of action regarding the expansion of elder abuse counsel was to submit supplemental briefing on March 14, 2018 by 5:00 pm. Court further stated it would review the matter and ORDERED, matter CONTINUED to the Chamber Calendar for the Court's written decision. CONTINUED TO: 03/21/18 (CHAMBER CALENDAR);*

03/21/2018  **All Pending Motions** (3:00 AM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

*PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT SAMIR S. SAXENA M.D.'S OPPOSITION TO PLAINTIFFS' MOTION TO AMEND COMPLAINT AND COUNTERMOTION FOR SUMMARY JUDGMENT Plaintiffs' Motion to Amend Complaint and Defendant Samir S. Saxena, M.D.'s Countermotion for Summary Judgment came before this Court on the February 28, 2018 Oral Calendar at 8:30 a.m. The Court requested supplemental briefing, and continued the matter for written decision on the March 21, 2018 Chamber Calendar. This Court, having reviewed the pleadings and papers on file herein, finds*

**CASE SUMMARY****CASE NO. A-17-750520-C**

as follows: Plaintiffs seek to amend the Complaint to add IPC Healthcare, Inc. and nurse practitioner Annabelle Socaoco as parties to this matter. Defendant Samir S. Saxena, M.D. seeks summary judgment on the elder abuse cause of action (NRS 41.1395) because a cause of action for malpractice of a healthcare provider is governed by NRS 41A. Pursuant to NRCP 15(a), leave to amend should be freely granted when justice requires. Additionally, when determining the claims for relief, the Court looks to the gravamen of the Complaint. *Egan v. Chambers*, 129 Nev. 239, 241, 299 P.3d 364, 366 (2013). The Complaint in question is for professional negligence against a healthcare provider and, therefore, governed by NRS 41A. The Court FINDS that it was not the legislative intent of enacting NRS 41.1395 to supersede the caps under NRS 41A. There is neither legislative purpose nor intent to carve out an exception for elderly patients covered under NRS 41A. The Court FURTHER FINDS the reasoning in *Brown v. Mt. General Hospital*, 2013 WL 4523488 (D. Nev. 2013) to be persuasive. Therefore, COURT ORDERED Plaintiffs' Motion to Amend Complaint GRANTED and Defendant Samir S. Saxena, M.D. s Counter-motion for Summary Judgment is GRANTED as it relates to Plaintiffs' First Cause of Action for Abuse/Neglect of an Older Person. Counsel for Plaintiffs to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by opposing counsel. CLERK'S NOTE: A copy of the foregoing minute order has been electronically distributed to all registered parties.//ob/03/26/18.;

04/04/2018

**Motion to Compel** (9:30 AM) (Judicial Officer: Bulla, Bonnie)

*Plaintiffs' Second Motion to Compel Further Responses to Requests for Production and Request for OST*

Granted; Plaintiffs' Second Motion to Compel Further Responses to Requests for Production and Request for OST

Journal Entry Details:

Commissioner discussed focusing on 1) what happened to this particular Plaintiff and her condition, and 2) was the entire facility staffed appropriately and were patients receiving care appropriately. Colloquy re: search terms and scope. Ms. Brookhyser will submit a Stipulation to extend deadlines after receiving a new Trial date from the Judge. Argument by Ms. Bossie. Colloquy re: including census in search terms. Mr. Bossie stated terms agreed to by counsel are staff, labor, PPD, budget, fall, medication error, bounce back, LOS (length of stay). COMMISSIONER RECOMMENDED, put a clawback provision in place and incorporate Federal Court language in Report and Recommendation; redact attorney client privilege or other privileges, but prepare a privilege log; Commissioner can review the information in camera; colloquy re: annual budgets, produce the previous fiscal year and the year that controlled during this admission. COMMISSIONER RECOMMENDED, budget variance reports are under a Protective Order pursuant to Rule 26(c) proprietary confidential information until such time as ordered by the District Court Judge; motion is GRANTED within parameters. Counsel must have a 2.34 conference, if counsel cannot agree, do not turn over documents, but file a Motion for Protective Order. Colloquy re: the adopting the proposed Federal Proportionality Rule. Commissioner is available by conference call. Colloquy re: generally speaking 30 days prior to Trial, three years of net worth are provided with supporting documentation. Ms. Bossie to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. CLERK'S NOTE: Minutes amended 6-1-18 to reflect Ms. Bossie to prepare the Report and Recommendations. JL;

05/09/2018

**Motion** (8:30 AM) (Judicial Officer: Villani, Michael)

*Plaintiffs Estate of Mary Curtis, Laura Latrenta and Defendants South Las Vegas Medical Investors LLC, Life Care Centers of America Inc., South Las Vegas Medical Investors Limited Partnership, and Carl Wagner's Joint Motion to Move Firm Trial Date and Extend Discovery Deadlines -and- Request for Order Shortening Time*

Motion Granted;

Journal Entry Details:

Court noted this was a motion to continue the trial date and reset discovery deadlines. Ms. Bossie requested to extend the deadline ninety days. Colloquy regarding trial dates. Counsel estimated 7 days for trial. CONFERENCE AT BENCH. COURT ORDERED, Trial dates VACATED and RESET. Court instructed Ms. Bossie to prepare the Order with the discovery deadline dates with a Stipulation and Order. 10/31/18 9:00 AM CALENDAR CALL 11/26/18 9:00 AM JURY TRIAL;

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

05/30/2018

 **Objection to Discovery Commissioner's Report** (8:30 AM) (Judicial Officer: Villani, Michael)

*Discovery Commissioner's Report and Recommendation*

Matter Heard;

Journal Entry Details:

*Mr. Vogel argued part of the issue was the scope, the Discovery Commissioner ordered seven months of emails. Mr. Vogel further argued they collected 15,000 emails, 14,000 attachments which was 100,000 pages that they still had to go through and be redacted. Mr. Vogel argued the scope was to broad and requested to provide two months of emails to include the regional individuals involved, not corporate. Ms. Bossie gave a history of the case and argued opposing counsel was able to search the matter and she needed to prove the why as this would be a punitive damage case. Ms. Bossie further argued the information was already accessible and they already retrieved the data and they could do a searchable format. Further argument by Mr. Vogel. COURT stated it did not find this to be overly burdensome. COURT ADOPTED the report recommendation by Commissioner Bulla. Ms. Bossie to prepare the Order and submit it to opposing counsel as to form and content. Upon Court's inquiry, Ms. Bossie estimated eight days for trial, Mr. Vogel estimated two weeks for trial. At the request of Ms. Bossie, Court stated the information was to provided within thirty days thereafter information was to be provided on a rolling bases.;*

05/31/2018

**CANCELED Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie)  
*Vacated - per Commissioner*

06/13/2018

**Motion for Good Faith Settlement** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Defendant Samir S. Saxena, M.D.'s Motion for Good Faith Settlement on Order Shortening Time*

06/13/2018

**Joinder** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Plaintiffs' Joinder to Defendant Saxena's Motion for Good Faith Settlement*

06/13/2018

 **All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)

Matter Heard;

Journal Entry Details:

*Melaine Bossie, Esq. appearing telephonically. PLAINTIFF'S JOINDER TO DEFENDANT SAXENA'S MOTION FOR GOOD FAITH SETTLEMENT...DEFENDANT'S SAMIR S. SAXENA, M.D'S MOTION FOR GOOD FAITH SETTLEMENT As to Defendant's motion, Court noted there was no objection to the motion, there was one issue that came up which was allowing Dr. Saxena placed on the verdict form. Ms. Brookhyser concurred and advised initially when the issue was brought up a request was made that in exchange for dismissing Dr. Saxena that Lifecare Center Defendants would agree not to place him on the verdict form which she couldn't agree to. Ms. Brookhyser noted she didn't see that issue reference in the good faith settlement and would to make certain it was on the record. Ms. Bossie noted based on the investigation Dr. Saxena didn't know about the event. Ms. Bossie further noted there was no evidence that would warrant Dr. Saxena be on the verdict form. Following representations by counsel, COURT ORDERED, Motion GRANTED for Good Faith Settlement; ruling DEFERRED on adding Dr. Saxena to the verdict form upon closing of presentation of the evidence. Mr. Vitatoe to prepare the Order and submit to opposing counsel as to form and content.;*

06/13/2018

**CANCELED Calendar Call** (9:00 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*

06/19/2018

**CANCELED Calendar Call** (11:00 AM) (Judicial Officer: Miley, Stefany)  
*Vacated - Case Reassigned*

06/25/2018

**CANCELED Jury Trial - FIRM** (9:00 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*

06/25/2018

**CANCELED Jury Trial** (1:00 PM) (Judicial Officer: Miley, Stefany)  
*Vacated - Case Reassigned*

07/02/2018

 **Minute Order** (12:00 PM) (Judicial Officer: Villani, Michael)

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

Minute Order - No Hearing Held;

Journal Entry Details:

*Upon the Court's review of the documents filed in this matter, the Opposition to motion for Summary Judgment filed on 6/29/18 contained a social security number. Therefore, Court ORDERED this document SEALED pursuant to E.D.C.R. 2.13. CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve. ndo/7/2/18;*

08/01/2018

**Motion to Dismiss** (8:30 AM) (Judicial Officer: Villani, Michael)

*Defendants Samir Saxena, M.D., Annabelle Socaoco, N.P.. IPC Healthcare, Inc., Intatient Consultants of Nevada, Inc., IPC Healthcare Services of Nevada, Inc., and Hospitalist of Nevada's Motion to Dismiss or, in the Alternative, for Summary Judgement (A-11-642647-C) Granted in Part;*

08/01/2018

**Motion to Associate Counsel** (8:30 AM) (Judicial Officer: Villani, Michael)

*Plaintiffs' Motion to Associate Counsel Pursuant to SCR 42 and Request for Order Shortening Time Granted;*

08/01/2018

**Motion to Compel** (8:30 AM) (Judicial Officer: Villani, Michael)

*Plaintiffs' Motion to Compel Defendants' Compliance with Court Order and Request for Order Shortening Time Matter Heard;*

08/01/2018



**All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)

Matter Heard;

Journal Entry Details:

*DEFENDANTS SAMIR SAXENA, M.D., ANNABELLE SOCAOCO, N.P.. IPC HEALTHCARE, INC., INTATIANT CONSULTANTS OF NEVADA, INC., IPC HEALTHCARE SERVICES OF NEVADA, INC., AND HOSPITALIST OF NEVADA'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGEMENT (A-11-642647-C) ... PLAINTIFFS' MOTION TO ASSOCIATE COUNSEL PURSUANT TO SCR 42 AND REQUEST FOR ORDER SHORTENING TIME ... PLAINTIFFS' MOTION TO COMPEL DEFENDANTS' COMPLIANCE WITH COURT ORDER AND REQUEST FOR ORDER SHORTENING TIME Bennie Lazzara, Jr., Esq., also present on behalf of Plaintiff via Court Call. COURT ORDERED, Plaintiff's Motion to Associate Counsel GRANTED. Following arguments by counsel regarding statute of limitations and Motion to Dismiss, COURT FURTHER ORDERED, Motion to Dismiss or, in the Alternative, for Summary Judgement TAKEN UNDER ADVISEMENT. Further arguments by counsel regarding Motion to Compel. As to the Motion to Compel, Court directed Ms. Brookhyser to create a privileged log and go through medication errors at other facilities as well. COURT ORDERED, matter SET for Status Check regarding compliance of Court's directives. 09/05/18 8:30 AM STATUS CHECK: COMPLIANCE ;*

08/13/2018



**Minute Order** (1:45 PM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

*Defendants Motion to Dismiss or, in the Alternative, for Summary Judgment came before this Court on the August 1, 2018 Oral Calendar at 8:30 a.m. The Court took the matter under advisement and now rules as follows: IPC Defendants (Annabelle Socaoco, N.P.; IP Healthcare, Inc. a/k/a The Hospitalist Company, Inc.; Inpatient Consultants of Nevada, Inc.; IPC Healthcare Services of Nevada, Inc.; and Hospitalists of Nevada, Inc.) seek summary judgment on the elder abuse cause of action (NRS 41.1395) because a cause of action for malpractice of a healthcare provider is governed by NRS 41A. IPC Defendants also argue that the statute of limitations bars the medical malpractice and wrongful death claims. The Court adopts its previous ruling via minute order dated March 21, 2018. The Complaint in question is for professional negligence against a healthcare providers and, therefore, governed by NRS 41A. The Court FINDS that it was not the legislative intent of enacting NRS 41.1395 to superseded the caps under NRS 41A. There is neither legislative purpose nor intent to carve out an exception for elderly patients covered under NRS 41A. The Court FURTHER FINDS the reasoning in Brown v. Mt. General Hospital, 2013 WL 4523488 (D. Nev. 2013) to be persuasive. NRS 41A.017 provides the definition of provider of health care. The Court FINDS IPC Defendants fall within this definition, and therefore, the elder abuse causes of action are*

**CASE SUMMARY****CASE NO. A-17-750520-C**

*improper in the instant matter. The statute of limitations accrual date is a question of law only if the facts are uncontroverted. Winn v. Sunrise Hospital and Medical Center, 128 Nev. 246, 252-253 (2012) (citing Day v. Zobel, 112 Nev. 972, 977 (1996)). The Court FINDS a question of fact remains as to the date of inquiry as to the names of the tortfeasors in this matter. Therefore, COURT ORDERED Defendants Motion to Dismiss or, in the Alternative, for Summary Judgment GRANTED IN PART and DENIED IN PART. Counsel for Defendants to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by all parties. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/8/13/18;*

09/05/2018

**Status Check (8:30 AM)** (Judicial Officer: Villani, Michael)*Status Check: Compliance*

Matter Heard; Status Check: Compliance

Journal Entry Details:

*Ms. Brookhyser advised 6 e-mail addresses, produced attachments within the scope of the Court's order for four of them. The last two, one of them is the largest of the e-mails which is taking the longest. Further, counsel believes everything will be produced within thirty days. Ms. Bossie stated she needs this a little quicker than thirty days. Expert is being deposed on September 27 and 28, 2018. Further, counsel advised the Court of the critical evidence redacted by Life Care. For example, which counsel would of liked to have when counsel took the Director of Nursing's deposition, is a letter from a loyal employee to Forest Preston, who is the owner of the company, bring to light the many critical issues still occurring at the Life Care of Paradise Valley facility. An employee wanted to bring forth to the ownership regarding the poor leadership, cover up of many incidents by the Director of Nursing, and she is writing to insure safety of the patients. Coincidentally, this letter goes through where management had been covering up many incidents such as having staff file false documents or false statements, being aware of many medication errors and as the Court knows, this is a main issue in this case and wrong medications have been given to patients that always have been covered up. This is a letter right to the owner about this facility, management at this facility and the problems about 2 and a half months prior to Pltf. being there given the wrong medication and died. Further, Ms. Bossie requested un-redacted of direct concerns, complaints, compliance issues and medication issue prior to nursing expert getting deposed. Counsel will have this letter when Mr. Preston is deposed to see what he did about his knowledge of this but counsel did not have this on all other depositions taken to date. Additionally, this letter is crucial, discoverable for notice and knowledge and request a shorter timeframe to produce. Ms. Brookhyser stated she will do her best to produce as quickly as she can. One of the e-mail addresses is the Senior Vice President for the entire division and there is over 10,000 e-mails. His e-mail address in particular, almost every e-mail has attachments and counsel has to go through, look at to make sure that it applies to Paradise Valley or has anything to do with medication error. Further, counsel will do her utmost to get them disclosed as quickly as can be and they have been done on a rolling basis. Court inquired if they will be produced prior to expert deposition. Ms. Brookhyser stated she will have it done before expert depositions. Court advised if there are any other issues, counsel to file appropriate motion.;*

09/19/2018

**Motion for Protective Order (9:00 AM)** (Judicial Officer: Bulla, Bonnie)*Defendants' Motion for Protective Order*

Granted Without Prejudice; Defendants' Motion for Protective Order

Journal Entry Details:

*COMMISSIONER RECOMMENDED, Defendants' Motion for Protective Order is GRANTED In Part Without Prejudice as to Walker and Preston Without Prejudice subject to a Rule 30(b)(6) deposition occurring establishing some foundation as to their personal knowledge regarding this event. Commissioner suggests it would benefit Plaintiff to put together a Rule 30(b)(6) deposition with the topic areas of concern; and, that may require the Defendant to produce one of those officers or directors for that deposition. FURTHER, IF it is determined that Mr. Hamm will be the Deponent, Defense to advise Plaintiff's counsel so they can prepare and have Mr. Hamm deposed just once. Ms. Brookhyser to prepare the Report and Recommendations, and Ms. Bossie and Mr. Vitatoe to approve as to form and content; no fees or costs. A proper report must be timely submitted within 10 days of the hearing. Commissioner is available by conference call if necessary. 11/15/18 (CHAMBERS) Status Check: Compliance (DCRR);*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

- 10/29/2018  **Minute Order** (12:30 PM) (Judicial Officer: Villani, Michael)  
 Minute Order - No Hearing Held;  
 Journal Entry Details:  
*The Court, having reviewed the pleadings and papers on file herein, there being no opposition filed with the Court and pursuant to EDCR 2.20, 2.23, and for good cause appearing, COURT ORDERED IPC Defendants Motion for Partial Summary Judgment is GRANTED. Counsel for IPC Defendants is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/10/29/18;*
- 10/31/2018 **Motion for Summary Judgment** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas fka Life Care Center of Paradise Valley, South Las Vegas Investors Limited Partnership, Life Care Centers of America, Inc. and Carl Wagner's Motion for Summary Judgment*  
 Per 10/23/18 email from law clerk  
 Motion Granted;
- 10/31/2018 **Motion** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Plaintiffs' Motion for Prima Facie Claim for Punitive Damages*  
 Per 10/23/18 email from law clerk  
 Off Calendar;
- 10/31/2018 **Motion for Summary Judgment** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas fka Life Care Center of Paradise Valley, South Las Vegas Investors Limited Partnership, Life Care Centers of America, Inc., and Carl Wagner's Motion for Summary Judgment Regarding Punitive Damages*  
 pe 10/23/18 email from law clerk  
 Off Calendar;
- 10/31/2018 **CANCELED Motion for Partial Summary Judgment** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendant's Motion for Partial Summary Judgment*
- 10/31/2018 **CANCELED All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - Set in Error*
- 10/31/2018  **All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)  
 Matter Heard;  
 Journal Entry Details:  
*PLTFS' MOTION FOR PRIMA FACIE CLAIM FOR PUNITIVE DAMAGES...DEFTS' SOUTH LAS VEGAS MEDICAL INVESTORS, LLC, DBA LIFE CARE OF SOUTH LAS VEGAS FKA LIKE CARE CENTER OF PARADISE VALLEY, SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP, LIFE CARE CENTERS OF AMERICA, INC., AND CARL WAGNER'S MOTION FOR SUMMARY JUDGMENT...DEFTS' SOUTH LAS VEGAS MEDICAL INVESTORS, LLC. DBA LIFE CARE CENTER OF SOUTH LAS VEGAS FKA LIFE CARE CENTER OF PARADISE VALLEY, SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP, LIFE CARE CENTERS OF AMERICA, INC., AND CAR WAGNER'S MOTION FOR SUMMARY JUDGMENT REGARDING PUNITIVE DAMAGES Following arguments by counsel. COURT ORDERED, written decision will issue.;*
- 10/31/2018  **Calendar Call** (9:00 AM) (Judicial Officer: Villani, Michael)  
 Trial Date Set;  
 Journal Entry Details:  
*Court noted eight to ten days for trial. Ms. Bossie stated she believes trial will take ten days. Colloquy. Ms. Bossie requested to trail trial that is scheduled before this one. Court stated this matter will trail and ORDERED, matter SET for trial. 4/3/19 9:00 AM CALENDAR CALL 4/15/19 9:00 AM JURY TRIAL;*

## CASE SUMMARY

CASE NO. A-17-750520-C

11/13/2018

 **Minute Order** (12:00 PM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

*Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner Motion for Summary Judgment came before this Court on the October 31, 2018 oral calendar. The Court having further reviewed the pleadings, files, and argument finds as follows: Summary judgment is appropriate when the pleadings and other evidence on file demonstrate no genuine issue as to any material fact [remains] and the moving party is entitled to judgment as a matter of law. See NRCP 56(c); Wood v. Safeway, Inc., 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005). In ruling upon a motion for summary judgment, the Court must view all evidence and inferences in the light most favorable to the non-moving party. See Torrealba v. Kesmetis, 124 Nev. 95, 178 P.3d 716 (2008). To rebut a motion for summary judgment, the nonmoving party must present some specific facts to demonstrate that a genuine issue of material fact exists. Forouzan, Inc. v. Bank of George, 128 Nev. 896, 381 P.3d 612 (2012). Defendants bring their Motion For Summary Judgment on the basis that although Plaintiffs causes of action are titled abuse of an older person, wrongful death and bad faith tort the claims are actually professional negligence covered under NRS 41A.015. Further, since the claims involve professional negligence there is an affidavit of merit requirement pursuant to NRS 41A.100 and since an affidavit was not attached to the complaint summary judgment should be granted. NRS 41A.015 defines professional negligence as failure of a provider of health care, in rendering services, to use reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained and experienced health care professionals. NRS 41A.100 provides for any action sounding in professional negligence there is a requirement of an affidavit of merit. Without such an affidavit the case must be dismissed. Washoe Medical Center v. Second Dist. Court State of Nev. ex. rel. County of Washoe provides that if a complaint in professional negligence fails to have attached thereto an affidavit of merit the complaint is void ab initio. Id. at 122 Nev. 1298, 1300 (2006). Countering said argument Plaintiffs state that by filing such a motion after two years of litigation the Defendants have waived their objection to the affidavit requirement but more importantly the claim is one of elder abuse which does not require an affidavit. Waiver If Plaintiffs claims are based upon professional negligence, there is an affidavit requirement. Such a complaint without an affidavit must be dismissed. Plaintiffs claims that Defendants waited two years to bring this matter to the Court s attention and participated in litigation for two years have therefore waived the affidavit requirement. Since such a claim is void ab initio and the Court does not find such a claim to have merit. Vicarious Liability Defendants contend that they are entitled to the protections of Chapter 41A because their liability is derivative of its nursing staff. In DeBoer v. Senior Bridges at Sparks Family Hospital, 282 P.3d 727 (Nev. 2012), the Supreme Court distinguished between medical malpractice and traditional negligence on the basis of the provision of medical services provided to the plaintiff i.e. medical diagnosis, judgment, or treatment. Id. at 732. The Court finds that Defendants liability is based on the acts (LPN Dawson s administration of morphine to Mary Curtis) and omissions (failure to monitor Mary Curtis thereafter) of its nursing staff. Said acts and omissions are a provision of medical services based on Defendants nursing personal which gives rise to Defendants liability. Therefore, the provision of NRS 41A apply. Affidavit Requirement More fundamental to the determination by the Court is whether or not the allegations are for general negligence resulting from non-medical services or for negligent medical treatment which calls for an affidavit of merit. Szyborski v. Spring Mountain Treatment Ctr., 403 P.3d 1280 (Nev. 2017). Szyborski holds that a Plaintiff s complaint can be based upon both negligent acts and medical malpractice. The Nevada Supreme Court stated that the Court is to look beyond the title to a particular cause of action and determine whether or not the claims actually involve medical malpractice or general negligence. Id. at 1284. Elder abuse is codified in NRS 41.1395 as willful and unjustified infliction of pain, injury or mental anguish or deprivation of food, shelter, clothing or services which are necessary to maintain the physical. Nev.Rev.Stat. 41.1395. As stated in Szyborski and Egan v. Chambers, 299 P.3d 364, 366 (Nev. 2013) the courts should look to the nature of the grievance to determine the character of the action, not the form of the pleadings. Cited with approval in Brown v. Mt. General Hospital, 3:12-CV-00461-LRH, 2013 WL 4523488, D. Nev. Aug. 26, 2013). Although, Plaintiffs use language from NRS 41.1395 in their complaint the underlining basis of the complaint is for medical malpractice. See paragraph 18 Despite defendant s notice and knowledge that Ms. Curtis was dependent on them for proper medication administration, they on March 7, 2016 administered to her a dose of morphine prescribed to another resident. Ms. Curtis was not prescribed morphine. Also, See paragraph 19 Despite Defendant s notice and knowledge that they had wrongly administered morphine to Ms. Curtis, they failed to act timely upon that discovery, instead retaining Ms. Curtis as a resident until March 8, 2016. The*

## CASE SUMMARY

CASE NO. A-17-750520-C

administration of morphine by a LPN and failure to monitor the effects of the administration of morphine is a claim of professional negligence requiring an affidavit pursuant to NRS 41A.100. But for LPN Dawson s alleged nursing conduct of improperly administering morphine and subsequent lack of nursing monitoring Ms. Curtis, she would not have died. A claim is grounded in medical malpractice and must adhere to NRS 41A.071 where the facts underlying the claim involve medical diagnosis, treatment, or judgment and the standards of care pertaining to the medical issue require explanation to the jury from a medical expert. Szymborski at 1288. This Court finds persuasive the holding in *Brown v. Mt. Grant Gen. Hosp.*, 3:12-CV-00461-LRH, 2013 WL 4523488, (D. Nev. Aug. 26, 2013) which sets forth the following: Moreover, the Nevada Supreme Court has signaled a disapproval of artful pleading for the purposes of evading the medical malpractice limitations. For example, the Court concluded that medical malpractice claims extend to both intentional and negligence-based actions. *Fierle*, 219 P.2d at 913 n. 8. This means that a plaintiff cannot escape the malpractice statutes' damages or timeliness limitations by pleading an intentional tort battery, say instead of negligence. If the Nevada Supreme Court casts a jaundiced eye on the artful pleading of intentional torts, it is likely to view the artful pleading of elder abuse similarly. In the end, it seems, Nevada courts look to the nature of the grievance to determine the character of the action, not the form of the pleadings. *Egan v. Chambers*, 299 P.3d 364, 366 n. 2 (Nev.2013) (citing *State Farm Mut. Auto. Ins. Co. v. Wharton*, 88 Nev. 183, 495 P.2d 359, 361 (1972)). *Brown* at \*8. Plaintiffs Complaint is grounded in and involves medical treatment and the standard of care (administration of morphine and the failure to monitor). Thus the gravamen of the complaint sounds in professional negligence which requires an affidavit. Therefore, COURT ORDERED Defendants Motion for Summary Judgment GRANTED. Counsel for Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be approved as to form and content by all parties. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18 ;

11/13/2018

**Minute Order** (12:00 PM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner ( Defendants ) Motion for Summary Judgment Regarding Punitive Damages came before this Court on the October 31, 2018 oral calendar. Based on this Court s ruling issued on November 13, 2018 on Defendants Motion for Summary Judgement, this matter is ORDERED OFF CALENDAR as being moot. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18;

11/13/2018

**Minute Order** (12:00 PM) (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiffs Motion for Prima Facie Claim for Punitive Damages came before this Court on the October 31, 2018 oral calendar. Based on this Court s ruling issued on November 13, 2018 on Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner Motion for Summary Judgment, this matter is ORDERED OFF CALENDAR as being moot. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18;

11/14/2018

**CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)

Vacated - per Judge

Defendants' Motion in Limine to Preclude the Use of Reptile Tactics in Trial

11/14/2018

**CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)

Vacated - per Judge

Defendants' Motion in Limine to Preclude Evidence of Surveys Conducted at Life Care

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

*Centers of Paradise Valley*

- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Prohibit Argument Regarding Responsibility Avoidance*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Preclude Plaintiffs from Mentioning any Actual or Potential Dollar Amount of Damages to the Jury During Voir Dire*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Preclude Medical Opinions of Non-Medically Trained Witnesses*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Preclude Plaintiffs' Experts From Testifying as to Whether Any Conduct at Issue Constitutes Fraud, Oppression or Malice*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine Limit Video and Photographic Evidence of Mary Curtis*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine Prohibit Treating Physicians from Offering Standard of Care or Causation Opinions*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Bifurcate Proceedings Regarding Punitive Damages*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Strike Cost Reports*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Preclude Evidence of the Relative Wealth of the Parties*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Limit Expert Testimony to Opinions Contained Within Their Reports*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Preclude Evidence of Surveys and Other Materials From Other Facilities*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Preclude Evidence of a Printout Dated September 7, 2018 of <https://lcca.com>.*
- 11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Strike Anonymous Letter*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Preclude Evidence of Survey Results Summary*

11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Strike Prior Medication Error Reports*

11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Strike Plaintiff's Expert Ernest Tosh, J.D., B.B.A*

11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendant's Motion In Limine to Preclude Evidence of "YELP" Reviews*

11/14/2018 **CANCELED Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*  
*Defendants' Motion in Limine to Preclude Evidence of Prior Lawsuits*

11/14/2018 **Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*IPC Defendants Motion In Limine No. 1 to Limit Noneconomic Damages Argument*  
Off Calendar;

11/14/2018 **Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*IPC Defendants Motion In Limine No. 2 To Limit Treating Physician Testimony*  
Off Calendar;

11/14/2018 **Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*IPC Defendants Motion In Limine No. 3 To Limit Plaintiffs Cumulative Expert Testimony*  
Off Calendar;

11/14/2018 **Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*IPC Defendants Motion In Limine No. 5 To Permit Collateral Source Evidence*  
Off Calendar;

11/14/2018 **Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*IPC Defendants' Motion in Limine No 4 to Exclude Irrelevant Deviations From Standard of Care*  
Per 10/23/18 email from law clerk  
Off Calendar;

11/14/2018 **Joinder to Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Defendants' Joinder to IPC Defendants Motion in Limine No. 4 to Exclude Irrelevant Deviations from Standard of Care*  
Per 10/23/18 email from law clerk  
Off Calendar;

11/14/2018 **Joinder to Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Defendants' Joinder to IPC Defendants Motion in Limine No. 3 to Limit Cumulative Expert Testimony*  
Off Calendar;

11/14/2018 **Joinder to Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Defendants' Joinder to IPC Defendants Motion in Limine No. 2 to Limit Treating Physician Testimony*  
Off Calendar;

11/14/2018 **Joinder to Motion in Limine** (8:30 AM) (Judicial Officer: Villani, Michael)  
*Defendants' Joinder to IPC Defendants Motion in Limine No. 1 to Limit Noneconomic Damages Argument*

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

Off Calendar;

11/14/2018



**All Pending Motions** (8:30 AM) (Judicial Officer: Villani, Michael)

Matter Heard;

Journal Entry Details:

*IPC DEFENDANTS MOTION IN LIMINE NO. 1 TO LIMIT NONECONOMIC DAMAGES ARGUMENT ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 1 TO LIMIT NONECONOMIC DAMAGES ARGUMENT COURT ORDERED, Motion OFF CALENDAR. IPC DEFENDANTS MOTION IN LIMINE NO. 2 TO LIMIT TREATING PHYSICIAN TESTIMONY ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 2 TO LIMIT TREATING PHYSICIAN TESTIMONY COURT ORDERED, Motion OFF CALENDAR. IPC DEFENDANTS MOTION IN LIMINE NO. 3 TO LIMIT PLAINTIFFS CUMULATIVE EXPERT TESTIMONY ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 3 TO LIMIT CUMULATIVE EXPERT TESTIMONY COURT ORDERED, Motion OFF CALENDAR. IPC DEFENDANTS' MOTION IN LIMINE NO 4 TO EXCLUDE IRRELEVANT DEVIATIONS FROM STANDARD OF CARE ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 4 TO EXCLUDE IRRELEVANT DEVIATIONS FROM STANDARD OF CARE COURT ORDERED, Motion OFF CALENDAR. IPC DEFENDANTS MOTION IN LIMINE NO. 5 TO PERMIT COLLATERAL SOURCE EVIDENCE COURT ORDERED, Motion OFF CALENDAR. Colloquy regarding the 54B language being added to the Court's Order. Court stated if parties agree to add the language to the Order, then they may do so. Court directed counsel to file a Motion for Certification if the parties do not agree.;*

11/15/2018

**CANCELED Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie)

*Vacated - per Commissioner*

*Status Check: Compliance / DCRR*

11/26/2018

**CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Villani, Michael)

*Vacated - per Judge*

01/09/2019



**Motion For Reconsideration** (3:00 AM) (Judicial Officer: Holthus, Mary Kay)

*IPC Defendants' Motion for Reconsideration*

Stricken;

Journal Entry Details:

*MINUTE ORDER STRICKEN as of February 27, 2019 Plaintiff's Motion for Reconsideration of the Court's ruling Granting Defendant;s Summary Judgement came before this Court on the January 9, 2019 Chamber Calendar. This Court having reviewed the pleadings and papers on file herein, finds as follows: A District Court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or if the prior decision was clearly erroneous. Masonry & Tile Contractors Ass'n of Southern Nevada v. Jolley, Urga & Wirth, Ltd., 113 Nev. 737,741, 941 P.2d 486, 489 (1976). Further a motion to reconsider will not be granted Unless the District Court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in controlling law. Kona Enterprises Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000). In Plaintiff's Motion for Reconsideration, Plaintiff did not argue any new facts or law and did not introduce any substantially different evidence. Further, this COURT FINDS that the previous Court's Decision Granting Defendant's Motion for Summary Judgement was not clearly erroneous, and therefore DENIES Plaintiff's Motion for Reconsideration. Defense Counsel to prepare the Order. CLERK'S NOTE: Counsel notified via email: Michael Davidson (mdavidson@klnevada.com) John Cotton (JHCotton@jhcottonlaw.com) CLERK'S NOTE: The above minute order has been STRICKEN pursuant to the Court's GRANTING of the Order to Strike Court Minutes on IPC Defendants' Motion for Reconsideration on February 27, 2019. //mj 2/27/19 A copy of this amended minute order has been distributed to: Michael Davidson (mdavidson@klnevada.com) John Cotton (JHCotton@jhcottonlaw.com);*

04/10/2019



**Calendar Call** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

Matter Heard;

Journal Entry Details:

*Mr. Davidson advised the Court the instant case was no going forward; further indicated, the Court issued an Order for Consideration. Court inquired if there was anyone still left in the instant case; which Mr. Davidson advised not at this level on the instant case. Mr. Davidson indicated they only needed a Court Order to resolve the matter; which he further indicated he*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

would have signed. COURT ORDERED, matter SET for a status check. 4/24/19 9:00 AM STATUS CHECK;

04/22/2019 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*

04/24/2019  **Status Check** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)  
Matter Heard;  
Journal Entry Details:  
*Melanie Bossie, Esq. for Plaintiff and Vincent Vitatoe, Esq. for Deft. present via Court Call. Mr. Vitatoe indicated there wasn't anyone left in the instant case; therefore, the case could be closed out. COURT ORDERED, case CLOSED. Mr. Vitatoe to submit the Order to Chambers.;*

06/05/2019  **Motion For Reconsideration** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)  
*Plaintiffs' Motion for Reconsideration*  
Denied;  
Journal Entry Details:  
*Ms. Bossie indicated the instant case had a long history with Judge Villani. Statements by Ms. Bossie in support of the Motion for Consideration. Further, Ms. Bossie requested the Court reinstate Judge Villani's ruling and grant Motion for Reconsideration. Arguments by Mr. Vitatoe in opposition requesting that Judge Villani's ruling be maintained. COURT ORDERED, Plaintiff's Motion for Reconsideration was hereby DENIED. Court FINDS it wasn't sure there was a basis to the extent that it was untimely and prejudicial. Further, Court noted there were no new facts that came about and the Court wouldn't reverse another Court's ruling. Mr. Vitatoe to prepare the Order and submit to opposing counsel for approval as to form and content.;*

**DATE**

**FINANCIAL INFORMATION**

<b>Consolidated Case Party</b> Saxena, Samir S., M.D.		
Total Charges		973.00
Total Payments and Credits		973.00
<b>Balance Due as of 7/2/2019</b>		<b>0.00</b>
<b>Defendant</b> Life Care Centers of America Inc		
Total Charges		30.00
Total Payments and Credits		30.00
<b>Balance Due as of 7/2/2019</b>		<b>0.00</b>
<b>Defendant</b> Portello, Bina Hribik		
Total Charges		423.00
Total Payments and Credits		423.00
<b>Balance Due as of 7/2/2019</b>		<b>0.00</b>
<b>Defendant</b> South Las Vegas Investors Limited Partnership		
Total Charges		30.00
Total Payments and Credits		30.00
<b>Balance Due as of 7/2/2019</b>		<b>0.00</b>
<b>Defendant</b> South Las Vegas Medical Investors LLC		
Total Charges		423.00
Total Payments and Credits		423.00
<b>Balance Due as of 7/2/2019</b>		<b>0.00</b>
<b>Defendant</b> Wagner, Carl		
Total Charges		30.00
Total Payments and Credits		30.00
<b>Balance Due as of 7/2/2019</b>		<b>0.00</b>
<b>Plaintiff</b> Estate of Mary Curtis		
Total Charges		518.00
Total Payments and Credits		518.00
<b>Balance Due as of 7/2/2019</b>		<b>0.00</b>

**CASE SUMMARY**

**CASE NO. A-17-750520-C**

<b>Personal Representative</b> Latrenta, Laura	
Total Charges	30.00
Total Payments and Credits	30.00
<b>Balance Due as of 7/2/2019</b>	<b>0.00</b>
<b>Personal Representative</b> Latrenta, Laura	
Security Cost Bond Balance as of 7/2/2019	<b>500.00</b>
<b>Personal Representative</b> Latrenta, Laura	
Appeal Bond Balance as of 7/2/2019	<b>1,000.00</b>

DISTRICT COURT CIVIL COVER SHEET

A-17-750520-C

County, Nevada

XXIII

Case No.

(Assigned by Clerk's Office)

**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Estate of Mary Curtis, deceased; Laura LaTrenta, as Personal Representative of the Estate of Mary Curtis; and Laura LaTrenta	Defendant(s) (name/address/phone): South Las Vegas Medical Investors, LLC d/b/a Life Care Center of South Las Vegas, f/k/a Life Care Center of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.
Attorney (name/address/phone): Michael D. Davidson Esq. - Kolesar & Leatham 400 S. Rampart Blvd., Suite 400, Las Vegas, NV 89145 (702) 362-7800, telephone (702) 362-9472, facsimile	Attorney (name/address/phone):

**II. Nature of Controversy** (please select the one most applicable filing type below)

**Civil Case Filing Types**

<p><b>Real Property</b></p> <p><b>Landlord/Tenant</b></p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p><b>Title to Property</b></p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <p><b>Other Real Property</b></p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p><b>Negligence</b></p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input checked="" type="checkbox"/> Other Negligence <p><b>Malpractice</b></p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p><b>Torts</b></p> <p><b>Other Torts</b></p> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<p><b>Probate</b></p> <p><b>Probate</b> (select case type and estate value)</p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <p><b>Estate Value</b></p> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<p><b>Construction Defect &amp; Contract</b></p> <p><b>Construction Defect</b></p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p><b>Contract Case</b></p> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<p><b>Judicial Review/Appeal</b></p> <p><b>Judicial Review</b></p> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p><b>Nevada State Agency Appeal</b></p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p><b>Appeal Other</b></p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p><b>Civil Writ</b></p> <p><b>Civil Writ</b></p> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant		<p><b>Other Civil Filing</b></p> <p><b>Other Civil Filing</b></p> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

February 2, 2017

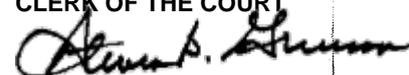
Date

Signature of initiating party or representative

See other side for family-related case filings.

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Steven D. Grierson  
CLERK OF THE COURT



1 JOHN H. COTTON, ESQ.  
Nevada Bar Number 5268  
2 JHCotton@jhcottonlaw.com  
VINCENT J. VITATOE, ESQ.  
3 Nevada Bar Number 12888  
VVitatoe@jhcottonlaw.com  
4 **JOHN H. COTTON & ASSOCIATES, LTD.**  
7900 West Sahara Avenue, Suite 200  
5 Las Vegas, Nevada 89117  
Telephone: (702) 832-5909  
6 Facsimile: (702) 832-5910  
7 *Attorneys for IPC Defendants*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 \* \* \*

11 Estate of MARY CURTIS, deceased; LAURA  
LATRENTA, as Personal Representative of the  
12 Estate of MARY CURTIS; and LAURA  
LATRENTA, individually,

CASE NO. A-17-750520-C

DEPT NO. XVII

13 Plaintiffs,

Consolidated with:  
CASE NO. A-17-754013-C

14 vs.

15 SOUTH LAS VEGAS MEDICAL  
INVESTORS, LLC dba LIFE CARE CENTER  
16 OF SOUTH LAS VEGAS f/k/a LIFE CARE  
CENTER OF PARADISE VALLEY; SOUTH  
17 LAS VEGAS INVESTORS LIMITED  
PARTNERSHIP; LIFE CARE CENTERS OF  
18 AMERICA, INC.; BINA HRIBIK PORTELLO,  
Administrator; CARL WAGNER,  
19 Administrator; and DOES 1-50, inclusive,

20 Defendants.

21 Estate of MARY CURTIS, deceased; LAURA  
LATRENTA, as Personal Representative of the  
22 Estate of MARY CURTIS; and LAURA  
LATRENTA, individually,

**ORDER GRANTING IPC  
DEFENDANTS' MOTION FOR  
RECONSIDERATION**

23 Plaintiffs,

24 vs.

25 SAMIR SAXENA, M.D.; ANNABELLE  
SOCOOCO, N.P.; IPC HEALTHCARE, INC.  
26 aka THE HOSPITALIST COMPANY, INC.;  
INPATIENT CONSULTANTS OF NEVADA,  
27 INC.; IPC HEALTHCARE SERVICES OF  
28 NEVADA, INC.; HOSPITALISTS OF

John H. Cotton & Associates, Ltd.  
7900 West Sahara, Suite 200  
Las Vegas, Nevada 89117

1 NEVADA, INC.; and DOES 51-100,

2 Defendants.

3  
4 This matter having come before the Court on the January 9, 2019 Chambers Calendar  
5 with John H. Cotton, Esq. and Vincent J. Vitatoe, Esq. of John H. Cotton & Associates, LTD., on  
6 behalf of ANNABELLE SOCAOCO, N.P.; IPC HEALTHCARE, INC. aka THE  
7 HOSPITALIST COMPANY, INC.; INPATIENT CONSULTANTS OF NEVADA, INC.; IPC  
8 HEALTHCARE SERVICES OF NEVADA, INC.; HOSPITALISTS OF NEVADA, INC (“IPC  
9 Defendants”), Melanie Bossie, Esq. of Wilkes & McHugh, P.A. and Michael D. Davidson, Esq.  
10 of Kolesar & Leatham on behalf of the Plaintiffs. The Court, having considered the documents  
11 on file and IPC Defendants’ Motion for Reconsideration, Opposition, and Reply with good cause  
12 appearing Orders as follows:

- 13 1. On February 2, 2017, Plaintiffs filed a Complaint (Case A-17-750520-C) against SOUTH  
14 LAS VEGAS MEDICAL INVESTORS, LLC dba LIFE CARE CENTER OF SOUTH  
15 LAS VEGAS f/k/a LIFE CARE CENTER OF PARADISE VALLEY; SOUTH LAS  
16 VEGAS INVESTORS LIMITED PARTNERSHIP; LIFE CARE CENTERS OF  
17 AMERICA, INC.; BINA HRIBIK PORTELLO, Administrator; CARL WAGNER  
18 (collectively, “Life Care Defendants”).
- 19 2. Plaintiffs’ Complaint in A-17-750520-C (“First Complaint”) against Life Care  
20 Defendants concerned, *inter alia*, Life Care Defendants’ nurses medication error in  
21 providing Mary Curtis with another patient’s dose of morphine and then failing to take  
22 appropriate action thereafter including transfer to a hospital.
- 23 3. These events occurred over the course of March 7 and 8, 2016.
- 24 4. It is undisputed Mary Curtis was transferred to Sunrise Hospital on March 8, 2016 and  
25 subsequently passed away on March 11, 2016.
- 26 5. Plaintiffs’ First Complaint did not attach an affidavit or declaration from a medical  
27 expert.

- 1       6. On April 14, 2017, Plaintiffs filed a Complaint in case A-17-754013-C initially naming  
2             Samir S. Saxena, M.D. (“Second Complaint”).
- 3       7. The Second Complaint set forth two factual bases for the alleged professional negligence  
4             related to a morphine overdose of Mary Curtis: (a) a failure to timely transport Mary  
5             Curtis to a hospital and (b) failure to administer a Narcan IV drip or ongoing doses of  
6             Narcan.
- 7       8. On July 6, 2017, Plaintiffs filed a Motion to Consolidate Case A-17-750520-C with Case  
8             A-17-754013-C.
- 9       9. Plaintiffs’ Motion to Consolidate was premised upon the argument that the two actions  
10            were based upon the same transaction and occurrence.
- 11      10. Specifically, Plaintiffs’ Motion stated the following:
  - 12            a. the “two actions implicate the same underlying facts: Mary’s morphine overdose,  
13                Defendants’ reaction (or lack thereof) thereto, and her resulting injuries and  
14                death...They therefore involve common questions of fact.” (Emphasis added).  
15                See Motion to Consolidate at 3:25-27; and
  - 16            b. the cases “against both Life Care and Dr. Saxena involve common questions of  
17                law, e.g., causation of and liability for [Mary Curtis’s] injuries and death, and of  
18                fact, e.g., [Mary’s] morphine overdose and Defendants’ untimely response  
19                thereto.” (Emphasis added). *Id.* at 6:8-10.
- 20      11. On October 10, 2017, the Court’s order granting Plaintiffs’ Motion to Consolidate was  
21             filed.
- 22      12. On May 1, 2018, Plaintiffs filed an Amended Second Complaint in case A-17-754013-C  
23             (involving the Second Complaint) naming the IPC Defendants.
- 24      13. The Amended Second Complaint contained the identical factual premises as were first  
25             lodged against Dr. Saxena in the Second Complaint and as set forth in the expert affidavit  
26             attached thereto.
- 27      14. The medical records in the case contained the name or signature of one of the IPC  
28             Defendants, ANNABELLE SOCAOCO, N.P.

- 1 15. Plaintiff Laura Latrenta admitted that upon admission to Sunrise Hospital, certain Sunrise  
2 Hospital providers stated “they should have brought her here as soon as this happened,  
3 and we could have put her on a Narcan drip.” See Latrenta Deposition at 77-78.
- 4 16. IPC Defendants argued that the statute of limitations barred the Second Complaint and,  
5 by extension, the Amended Second Complaint.
- 6 17. Plaintiffs argued that the statute of limitations was tolled until Plaintiffs identified IPC  
7 Defendants.
- 8 18. IPC Defendants further argued:
- 9 a. Plaintiffs clearly knew of the purportedly negligent *conduct* at issue against both  
10 Dr. Saxena and IPC Defendants given the filing of the Second Complaint along  
11 with the expert affidavit against Dr. Saxena on April 14, 2017 which specified the  
12 purportedly negligent conduct involving (a) failure to transfer to a hospital, and  
13 (b) not providing a Narcan IV drip or ongoing doses of Narcan;
- 14 b. The Second Complaint against Dr. Saxena was itself filed more than one (1) year  
15 after inquiry notice commenced, at the latest, March 11, 2016;
- 16 c. Amendment of the Second Complaint was therefore to no avail as there could be  
17 no valid relation back pursuant to NRCPP 15(c) against the IPC Defendants given  
18 the initial untimeliness of the Second Complaint; and
- 19 d. The statute of limitations thus barred suit against IPC Defendants.
- 20 19. NRS 41A.097(2) requires a plaintiff to file suit against a statutorily-defined provider of  
21 health care within one (1) year “after the plaintiff discovers or through the use of  
22 reasonable diligence should have discovered the injury”.
- 23 20. In the context of NRS 41A, the Nevada Supreme Court ruled that a plaintiff “discovers”  
24 and is, therefore on inquiry notice when a plaintiff “had facts before him that would have  
25 led an ordinarily prudent person to investigate further into whether [plaintiff’s] injury  
26 may have been caused by someone’s negligence.” Winn v. Sunrise Hosp. & Med. Ctr.,  
27 128 Nev. 246, 252-53, 277 P.3d 458, 462 (2012).
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21. This Court is allowed to make a determination as to the accrual date for the purposes of statute of limitations if the facts are uncontroverted. Id.
22. The pertinent facts in this case are uncontroverted as a matter of law.
23. IPC Defendants are providers of health care pursuant to NRS 41A.017.
24. Plaintiffs were on inquiry notice no later than March 11, 2016, the date of Mary Curtis's death, because Plaintiffs admitted that providers of health care at Sunrise Hospital told her negligent *conduct* occurred.
25. Moreover, Plaintiffs were on inquiry notice against IPC Defendants at the same time that Plaintiffs were on inquiry notice as related to Life Care Defendants given Plaintiffs' aforementioned arguments in support of their Motion to Consolidate.
26. Plaintiffs' argument is without merit regarding the position that the statute of limitations was tolled until Plaintiffs learned the identity of IPC Defendants because:
- a. Plaintiffs never sought to amend the First Complaint to add or otherwise substitute IPC Defendants;
  - b. Plaintiffs' Second Complaint was filed more than one (1) year after March 11, 2016;
  - c. Plaintiffs knew of the purportedly negligent conduct even if Plaintiffs did not know the specific identities of each provider of health care, and
  - d. Plaintiffs were in possession of medical records which contained the names of some of the IPC Defendants.

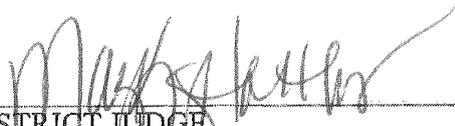
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John H. Cotton & Associates  
7900 W. Sahara, Suite 200  
Las Vegas, NV 89117

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27. Consequently, this Court GRANTS IPC Defendants' Motion for Reconsideration and DISMISSES the case WITH PREJUDICE as it is barred by the one year statute of limitations set forth in NRS 41A.097(3).

DATED this 14<sup>th</sup> day of April, 2019.

  
\_\_\_\_\_  
DISTRICT JUDGE  
*MD*

Respectfully submitted by:

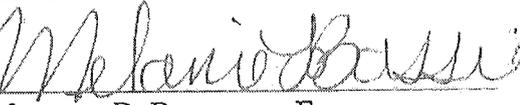
**JOHN H. COTTON & ASSOCIATES, LTD.**

By: 

JOHN H. COTTON, ESQ.  
Nevada Bar No. 005262  
VINCENT J. VITATOE, ESQ.  
Nevada Bar No. 012888  
7900 West Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
*Attorneys for IPC Defendants*

Approved as to form and content:

**KOLESAR & LEATHAM**

By: 

MICHAEL D. DAVIDSON, ESQ.  
Nevada Bar No. 000878  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145

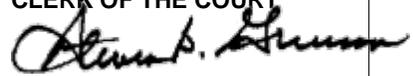
-and-

MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*

**BOSSIE, REILLY & OH, P.C.**

15333 N. Pima Rd., Ste. 300  
Scottsdale, Arizona 85260

*Attorneys for Plaintiffs*



1 **NEOJ**  
2 JOHN H. COTTON, ESQ.  
3 Nevada Bar Number 5268  
4 JHCotton@jhcottonlaw.com  
5 VINCENT J. VITATOE, ESQ.  
6 Nevada Bar Number 12888  
7 VVitatoe@jhcottonlaw.com  
8 **JOHN H. COTTON & ASSOCIATES, LTD.**  
9 7900 West Sahara Avenue, Suite 200  
10 Las Vegas, Nevada 89117  
11 Telephone: (702) 832-5909  
12 Facsimile: (702) 832-5910  
13 *Attorneys for IPC Defendants*

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

10 Estate of MARY CURTIS, deceased; LAURA  
11 LATRENTA, as Personal Representative of  
12 the Estate of MARY CURTIS; and LAURA  
13 LATRENTA, individually,

13 Plaintiffs,

14 v.

14 SOUTH LAS VEGAS MEDICAL  
15 INVESTORS, LLC dba LIFE CARE CENTER  
16 OF SOUTH LAS VEGAS fka LIFE CARE  
17 CENTER OF PARADISE VALLEY; SOUTH  
18 LAS VEGAS INVESTORS LIMITED  
19 PARTNERSHIP; LIFE CARE CENTERS OF  
20 AMERICA INC., BINA HRIBIK  
21 PROTELLO, Administrator; CARL  
22 WAGNER, Administrator; AND does 1-50  
23 inclusive,

23 Defendants.

20 Estate of MARY CURTIS, deceased; LAURA  
21 LATRENTA, as Personal Representative of  
22 the Estate of MARY CURTIS; and LAURA  
23 LATRENTA, individually,

22 Plaintiffs,

23 v.

24 SAMIR S. SAXENA, M.D.; ANNABELLE  
25 SOCAOCO, N.P.; IPC HEALTHCARE, INC.  
26 a/k/a THE HOSPITALISTS COMPANY INC.;  
27 INPATIENT CONSULTANTS OF NEVADA  
28 INC.; IPC HEALTHCARE SERVICES OF  
NEVADA INC.; HOSPITALISTS OF  
NEVADA, INC.; and DOES 51-100,

Defendants.

CASE NO.: **A-17-750520-C**  
DEPT. NO.: **XVII**

Consolidated with:  
CASE NO.: **A-17-754013-C**

**NOTICE OF ENTRY OF ORDER**  
**GRANTING IPC DEFENDANTS**  
**MOTION FOR RECONSIDERATION**

**John H. Cotton & Associates, Ltd.**  
7900 West Sahara, Suite 200  
Las Vegas, Nevada 89117



John H. Cotton & Associates  
7900 W. Sahara, Suite 200  
Las Vegas, NV 89117

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**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that on the 25<sup>th</sup> day of April 2019, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING IPC DEFENDANTS’ MOTION FOR RECONSIDERATION** was submitted electronically for filing and/or service with the Eighth Judicial District Court, made in accordance with the E-Service List, to the following individuals:

Michael D. Davidson, Esq.  
**KOLESAR & LEATHAM**  
400 South Rampart Blvd., Suite 400  
Las Vegas, NV 89145

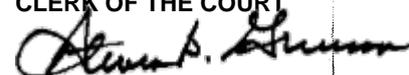
AND  
Melanie L. Bossie, Esq.  
**WILKES & MCHUGH, P.A.**  
15333 North Pima Road, Suite 300  
Scottsdale, Arizona 85260  
*Attorneys for Plaintiffs*

S. Brent Vogel, Esq.  
Amanda Brookhyser, Esq.  
**LEWIS BRISBOIS, ET. AL.**  
6385 S. Rainbow Blvd., Suite 600  
Las Vegas, Nevada 89118  
*Attorneys for Defendants,*  
*South Las Vegas Medical Investors, LLC*  
*d/b/a Life Care Center of South Las Vegas*  
*f/k/a Life Care Center of Paradise Valley,*  
*South Las Vegas Investors, LP, Life Care*  
*Centers of America, Inc. and Carl Wagner*

*/s/ Terri Bryson*  
An Employee of John H. Cotton & Associates

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CLERK OF THE COURT



1 JOHN H. COTTON, ESQ.  
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2 JHCotton@jhcottonlaw.com  
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5 Las Vegas, Nevada 89117

6 Telephone: (702) 832-5909

Facsimile: (702) 832-5910

7 *Attorneys for IPC Defendants*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 \* \* \*

11 Estate of MARY CURTIS, deceased; LAURA  
LATRENTA, as Personal Representative of the  
12 Estate of MARY CURTIS; and LAURA  
LATRENTA, individually,

13 Plaintiffs,

14 vs.

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INVESTORS, LLC dba LIFE CARE CENTER  
16 OF SOUTH LAS VEGAS f/k/a LIFE CARE  
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24 vs.

25 SAMIR SAXENA, M.D.; ANNABELLE  
SOCOOCO, N.P.; IPC HEALTHCARE, INC.  
26 aka THE HOSPITALIST COMPANY, INC.;  
INPATIENT CONSULTANTS OF NEVADA,  
27 INC.; IPC HEALTHCARE SERVICES OF  
28 NEVADA, INC.; HOSPITALISTS OF

CASE NO. A-17-750520-C

DEPT NO. XVII

Consolidated with:  
CASE NO. A-17-754013-C

**ORDER GRANTING IPC  
DEFENDANTS' MOTION FOR  
RECONSIDERATION**

John H. Cotton & Associates, Ltd.  
7900 West Sahara, Suite 200  
Las Vegas, Nevada 89117

1 NEVADA, INC.; and DOES 51-100,

2 Defendants.

3  
4 This matter having come before the Court on the January 9, 2019 Chambers Calendar  
5 with John H. Cotton, Esq. and Vincent J. Vitatoe, Esq. of John H. Cotton & Associates, LTD., on  
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7 HOSPITALIST COMPANY, INC.; INPATIENT CONSULTANTS OF NEVADA, INC.; IPC  
8 HEALTHCARE SERVICES OF NEVADA, INC.; HOSPITALISTS OF NEVADA, INC (“IPC  
9 Defendants”), Melanie Bossie, Esq. of Wilkes & McHugh, P.A. and Michael D. Davidson, Esq.  
10 of Kolesar & Leatham on behalf of the Plaintiffs. The Court, having considered the documents  
11 on file and IPC Defendants’ Motion for Reconsideration, Opposition, and Reply with good cause  
12 appearing Orders as follows:

- 13 1. On February 2, 2017, Plaintiffs filed a Complaint (Case A-17-750520-C) against SOUTH  
14 LAS VEGAS MEDICAL INVESTORS, LLC dba LIFE CARE CENTER OF SOUTH  
15 LAS VEGAS f/k/a LIFE CARE CENTER OF PARADISE VALLEY; SOUTH LAS  
16 VEGAS INVESTORS LIMITED PARTNERSHIP; LIFE CARE CENTERS OF  
17 AMERICA, INC.; BINA HRIBIK PORTELLO, Administrator; CARL WAGNER  
18 (collectively, “Life Care Defendants”).
- 19 2. Plaintiffs’ Complaint in A-17-750520-C (“First Complaint”) against Life Care  
20 Defendants concerned, *inter alia*, Life Care Defendants’ nurses medication error in  
21 providing Mary Curtis with another patient’s dose of morphine and then failing to take  
22 appropriate action thereafter including transfer to a hospital.
- 23 3. These events occurred over the course of March 7 and 8, 2016.
- 24 4. It is undisputed Mary Curtis was transferred to Sunrise Hospital on March 8, 2016 and  
25 subsequently passed away on March 11, 2016.
- 26 5. Plaintiffs’ First Complaint did not attach an affidavit or declaration from a medical  
27 expert.

- 1 6. On April 14, 2017, Plaintiffs filed a Complaint in case A-17-754013-C initially naming  
2 Samir S. Saxena, M.D. ("Second Complaint").
- 3 7. The Second Complaint set forth two factual bases for the alleged professional negligence  
4 related to a morphine overdose of Mary Curtis: (a) a failure to timely transport Mary  
5 Curtis to a hospital and (b) failure to administer a Narcan IV drip or ongoing doses of  
6 Narcan.
- 7 8. On July 6, 2017, Plaintiffs filed a Motion to Consolidate Case A-17-750520-C with Case  
8 A-17-754013-C.
- 9 9. Plaintiffs' Motion to Consolidate was premised upon the argument that the two actions  
10 were based upon the same transaction and occurrence.
- 11 10. Specifically, Plaintiffs' Motion stated the following:
  - 12 a. the "two actions implicate the same underlying facts: Mary's morphine overdose,  
13 Defendants' reaction (or lack thereof) thereto, and her resulting injuries and  
14 death...They therefore involve common questions of fact." (Emphasis added).  
15 See Motion to Consolidate at 3:25-27; and
  - 16 b. the cases "against both Life Care and Dr. Saxena involve common questions of  
17 law, e.g., causation of and liability for [Mary Curtis's] injuries and death, and of  
18 fact, e.g., [Mary's] morphine overdose and Defendants' untimely response  
19 thereto." (Emphasis added). Id. at 6:8-10.
- 20 11. On October 10, 2017, the Court's order granting Plaintiffs' Motion to Consolidate was  
21 filed.
- 22 12. On May 1, 2018, Plaintiffs filed an Amended Second Complaint in case A-17-754013-C  
23 (involving the Second Complaint) naming the IPC Defendants.
- 24 13. The Amended Second Complaint contained the identical factual premises as were first  
25 lodged against Dr. Saxena in the Second Complaint and as set forth in the expert affidavit  
26 attached thereto.
- 27 14. The medical records in the case contained the name or signature of one of the IPC  
28 Defendants, ANNABELLE SOCAOCO, N.P.

- 1 15. Plaintiff Laura Latrenta admitted that upon admission to Sunrise Hospital, certain Sunrise  
2 Hospital providers stated “they should have brought her here as soon as this happened,  
3 and we could have put her on a Narcan drip.” See Latrenta Deposition at 77-78.
- 4 16. IPC Defendants argued that the statute of limitations barred the Second Complaint and,  
5 by extension, the Amended Second Complaint.
- 6 17. Plaintiffs argued that the statute of limitations was tolled until Plaintiffs identified IPC  
7 Defendants.
- 8 18. IPC Defendants further argued:
- 9 a. Plaintiffs clearly knew of the purportedly negligent *conduct* at issue against both  
10 Dr. Saxena and IPC Defendants given the filing of the Second Complaint along  
11 with the expert affidavit against Dr. Saxena on April 14, 2017 which specified the  
12 purportedly negligent conduct involving (a) failure to transfer to a hospital, and  
13 (b) not providing a Narcan IV drip or ongoing doses of Narcan;
- 14 b. The Second Complaint against Dr. Saxena was itself filed more than one (1) year  
15 after inquiry notice commenced, at the latest, March 11, 2016;
- 16 c. Amendment of the Second Complaint was therefore to no avail as there could be  
17 no valid relation back pursuant to NRCPP 15(c) against the IPC Defendants given  
18 the initial untimeliness of the Second Complaint; and
- 19 d. The statute of limitations thus barred suit against IPC Defendants.
- 20 19. NRS 41A.097(2) requires a plaintiff to file suit against a statutorily-defined provider of  
21 health care within one (1) year “after the plaintiff discovers or through the use of  
22 reasonable diligence should have discovered the injury”.
- 23 20. In the context of NRS 41A, the Nevada Supreme Court ruled that a plaintiff “discovers”  
24 and is, therefore on inquiry notice when a plaintiff “had facts before him that would have  
25 led an ordinarily prudent person to investigate further into whether [plaintiff’s] injury  
26 may have been caused by someone’s negligence.” Winn v. Sunrise Hosp. & Med. Ctr.,  
27 128 Nev. 246, 252-53, 277 P.3d 458, 462 (2012).
- 28

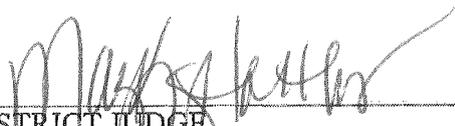


John H. Cotton & Associates  
7900 W. Sahara, Suite 200  
Las Vegas, NV 89117

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27. Consequently, this Court GRANTS IPC Defendants' Motion for Reconsideration and DISMISSES the case WITH PREJUDICE as it is barred by the one year statute of limitations set forth in NRS 41A.097(3).

DATED this 14<sup>th</sup> day of April, 2019.

  
\_\_\_\_\_  
DISTRICT JUDGE  
*MD*

Respectfully submitted by:

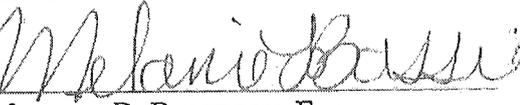
**JOHN H. COTTON & ASSOCIATES, LTD.**

By: 

JOHN H. COTTON, ESQ.  
Nevada Bar No. 005262  
VINCENT J. VITATOE, ESQ.  
Nevada Bar No. 012888  
7900 West Sahara Avenue, Suite 200  
Las Vegas, Nevada 89117  
*Attorneys for IPC Defendants*

Approved as to form and content:

**KOLESAR & LEATHAM**

By: 

MICHAEL D. DAVIDSON, ESQ.  
Nevada Bar No. 000878  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145

-and-

MELANIE L. BOSSIE, ESQ. - *Pro Hac Vice*

**BOSSIE, REILLY & OH, P.C.**

15333 N. Pima Rd., Ste. 300  
Scottsdale, Arizona 85260

*Attorneys for Plaintiffs*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 16, 2017**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**August 16, 2017**

**3:57 PM**

**Minute Order**

**Minute Order Re:  
Court's Recusal**

**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Katherine Streuber

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to Millen v. District Court, 122 Nev. Adv. Op. No. 105, a Recusal List was prepared, made public record and attorney John H. Cotton, Esq., was named on the list. To avoid the appearance of impropriety and implied bias, the COURT hereby recuses itself. The Motion to Consolidate set for August 22, 2017 at 9:30 am and the Calendar Call set for June 19, 2018 at 11:00 am as well as the Jury Trial set for June 25, 2018 at 1:00 pm are hereby vacated. This matter will be reassigned at random and the hearings will be calendared in the new department.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 24, 2017**

A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

**August 24, 2017      9:30 AM      Motion to Consolidate**

**HEARD BY:** Alf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn Griffiths

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Appearances:

Michael D. Davidson, Esq. for Plaintiff (A750520 and A754013) along with lead counsel Melanie L. Bossie, Pro Hac Vice  
John Orr, Esq. for Defendant South Las Vegas Medical Investors LLC (A750520)  
Vincent Vitatoe, Esq. for Samir Saxena M.D. (A754013)

Arguments by Ms. Bossie and Mr. Vitatoe regarding the merits of and opposition to the motion. Mr. Orr stated he had nothing to add. Court stated its findings and ORDERED, Motion to Consolidate (A750520 and A754013) GRANTED. Plaintiff's counsel to prepare the order and submit it to opposing counsel for approval.

-----CASE CONSOLIDATED (A750520 AND A754013)-----  
-----LEAD CASE-----

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 08, 2017**

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A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

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**September 08, 2017    1:59 PM            Minute Order**

**HEARD BY:** Gonzalez, Elizabeth                      **COURTROOM:** No Location

**COURT CLERK:** Dulce Romea

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, pursuant to EDCR 1.31, this consolidated matter is TRANSFERRED due to the special assignment of the current department (business court) to a department hearing civil but not CD or business court matters.

CLERK'S NOTE: A copy of this minute order was distributed to the parties via the E-Service List./ dr  
9-8-17

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 12, 2017**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**September 12, 2017**

**9:30 AM**

**Discovery Conference**

**Discovery  
Conference for Sub  
Case A754013**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** April Watkins

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:**

Davidson, Michael D.

Attorney

**JOURNAL ENTRIES**

- Vincent Vitatoe, Esq., present on behalf of Deft. Samir Saxena, M.D., in consolidated case A754013.

Commissioner noted this is a procedural mess. Cases are consolidated now. Judge Alff consolidated the cases but she is business court and will not be hearing the medical malpractice so it was to be randomly reassigned per Chief Judge Gonzales. Statement by Mr. Davidson. Further, Commissioner stated there is a scheduling order in the lead case controls. There is a scheduling order in the lead case, do not have one in the subordinate case, have a trial date in the subordinate case and not in the lead case. Additionally, Commissioner does not believe the trial date stands in the subordinate case. At the medical malpractice status checks, Judge Weiss actually transferred the subordinate case to Department VI. But now it is consolidated, subordinate case out of Department VI, is with Department XXVII until it is going to be reassigned. The trial date in the lead case has been vacated and will be reset by the department. This case will not go back to the sweeps because it already had a trial date and now is consolidated. The lead case will not go back because it has a scheduling order and trial date. COMMISSIONER RECOMMENDED, counsel to follow the scheduling order in the lead case and there will not be a scheduling order issued for the subordinate case. If counsel needs more time, does not have a trial date in the lead case, counsel to prepare a 2.35 stipulation and send

to the Commissioner. FURTHER COMMISSIONER RECOMMENDED, matter SET for status check. Mr. Vitatoe stated in terms of the stipulation, not sure if parties are going to agree to extend the deadlines. Commissioner stated a motion will have to be done and serve in the consolidate case as well. Parties to either submit a 2.35 stipulation in the consolidated cases or file motion to extend in the consolidated cases. Mr. Davidson stated parties anticipated that parties would come back once the cases were consolidated either the Commissioner or the Judge would take a look at the two cases and set a unified schedule. Commissioner stated that does not happen. Once parties receive a scheduling order, the only way to move discovery deadlines by 2/35 stipulation or motion. A new scheduling order will not be issued in this case as the lead case already has one.

CONTINUED TO: 10/24/17 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**December 13, 2017**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**December 13, 2017 9:00 AM**

**All Pending Motions**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:**

Bossie, Melanie L

Attorney

Vogel, Stephen B.

Attorney

Weiss, Todd M.

Attorney

**JOURNAL ENTRIES**

- Plaintiffs Motion to Compel Further Responses to Requests for Production ..... Defendant's Motion for Protective Order

Mr. Bossie asked to proceed without Mr. Davidson (adding another hearing); no objection by Defense counsel. Once the Protective Order is in place, it appears to Commissioner that Defense counsel will provide a significant part of information. COMMISSIONER RECOMMENDED, Plaintiffs Motion to Compel is GRANTED IN PART; Defendant's Motion for Protective Order is GRANTED IN PART; parameters discussed; (1) INSUFFICIENT STAFFING - staffing information must be provided during the time Plaintiff was in the life care center for six months before and six months after to determine trending, and was there a subsequent remedial measure; (2) any MEDICATION ERRORS - Deft needs to be more responsive, but REDACT resident patient names or use a code sheet; go back five years - start with local facility to determine the process, then do a 30(b)(6) deposition. Two hundred plus facilities nationwide.

COMMISSIONER RECOMMENDED, Request to Produce 46 - look at 1-1-2016 through 3-31-2016, Plaintiff was only there March 2nd through March 8th (a few days); colloquy re: other lawsuits for five years before; turn over employment file for Nurse with proper redactions, and go back five years before date of this medication error. Michael Davidson, Esquire, present. Start with this facility and broaden to the Southwest if necessary. Commissioner addressed the confusing Motion work; lack of 2.34 conference.

Ms. Bossie moved the case forward with depositions without the Incident Report or Error Report. Mr. Vogel will provide it if he can obtain it. Ms. Bossie stated the Autopsy Report confirmed Pltf died of Morphine intoxication. Commissioner offered a Mandatory Settlement Conference coordinated by Judge Scotti's Department or the Senior Judge Department. Mr. Vogel and Mr. Weiss agreed. Ms. Bossie agreed, but requested to speak with her client in New Jersey. COMMISSIONER RECOMMENDED a Mandatory Settlement Conference or alternatively Mediation.

Argument by Ms. Bossie. Commissioner stated the insurance policy and policies and procedures will be disclosed without necessarily being protected. Ms. Bossie to prepare the Report and Recommendations, and Defense counsel to approve as to form and content. A proper report must be timely submitted within 20 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**February 28, 2018**

A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

**February 28, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black  
Vanessa Medina

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**      Bossie, Melanie L      Attorney  
                         Vitatoe, Vincent      Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT SAMIR S. SAXENA M.D.'S  
OPPOSITION TO PLAINTIFF'S MOTION TO AMEND COMPLAINT AND COUNTERMOTION  
FOR SUMMARY JUDGMENT

Ms. Bossie stated the alleged facts and procedural history of the case. Ms. Bossie requested a Motion to leave and Amend the Complaint and argued Defendant Life Care and Defendant Saxena didn't list Nurse Annabelle in their disclosure statements. Ms. Bossie stated it was a discovery rule and question of fact when it was learned of the injury and who was part and parcel of committing the injury. As to the elder abuse issue, Ms. Bossie noted there was not much Nevada law pertaining to medical professions regarding if it came under a Medical Mal-Practice action, 41A, or the older adult statue and argued in reading both statutes if the legislature wanted to make one or the other the exclusive remedy for the cause of action they would have done so. Ms. Bossie argued the statute does not eliminate out this cause of action as if it couldn't be brought against the attending physician of the provider and there wasn't exclusive language in 41A. Ms. Bossie requested Defendant's summary judgment motion be denied as to the older abuse statute and grant Plaintiff's Motion to Amend Complaint. Upon Court's inquiry, Ms. Bossie argued Plaintiff didn't know what the cause of

death was until April 15th and the complaint was filed within one year. Mr. Vitatoe stated the criticisms level of Dr. Saxena was two-fold, he didn't transfer Plaintiff Curtis quickly enough and he provided her an IV drip of Narcan, that's important to the statute of limitation analysis. Mr. Vitatoe argued there was no case law that stated only when an autopsy was received did the statute of limitation commence. Mr. Vitatoe further argued the standard as set forth in Massey was when facts were presented to Plaintiff that would put a reasonable person to be on inquiry notice that some negligence may have caused the death, at that point they were supposed to investigate further. Mr. Vitatoe argued there was no issue of fact because parties were relying on admissions. Mr. Vitatoe cited case law and stated parties inconsistent statements were not genuine issues of fact and argued the undisputed admissions put Plaintiff on inquiry notice in March, under Massey that barred the claims against Dr. Saxena. Further arguments by counsel. Court stated as to cause of action regarding the expansion of elder abuse counsel was to submit supplemental briefing on March 14, 2018 by 5:00 pm. Court further stated it would review the matter and ORDERED, matter CONTINUED to the Chamber Calendar for the Court's written decision.

CONTINUED TO: 03/21/18 (CHAMBER CALENDAR)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**March 21, 2018**

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A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

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**March 21, 2018      3:00 AM      All Pending Motions**

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION TO AMEND COMPLAINT...DEFENDANT SAMIR S. SAXENA M.D.'S  
OPPOSITION TO PLAINTIFFS' MOTION TO AMEND COMPLAINT AND COUNTERMOTION  
FOR SUMMARY JUDGMENT

Plaintiffs' Motion to Amend Complaint and Defendant Samir S. Saxena, M.D.'s Countermotion for Summary Judgment came before this Court on the February 28, 2018 Oral Calendar at 8:30 a.m. The Court requested supplemental briefing, and continued the matter for written decision on the March 21, 2018 Chamber Calendar. This Court, having reviewed the pleadings and papers on file herein, finds as follows:

Plaintiffs seek to amend the Complaint to add IPC Healthcare, Inc. and nurse practitioner Annabelle Socaoco as parties to this matter. Defendant Samir S. Saxena, M.D. seeks summary judgment on the elder abuse cause of action (NRS 41.1395) because a cause of action for malpractice of a healthcare provider is governed by NRS 41A.

Pursuant to NRCP 15(a), leave to amend should be freely granted when justice requires. Additionally, when determining the claims for relief, the Court looks to the gravamen of the Complaint. Egan v. Chambers, 129 Nev. 239, 241, 299 P.3d 364, 366 (2013). The Complaint in

question is for professional negligence against a healthcare provider and, therefore, governed by NRS 41A. The Court FINDS that it was not the legislative intent of enacting NRS 41.1395 to supersede the caps under NRS 41A. There is neither legislative purpose nor intent to carve out an exception for elderly patients covered under NRS 41A. The Court FURTHER FINDS the reasoning in *Brown v. Mt. General Hospital*, 2013 WL 4523488 (D. Nev. 2013) to be persuasive.

Therefore, COURT ORDERED Plaintiffs' Motion to Amend Complaint GRANTED and Defendant Samir S. Saxena, M.D.'s Countermotion for Summary Judgment is GRANTED as it relates to Plaintiffs' First Cause of Action for Abuse/Neglect of an Older Person. Counsel for Plaintiffs to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by opposing counsel.

CLERK'S NOTE: A copy of the foregoing minute order has been electronically distributed to all registered parties. //ob/03/26/18.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**April 04, 2018**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**April 04, 2018**

**9:30 AM**

**Motion to Compel**

**Plaintiffs' Second  
Motion to Compel  
Further Responses to  
Requests for  
Production and  
Request for OST**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:**

Bossie, Melanie L

Attorney

Brookhyser, Amanda Jeanine

Attorney

Davidson, Michael D.

Attorney

Vitatoe, Vincent

Attorney

**JOURNAL ENTRIES**

- Commissioner discussed focusing on 1) what happened to this particular Plaintiff and her condition, and 2) was the entire facility staffed appropriately and were patients receiving care appropriately. Colloquy re: search terms and scope. Ms. Brookhyser will submit a Stipulation to extend deadlines after receiving a new Trial date from the Judge. Argument by Ms. Bossie. Colloquy re: including census in search terms. Mr. Bossie stated terms agreed to by counsel are staff, labor, PPD, budget, fall, medication error, bounce back, LOS (length of stay).

COMMISSIONER RECOMMENDED, put a clawback provision in place and incorporate Federal Court language in Report and Recommendation; redact attorney client privilege or other privileges,

but prepare a privilege log; Commissioner can review the information in camera; colloquy re: annual budgets, produce the previous fiscal year and the year that controlled during this admission. COMMISSIONER RECOMMENDED, budget variance reports are under a Protective Order pursuant to Rule 26(c) proprietary confidential information until such time as ordered by the District Court Judge; motion is GRANTED within parameters. Counsel must have a 2.34 conference, if counsel cannot agree, do not turn over documents, but file a Motion for Protective Order. Colloquy re: the adopting the proposed Federal Proportionality Rule. Commissioner is available by conference call. Colloquy re: generally speaking 30 days prior to Trial, three years of net worth are provided with supporting documentation. Ms. Bossie to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

CLERK'S NOTE: Minutes amended 6-1-18 to reflect Ms. Bossie to prepare the Report and Recommendations. JL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**May 09, 2018**

A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

**May 09, 2018      8:30 AM      Motion**

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bossie, Melanie L	Attorney
	Brookhyser, Amanda Jeanine	Attorney
	Davidson, Michael D.	Attorney
	Vitatoe, Vincent	Attorney

**JOURNAL ENTRIES**

- Court noted this was a motion to continue the trial date and reset discovery deadlines. Ms. Bossie requested to extend the deadline ninety days. Colloquy regarding trial dates. Counsel estimated 7 days for trial. CONFERENCE AT BENCH. COURT ORDERED, Trial dates VACATED and RESET. Court instructed Ms. Bossie to prepare the Order with the discovery deadline dates with a Stipulation and Order.

10/31/18 9:00 AM CALENDAR CALL

11/26/18 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**May 30, 2018**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**May 30, 2018**

**8:30 AM**

**Objection to Discovery  
Commissioner's Report**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**

Bossie, Melanie L

Attorney

Davidson, Michael D.

Attorney

Vogel, Stephen B.

Attorney

**JOURNAL ENTRIES**

- Mr. Vogel argued part of the issue was the scope, the Discovery Commissioner ordered seven months of emails. Mr. Vogel further argued they collected 15,000 emails, 14,000 attachments which was 100,000 pages that they still had to go through and be redacted. Mr. Vogel argued the scope was to broad and requested to provide two months of emails to include the regional individuals involved, not corporate. Ms. Bossie gave a history of the case and argued opposing counsel was able to search the matter and she needed to prove the why as this would be a punitive damage case. Ms. Bossie further argued the information was already accessible and they already retrieved the data and they could do a searchable format. Further argument by Mr. Vogel. COURT stated it did not find this to be overly burdensome. COURT ADOPTED the report recommendation by Commissioner Bulla. Ms. Bossie to prepare the Order and submit it to opposing counsel as to form and content. Upon Court's inquiry, Ms. Bossie estimated eight days for trial, Mr. Vogel estimated two weeks for trial. At the request of Ms. Bossie, Court stated the information was to provided within thirty days thereafter information was to be provided on a rolling bases.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**June 13, 2018**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**June 13, 2018**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**

Bossie, Melanie L

Attorney

Brookhyser, Amanda Jeanine

Attorney

Vitaoe, Vincent

Attorney

**JOURNAL ENTRIES**

- Melaine Bossie, Esq. appearing telephonically.

**PLAINTIFF'S JOINDER TO DEFENDANT SAXENA'S MOTION FOR GOOD FAITH SETTLEMENT...DEFENDANT'S SAMIR S. SAXENA, M.D'S MOTION FOR GOOD FAITH SETTLEMENT**

As to Defendant's motion, Court noted there was no objection to the motion, there was one issue that came up which was allowing Dr. Saxena placed on the verdict form. Ms. Brookhyser concurred and advised initially when the issue was brought up a request was made that in exchange for dismissing Dr. Saxena that Lifecare Center Defendants would agree not to place him on the verdict form which she couldn't agree to. Ms. Brookhyser noted she didn't see that issue reference in the good faith settlement and would to make certain it was on the record. Ms. Bossie noted based on the investigation Dr. Saxena didn't know about the event. Ms. Bossie further noted there was no evidence that would warrant Dr. Saxena be on the verdict form. Following representations by counsel, COURT ORDERED, Motion GRANTED for Good Faith Settlement; ruling DEFERRED on adding Dr. Saxena to the verdict form upon closing of presentation of the evidence. Mr. Vitaoe to

prepare the Order and submit to opposing counsel as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**July 02, 2018**

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A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

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**July 02, 2018      12:00 AM      Minute Order**

**HEARD BY:** Villani, Michael      **COURTROOM:** Chambers

**COURT CLERK:**  
Natalie Ortega

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Upon the Court s review of the documents filed in this matter, the Opposition to motion for Summary Judgment filed on 6/29/18 contained a social security number. Therefore, Court ORDERED this document SEALED pursuant to E.D.C.R. 2.13.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve. ndo/7/2/18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 01, 2018**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**August 01, 2018**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Haly Pannullo

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**

Bossie, Melanie L

Attorney

Brookhyser, Amanda Jeanine

Attorney

Davidson, Michael D.

Attorney

Vitatoe, Vincent

Attorney

**JOURNAL ENTRIES**

- DEFENDANTS SAMIR SAXENA, M.D., ANNABELLE SOCAOCO, N.P.. IPC HEALTHCARE, INC., INTATIENT CONSULTANTS OF NEVADA, INC., IPC HEALTHCARE SERVICES OF NEVADA, INC., AND HOSPITALIST OF NEVADA'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGEMENT (A-11-642647-C) ... PLAINTIFFS' MOTION TO ASSOCIATE COUNSEL PURSUANT TO SCR 42 AND REQUEST FOR ORDER SHORTENING TIME ... PLAINTIFFS' MOTION TO COMPEL DEFENDANTS' COMPLIANCE WITH COURT ORDER AND REQUEST FOR ORDER SHORTENING TIME

Bennie Lazzara, Jr., Esq., also present on behalf of Plaintiff via Court Call.

COURT ORDERED, Plaintiff's Motion to Associate Counsel GRANTED. Following arguments by counsel regarding statute of limitations and Motion to Dismiss, COURT FURTHER ORDERED, Motion to Dismiss or, in the Alternative, for Summary Judgement TAKEN UNDER ADVISEMENT. Further arguments by counsel regarding Motion to Compel. As to the Motion to Compel, Court directed Ms. Brookhyser to create a privileged log and go through medication errors at other facilities

**A-17-750520-C**

as well. COURT ORDERED, matter SET for Status Check regarding compliance of Court's directives.

09/05/18 8:30 AM STATUS CHECK: COMPLIANCE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 13, 2018**

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A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

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**August 13, 2018      1:45 PM      Minute Order**

**HEARD BY:** Villani, Michael      **COURTROOM:** Chambers

**COURT CLERK:**  
Haly Pannullo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Defendants Motion to Dismiss or, in the Alternative, for Summary Judgment came before this Court on the August 1, 2018 Oral Calendar at 8:30 a.m. The Court took the matter under advisement and now rules as follows:

IPC Defendants (Annabelle Socaoco, N.P; IP Healthcare, Inc. a/k/a The Hospitalist Company, Inc.; Inpatient Consultants of Nevada, Inc.; IPC Healthcare Services of Nevada, Inc.; and Hospitalists of Nevada, Inc.) seek summary judgment on the elder abuse cause of action (NRS 41.1395) because a cause of action for malpractice of a healthcare provider is governed by NRS 41A. IPC Defendants also argue that the statute of limitations bars the medical malpractice and wrongful death claims.

The Court adopts its previous ruling via minute order dated March 21, 2018. The Complaint in question is for professional negligence against a healthcare providers and, therefore, governed by NRS 41A. The Court FINDS that it was not the legislative intent of enacting NRS 41.1395 to superseded the caps under NRS 41A. There is neither legislative purpose nor intent to carve out an exception for elderly patients covered under NRS 41A. The Court FURTHER FINDS the reasoning in Brown v. Mt. General Hospital, 2013 WL 4523488 (D. Nev. 2013) to be persuasive. NRS 41A.017 provides the definition of provider of health care. The Court FINDS IPC Defendants fall within this

definition, and therefore, the elder abuse causes of action are improper in the instant matter.

The statute of limitations accrual date is a question of law only if the facts are uncontroverted. *Winn v. Sunrise Hospital and Medical Center*, 128 Nev. 246, 252-253 (2012) (citing *Day v. Zobel*, 112 Nev. 972, 977 (1996)). The Court FINDS a question of fact remains as to the date of inquiry as to the names of the tortfeasors in this matter.

Therefore, COURT ORDERED Defendants Motion to Dismiss or, in the Alternative, for Summary Judgment GRANTED IN PART and DENIED IN PART. Counsel for Defendants to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed-copy of the Order to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be signed as to form and content by all parties.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/8/13/18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 05, 2018**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**September 05, 2018**

**8:30 AM**

**Status Check**

**Status Check:  
Compliance**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** April Watkins

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**

Bossie, Melanie L	Attorney
Brookhyser, Amanda Jeanine	Attorney
Davidson, Michael D.	Attorney
Lazzara, Bennie NMN, Jr.	Attorney
Vitatoe, Vincent	Attorney

**JOURNAL ENTRIES**

- Ms. Brookhyser advised 6 e-mail addresses, produced attachments within the scope of the Court's order for four of them. The last two, one of them is the largest of the e-mails which is taking the longest. Further, counsel believes everything will be produced within thirty days. Ms. Bossie stated she needs this a little quicker than thirty days. Expert is being deposed on September 27 and 28, 2018. Further, counsel advised the Court of the critical evidence redacted by Life Care. For example, which counsel would of liked to have when counsel took the Director of Nursing's deposition, is a letter from a loyal employee to Forest Preston, who is the owner of the company, bring to light the many critical issues still occurring at the Life Care of Paradise Valley facility. An employee wanted to bring forth to the ownership regarding the poor leadership, cover up of many incidents by the Director of Nursing, and she is writing to insure safety of the patients. Coincidentally, this letter goes through where management had been covering up many incidents such as having staff file false documents or false statements, being aware of many medication errors and as the Court knows, this is a main issue in this case and wrong medications have been given to patients that always have been covered up.

This is a letter right to the owner about this facility, management at this facility and the problems about 2 and a half months prior to Pltf. being there given the wrong medication and died. Further, Ms. Bossie requested un-redacted of direct concerns, complaints, compliance issues and medication issue prior to nursing expert getting deposed. Counsel will have this letter when Mr. Preston is deposed to see what he did about his knowledge of this but counsel did not have this on all other depositions taken to date. Additionally, this letter is crucial, discoverable for notice and knowledge and request a shorter timeframe to produce. Ms. Brookhyser stated she will do her best to produce as quickly as she can. One of the e-mail addresses is the Senior Vice President for the entire division and there is over 10,000 e-mails. His e-mail address in particular, almost every e-mail has attachments and counsel has to go through, look at to make sure that it applies to Paradise Valley or has anything to do with medication error. Further, counsel will do her utmost to get them disclosed as quickly as can be and they have been done on a rolling basis. Court inquired if they will be produced prior to expert deposition. Ms. Brookhyser stated she will have it done before expert depositions. Court advised if there are any other issues, counsel to file appropriate motion.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**September 19, 2018**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**September 19, 2018**

**9:00 AM**

**Motion for Protective  
Order**

**Defendants' Motion  
for Protective Order**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Alan Castle

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

**PRESENT:**

Bossie, Melanie L	Attorney
Brookhyser, Amanda Jeanine	Attorney
Davidson, Michael D.	Attorney
Lazzara, Bennie NMN, Jr.	Attorney
Vitaoe, Vincent	Attorney

**JOURNAL ENTRIES**

- COMMISSIONER RECOMMENDED, Defendants' Motion for Protective Order is GRANTED In Part Without Prejudice as to Walker and Preston Without Prejudice subject to a Rule 30(b)(6) deposition occurring establishing some foundation as to their personal knowledge regarding this event. Commissioner suggests it would benefit Plaintiff to put together a Rule 30(b)(6) deposition with the topic areas of concern; and, that may require the Defendant to produce one of those officers or directors for that deposition. FURTHER, IF it is determined that Mr. Hamm will be the Deponent, Defense to advise Plaintiff's counsel so they can prepare and have Mr. Hamm deposed just once. Ms. Brookhyser to prepare the Report and Recommendations, and Ms. Bossie and Mr. Vitaoe to approve as to form and content; no fees or costs. A proper report must be timely submitted within 10 days of the hearing. Commissioner is available by conference call if necessary.

11/15/18 (CHAMBERS) Status Check: Compliance (DCRR)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 29, 2018**

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A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

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**October 29, 2018      12:30 AM      Minute Order**

**HEARD BY:** Villani, Michael      **COURTROOM:** Chambers

**COURT CLERK:** Haly Pannullo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court, having reviewed the pleadings and papers on file herein, there being no opposition filed with the Court and pursuant to EDCR 2.20, 2.23, and for good cause appearing, COURT ORDERED IPC Defendants Motion for Partial Summary Judgment is GRANTED. Counsel for IPC Defendants is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/10/29/18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 31, 2018**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**October 31, 2018**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** April Watkins

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**

Bossie, Melanie L

Attorney

Davidson, Michael D.

Attorney

Lazzara, Bennie NMN, Jr.

Attorney

Vitatoe, Vincent

Attorney

Vogel, Stephen B.

Attorney

**JOURNAL ENTRIES**

- PLTFS' MOTION FOR PRIMA FACIE CLAIM FOR PUNITIVE DAMAGES...DEFTS' SOUTH LAS VEGAS MEDICAL INVESTORS, LLC, DBA LIFE CARE OF SOUTH LAS VEGAS FKA LIKE CARE CENTER OF PARADISE VALLEY, SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP, LIFE CARE CENTERS OF AMERICA, INC., AND CARL WAGNER'S MOTION FOR SUMMARY JUDGMENT...DEFTS' SOUTH LAS VEGAS MEDICAL INVESTORS, LLC. DBA LIFE CARE CENTER OF SOUTH LAS VEGAS FKA LIFE CARE CENTER OF PARADISE VALLEY, SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP, LIFE CARE CENTERS OF AMERICA, INC., AND CAR WAGNER'S MOTION FOR SUMMARY JUDGMENT REGARDING PUNITIVE DAMAGES

Following arguments by counsel. COURT ORDERED, written decision will issue.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 31, 2018**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**October 31, 2018**

**9:00 AM**

**Calendar Call**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** April Watkins

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**

Bossie, Melanie L

Attorney

Davidson, Michael D.

Attorney

Lazzara, Bennie NMN, Jr.

Attorney

Vitatoe, Vincent

Attorney

Vogel, Stephen B.

Attorney

**JOURNAL ENTRIES**

- Court noted eight to ten days for trial. Ms. Bossie stated she believes trial will take ten days. Colloquy. Ms. Bossie requested to trail trial that is scheduled before this one. Court stated this matter will trail and ORDERED, matter SET for trial.

4/3/19 9:00 AM CALENDAR CALL

4/15/19 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 13, 2018**

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A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

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**November 13, 2018    12:00 AM      Minute Order**

**HEARD BY:** Villani, Michael      **COURTROOM:** Chambers

**COURT CLERK:** Haly Pannullo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner Motion for Summary Judgment came before this Court on the October 31, 2018 oral calendar. The Court having further reviewed the pleadings, files, and argument finds as follows:

Summary judgment is appropriate when the pleadings and other evidence on file demonstrate no genuine issue as to any material fact [remains] and the moving party is entitled to judgment as a matter of law. See NRCP 56(c); Wood v. Safeway, Inc., 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005). In ruling upon a motion for summary judgment, the Court must view all evidence and inferences in the light most favorable to the non-moving party. See Torrealba v. Kesmetis, 124 Nev. 95, 178 P.3d 716 (2008). To rebut a motion for summary judgment, the nonmoving party must present some specific facts to demonstrate that a genuine issue of material fact exists. Forouzan, Inc. v. Bank of George, 128 Nev. 896, 381 P.3d 612 (2012).

Defendants bring their Motion For Summary Judgment on the basis that although Plaintiffs causes of action are titled abuse of an older person, wrongful death and bad faith tort the claims are actually professional negligence covered under NRS 41A.015. Further, since the claims involve

professional negligence there is an affidavit of merit requirement pursuant to NRS 41A.100 and since an affidavit was not attached to the complaint summary judgment should be granted.

NRS 41A.015 defines professional negligence as failure of a provider of health care, in rendering services, to use reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained and experienced health care professionals. NRS 41A.100 provides for any action sounding in professional negligence there is a requirement of an affidavit of merit. Without such an affidavit the case must be dismissed. *Washoe Medical Center v. Second Dist. Court State of Nev. ex. rel. County of Washoe* provides that if a complaint in professional negligence fails to have attached thereto an affidavit of merit the complaint is void ab initio. *Id.* at 122 Nev. 1298, 1300 (2006). Countering said argument Plaintiffs state that by filing such a motion after two years of litigation the Defendants have waived their objection to the affidavit requirement but more importantly the claim is one of elder abuse which does not require an affidavit.

#### Waiver

If Plaintiffs claims are based upon professional negligence, there is an affidavit requirement. Such a complaint without an affidavit must be dismissed. Plaintiffs claims that Defendants waited two years to bring this matter to the Court s attention and participated in litigation for two years have therefore waived the affidavit requirement. Since such a claim is void ab initio and the Court does not find such a claim to have merit.

#### Vicarious Liability

Defendants contend that they are entitled to the protections of Chapter 41A because their liability is derivative of its nursing staff. In *DeBoer v. Senior Bridges at Sparks Family Hospital*, 282 P.3d 727 (Nev. 2012), the Supreme Court distinguished between medical malpractice and traditional negligence on the basis of the provision of medical services provided to the plaintiff i.e. medical diagnosis, judgment, or treatment. *Id.* at 732. The Court finds that Defendants liability is based on the acts (LPN Dawson s administration of morphine to Mary Curtis) and omissions (failure to monitor Mary Curtis thereafter) of its nursing staff. Said acts and omissions are a provision of medical services based on Defendants nursing personal which gives rise to Defendants liability. Therefore, the provision of NRS 41A apply.

#### Affidavit Requirement

More fundamental to the determination by the Court is whether or not the allegations are for general negligence resulting from non-medical services or for negligent medical treatment which calls for an affidavit of merit. *Szymborski v. Spring Mountain Treatment Ctr.*, 403 P.3d 1280 (Nev. 2017). *Szymborski* holds that a Plaintiff s complaint can be based upon both negligent acts and medical malpractice. The Nevada Supreme Court stated that the Court is to look beyond the title to a particular cause of action and determine whether or not the claims actually involve medical malpractice or general negligence. *Id.* at 1284.

Elder abuse is codified in NRS 41.1395 as willful and unjustified infliction of pain, injury or mental anguish or deprivation of food, shelter, clothing or services which are necessary to maintain the physical. Nev.Rev.Stat. 41.1395. As stated in *Szymborski and Egan v. Chambers*, 299 P.3d 364, 366 (Nev. 2013) the courts should look to the nature of the grievance to determine the character of the action, not the form of the pleadings. Cited with approval in *Brown v. Mt. General Hospital*, 3:12-CV-00461-LRH, 2013 WL 4523488, D. Nev. Aug. 26, 2013). Although, Plaintiffs use language from NRS 41.1395 in their complaint the underlining basis of the complaint is for medical malpractice. See paragraph 18 Despite defendant s notice and knowledge that Ms. Curtis was dependent on them for proper medication administration, they on March 7, 2016 administered to her a dose of morphine prescribed to another resident. Ms. Curtis was not prescribed morphine. Also, See paragraph 19 Despite Defendant s notice and knowledge that they had wrongly administered morphine to Ms. Curtis, they failed to act timely upon that discovery, instead retaining Ms. Curtis as a resident until March 8, 2016. The administration of morphine by a LPN and failure to monitor the effects of the administration of morphine is a claim of professional negligence requiring an affidavit pursuant to NRS 41A.100. But for LPN Dawson s alleged nursing conduct of improperly administering morphine and subsequent lack of nursing monitoring Ms. Curtis, she would not have died. A claim is grounded in medical malpractice and must adhere to NRS 41A.071 where the facts underlying the claim involve medical diagnosis, treatment, or judgment and the standards of care pertaining to the medical issue require explanation to the jury from a medical expert. *Szymborski* at 1288. This Court finds persuasive the holding in *Brown v. Mt. Grant Gen. Hosp.*, 3:12-CV-00461-LRH, 2013 WL 4523488, (D. Nev. Aug. 26, 2013) which sets forth the following:

Moreover, the Nevada Supreme Court has signaled a disapproval of artful pleading for the purposes of evading the medical malpractice limitations. For example, the Court concluded that medical malpractice claims extend to both intentional and negligence-based actions. *Fierle*, 219 P.2d at 913 n. 8. This means that a plaintiff cannot escape the malpractice statutes' damages or timeliness limitations by pleading an intentional tort battery, say instead of negligence. If the Nevada Supreme Court casts a jaundiced eye on the artful pleading of intentional torts, it is likely to view the artful pleading of elder abuse similarly. In the end, it seems, Nevada courts look to the nature of the grievance to determine the character of the action, not the form of the pleadings. *Egan v. Chambers*, 299 P.3d 364, 366 n. 2 (Nev.2013) (citing *State Farm Mut. Auto. Ins. Co. v. Wharton*, 88 Nev. 183, 495 P.2d 359, 361 (1972)). *Brown* at \*8. Plaintiffs Complaint is grounded in and involves medical treatment and the standard of care (administration of morphine and the failure to monitor). Thus the gravamen of the complaint sounds in professional negligence which requires an affidavit.

Therefore, COURT ORDERED Defendants Motion for Summary Judgment GRANTED. Counsel for Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner is directed to submit a proposed order consistent with the foregoing within ten (10) days after counsel is notified of the ruling and distribute a filed copy to all parties involved pursuant to EDCR 7.21. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and be approved as to form and content by all parties.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 13, 2018**

---

A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

---

**November 13, 2018    12:00 AM      Minute Order**

**HEARD BY:** Villani, Michael      **COURTROOM:** Chambers

**COURT CLERK:** Haly Pannullo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner ( Defendants ) Motion for Summary Judgment Regarding Punitive Damages came before this Court on the October 31, 2018 oral calendar. Based on this Court's ruling issued on November 13, 2018 on Defendants Motion for Summary Judgment, this matter is ORDERED OFF CALENDAR as being moot.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 13, 2018**

---

A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

---

**November 13, 2018    12:00 AM      Minute Order**

**HEARD BY:** Villani, Michael      **COURTROOM:** Chambers

**COURT CLERK:** Haly Pannullo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Plaintiffs Motion for Prima Facie Claim for Punitive Damages came before this Court on the October 31, 2018 oral calendar. Based on this Court s ruling issued on November 13, 2018 on Defendants South Las Vegas Medical Investors, LLC dba Life Care Center of South Las Vegas dba Life Care Centers of Paradise Valley; South Las Vegas Investors Limited Partnership; Life Care Centers of America, Inc.; and Carl Wagner Motion for Summary Judgment, this matter is ORDERED OFF CALENDAR as being moot.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Haly Pannullo, to all registered parties for Odyssey File & Serve hvp/11/13/18

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**November 14, 2018**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**November 14, 2018 8:30 AM**

**All Pending Motions**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Olivia Black

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**

Bossie, Melanie L

Attorney

Davidson, Michael D.

Attorney

Lazzara, Bennie NMN, Jr.

Attorney

Vitatoe, Vincent

Attorney

**JOURNAL ENTRIES**

- IPC DEFENDANTS MOTION IN LIMINE NO. 1 TO LIMIT NONECONOMIC DAMAGES ARGUMENT ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 1 TO LIMIT NONECONOMIC DAMAGES ARGUMENT  
COURT ORDERED, Motion OFF CALENDAR.

IPC DEFENDANTS MOTION IN LIMINE NO. 2 TO LIMIT TREATING PHYSICIAN TESTIMONY ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 2 TO LIMIT TREATING PHYSICIAN TESTIMONY  
COURT ORDERED, Motion OFF CALENDAR.

IPC DEFENDANTS MOTION IN LIMINE NO. 3 TO LIMIT PLAINTIFFS CUMULATIVE EXPERT TESTIMONY ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 3 TO LIMIT CUMULATIVE EXPERT TESTIMONY  
COURT ORDERED, Motion OFF CALENDAR.

IPC DEFENDANTS' MOTION IN LIMINE NO 4 TO EXCLUDE IRRELEVANT DEVIATIONS FROM STANDARD OF CARE ... DEFENDANTS' JOINDER TO IPC DEFENDANTS MOTION IN LIMINE NO. 4 TO EXCLUDE IRRELEVANT DEVIATIONS FROM STANDARD OF CARE COURT ORDERED, Motion OFF CALENDAR.

IPC DEFENDANTS MOTION IN LIMINE NO. 5 TO PERMIT COLLATERAL SOURCE EVIDENCE COURT ORDERED, Motion OFF CALENDAR.

Colloquy regarding the 54B language being added to the Court's Order. Court stated if parties agree to add the language to the Order, then they may do so. Court directed counsel to file a Motion for Certification if the parties do not agree.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**January 09, 2019**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**January 09, 2019**

**3:00 AM**

**Motion For  
Reconsideration**

**HEARD BY:** Holthus, Mary Kay

**COURTROOM:** Chambers

**COURT CLERK:** Denise Husted

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

-

MINUTE ORDER STRICKEN as of February 27, 2019

Plaintiff's Motion for Reconsideration of the Court's ruling Granting Defendant;s Summary Judgement came before this Court on the January 9, 2019 Chamber Calendar. This Court having reviewed the pleadings and papers on file herein, finds as follows:

A District Court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or if the prior decision was clearly erroneous. *Masonry & Tile Contractors Ass'n of Southern Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737,741, 941 P.2d 486, 489 (1976). Further a motion to reconsider will not be granted Unless the District Court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in controlling law. *Kona Enterprises Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

In Plaintiff's Motion for Reconsideration, Plaintiff did not argue any new facts or law and did not introduce any substantially different evidence. Further, this COURT FINDS that the previous Court's Decision Granting Defendant's Motion for Summary Judgement was not clearly erroneous, and

therefore DENIES Plaintiff's Motion for Reconsideration.

Defense Counsel to prepare the Order.

CLERK'S NOTE: Counsel notified via email:

Michael Davidson (mdavidson@klnevada.com)  
John Cotton (JHCotton@jhcottonlaw.com)

CLERK'S NOTE: The above minute order has been STRICKEN pursuant to the Court's GRANTING of the Order to Strike Court Minutes on IPC Defendants' Motion for Reconsideration on February 27, 2019. //mj 2/27/19

A copy of this amended minute order has been distributed to:

Michael Davidson (mdavidson@klnevada.com)  
John Cotton (JHCotton@jhcottonlaw.com)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**April 10, 2019**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**April 10, 2019**

**9:00 AM**

**Calendar Call**

**HEARD BY:** Holthus, Mary Kay

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**

Davidson, Michael D.

Attorney

**JOURNAL ENTRIES**

- Mr. Davidson advised the Court the instant case was no going forward; further indicated, the Court issued an Order for Consideration. Court inquired if there was anyone still left in the instant case; which Mr. Davidson advised not at this level on the instant case. Mr. Davidson indicated they only needed a Court Order to resolve the matter; which he further indicated he would have signed. COURT ORDERED, matter SET for a status check.

4/24/19 9:00 AM STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**April 24, 2019**

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A-17-750520-C      Estate of Mary Curtis, Plaintiff(s)  
vs.  
South Las Vegas Investors Limited Partnership, Defendant(s)

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**April 24, 2019      9:00 AM      Status Check**

**HEARD BY:** Holthus, Mary Kay      **COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Melanie Bossie, Esq. for Plaintiff and Vincent Vitatoe, Esq. for Deft. present via Court Call.

Mr. Vitatoe indicated there wasn't anyone left in the instant case; therefore, the case could be closed out. COURT ORDERED, case CLOSED. Mr. Vitatoe to submit the Order to Chambers.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**June 05, 2019**

A-17-750520-C

Estate of Mary Curtis, Plaintiff(s)

vs.

South Las Vegas Investors Limited Partnership, Defendant(s)

**June 05, 2019**

**9:00 AM**

**Motion For  
Reconsideration**

**HEARD BY:** Holthus, Mary Kay

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**

Bossie, Melanie L

Attorney

Davidson, Michael D.

Attorney

Vitatoe, Vincent

Attorney

Vogel, Stephen B.

Attorney

**JOURNAL ENTRIES**

- Ms. Bossie indicated the instant case had a long history with Judge Villani. Statements by Ms. Bossie in support of the Motion for Consideration. Further, Ms. Bossie requested the Court reinstate Judge Villani's ruling and grant Motion for Reconsideration. Arguments by Mr. Vitatoe in opposition requesting that Judge Villani's ruling be maintained. COURT ORDERED, Plaintiff's Motion for Reconsideration was hereby DENIED. Court FINDS it wasn't sure there was a basis to the extent that it was untimely and prejudicial. Further, Court noted there were no new facts that came about and the Court wouldn't reverse another Court's ruling. Mr. Vitatoe to prepare the Order and submit to opposing counsel for approval as to form and content.

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

PLAINTIFFS' NOTICE OF APPEAL OF THE ORDER GRANTING IPC DEFENDANTS' MOTION FOR RECONSIDERATION; PLAINTIFFS' CASE APPEAL STATEMENT; PLAINTIFFS' NOTICE OF POSTING COST BOND ON APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING IPC DEFENDANTS' MOTION FOR RECONSIDERATION; NOTICE OF ENTRY OF ORDER GRANTING IPC DEFENDANTS MOTION FOR RECONSIDERATION; DISTRICT COURT MINUTES

Estate of MARY CURTIS, deceased; LAURA LATRENTA, as Personal Representative of the Estate of MARY CURTIS; LAURA LATRENTA, individually,

Plaintiff(s),

vs.

SOUTH LAS VEGAS MEDICAL INVESTORS, LLC dba LIFE CARE CENTER OF SOUTH LAS VEGAS fka LIFE CARE CENTER OF PARADISE VALLEY; SOUTH LAS VEGAS INVESTORS LIMITED PARTNERSHIP; LIFE CARE CENTERS OF AMERICA, INC.; BINA HRIBIK PORTELLO, administrator; CARL WAGNER, administrator,

Defendant(s),

Case No: A-17-750520-C  
*Consolidated with A-17-754013-C*  
Dept No: XVIII

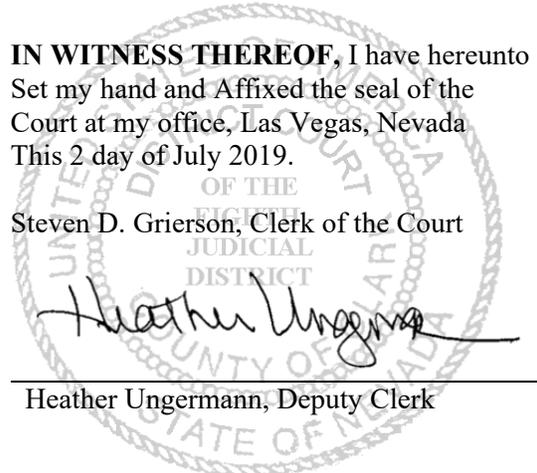
now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 2 day of July 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



**KOLESAR & LEATHAM, CHTD.**  
400 S. Rampart Blvd , Suite #400  
Las Vegas, NV, 89145



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*Two Hundred Fifty and No/100 Dollars*

DATE

AMOUNT

7/1/2019

\$250.00

PAY  
TO THE  
ORDER  
OF

Clerk of the Supreme Court

VOID AFTER 90 DAYS

*[Handwritten Signature]*  
\_\_\_\_\_  
AUTHORIZED SIGNATURE



THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

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