

Law Office
RALEIGH, HUNT, McGARRY & DRIZIN, P.C.
112 GARCES AVENUE
SUITE 200
LAS VEGAS, NEVADA 89101
(702) 386-4842

1 NOAS
2 CHRISTOPHER J. RALEIGH, ESQ.
3 Nevada Bar No. 1596
4 S. BRENT VOGEL, ESQ.
5 Nevada Bar No. 6858
6 RALEIGH, HUNT, McGARRY & DRIZIN
7 112 Garces Avenue, Suite 200
8 Las Vegas, Nevada, 89101
9 (702) 386-4842
10 Attorneys for Plaintiff
11 AVA LANDERS-DAVIS

FILED

OCT 7 4 32 PM '02

Shirley B. Ramirez
CLERK

FILED

OCT 10 2002

DISTRICT COURT

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *Alvarado*
DEPUTY CLERK

CLARK COUNTY NEVADA

No. 40331

11 AVA LANDERS-DAVIS,
12 Plaintiff,

Case No. : 400075
Dept. No. : VIII

13 v.

NOTICE OF APPEAL

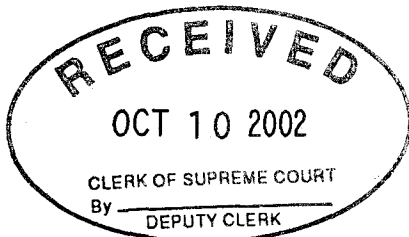
14 FRANK SILVER, M.D., DOE
15 CORPORATIONS I through V, inclusive;
16 and JOHN DOES I through V, inclusive,
17 Defendants.

18 Notice is hereby given that AVA LANDERS-DAVIS, Plaintiff above named, hereby appeals
19 to the Supreme Court of Nevada from the final judgment entered in this action on the 11th day of
20 September, 2002.

21 DATED this 7th day of October, 2002.

22 RALEIGH, HUNT, McGARRY & DRIZIN

23 *[Signature]*
24 CHRISTOPHER J. RALEIGH, ESQ.
25 Nevada Bar No. 1596
26 S. BRENT VOGEL, ESQ.
27 Nevada Bar No. 6858
28 112 Garces Avenue, #200
Las Vegas, Nevada, 89101
Attorneys for Plaintiff



1 CERTIFICATE OF MAILING

2 I HEREBY CERTIFY that on the 17th day of October, 2002, I did place in the United
3 States Mail a true and correct copy of the foregoing NOTICE OF APPEAL in an envelope with
4 postage fully prepaid thereon directed to:

5 John H. Cotton, Esq.
6 Melanie B. Bernstein, Esq.
7 JOHN H. COTTON & ASSOCIATES, LTD.
8 2300 West Sahara Avenue, Suite 420, Box 15
9 Las Vegas, Nevada 89102
10 Attorneys for Defendant FRANK SILVER, M.D.
11 367-9993; FAX 387-9977



Employee of RALEIGH, HUNT, McGARRY & DRIZIN, P.C.

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4 112 Garces Avenue, Suite 200
Las Vegas, Nevada, 89101
5 (702) 386-4842
Attorneys for Plaintiff
6 AVA LANDERS-DAVIS

FILED

Oct 7 4 32 PM '02

Shirley S. Ringuiera
CLERK

8 DISTRICT COURT
9 CLARK COUNTY NEVADA

11 AVA LANDERS-DAVIS,
12 Plaintiff,

13 v.

14 FRANK SILVER, M.D., DOE
CORPORATIONS I through V, inclusive;
15 and JOHN DOES I through V, inclusive,
16 Defendants.

Case No. : 400075
Dept. No. : VIII


CASE APPEAL STATEMENT

- 17 1. Name of Appellant filing this case appeal statement: Ava Landers-Davis.
- 18 2. Identify the judge issuing the decision, judgment, or order appealed from: The Honorable Lee
19 A. Gates.
- 20 3. Identify all parties to the proceedings in the district court: Plaintiff Ava Landers-Davis;
21 Defendant Frank Silver, M.D.
- 22 4. Identify all parties involved in this appeal: Appellant Ava Landers-Davis; Respondent Frank
23 Silver, M.D.
- 24 5. Christopher J. Raleigh, Esq., and S. Brent Vogel, Esq., of Raleigh, Hunt, McGarry & Drizin,
25 P.C. for Appellant Ava Landers-Davis; John H. Cotton, Esq., and Melanie Bernstein, Esq.,
26 of John H. Cotton & Associates, Ltd. for Respondent Frank Silver, M.D.
- 27 6. Appellant was represented by said retained counsel in District Court action.
- 28 7. Appellant is represented by said retained counsel on Appeal.

- 1 8. Appellant Ava Landers-Davis will be seeking leave to proceed in forma pauperis.
2 9. Complaint filed on behalf of Ava Landers-Davis on March 3, 1999.

3 DATED this 7th day of October, 2002.

4 RALEIGH, HUNT, McGARRY & DRIZIN

5 

6 CHRISTOPHER J. RALEIGH, ESQ.

7 Nevada Bar No. 1596

8 S. BRENT VOGEL, ESQ.

9 Nevada Bar No. 6858

10 112 Garces Avenue, #200

11 Las Vegas, Nevada, 89101

12 Attorneys for Plaintiff

13 **CERTIFICATE OF MAILING**

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15 States Mail a true and correct copy of the foregoing CASE APPEAL STATEMENT in an envelope
16 with postage fully prepaid thereon directed to:

17 John H. Cotton, Esq.

18 Melanie B. Bernstein, Esq.

19 JOHN H. COTTON & ASSOCIATES, LTD.

20 2300 West Sahara Avenue, Suite 420, Box 15

21 Las Vegas, Nevada 89102

22 Attorneys for Defendant FRANK SILVER, M.D.

23 367-9993; FAX 387-9977

24 

25 Employee of RALEIGH, HUNT, McGARRY & DRIZIN, P.C.

Landers-Davis, Ava

[] vs Silver MD, Frank

[]

001 P1 Ava Landers-Davis

001596 Raleigh, Christopher J.
NO. 1 Raleigh Hunt McGarry & Drizin
112 Garces Ave #200
Las Vegas, NV 89101

002 D1 Frank Silver MD

005268 Cotton, John H.
NO. 2 2300 W Sahara #420
Las Vegas, NV 89102-0000

006223 Bernstein, Melanie B.
1782 Franklin Chase Terrace
Henderson, NV 89012

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	03/03/99	COMP/COMPLAINT FILED	Fee \$128.00	001			
0002	03/09/99	SUMM/SUMMONS		002	SV	03/09/99	
0003	03/09/99	SERV/ACCEPTANCE OF SERVICE		002	SV	03/09/99	
0004	03/17/99	ANS /DEFENDANT SILVERS' ANSWER TO PLAINTIFF'S COMPLAINT		002		03/17/99	
0005	05/26/99	RPT /JOINT CASE CONFERENCE REPORT		AL			
0006	06/04/99	SCHO/DISCOVERY SCHEDULING ORDER		AL			
0007	06/03/99	SCHM/SCHEDULING MEMO		AL		12/03/99	
0008	03/30/01	HEAR/PRETRIAL CONFERENCE		AL	RS	09/27/01	
0009	03/30/01	CALC/CALENDAR CALL (VJ 9/27/01)		AL	VC	10/16/01	
0010	03/30/01	JURY/TRIAL BY JURY (VJ 6/26/01)		AL	VC	10/22/01	
0011	04/16/01	DEMD/DEMAND FOR JURY TRIAL		001			
0012	04/23/01	OPPS/OPPOSITION TO DEFENDANTS DEMAND FOR JURY TRIAL		001			
0013	05/03/01	RSPN/DEFENDANT SILVERS RESPONSE TO PLAINTIFFS OPPOSITION TO DEFENDANTS DEMAND FOR JURY TRIAL		002			Y
0014	05/08/01	RPLY/PLAINTIFFS REPLY TO DEFENDANT SILVER'S RESPONSE TO PLAINTIFFS OPPOSITION TO DEFENDANTS DEMAND FOR JURY TRIAL		001			Y
0015	05/31/01	ARGU/ARGUMENT: PLAINTIFF'S OPPOSITION TO DEMAND FOR JURY TRIAL		AL	GR	06/26/01	
0016	06/01/01	CERT/CERTIFICATE OF MAILING		002		06/01/01	
0017	06/26/01	TRL /NON-JURY TRIAL (VJ 9/27/01)		AL	VC	10/22/01	
0018	07/03/01	ORDR/ORDER SETTING CIVIL NON JURY TRIAL		AL	SC	10/22/01	
0019	07/19/01	NOTC/NOTICE OF CHANGE OF FIRM NAME		AL			
0020	08/07/01	NOTC/NOTICE OF TAKING DEPOSITION		001	SC	08/14/01	
0021	08/10/01	NOTC/NOTICE OF DEPOSITION OF FRANK SILVER M.D.		AL	SC	08/17/01	
0022	08/23/01	NOTC/NOTICE OF DEPOSTION DUCES TECUM OF ROBERT FUTORAN MD		AL	SC	09/17/01	
0023	08/23/01	NOTC/NOTICE OF DEPOSITION DUCES TECUM OF MICHAEL PEARSON MD		002	SC	09/06/01	
0024	08/27/01	NOTC/NOTICE OF TAKING DEPOSITION OF JOEL DAVIDSON MD		001	SC	08/30/01	
0025	09/17/01	MOT /DEFT'S MTN TO EXCLUDE JOEL DAVIDSON AS EXPERT WITNESS FOR PLTF/6		AL	DN	03/21/02	

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0026	09/12/01	NOTC/AMENDED NOTICE OF DEPOSITION DUCES TECUM OF ROBERT FUTORAN MD	002	SC	09/28/01	
0027	09/18/01	NOTC/NOTICE OF TAKING DEPOSITION OF MICHAEL KAPLAN MD	001	SC	10/07/01	
0028	09/18/01	CERT/CERTIFICATE OF MAILING	AL		09/18/01	
0029	09/21/01	MOT /PLTF'S MTN FOR PROTECTIVE ORDER /07	AL	DP	09/26/01	
0030	09/24/01	OPPS/DEFENDANT SILVERS OPPOSITION TO PLAINTIFFS MOTIONFOR PROTECTIVE ORDER	001			
0031	09/26/01	MOT /DEFT'S MOTION FOR SUMMARY JUDGMENT OR ALTERNITIVELY FOR PARTIAL SUMM JUDGMNT/8	AL	DP	10/25/01	
0032	09/27/01	HEAR/PRETRIAL CONFERENCE	AL		02/21/02	
0033	09/27/01	CALC/CALENDAR CALL	AL		03/21/02	
0034	09/27/01	TRL /NON-JURY TRIAL (VJ 2/21/01)	AL	VC	03/25/02	
0035	09/26/01	OPPS/PLAINTIFF AVA LANDERS DAVIS OPPOSITION TO DEFENDANT FRANK SILVER MD MOTION TO	AL			Y
EXCLUDE JOEL DAVIDSON MD AS EXPERT WITNESS FOR PLAINTIFF AND COUNTER MOTION FOR SANCTIONS						
0036	09/27/01	CERT/CERTIFICATE OF MAILING	001		09/27/01	
0037	09/28/01	NOTC/NOTICE TO VACATE DEPOSITION OF MICHAEL KAPLAN MD	001	VC	10/07/01	
0038	10/05/01	NOTC/NOTICE OF TAKING CUSTODIAN OF RECORDS DEPOSITION	001	SC	10/26/01	
0039	03/30/01	ORDR/ORDER SETTING JURY TRIAL	AL	SC	10/22/01	
0040	10/08/01	OPPS/PLAINTIFF AVA LANDERS-DAVIS' OPPOSITION TO DEFENDANT FRANK SILVER MDs MOTION FOR	001			Y
SUMMARY JUDGMENT OR IN THE ALTERNATIVE PARTIAL SUMMARY JUDGMENT						
0041	10/08/01	RPLY/DEFENDANT FRANK SILVER MDs REPLY TO PLAINTIFFS OPPOSITION TO DEFENDANTS	002			Y
MOTION TO EXCLUDE JOEL DAVIDSON MD AS EXPERT WITNESS AND OPPOSITION TO PLAINTIFFS COUNTERMOTION FOR SANCTIONS						
0042	10/12/01	SUBP/SUBPOENA DUCES TECUM	002	SC	10/26/01	
			002	SV	10/09/01	
0043	10/19/01	RPLY/DEFENDANT SILVERS REPLY TO PLAINTIFFS OPPOSITION TO MOTION FOR SUMMARY	002			Y
JUDGMENT OR IN THE ALTERNATIVE PARTIAL SUMMARY JUDGMENT						
0044	10/22/01	SUPP/PLAINTIFF AVA LANDERS-DAVIS'S SUPPLEMENT TO OPPOSITION TO DEFENDANT FRANK	001			Y
SILVER MD'S MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE PARTIAL SUMMARY JUDGMENT						
0045	10/29/01	SUPP/DEFENDANTS SUPPLEMENT TO 16.1 LIST OF DOCUMENTS	002			
			002			
0046	11/02/01	NOTC/NOTICE OF DEPOSITION SUBPOENA DUCES TECUM OF MICHAEL S KAPLAN MD	002			
			002			
0047	11/05/01	ORDR/ORDER DENYING DEFENDANT FRANK SILVER MDS MOTION FOR SUMMARY JUDGMENT OR IN	AL		11/05/01	Y
THE ALTERNATIVE PARTIAL SUMMARY JUDGMENT						
0048	11/15/01	NOTC/NOTICE OF ENTRY OF ORDER	AL		11/15/01	
0049	01/25/02	NOTC/NOTICE OF TAKING DEPOSITION	001	SC	02/15/02	
0050	02/07/02	NOTC/AMENDED NOTICE OF TAKING DEPOSITION	001	SC	03/14/02	
0051	02/21/02	TRL /NON-JURY TRIAL	AL	DV	04/09/02	
0052	03/06/02	SUBP/TRIAL SUBPOENA DUCES TECUM	001	SC	04/08/02	
			001	SV	03/01/02	

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0053	03/21/02	MOT	/ALL PENDING MOTIONS (3/21/02)	AL		03/21/02	
0054	03/27/02	SUBP/SUBPOENA		002	SC	04/09/02	
				002	SV	03/25/02	
0055	03/28/02	PMEM/JOINT	PRETRIAL MEMORANDUM	001			
0056	03/29/02	ORDR/ORDER	DENYING DEFENDANT FRANK SILVER MDS	001		03/29/02	Y
			MOTION TO EXCLUDE JOEL DAVIDSON MDS	001			
			AS EXPERT WITNESS FOR PLAINTIFF AND PLAINTIFFS COUNTER MOTION FOR SANCTIONS				
0057	04/01/02	NOTC/NOTICE	OF ENTRY OF ORDER	AL		04/01/02	
0058	04/02/02	SERV/ACCEPTANCE	OF SERVICE	002		04/01/02	
0059	04/02/02	PMEM/PLAINTIFFS	AVA LANDERS-DAVIS'S TRIAL	001			
			MEMORANDUM	001			
0060	04/03/02	BREF/TRIAL	BRIEF RE MOTION FOR EXCLUSION OF	002			Y
			TESTIMONY REGARDING PLAINTIFFS WAGE	002			
			LOSS CLAIM				
0061	04/04/02	OPPS/OPPOSITION	TO DEFENDANTS TRIAL BRIEF	001			Y
			RE MOTION FOR EXCLUSION OF TESTIMONY	001			
			REGARDING PLAINTIFFS WAGE LOSS CLAIM				
0062	04/04/02	OPPS/DEFENDANT	SILVERS OPPOSITION TO	002			Y
			PLAINTIFFS MOTION TO EXCLUDE	002			
			DEFENDANTS EXPERT WITNESSES				
0063	04/08/02	TRB /TRIAL	BEGINS				
0064	04/05/02	RPLY/REPLY	IN SUPPORT OF MOTION TO EXCLUDE	001			
			DEFENDANTS EXPERT WITNESSES	001			
0065	04/05/02	RPLY/REPLY	TO PLAINTIFFS OPPOSITION TO	002			Y
			DEFENDANTS TRIAL BRIEF RE MOTION FOR	002			
			EXCLUSION OF TESTIMONY REGARDING PLAINTIFFS WAGE LOSS CLAIM				
0066	04/08/02	SUPP/SILVERS	SUPPLEMENTAL OPPOSITION TO	002			Y
			PLAINTIFFS MOTION TO EXCLUDE DEFENDANTS	002			
			EXPERT WITNESSES				
0067	04/19/02	ARGU/PLAINTIFF	AVA LANDERS-DAVIS CLOSING	001			
			ARGUMENT	001			
0068	07/15/02	TRAN/REPORTER'S	TRANSCRIPT	AL		04/08/02	
0069	07/15/02	TRAN/REPORTER'S	TRANSCRIPT	AL			
0070	07/22/02	ORDR/ORDER		AL			
0071	07/25/02	HEAR/DECISION:	NON-JURY TRIAL 4-9-02	NP		07/25/02	
0072	07/29/02	NOEV/NOTICE	OF EXHIBIT(S) IN THE VAULT			04/08/02	
0073	08/14/02	MOT /DEFT'S	MTN FOR ATTY FEES/15	AL	DP	09/17/02	
0074	08/14/02	CC10/MEMORANDUM	OF COSTS AND DISBURSEMENTS	002			
0075	08/15/02	CRTF/CERTIFICATE	OF SERVICE VIA FACSIMILE	AL		08/15/02	
			AND MAILING	AL			
0076	08/22/02	JUDG/JUDGMENT		001		08/22/02	
0077	08/22/02	JMNT/JUDGMENT		0001		08/26/02	
0078	09/05/02	RPLY/DEFENDANT	FRANK SILVER MDS REPLY TO	002			Y
			PLAINTIFFS OPPOSITION TO DEFENDANTS	002			
			MOTION FOR ATTORNEYS FEES				
0079	09/06/02	OPPS/DEFENDANT	SILVERS OPPOSITION TO	AL			
			PLAINTIFFS MOTION TO RETAX COSTS	AL			
0080	09/11/02	NOTC/NOTICE	OF ENTRY OF JUDGMENT	001		08/22/02	

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JUDG
JOHN H. COTTON
Nevada Bar Number 5268
MELANIE B. BERNSTEIN
Nevada Bar Number 6223
JOHN H. COTTON & ASSOCIATES, LTD.
2300 W. Sahara Ave., Suite 420
Las Vegas, Nevada 89102
(702) 367-9993

FILED
Aug 22 2 59 PM '02
Shirley S. Karpis
CLERK

Attorneys for Defendant Frank Silver, M.D.

DISTRICT COURT
CLARK COUNTY, NEVADA

AVA LANDERS-DAVIS,)
)
) **Plaintiff**)
)
) **vs.**)
)
) **FRANK SILVER, M.D., DOE**)
) **CORPORATIONS I through V,**)
) **inclusive, and JOHN DOES I through**)
) **V, inclusive,**)
)
) **Defendants.**)

Case No. : A400075
Dept. No. : VIII

Trial Date: April 9, 2002

JOHN H. COTTON & ASSOCIATES, LTD.
2300 WEST SAHARA SUITE 420 LAS VEGAS, NEVADA 89102
TELEPHONE: 702-367-9993
FACSIMILE: 702-367-9977

JUDGMENT

This action came on for a bench trial before the Court, Lee Gates, District Judge, presiding, and the issues having been duly tried and the Court having duly reviewed the file, weighed the evidence and listened to the testimony,

THE COURT FINDS that the Plaintiff has not met her burden in proving negligence by Defendant.

RECEIVED
AUG 22 2002
COUNTY CLERK

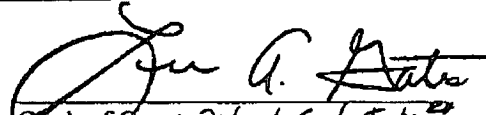
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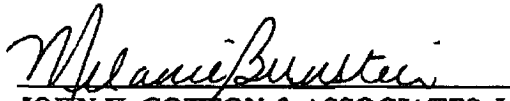
IT IS HEREBY ORDERED AND ADJUDGED, therefore, that Judgment be entered in favor of the Defendant, that the Plaintiff take nothing, and that the action be dismissed on the merits, with prejudice.

IT IS FURTHER ORDERED that the Defendant's pending Motion For Attorneys' Fees and Memorandum of Costs will be heard on September 10, 2002, and that this Judgment may be amended as appropriate following the outcome of that hearing.

DATED this 22 day of August, 2002.


Clerk of Court District Court Judge

Submitted by:


JOHN H. COTTON & ASSOCIATES, LTD.
John H. Cotton
Melanie B. Bernstein
2300 W. Sahara Ave., Suite 420
Las Vegas, Nevada 89102
Attorneys for Defendant

ORIGINAL

FILED

SEP 11 4 40 PM '02

Shirley B. Rodriguez
CLERK

1 NEOJ
2 John H. Cotton
Nevada Bar Number 5268
3 Melanie B. Bernstein
Nevada Bar Number 6223
4 **JOHN H. COTTON & ASSOCIATES, LTD.**
5 2300 W. Sahara Ave., Suite 420
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7 Attorneys for Defendant Frank Silver, M.D.

DISTRICT COURT

CLARK COUNTY, NEVADA

10 AVA LANDERS-DAVIS,)
11)
12 Plaintiff)
13 vs.)
14 FRANK SILVER, M.D., DOE)
CORPORATIONS I through V,)
15 inclusive, and JOHN DOES I through)
16 V, inclusive,)
17 Defendants.)

Case No.: A400075
Dept. No.: VIII

NOTICE OF ENTRY OF JUDGMENT

20 **YOU WILL PLEASE TAKE NOTICE** that a Judgment was entered on the 22nd day
21 of August, 2002. A copy of said Judgment is attached hereto.

22 DATED this 10th day of September, 2002.

JOHN H. COTTON & ASSOCIATES, LTD.
2300 W. Sahara Avenue, Suite 420
Las Vegas, Nevada 89102
Attorneys for Frank Silver, M.D.

By *Melanie Bernstein*
John H. Cotton
Melanie Bernstein

JOHN H. COTTON & ASSOCIATES, LTD.
2300 WEST SAHARA SUITE 420 LAS VEGAS, NEVADA 89102
TELEPHONE: 702.367.9993 FACSIMILE: 702.367.9977

RECEIVED
SEP 11 2002

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1 **CERTIFICATE OF MAILING**

2 I hereby certify that on this 10 day of September, 2002 I mailed a true and correct
3
4 copy of **NOTICE OF ENTRY OF JUDGMENT** upon the following parties by placing a
5 copy thereof in the United States Mail at Las Vegas, Nevada with first class postage fully
6 prepaid, addresses as follows:

7
8 Brent Vogel, Esq.
9 RALEIGH, HUNT, McGARRY & DRIZIN
10 112 Garces Avenue, Suite 200
11 Las Vegas, NV 89101



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Employees of John H. Cotton & Associates

JOHN H. COTTON & ASSOCIATES, LTD.
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FILED
AUG 22 2 59 PM '02
Shirley S. Langjuma
CLERK

Attorneys for Defendant Frank Silver, M.D.

DISTRICT COURT
CLARK COUNTY, NEVADA

AVA LANDERS-DAVIS,)
)
Plaintiff)
)
vs.)
)
FRANK SILVER, M.D., DOE)
CORPORATIONS I through V,)
inclusive, and JOHN DOES I through)
V, inclusive,)
)
Defendants.)

Case No. : A400075
Dept. No. : VIII

Trial Date: April 9, 2002

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2300 WEST SAHARA SUITE 420 LAS VEGAS, NEVADA 89102
TELEPHONE: 702.367.9993
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JUDGMENT

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THE COURT FINDS that the Plaintiff has not met her burden in proving negligence by Defendant.

COUNTY CLERK

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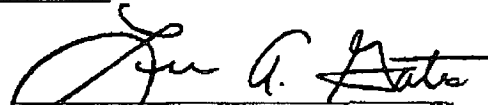
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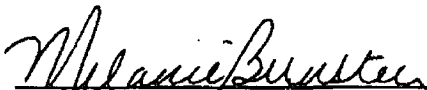
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DATED this 22 day of August, 2002.


Clerk of Court District Court Judge

Submitted by:


JOHN H. COTTON & ASSOCIATES, LTD.
John H. Cotton
Melanie B. Bernstein
2300 W. Sahara Ave., Suite 420
Las Vegas, Nevada 89102
Attorneys for Defendant

CIVIL COURT MINUTES

99-A-400075-C Landers-Davis, Ava vs Silver MD, Frank

06/26/01 09:00 AM 00 ARGUMENT: PLAINTIFF'S OPPOSITION TO
DEMAND FOR JURY TRIAL

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: CONNIE KALSKI, Relief Clerk

PARTIES: 001 P1 Landers-Davis, Ava
006858 Vogel, Stephen B.

N
Y

002 D1 Silver MD, Frank
006223 Bernstein, Melanie B.

N
Y

Mr. Vogel stated this matter was set to correct an error as originally there was no demand for jury trial filed. After Plaintiff's sent out letters confirming depositions, etc., Defendant filed a demand for a jury trial. Ms. Bernstein argued the failure to request a jury trial was an oversight on the part of the defendant. Further argument. COURT ORDERED, Plaintiff's motion GRANTED; jury trial date VACATED and matter set for non-jury trial. All other future dates STAND.

10/22/01 10:30 AM NON-JURY TRIAL

09/26/01 09:00 AM 00 PLTF'S MTN FOR PROTECTIVE ORDER /07

HEARD BY: Thomas W Biggar, Discovery Commissioner; Dept. DC1

OFFICERS: MARY DAIGLE, Court Clerk

PARTIES: 001 P1 Landers-Davis, Ava
006858 Vogel, Stephen B.

N
Y

002 D1 Silver MD, Frank
006223 Bernstein, Melanie B.

N
Y

Colloquy between Commissioner and Mr. Vogel as to deposition of Dr. Kaplan and setting date. Commissioner noted the affidavit indicated defense tried to call earlier to set deposition. Mr. Vogel advised the deposition is set for a Sunday afternoon and he has a trial on Monday. Upon the Commissioner's inquiry, Ms. Bernstein advised she will call the doctor and see what they can do as to the date; the doctor is a treating physician. COMMISSIONER RECOMMENDED, let us see if we can get a date set up for a few days before current date and if that is impossible defense counsel to get deposition set up for a few days after current date set.

CIVIL COURT MINUTES

99-A-400075-C Landers-Davis, Ava vs Silver MD, Frank

CONTINUED FROM PAGE: 001

09/27/01 09:30 AM 00 PRETRIAL CONFERENCE

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: April Watkins, Relief Clerk
Julie Lever, Reporter/Recorder

PARTIES:	001 P1	Landers-Davis, Ava	N
	006858	Vogel, Stephen B.	Y
	002 D1	Silver MD, Frank	N
	005268	Cotton, John H.	Y

Mr. Vogel advised he has two more depositions to complete next week.
Statement by Mr. Cotton. COURT ORDERED, trial date VACATED and RESET.
FURTHER ORDERED, Deft's Motion to Exclude CONTINUED to Calendar Call date.

2/21/02 9:00 AM PRETRIAL CONFERENCE

3/21/02 9:00 AM CALENDAR CALL

3/21/02 9:00 AM DEFT'S MOTION TO EXCLUDE JOEL DAVIDSON AS EXPERT WITNESS FOR PLTF

3/25/02 10:00 AM NON-JURY TRIAL

10/25/01 09:00 AM 00 DEFT'S MOTION FOR SUMMARY JUDGMENT OR
ALTERNITIVELY FOR PARTIAL SUMM JUDGMNT/8

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk

PARTIES:	001 P1	Landers-Davis, Ava	N
	006858	Vogel, Stephen B.	Y
	002 D1	Silver MD, Frank	N
	006223	Bernstein, Melanie B.	Y

Following arguments of counsel, COURT FINDS, the motion as far as the first cause of action is premature in light of the Motion in Limine to Exclude the expert; this will be determined later. As to the Res Ipsa Loquitur doctrine, COURT ORDERED, motion for Summary Judgment DENIED.

CIVIL COURT MINUTES

99-A-400075-C Landers-Davis, Ava vs Silver MD, Frank

CONTINUED FROM PAGE: 002

02/21/02 09:00 AM 00 PRETRIAL CONFERENCE

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: April Watkins, Relief Clerk
Dina Dalton, Reporter/RecorderPARTIES: 001 P1 Landers-Davis, Ava
006858 Vogel, Stephen B.N
Y002 D1 Silver MD, Frank
006223 Bernstein, Melanie B.N
Y

Ms. Bernstein stated she had the trial date of April 8, 2002. COURT ORDERED, trial date VACATED and RESET.

4/8/02 10:30 AM NON-JURY TRIAL (FIRM)

03/21/02 09:00 AM 00 ALL PENDING MOTIONS (3/21/02)

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: April Watkins, Relief Clerk
Julie Lever, Reporter/RecorderPARTIES: 001 P1 Landers-Davis, Ava
006858 Vogel, Stephen B.N
Y002 D1 Silver MD, Frank
006223 Bernstein, Melanie B.N
Y

DEFT'S MOTION TO EXCLUDE JOEL DAVIDSON AS EXPERT WITNESS FOR PLTF...CALENDAR CALL

Ms. Bernstein argued type of surgery and instruments indicated in this case was not performed or used by this doctor. Colloquy between Court and counsel regarding affidavit. Ms. Bernstein further argued the Pltf's have retained another expert who is an OB/GYN doctor. Mr. Vogle argued this doctor was retained as to respect of standard care. COURT ORDERED, motion DENIED; trial date STANDS. FURTHER ORDERED, Motion for Sanctions DENIED.

CIVIL COURT MINUTES

99-A-400075-C Landers-Davis, Ava vs Silver MD, Frank

CONTINUED FROM PAGE: 003

04/08/02 10:30 AM 00 NON-JURY TRIAL

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: April Watkins, Relief Clerk
Julie Lever, Reporter/Recorder

REQ. BY: Silver MD Frank, Defendant

PARTIES: 001 P1 Landers-Davis, Ava
006858 Vogel, Stephen B.Y
Y002 D1 Silver MD, Frank
005268 Cotton, John H.Y
Y

Mr. Vogel argued in support of Motion to Strike stating records from the doctor were received on Thursday which should have been produced and requested some sort of sanctions. Mr. Cotton argued he did not realize counsel did not have these office notes. COURT ORDERED, motion DENIED WITHOUT PREJUDICE; once expert has a chance to review documents and it is determined they will be prejudice, the Court will look at this at that time. Statements by Mr. Cotton regarding loss wages. Mr. Vogle advised this is part of the general damages claim. EXCLUSIONARY RULE INVOKED. Testimony and exhibits presented. (See worksheets.) Opening statements by counsel. Evening recess.

CONTINUED TO: 04/09/02 10:00 AM 01

04/09/02 10:00 AM 01 NON-JURY TRIAL

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk
Julie Lever, Reporter/RecorderREQ. BY: Landers-Davis Ava, Plaintiff
Silver MD Frank, DefendantPARTIES: 001 P1 Landers-Davis, Ava
006858 Vogel, Stephen B.Y
Y002 D1 Silver MD, Frank
005268 Cotton, John H.Y
Y

Court reconvened at 10:30 a.m. Motion by Mr. Vogle to exclude exhibits 12 - 15 and certificates from custodian of records. Argument by Mr. Cotton. COURT ORDERED, motion GRANTED, exhibits and certificates to be excluded. Testimony and exhibits continued. Plaintiff rested at 11:30 a.m. Further testimony and exhibits. Defense rested at 2:35 p.m. Following rebuttal

CONTINUED ON PAGE: 005

CIVIL COURT MINUTES

99-A-400075-C Landers-Davis, Ava vs Silver MD, Frank

CONTINUED FROM PAGE: 004

witness, COURT ORDERED, parties to submit written arguments within ten days after which Court will render its decision.

07/25/02 ??:?? ?M 00 DECISION: NON-JURY TRIAL 4-9-02

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk

PARTIES: NO PARTIES PRESENT

Having reviewed the file, weighing evidence, and listening to testimony, COURT FINDS, the Plaintiff has not met the burden in proving negligence. COURT ORDERS, verdict in favor of the Defendant. Mr. Cotton to prepare the Order.

CLERK'S NOTE: A copy of this minute order to be placed in the attorney folder(s) of John H. Cotton, Esq. (Cotton) and S. Brent Vogel, Esq. (Raleigh, Hunt, McGarry & Drizin).

09/17/02 09:00 AM 01 DEFT'S MTN FOR ATTY FEES/15

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk

PARTIES: 001 P1 Landers-Davis, Ava
006858 Vogel, Stephen B.

N
Y

002 D1 Silver MD, Frank
005268 Cotton, John H.

N
Y

Arguments by counsel as to costs being asked for expert witness costs, and amount of attorneys fees. COURT ORDERED, \$1,500.00 for Dr. Futerman and 3,000.00 for Dr. Pearson; FURTHER ORDERED, Mr. Cotton to provide a break-down of fees to Mr. Vogel which should be submitted to Court when they have come to an agreement.

10/07/02

E X H I B I T S

5:36 PM

CASE NO. 99-A-400075-C

CASE STATUS: ACTIVE

Landers-Davis, Ava

[] vs Silver MD, Frank

[]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0001	P	/PLAINTIFFS EXHIBITS 1-34	001	/	99/99/99	V
0002	D	/DEFENDANTS EXHIBITS A-I	002	/	99/99/99	V
0003	D/K	/X-RAYS	002	/	99/99/99	V

DEFT'S

EXHIBITS

CASE NO. A400075

	OFFERED		ADMITTED	
	DATE	OBJ	DATE	DATE
A- Medical Records of Frank Silver MD RE: ^{AVA} Landers- Davis				
B- Dr. Silver's Standing Order	4/9	✓ NO	✓	4/9
C- Medical Records of Lake Mead Hospital				
D- Medical Records of Michael Kaplan RE: ^{Landers-} Davis				
E- Medical Records of Sunrise Hospital				
F- Curriculum Vitae of Frank Silver, M.D.				
G- Curriculum Vitae of Robert Futoran, M.D.				
H- Curriculum Vitae of Michael Pearson, MD				
I- Curriculum Vitae of Michael Kaplan, M.D.				
J- Demonstrative Exhibits				
K. X-RAYS.	4/9	✓	✓	4/9

Plaintiff's Exhibit List
AVA LANDERS-DAVIS V. FRANK SILVER, M.D.

Case No. A400075

No	Exhibit	Offered	Admitted
1	Michael Kaplan, M.D., Medical Records	✓ stip	✓ 4-8-02
2	Michael Kaplan, M.D., Medical Bills	✓ stip	✓ "
3	Lake Mead Hospital Medical Records	✓ stip	✓ "
4	Sunrise Hospital Medical Records	✓ stip	✓ "
5	Sunrise Hospital Medical Bills	✓ stip	✓ "
6	Steinberg Diagnostic Medical Imaging Medical Records	✓ stip	✓ "
7	Steinberg Diagnostic Medical Imaging Medical Bills	✓ stip	✓ "
8	Desert Spring Hospital Medical Records	✓ stip	✓ "
9	Desert Springs Hospital Medical Bills	✓ stip	✓ "
10	Frank Silver, M.D., Medical Records	✓ stip	✓ "
11	Frank Silver, M.D., Medical Bills	✓ stip	✓ "
12	Lucy Fox, M.D., Medical Records		
13	Lucy Fox, M.D., Medical Bills		
14	Lee M. Roback, M.D., Medical Records		
15	Lee M. Roback, M.D., Medical Bills		
16	Carlos Rueca, M.D., Medical Records	✓ stip	✓ 4-8-02
17	Pueblo Medical Imaging Medical Records	✓ stip	✓ "
18	Pueblo Medical Imaging Medical Bills	✓ stip	✓ "
19	Memorial Hospital of Gardena Medical Records	✓ stip	✓ "
20	Family Care Services Medical Records	✓ stip	✓ "
21	Family Care Services Medical Bills	✓ stip	✓ "
22	Curriculum Vitae of Joel Davidson, M.D.	✓ stip	✓ "
23	Curriculum Vitae of Gunther R. Bauer, M.D.	✓ stip	✓ "
24	Deposition Transcript - Frank Silver, M.D.	✓ stip	✓ "

Plaintiff's Exhibit List
AVA LANDERS-DAVIS V. FRANK SILVER, M.D.

Case No. A400075

No	Exhibit	Offered	Admitted
25	Deposition Transcript - Robert Futoran, M.D.	✓ stip	✓ 4-8-02
26	Deposition Transcript - Michael Pearson, M.D.	✓ stip	✓ "
27	Deposition Transcript - Michael Kaplan, M.D.	✓ stip	✓ "
28	Frank Silver, M.D.'s Answers to Interrogatories	✓ stip	✓ "
29	Affidavit of Frank Silver, M.D.	✓ stip	✓ "
30	Affidavit of Robert Futoran, M.D.	✓ stip	✓ "
31	Demonstrative Exhibits (31a) (31b)		
32	GIA Stapler		
33	Custodian of Records MERVAT HART		
34	Custodian of Records KATHLEEN LIOTTA		

Certification of Copy

STATE OF NEVADA }
COUNTY OF CLARK } SS:

I, SHIRLEY B. PARRAGUIRRE, the duly elected, qualifying and acting Clerk of Clark County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original:

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT; NOTICE OF ENTRY OF JUDGMENT; DISTRICT COURT MINUTES; EXHIBIT LIST;

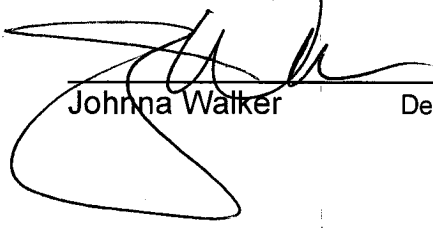
AVA LANDERS-DAVIS,)
)
)
Plaintiff(s),)
)
vs.)
)
FRANK SILVER, MD,)
)
Defendant(s).)
_____)

**D.C. CASE A400075
Department VIII**

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 7th day of October, 2002 .

SHIRLEY B. PARRAGUIRRE
CLARK COUNTY CLERK



Johnna Walker Deputy Clerk

16768

RALEIGH, HUNT, McGARRY & DRIZIN, P.C.

A PROFESSIONAL CORP.
GENERAL ACCOUNT
112 GARCES AVE., SUITE 200
LAS VEGAS, NV 89101

FIRST NATIONAL BANK OF NEVADA

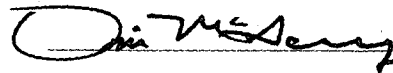
LAS VEGAS, NV 89103
94-172-1224

16768 10/07/2002 CS

Two hundred and NO/100

DATE \$200.00 AMOUNT

PAY TO THE ORDER OF Clerk of the Supreme Court



MP

⑈016768⑈ ⑆122401723⑆ 031⑈501415⑈

Security Features Included. Details on back.

081013/6-88

**SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

AVA LANDERS-DAVIS,
Appellant,
vs.
FRANK SILVER, M.D.,
Respondent.

Supreme Court No. 40331
District Court Case No. A400075

RECEIPT FOR DOCUMENTS

TO: Christopher J. Raleigh
S. Brent Vogel
Melanie Bernstein
John H. Cotton
Shirley Parraguirre , Clark Co. Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

10/10/02	Received Filing Fee. \$200.00 from Raleigh, Hunt, McGarry & Drizin-check no. 16768.
10/10/02	Filed Certified Copy of Notice of Appeal. Notice re: settlement conference program/suspension of rules mailed to all counsel. (Docketing statement mailed to counsel for appellant.)

DATE: October 10, 2002

Janette M. Bloom, Clerk of Court

By: _____



Deputy Clerk