

1 Case No. CV 91-4742

2 Dept. No. 8

FILED

3 '91 SEP 25 P4:24

4
5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 B1
7 IN AND FOR THE COUNTY OF WASHOE

8 CORINNE BLY and TERRY BLY,

9 Plaintiffs

10 vs.

STIPULATION AND ORDER
TO STAY

11 WEST END WOMEN'S MEDICAL
12 GROUP OF RENO, EUGENE GLICK,
13 M.D., LTD., a Nevada
14 professional corporation; et al,

15 Defendants.

16 IT IS HEREBY STIPULATED by all parties hereto, acting by and
17 through counsel, to stay prosecution of this case pending the
18 issuance of findings by the Medical Legal Screening Panel in the
19 case of Bly vs. Glick, et al, Screening Panel File No. R-91-478.

20 Dated this 12th day of Sept., 1991.

21 GREGORY D. CORN
22 P. O. Box 2886
23 Reno, Nevada 89505

HIBBS, ROBERTS, LEMONS,
GRUNDY & EISENBERG
P. O. Box 3740
Reno, Nevada 89505

24 By [Signature]

GREGORY D. CORN

By [Signature]

EDWARD J. LEMONS

O R D E R

25 IT IS SO ORDERED.

26 DATED this 24th day of September, 1991.

27
28 Senior [Signature]
DISTRICT JUDGE

1 Case No. CV 91-4742

2 Dept. No. 8

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5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE

7 * * *

8 CORINNE BLY and TERRY BLY,
9 Plaintiffs

10 vs.

MOTION TO DISMISS OR IN
THE ALTERNATIVE TO STAY

11 WEST END WOMEN'S MEDICAL
12 GROUP OF RENO, EUGENE GLICK,
13 M.D., LTD., a Nevada
14 professional corporation;
15 BLACK CORPORATION, a corporation;
16 RED PARTNERSHIP, a general
17 partnership; GREEN PARTNERSHIP,
18 a limited partnership;

19 Defendants.
20 _____/

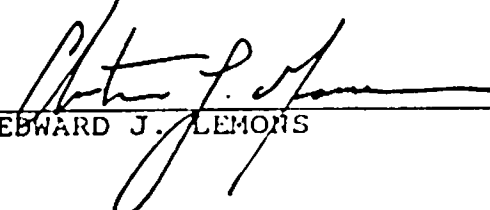
21
22 COME NOW Defendants above-named and hereby move this court, by
23 and through counsel, for an order dismissing the Plaintiffs'
24 Complaint without prejudice or in the alternative for an order
25 staying prosecution of this case and as grounds therefor respect-
26 fully state that NRS §41A.003 et seq. requires all cases alleging
27 medical malpractice to be filed with the Nevada Medical Legal
28 Screening Panel before suit may be filed and that no case alleging
medical malpractice may be litigated in the courts until a finding
has been made by the Screening Panel.

This motion is based upon the pleadings filed herein together

1 with the points and authorities filed herewith.

2 DATED this 9TH day of August, 1991.

3 HIBBS, ROBERTS, LEMONS, GRUNDY
4 & EISENBERG
5 Attorneys for Defendants
6 Post Office Box 3740
7 Reno, Nevada 89505

8 BY: 
9 For EDWARD J. LEMONS

10 POINTS AND AUTHORITIES

11 The Complaint filed herein against Dr. Glick's professional
12 corporation seeks damages, under various theories, for medical
13 malpractice arising out of medical care provided to Plaintiff
14 Corinne Bly in April, 1989. This same medical care is the basis
15 for an action currently pending with the Nevada Medical Legal
16 Screening Panel (See Exhibit A to Complaint; see also, a copy of
17 the caption of the Screening Panel Complaint, attached hereto as
18 Exhibit 1).

19 As the Court will note from the caption for the Screening
20 Panel Complaint, the case specifically targets Dr. Eugene Glick,
21 Dr. Damon Stutes and Dr. Ricardo Garcia. It also includes
22 reference to Dr. Glick's professional corporation. The Screening
23 Panel's legal counsel, Stephen Stephens, informed Plaintiffs'
24 counsel that the Screening Panel only had jurisdiction over
25 individual medical providers and does not include professional
26 corporate entities. (See Exhibit A to the Complaint herein).
27 Thereafter, Plaintiffs filed their District Court Complaint against
28 the professional corporation.

1 Since January 1, 1986, all actions for medical malpractice
2 arising within the State of Nevada have been required to be
3 submitted to the Medical Malpractice Screening Panel before suit
4 may be filed. See NRS 41A.003 et seq. In particular, the
5 following language from NRS 41A.016 is directly relevant to the
6 Court's consideration of this motion:

7 No cause of action involving medical malpractice may be
8 filed until the medical malpractice case has been
9 submitted to an appropriate screening panel and a
10 determination made by such panel as provided in NRS
11 41A.003 to 41A.069, inclusive, and any action filed
12 without satisfying the requirements of those sections is
13 subject to dismissal without prejudice for failure to
14 comply with this section.

15 The medical care which forms the basis for the Screening Panel
16 action by Plaintiff Bly is the same medical care which forms the
17 basis for this Complaint. The difference is that none of the
18 physicians involved in that care are, or can be, parties to the
19 District Court action at this time.

20 If Plaintiffs are allowed to proceed against the professional
21 corporation of one of the physicians involved in this case then the
22 Screening Panel statute would become meaningless. If the Screening
23 Panel statute is to be given its obviously intended meaning then
24 "no cause of action involving medical malpractice" should be
25 allowed to go forward in our Courts until the Screening Panel
26 process has been completed.

27 The Screening Panel action against the individual physicians
28 has been filed, is presently pending and ultimately will result in
findings being issued. Thereafter, this case can proceed in
District Court, if Plaintiffs choose at that point to go forward.

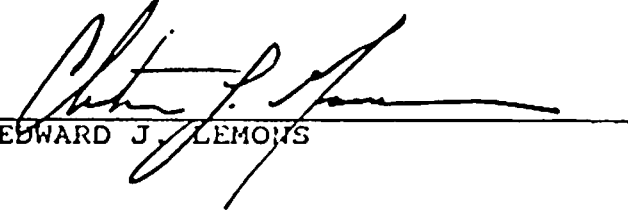
 Although this motion primarily seeks dismissal without

1 prejudice, it appears that Plaintiffs attempted to file this
2 District Court case within the two year statute of limitations. It
3 is anticipated that Plaintiffs will so argue in opposition to
4 dismissal without prejudice. It is for that reason that a stay is
5 sought as an alternative to dismissal without prejudice. It is
6 important to note, however, in this regard, that the statute of
7 limitations as against the individual physicians is tolled pending
8 the Panel's decision in this case. The Plaintiffs will be able
9 easily to file an action well within the statute of limitations
10 after the Panel decision if they choose to go forward with this
11 case.

12 Based upon the foregoing, this defendant respectfully requests
13 that the Court dismiss Plaintiff's Complaint without prejudice or
14 in the alternative stay this action pending the issuance of
15 findings by the Medical Legal Screening Panel.

16 DATED this 9TH day of August, 1991.

17 HIBBS, ROBERTS, LEMONS, GRUNDY
18 & EISENBERG
19 Attorneys for Defendants
20 Post Office Box 3740
21 Reno, Nevada 89505

22 BY: 
23 FOR EDWARD J. LEMONS

28 HIBBS, ROBERTS,
LEMONS, GRUNDY
EISENBERG
PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
P. O. BOX 3740
RENO, NEVADA 89505

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AFFIDAVIT

State of Nevada)
 ss.
County of Washoe)

KENNETH W. FRISCHE, being first duly sworn deposes and says:


That affiant is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #322, and not a party to, nor interested in the within action affiant received the documents on the 17th day of July, 1991 and on the 17th day of July, 1991 at 3:30 PM affiant personally served a copy of the SUMMONS & COMPLAINT on BEVERLY CONRAD, Managing Agent, accepted on behalf of WEST END WOMEN'S MEDICAL GROUP OF RENO, accepted on their behalf, 601 MILL STREET, RENO, NEVADA.

Affiant does hereby affirm under penalty of perjury that the assertions of this affidavit are true.

Kenneth W. Frische
KENNETH W. FRISCHE

Subscribed and sworn to before me
this the 17th day of July, 1991

Kimberly E. Weaver
Notary Public

 KIMBERLY E. WEAVER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES NOV. 22, 1993

No. CU91-4742
Depr. No. 8

FILED

'91 JUL 22 PM 3:30

JUDICIAL CLERK

In the Second Judicial District Court
Of the State of Nevada, in and for the County of Washoe

CORINNE BLY and TERRY BLY
Plaintiff,
vs.
WEST END WOMEN'S MEDICAL GROUP
OF RENO, EUGENE GLICK, M.D., LTD.
a Nevada professional corporation
Defendant.

SUMMONS

TO THE ABOVE NAMED DEFENDANT —:
You are summoned and required to serve upon plaintiff's attorney, whose name and address is:

GREGORY D. CORN, ESQ. of GREGORY D. CORN, CHARTERED

888 West Second Street, #300, P.O. Box 2886, Reno, Nevada 89505

an Answer to the Complaint which is served upon you, within 20 days after service of this Summons, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.*

Dated this 16 day of July, 1991.

JUDI BAILEY
CLERK OF THE COURT

by [Signature]
JUDICIAL CLERK

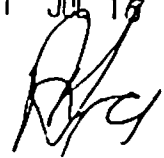
Note: When service is by publication, add a brief statement of the object of the action. See Rules of Civil Procedure. Rule 4(b).

1 Case No. CV95-4742

2 Dept. No. _____

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'91 JUL 16 P2:45



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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8
9 CORINNE BLY and TERRY BLY,

10 Plaintiffs,

11 v.

COMPLAINT

12 WEST END WOMEN'S MEDICAL
13 GROUP OF RENO, EUGENE GLICK,
14 M.D., LTD., a Nevada
15 professional corporation;
16 BLACK CORPORATION, a corporation;
17 RED PARTNERSHIP, a general
18 partnership; GREEN PARTNERSHIP, a
19 limited partnership;

20 Defendants.

21
22 Come the Plaintiffs, Corinne Bly and Terry Bly, by counsel,
23 and for their causes of action state as follows:

I. BASIS OF COMPLAINT

24 1. Plaintiffs' Complaint is based on the allegations and the
25 attached exhibit, all of which are respectfully incorporated herein
26 by reference.

II. PARTIES

27 2. At all times relevant herein, the Plaintiffs, Corinne Bly
28 and her husband Terry Bly, were and are adult residents of the
county of Washoe, State of Nevada.

1 3. At all times relevant herein the Defendant West End
2 Women's Medical Group of Reno, Eugene Glick, M.D., Ltd.,
3 (hereinafter "West End") was and is a Nevada corporation chartered
4 by and existing under and by virtue of the laws of the State of
5 Nevada, and is authorized to do business in the county of Washoe,
6 State of Nevada.

7 4. At all times relevant herein, West End employed
8 physicians licensed and authorized to practice medicine and to
9 pursue such profession in the County of Washoe, State of Nevada,
10 who practiced in the West End clinic.

11 5. The tortious conduct hereinafter alleged against the
12 Defendant West End consisted of acts or omissions performed by its
13 agents, servants and employees (jointly and/or severally) acting in
14 their professional capacity in the course and scope of their
15 employment during the course of a physician-patient relationship
16 with Plaintiff Corinne Bly in Washoe County, Nevada at the West End
17 clinic which tortious conduct caused injury and losses to
18 Plaintiffs as alleged herein.

19 6. At all times relevant herein, the Defendant West End was
20 engaged in the abortion business at 601 Mill Street in Reno, Washoe
21 County, Nevada.

22 7. At all times relevant herein, Drs. Damon Stutes and
23 Eugene Glick, and each of them, were the agents, servants, partners
24 and/or employees of Defendant West End, and were acting within the
25 course and scope of their agency, partnership and/or employment
26 with West End when dealing with Plaintiffs.

27 8. At times relevant herein, the Plaintiff, Corinne Bly was
28 under the care of Drs. Eugene Glick and/or Damon Stutes and/or

1 other employees of West End and she was married to Plaintiff Terry
2 Bly.

3 III. STATEMENT OF FACTS

4 9. The Plaintiff Corinne Bly, accompanied by her husband
5 Plaintiff Terry Bly, on or about April 21, 1989 sought the
6 professional services Eugene Glick and other agents, servants,
7 and/or employees at Defendant West End.

8 10. On or about April 21, 1989, the Plaintiff Corinne Bly
9 visited the medical offices of West End.

10 11. On or about April 21, 1989, the Plaintiff Corinne Bly was
11 eight to ten weeks pregnant with twins.

12 12. On or about April 21, 1989, West End, acting through its
13 employees, servants or agents sought to abort the children of
14 Corinne Bly and obtained money for said purpose.

15 13. The abortion referred to in paragraph 12 was committed
16 by Defendant West End without adequate or proper counselling,
17 without adequate or proper disclosures of alternatives, or without
18 adequate disclosure of the physical and psychological risks and
19 without the informed consent of the Plaintiff Corinne Bly.

20 14. Eugene Glick or other agents, servants or employees of
21 West End committed the abortion referred to in paragraph 12 in a
22 negligent or grossly negligent manner.

23 15. In particular, Eugene Glick or other agents, servants
24 and/or employees of Defendant West End failed to adequately provide
25 any alternatives, failed to adequately assess and disclose the
26 physical and psychological risks to Corinne Bly, failed to obtain
27 her informed consent and failed to perform a complete abortion upon
28 her, thereby causing persistent vaginal bleeding, cramping and

1 other dangerous complications, and mental anguish and emotional
2 suffering and leaving the fetal corpse of one of the babies within
3 her.

4 16. Eugene Glick and/or Damon Stutes or other employees of
5 the West End or agents, servants and/or employees knew or should
6 have known that the abortion was negligently performed as evidenced
7 by the Plaintiffs' complaints by phone and on May 18, 1989 during
8 a post-op check at which time Corinne was diagnosed by Defendant's
9 agents and/or employees only as having rectum strain and prescribed
10 sleeping pills.

11 17. The Defendant West End failed to advise Plaintiff of the
12 negligent performance of the abortion.

13 18. The Plaintiff, Corinne Bly, subsequently on July 17, 1989
14 required medical care on an emergency basis and hospitalization at
15 which time a rotted 8 to 10 week identifiable fetus was noted and
16 removed, and she thereafter required psychological therapy and
17 counselling, and will require the same in the future.

18 19. The Department of Commerce, Insurance Division, Medical
19 Legal Screening Panel, through its legal counsel, has concluded by
20 letter dated May 23, 1991 that "The panel is to consider no claim
21 against West End Woman's Medical Group of Reno" having declared in
22 said letter that "The division has no jurisdiction over West End
23 Woman's Medical Group of Reno." A copy of said letter is attached
24 hereto and incorporated herein as Exhibit "A".

25 20. Black Corporation, Red Partnership and Green Partnership
26 are fictitious named defendants whose employees and/or authorized
27 agents are equally liable as is Defendant West End for all damages
28 as alleged herein, but whose true names and identities, at the

1 filing of this complaint, are unknown to Plaintiffs including the
2 agents for service of process, and/or general partners and/or other
3 partners. Upon discovery of the same, a motion will be made, if
4 necessary, to incorporate their names as originally named
5 defendants upon whom shall be served a summons to answer this
6 complaint filed herein.

7 II. CAUSES OF ACTION

8 FIRST COUNT: MALPRACTICE OR NEGLIGENCE

9 21. The acts and omissions of the Defendant, West End,
10 through its agents, servants and/or employees complained of herein
11 constitute negligence and/or gross negligence and/or malpractice in
12 the practice of medicine upon Plaintiff Corinne Bly, in that in
13 rendering services to Corinne Bly they failed to use the reasonable
14 care, skill, or knowledge ordinarily used under similar
15 circumstances.

16 22. As a result of the negligence and/or gross negligence
17 and/or malpractice of Defendant West End, its agents, servants or
18 employees failure to obtain informed consent, Plaintiff Corinne Bly
19 unnecessarily aborted her babies and suffered bodily injuries,
20 physical and mental pain, anguish and suffering resulting in
21 hospital and medical expenses.

22 23. As a result of the injuries to Corinne Bly, both
23 Plaintiffs suffered a loss of consortium and affection and
24 companionship of one another, and emotional suffering and anguish.

25 24. The Defendant West End directly or vicariously acted
26 toward Plaintiffs with gross negligence or with oppression, and/or
27 fraud and/or malice, for which the Defendant West End should be
28 liable for all consequential damages and which Plaintiffs should be

1 awarded separately punitive damages for West End's conduct.

2 SECOND COUNT: LACK OF INFORMED CONSENT

3 25. West End, through its agents, servants and employees
4 failed to adequately assess the physical and psychological
5 condition of Corinne Bly and failed to disclose to her the risks of
6 physical and psychological injury, and otherwise failed to
7 adequately disclose the nature and risk and complications of the
8 abortion procedure, and failed to disclose reasonable alternatives.
9 The abortion performed upon her therefore was without the adequate
10 and/or informed consent of Corinne Bly.

11 26. As a result of the failure to obtain adequate and/or
12 informed consent, Corinne Bly suffered bodily injury, physical and
13 mental pain, anguish and suffering, and disability and emotional
14 distress.

15 27. As a result of the failure to obtain the adequate and/or
16 informed consent of Corinne Bly, Plaintiffs suffered a loss of
17 consortium and affection and companionship of and for one another,
18 and emotional suffering and anguish.

19 28. The Defendant West End in failing to obtain her adequate
20 and/or informed consent acted toward Plaintiff Corinne Bly with
21 gross negligence or fraud and/or malice, for which the Defendant
22 West End should be held liable to pay all consequential damages
23 including punitive damages for West End's conduct.

24 THIRD COUNT: ASSAULT AND BATTERY

25 29. Because of its failure to obtain the adequate and/or
26 informed consent from Corinne Bly, the acts and omissions of
27 Defendant's agents, servants or employees complained of herein
28 therefore constitute assault and battery of Plaintiff Corinne Bly.

1 30. As a result of the assault and battery by Defendant's
2 agents, servants or employees, Plaintiff Corinne Bly suffered
3 bodily injuries, physical and mental pain, anguish and suffering.

4 31. The Defendant West End acted toward Plaintiffs with gross
5 negligence or fraud and/or malice, for which the Defendant West End
6 should be held liable for all consequential damages including
7 punitive damages for West End's conduct.

8 **FOURTH COUNT: INTENTIONAL INTERFERENCE**
9 **WITH RIGHTS CAUSING EMOTIONAL DISTRESS**

10 32. The acts and omissions complained of herein physically
11 injured Plaintiff, Corinne Bly and intentionally or wantonly
12 interfered with the right of Plaintiff Corinne Bly to have an
13 uncomplicated pregnancy and inflicted emotional distress upon her.

14 33. As a result, Plaintiffs suffer and continue to suffer and
15 will suffer in the future emotional distress.

16 34. As a result of the infliction of emotional distress upon
17 Corinne Bly, both Plaintiffs have suffered a loss of consortium and
18 affection and companionship with one another, and thereby suffered
19 anguish and emotional distress.

20 35. In addition, Plaintiffs have incurred in the past and
21 expect to incur in the future expenses for treatment and
22 counseling, including consequential damages and punitive damages
23 for West End's conduct.

24 **FIFTH COUNT: LOSS OF CONSORTIUM AND COMPANIONSHIP**

25 36. As a result of the negligence and/or gross negligence
26 and/or malpractice of the employees of Defendant West End, and the
27 failure to obtain the adequate informed consent of Plaintiff
28 Corinne Bly, and the emotional distress inflicted upon Plaintiffs,

1 they have suffered a loss of consortium and full companionship with
2 one another, all to their loss and/or detriment. This gross
3 negligence in malpractice has caused consequential damages to
4 Plaintiffs and for which there should be an award of consequential
5 and punitive damages against Defendant West End as prayed for
6 hereinthroughout and below.

7 IV. PRAYER FOR RELIEF

8 WHEREFORE, the Plaintiffs, Corinne Bly and Terry Bly, pray for
9 the following relief:

10 1. As to all causes of action judgment for Corinne Bly
11 and/or Terry Bly for general damages, for physical injury,
12 emotional and psychological injury, pain and suffering, in an
13 amount in excess of TEN THOUSAND DOLLARS (\$10,000.00);

14 2. Judgment for Terry Bly and/or Corinne Bly for general
15 damages, for the loss of comfort, society and consortium and
16 companionship of one another, in an amount in excess of TEN
17 THOUSAND DOLLARS (\$10,000.00);

18 3. For past and future medical expenses and psychological
19 expenses, in excess of TEN THOUSAND DOLLARS (\$10,000.00);

20 4. For special damages for the respective loss of earnings
21 and loss of financial support and benefits from Corinne Bly,
22 according to proof;

23 5. For punitive or exemplary damages in excess of TEN
24 THOUSAND DOLLARS (\$10,000.00) as to each cause of action and
25 pursuant to law and/or according to proof;

26 6. For prejudgment and post judgment interest at the legal
27 rate until any judgment granted is paid in full;

28 7. For taxable costs of suit pursuant to Chapter 18 of the

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Nevada Revised Statutes or as otherwise allowed by law;

8. For reasonable attorney's fees;

9. For such other and further relief as the court deems just and proper in the premises.

DATED: This 16 day of July, 1991.

GREGORY D. CORN, CHARTERED
888 West Second Street, #300
Post Office Box 2886
Reno, Nevada 89505

By: 
Gregory D. Corn, Esq.
Attorney for Plaintiffs