Electronically Filed
09/28/2012 01:58:53 PM

CLERK OF THE COURT

JACOB L. HAFTER, ESQ.
Nevada State Bar No. 9303
MICHAEL NAETHE, ESQ.
Nevada State Bar No. 11122
LAW OFFICE OF JACOB L. HAFTER, P.C.
7201 W. Lake Mead Boulevard, Suite 210
Las Vegas, Nevada 89128
Tel: (702) 405-6700
Fax: (702) 685-4184

Attorneys for Defendants

Electronically Filed
Oct 03 2012 09:27 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, Individually,

Plaintiff,

vs.

DR. SEAN PHONG-QUOC SU, M.D., individually; SEAN P. Q. SU, M.D., LTD., et al.,

Defendants.

CASE NO: A-09-599056-C

CONSOLIDATED WITH CASE NO.: A-09-599057-C

Department: XXXI

NOTICE OF APPEAL

Notice is hereby given that Petitioner DR SEAN PHONG-QUOC SU, M.D., individually; SEAN P. SU, M.D., et al., by and through his attorneys of the Law Office of Jacob Hafter & Associates, hereby appeals to the Supreme Court of Nevada the following:

- Judgment entered by the Eighth Judicial District Court of the State of Nevada in favor of the Plaintiff on or about August 24, 2012;
- Judgment entered by the Eighth Judicial District Court of the State of Nevada on or about July 13, 2012 re Granting Monetary Sanctions Against Dr. Sean Phong-Quoc Su;
- Order issued by the Eighth Judicial District Court of the State of Nevada on or about June 13, 2012 re Granting Monetary Sanctions Against Dr. Sean Phong-Quoc Su;

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Las Vegas, Nevada 89128
(702) 405-6700 Telephone
(702) 685-4184 Facsimile

JACOB HAFTER ASSOCIATES

Docket 61825 Document 2012-31193

- Order issued by the Eighth Judicial District Court of the State of Nevada on or about April 17, 2012 re Plaintiff's Motion to Strike Defendants' Pleadings Related to Liability and Causation and for Further Sanctions; and
- Order issued by the Eight Judicial District Court of the State of Nevada on or about January 18, 2012 re Motion for Order to Show Cause and Request for Sanctions.

Pursuant to Rule 3(8)(1), the Case Appeal Statement is attached hereto as **"Exhibit A".**

Dated this 28th day of September, 2012.

LAW OFFICE OF JACOB HAFTER & ASSOCIATES

By: _____

Jacob L. Hafter, Esq.
Nevada Bar Number 9303
Michael Naethe, Esq.
Nevada Bar Number 11222
7201 W. Lake Mead Blvd., Ste 210
Las Vegas, Nevada 89128
Attorneys for Defendants

AFFIRMATION

Pursuant to NRS §239B.030, I hereby certify that the foregoing document does not contain the social security number of any person.

LAW OFFICE OF JACOB HAFTER & ASSOCIATES

By: _____

Jacob L. Hafter, Esq.
Nevada Bar Number 9303
Michael Naethe, Esq.
Nevada Bar Number 11222
7201 W. Lake Mead Blvd., Ste 210
Las Vegas, Nevada 89128
Attorneys for Petitioner

7201 W. Lake Mead Blvd., Suite 210
Las Vegas, Nevada 89128
(702) 405-6700 Telephone
(702) 6854184 Facsimile
JACOB HAFTER ASSOCIATES

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September, 2012, I, personally, did transmit a true and certain copy of the foregoing NOTICE OF APPEAL by depositing in the United States Post Office, at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above and foregoing addressed to:

Scott Poisson, Esq.
Glen A. Howard, Esq.
Bernstein and Poisson
320 South Jones Blvd
Las Vegas, Nevada 89107

Brian R. Hinton, Esq.
ProAssurance Casualty Company
100 Brookwood Place
Birmingham, Alabama 35209

An Employee of the Law Office of Jacob Hafter & Associates

7201 W. Lake Mead Blvd., Suite 210
Las Vegas, Nevada 89128
(702) 405-6700 Telephone
(702) 685-4184 Facsimile

JACOB HAFTER & ASSOCIATES

EXHIBIT "A"

EXHIBIT "A"

JACOB L. HAFTER, ESQ.
Nevada State Bar No. 9303
MICHAEL NAETHE, ESQ.
Nevada State Bar No. 11122
LAW OFFICE OF JACOB L. HAFTER, P.C.
7201 W. Lake Mead Boulevard, Suite 210
Las Vegas, Nevada 89128
Tel: (702) 405-6700
Fax: (702) 685-4184

Attorneys for Defendants/Appellants

DISTRICT COURT

CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, Individually, Plaintiff/Appellee, vs. DR. SEAN PHONG-QUOC SU, M.D., individually; SEAN P. Q. SU, M.D., LTD., et al., Defendants/Appellants.	Case No.: A-09-599056-C Department: XXX1 **CASE APPEAL STATEMENT**

1. Name of appellant(s) filing this case appeal statement:

DR. SEAN PHONG-QUOC SU, M.D., individually, and SEAN P. Q. SU, M.D., LTD.

2. Identify the judge issuing the decision, judgment, or order appealed from:

HONORABLE JOANNA S. KISHNER

3. Identify all parties to the proceedings in the district court (the use of et al. to denote parties is prohibited):

Plaintiff/Apellee is VANESSA HERNANDEZ

Defendants/Appellants include: DR. SEAN PHONG-QUOC SU, M.D. and SEAN P. Q. SU, M.D., LTD.

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Las Vegas, Nevada 89128
(702) 405-6700 Telephone
(702) 685-4184 Facsimile



4. Identify all parties involved in this appeal (the use of et al. to denote parties is prohibited):

See Response to No. 3.

5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent:

Jacob L. Hafter, Esq.
Michael Naethe, Esq.
7201 W. Lake Mead Blvd., Ste 210
Las Vegas, Nevada 89128
Phone: 702-405-6700
Facsimile: 702-685-4184
Attorneys for Defendants/Appellants DR. SEAN PHONG-QUOC SU, M.D., individually, and SEAN P. Q. SU, M.D., LTD.

BERNSTEIN & POISSON
SCOTT POISSON, ESQ
Nevada Bar. No. 010188
320 South Jones Blvd
Las Vegas, NV 89107
(702) 256-4566
Attorney for Plaintiff/Appellee
VANESSA HERNANDEZ

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

Defendants/Appellants were represented by Thomas Doyle, Esq., with Schuering Zimmerman & Doyle, LLP in the district court.

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

This office, the Law Office of Jacob Hafter & Associates, will represent Defendants/Appellants, DR. SEAN PHONG-QUOC SU, M.D. and SEAN P. Q. SU, M.D., LTD. on appeal.

///

///

7201 W. Lake Mead Blvd., Suite 210
Las Vegas, Nevada 89128
(702) 405-6700 Telephone
(702) 685-4184 Facsimile
JACOB HAFTER ASSOCIATES

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:

None was granted.

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

(a) The Complaint in Case No. A-599056 was filed on September 11, 2009.

(b) The Complaint in Case No. A-599057 was filed on September 11, 2009.

(c) The cases were consolidated on or about May 14, 2010.

10. Nature of the Action

The case alleged medical malpractice against the Defendants. It was originally filed as two separate actions, but later consolidated into a single action. The Court granted sanctions against Defendant/Appellant SEAN PHONG-QUOC SU, M.D. and issued an order striking the answer with respect to liability and causation. The case went to trial on the issue of damages and a verdict and judgment were entered against the Defendants. This appeal follows.

11. Prior Appeal or Writ Petitions

Defendants/Appellants filed a petition for a writ of mandamus on July 23, 2012. The petition was denied by the Court on July 26, 2012. The caption is as follows: SEAN PHONG-QUOC SU, M.D., individually; SEAN P. Q. SU, M.D., LTD, Petitioners v. The Eighth Judicial District Court of the State of Nevada in and for the County of Clark; and the Honorable Joanna Kishner, District Judge, Respondents, and Vanessa Hernandez, Real Party in Interest. The docket number is No. 61327.

12. Possibility of Settlement

None.

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7201 W. Lake Mead Blvd., Suite 210
Las Vegas, Nevada 89128
(702) 405-6700 Telephone
(702) 685-4184 Facsimile

JACOB HAFTER ASSOCIATES

Dated this 28th day of September, 2012.

LAW OFFICE OF JACOB HAFTER & ASSOCIATES

By: _____

Jacob L. Hafter, Esq.
Nevada Bar Number 9303
Michael Naethe, Esq.
Nevada Bar Number 11222
7201 W. Lake Mead Blvd., Ste 210
Las Vegas, Nevada 89128
Attorneys for Petitioner

AFFIRMATION

Pursuant to NRS §239B.030, I hereby certify that the foregoing document does not contain the social security number of any person.

LAW OFFICE OF JACOB HAFTER & ASSOCIATES

By: _____

Jacob L. Hafter, Esq.
Nevada Bar Number 9303
Michael Naethe, Esq.
Nevada Bar Number 11222
7201 W. Lake Mead Blvd., Ste 210
Las Vegas, Nevada 89128
Attorneys for Petitioner

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Las Vegas, Nevada 89128
(702) 405-6700 Telephone
(702) 685-4184 Facsimile

JACOB HAFTER ASSOCIATES

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September, 2012, I, personally, did transmit a true and certain copy of the foregoing CASE APPEAL STATEMENT by ~~facsimile~~ E.Y. and by depositing in the United States Post Office, at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above and foregoing addressed to:

Scott Poisson, Esq.
Glen A. Howard, Esq.
Bernstein and Poisson
320 South Jones Blvd
Las Vegas, Nevada 89107

Brian R. Hinton, Esq.
ProAssurance Casualty Company
100 Brookwood Place
Birmingham, Alabama 35209

An Employee of the Law Office of Jacob Hafter & Associates

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Las Vegas, Nevada 89128
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(702) 685-4184 Facsimile

JACOB HAFTER ASSOCIATES

DEPARTMENT 31

CASE SUMMARY

CASE NO. A-09-599056-C

Vanessa Hernandez, Plaintiff(s)	§	Location:	**Department 31**
vs.	§	Judicial Officer:	**Kishner, Joanna**
Sean Su, M.D., Defendant(s)	§	Filed on:	**09/11/2009**
	§	Case Number History:	
	§	Conversion Case Number:	**A599056**

CASE INFORMATION

Related Cases
A-09-599057-C (Consolidated)

Statistical Closures
09/12/2012 Jury Trial

Case Type: **Negligence - Medical/Dental**

Case Flags: **Consolidated - Lead Case**
Appealed to Supreme Court
Jury Demand Filed
Automatically Exempt from Arbitration
Med Mal Case

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-09-599056-C
Court	Department 31
Date Assigned	02/03/2011
Judicial Officer	Kishner, Joanna

PARTY INFORMATION

Plaintiff	**Hernandez, Vanessa**	**Poisson, Scott** *Retained* 7022564566(W)
Defendant	**Sean P Q Su MD LTD**	**Hicks, Jonathan R.** *Retained* 702-444-4444(W)
	Su, Sean Phong-Quoc, M.D.	**Hicks, Jonathan R.** *Retained* 702-444-4444(W)
Doing Business As	**Skin Body Institute**	
Other	**Su, Suzy, M.D.**	**Poisson, Scott** *Retained* 7022564566(W)

DATE — EVENTS & ORDERS OF THE COURT — INDEX

09/11/2009 Complaint
Filed By: Plaintiff Hernandez, Vanessa
Complaint

09/11/2009 Initial Appearance Fee Disclosure
Filed By: Plaintiff Hernandez, Vanessa

09/14/2009 Amended Complaint
Filed By: Plaintiff Hernandez, Vanessa

09/15/2009 Demand for Jury Trial
Filed By: Plaintiff Hernandez, Vanessa

	Jury Demand
01/05/2010	Motion Filed By: Plaintiff Hernandez, Vanessa *Motion to Enlarge Time to Serve Defendant*
01/13/2010	Order Granting Motion Filed By: Plaintiff Hernandez, Vanessa *Order Granting Plaintiff's Motion for an Enlargement of Time to Serve Defendant*
03/11/2010	Summons *Summons*
03/11/2010	Summons *Summons*
03/17/2010	Demand for Jury Trial Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Defendant Dean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., Ltd.'s Demand for Jury Trial*
03/17/2010	Answer Filed By: Defendant Su, Sean Phong-Quoc, M.D.; Defendant Sean P Q Su MD LTD *Defendant Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., Ltd.'s Answer to Plaintiff's Amended Complaint*
03/17/2010	Initial Appearance Fee Disclosure Filed By: Defendant Su, Sean Phong-Quoc, M.D.; Defendant Sean P Q Su MD LTD *Initial Appearance Fee Disclosure*
03/26/2010	Motion to Consolidate *Defendants' Motion to Consolidate Cases*
03/26/2010	Certificate of Mailing *Certificate of Mailing*
04/09/2010	Opposition to Motion Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Limited Opposition to Defendant's Motion to Consolidate Cases*
04/20/2010	Reply to Opposition *Defendants' Reply to Plaintiff's Limited Opposition*
04/21/2010	**Minute Order** (8:00 AM) (Judicial Officer: Silver, Abbi)
04/26/2010	*CANCELED* **Motion to Consolidate** (3:00 AM) **(Judicial Officer: Silver, Abbi)** *Vacated - per Judge* *ADVANCED & GRANTED*
05/14/2010	Order Granting Motion Filed By: Defendant Su, Sean Phong-Quoc, M.D.; Defendant Sean P Q Su MD LTD *Order Granting Defendants' Motion to Consolidate Cases*
05/17/2010	Notice of Entry of Order

Filed By: Defendant Sean P Q Su MD LTD
Notice of Entry of Order Granting Defendants' Motion to Consolidate Cases

05/28/2010 Notice to Appear for Discovery Conference
Notice to Appear for Discovery Conference

06/03/2010 Motion
Filed By: Plaintiff Hernandez, Vanessa
Plaintiffs' Motion To COmpel Discovery Responses Pursuant To NRCP 37 And Request For Santions

06/07/2010 Notice of Change of Hearing

06/16/2010 Opposition to Motion to Compel
Filed By: Defendant Su, Sean Phong-Quoc, M.D.
Opposition to Plaintiff's Motion to Compel Discovery Responses Pursuant to NRCP 37 and Request for Sanctions (Before the Discovery Commissioner)

06/22/2010 **Discovery Conference** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Events: 05/28/2010 Notice to Appear for Discovery Conference
STATUS CHECK: COMPLIANCE

06/30/2010 **Motion to Compel** (9:35 AM) (Judicial Officer: Bulla, Bonnie)
Events: 06/03/2010 Motion
Plaintiffs' Motion To Compel Discovery Responses Pursuant To NRCP 37 And Request For Santions

07/01/2010 Joint Case Conference Report
Filed By: Plaintiff Hernandez, Vanessa
Consolidated Joint Case Conference Report

07/21/2010 Order Setting Medical/Dental Malpractice Status Check
Order Setting Medical/Dental Malpractice Status Check

08/04/2010 **Status Check: Medical/Dental Malpractice** (1:30 PM) (Judicial Officer: Bixler, James)
Events: 07/21/2010 Order Setting Medical/Dental Malpractice Status Check

08/04/2010 *CANCELED* **Status Check** (3:00 PM) **(Judicial Officer: Bixler, James)**
Vacated - Set in Error

08/11/2010 Scheduling Order
Scheduling Order

10/07/2010 Motion to Compel
Filed By: Defendant Sean P Q Su MD LTD
Defendants' Motion to Compel Discovery (Before the Discovery Commissioner)

10/11/2010 Certificate of Mailing
Filed By: Defendant Su, Sean Phong-Quoc, M.D.
Certificate of Mailing

11/10/2010 **Motion to Compel** (9:30 AM) (Judicial Officer: Bulla, Bonnie)
Events: 10/07/2010 Motion to Compel
Defendants' Motion to Compel Discovery (Before the Discovery Commissioner)

12/15/2010	Discovery Commissioners Report and Recommendations Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Discovery Commissioner's Report and Recommendations*
12/15/2010	Affidavit of Service Filed By: Plaintiff Hernandez, Vanessa *Affidavit of Service*
12/17/2010	Certificate of Service Filed by: Defendant Sean P Q Su MD LTD *Certificate of Service*
12/29/2010	Stipulation and Order Filed by: Defendant Sean P Q Su MD LTD *Stipulation and Order To Extend Discovery Deadlines*
01/05/2011	Notice of Entry of Stipulation and Order Filed By: Defendant Sean P Q Su MD LTD *Notice of Entry of Stipulation and Order to Extend Discovery Deadlines*
01/20/2011	Notice of Department Reassignment
02/02/2011	**Status Check: Medical/Dental Malpractice** (9:00 AM) (Judicial Officer: Bixler, James)
02/22/2011	Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call *Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call*
03/17/2011	Subpoena Filed by: Plaintiff Hernandez, Vanessa *Subpoena*
03/17/2011	Notice of Deposition Filed By: Plaintiff Hernandez, Vanessa *Notice of Video Deposition of Suzie Nguyen-Su, DDS*
03/29/2011	Substitution of Attorney Filed by: Defendant Su, Sean Phong-Quoc, M.D. *Substitution of Attorneys*
05/13/2011	Motion to Continue Trial Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Defendants Sean Phong-Quoc Su, M.D. and Sean P. Q. Su, M.d., Ltd's Ex Parte Motion to Continue Trial and to Extend the Discovery Deadlines*
05/13/2011	Declaration Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Declaration of Aimee L. Lambert in Support of Defendants Sean Phong-Qouc Su, M.D., and Sean P. Q. Su, M.D., Ltd's Ex Parte Motion to Continue Trial and to Extend the Discovery Deadlines*
05/16/2011	Motion to Compel Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Motion to Compel Mediation and Request for Sanctions Against the Defendant*

06/02/2011	Receipt of Copy Filed by: Defendant Sean P Q Su MD LTD *Receipt of Copy*
06/02/2011	Motion to Extend Discovery Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Defendants Sean Phong-Quoc Su, M.D., and Sean P. Q. Su, M.D., Ltd.'s Amended Motion to Continue Trial and to Extend the Discovery Deadlines on an Order Shortening Time*
06/06/2011	Opposition Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Defendants' Opposition to Plaintiff's Motion to Compel Mediation and Request for Sanctions*
06/06/2011	**Motion to Extend Discovery** (1:30 PM) (Judicial Officer: Beecroft, Chris A, Jr.) Events: 05/13/2011 Motion to Continue Trial 06/02/2011 Motion to Extend Discovery *Defendants Sean Phong-Quoc Su, M.D. and Sean P. Q. Su, M.d., Ltd's Ex Parte Motion to Continue Trial and to Extend the Discovery Deadlines*
06/20/2011	Motion to Compel Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Motion to Compel Mediation and Request for Sanctions Against the Defendant*
06/20/2011	*CANCELED* **Motion to Compel** (1:30 PM) **(Judicial Officer: Beecroft, Chris A, Jr.)** *Vacated Per Commissioner*
07/06/2011	Opposition to Motion to Compel Filed By: Defendant Sean P Q Su MD LTD *Defendants' Opposition to Plaintiff's Motion to Compel Mediation and Request for Sanctions*
07/06/2011	Declaration Filed By: Defendant Sean P Q Su MD LTD *Declaration of Aimee L. Lambert in Support of Defendants' Opposition to Plaintiff's Motion to Compel Mediation and Request for Sanctions*
07/25/2011	*CANCELED* **Motion to Compel** (9:00 AM) **(Judicial Officer: Kishner, Joanna)** *Vacated*
08/02/2011	**Status Check: Medical/Dental Malpractice** (1:00 PM) (Judicial Officer: Togliatti, Jennifer)
08/04/2011	**Settlement Conference** (9:00 AM)
08/12/2011	Disclosure of Expert Filed By: Defendant Sean P Q Su MD LTD *Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., Ltd.'s Disclosure of Expert Witnesses*
08/15/2011	Discovery Commissioners Report and Recommendations Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Discovery Commissioner's Report and Recommendations*
08/19/2011	Certificate of Service Filed by: Defendant Sean P Q Su MD LTD

Certificate of Service

08/23/2011 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call
Order Setting Civil Jury Trial, Pre-Trial Conference, and Calendar Call

08/31/2011 Application for Issuance of Commission to Take Deposition
Party: Plaintiff Hernandez, Vanessa
Application for Issuance of Commission to take Deposition Out of State

09/07/2011 Commission to Take Deposition Outside the State of Nevada
Filed By: Plaintiff Hernandez, Vanessa
Commission to Take Deposition Outside the State of Nevada

09/08/2011 Amended Notice of Taking Deposition
Filed By: Defendant Sean P Q Su MD LTD
Amended Notice of Taking Deposition

09/08/2011 Notice of Taking Deposition
Filed By: Defendant Sean P Q Su MD LTD
Notice of Taking Deposition of Plaintiff's Expert Witness, Warren Tracy Hankins, M.D.

09/12/2011 Notice of Taking Deposition
Filed By: Defendant Sean P Q Su MD LTD
Notice of Taking Deposition

09/13/2011 Subpoena Duces Tecum
Filed by: Plaintiff Hernandez, Vanessa
Subpoena - Civil Duces Tecum

09/23/2011 *CANCELED* **Status Check** (9:00 AM) **(Judicial Officer: Gates, Lee A.)**
Vacated - per Order
amended order

09/23/2011 Subpoena
Filed by: Plaintiff Hernandez, Vanessa
Subpoena - Civil

09/23/2011 Subpoena
Filed by: Plaintiff Hernandez, Vanessa
Subpoena - Civil

09/23/2011 Subpoena
Filed by: Plaintiff Hernandez, Vanessa
Subpoena

09/26/2011 Subpoena
Filed by: Plaintiff Hernandez, Vanessa
Subpoena - Civil

09/28/2011 Notice of Taking Deposition
Filed By: Defendant Su, Sean Phong-Quoc, M.D.
Notice of Taking Deposition

09/28/2011 Subpoena

Filed by: Plaintiff Hernandez, Vanessa
Subpoena

09/28/2011 Notice to Take Deposition
Filed by: Defendant Su, Sean Phong-Quoc, M.D.
Notice of Taking Deposition

09/28/2011 Notice of Taking Deposition
Filed By: Defendant Su, Sean Phong-Quoc, M.D.
Notice of Taking Deposition

09/28/2011 Subpoena
Filed by: Plaintiff Hernandez, Vanessa
Subpoena

09/29/2011 Affidavit of Service
Filed By: Plaintiff Hernandez, Vanessa
Affidavit of Service Re Jeff Caine, RN Bureau of Health Care Quality and Compliance

09/29/2011 Application for Issuance of Commission to Take Deposition
Party: Plaintiff Hernandez, Vanessa
Application for Issuance of Commission to take Deposition Out of State

10/03/2011 Commission to Take Deposition Outside the State of Nevada
Filed By: Plaintiff Hernandez, Vanessa
Commission to Take Deposition Outside the State of Nevada

10/05/2011 Subpoena Duces Tecum
Filed by: Plaintiff Hernandez, Vanessa
Subpoena - Civil Duces Tecum

10/06/2011 Application for Issuance of Commission to Take Deposition
Party: Plaintiff Hernandez, Vanessa
Application for Issuance of Commission to take Deposition Out of State

10/07/2011 Amended Notice of Taking Deposition
Filed By: Defendant Su, Sean Phong-Quoc, M.D.
Amended Notice of Taking Videotaped Deposition of Plaintiff's Expert Witness Warren Tracy Hankins, M.D.

10/07/2011 Objection
Filed By: Defendant Sean P Q Su MD LTD
Objection to Deposition of Jeff Caine, RN

10/07/2011 Subpoena Duces Tecum
Filed by: Plaintiff Hernandez, Vanessa
Subpoena - Civil Duces Tecum

10/10/2011 Commission to Take Deposition Outside the State of Nevada
Filed By: Plaintiff Hernandez, Vanessa
Commission to Take Deposition Outside the State of Nevada

10/13/2011 Subpoena Duces Tecum
Filed by: Plaintiff Hernandez, Vanessa

Subpoena Duces Tecum

10/17/2011 Subpoena Duces Tecum
Filed by: Plaintiff Hernandez, Vanessa
Subpoena - Civil Duces Tecum

10/18/2011 Stipulation and Order to Extend Discovery Deadlines
Filed By: Defendant Sean P Q Su MD LTD
Stipulation and Order To Extend Discovery Deadline to Complete Depositions First Request

10/20/2011 Motion
Filed By: Plaintiff Hernandez, Vanessa
Plaintiff's Motion for Order to Show Cause

10/21/2011 Subpoena Duces Tecum
Filed by: Plaintiff Hernandez, Vanessa
Subpoena - Civil Duces Tecum

10/24/2011 Motion
Filed By: Plaintiff Hernandez, Vanessa
Plaintiff's Motion for Order to Show Cause

10/24/2011 Objection
Filed By: Defendant Sean P Q Su MD LTD
Objections to Amended Notice of Taking Deposition of Ronald Fragen, M.D.

10/24/2011 Objection
Filed By: Defendant Sean P Q Su MD LTD
Objections to Amended Notice of Taking Deposition of Ronald Iverson, M.D., F.A.C.S.

10/26/2011 Subpoena Duces Tecum
Filed by: Plaintiff Hernandez, Vanessa
Subpoena Duces Tecum

10/26/2011 Motion to Compel
Filed By: Plaintiff Hernandez, Vanessa
Plaintiff's Motion to Compel Production of Documents and Request for Sanctions Against the Defendant

10/27/2011 Affidavit of Service
Filed By: Plaintiff Hernandez, Vanessa
Affidavit of Service Re Dr Suzy Su CO Brent Vogel, Esq., Lewis Brisbois Bisgaard and Smith, LLP

11/02/2011 Notice of Taking Deposition
Filed By: Defendant Su, Sean Phong-Quoc, M.D.
Notice of Taking Continuation of Videotaped Deposition of Plaintiff's Expert Witness Warren Tracy Hankins, M.D.

11/03/2011 Amended Notice of Taking Deposition
Filed By: Defendant Sean P Q Su MD LTD
Amended Notice of Taking Continuation of Videotaped Deposition of Plaintiff's Expert Witness, Warren Tracy Hankins, M.D.

11/07/2011

	Subpoena Duces Tecum Filed by: Plaintiff Hernandez, Vanessa *Subpoena - Civil Duces Tecum*
11/08/2011	Order to Show Cause Filed by: Plaintiff Hernandez, Vanessa *Order to Show Cause*
11/10/2011	Motion to Compel Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Motion to Compel Inspection and Request for Sanctions Against the Defendant*
11/10/2011	Motion for Order to Show Cause Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Motion for Order to Show Cause for Suzy Su and Request for Sanctions*
11/14/2011	Opposition to Motion to Compel Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Opposition to Plaintiff's Motion to Compel Production of Documents*
11/15/2011	Subpoena Duces Tecum Filed by: Plaintiff Hernandez, Vanessa *Subpoena - Civil Duces Tecum*
11/15/2011	Subpoena Duces Tecum Filed by: Plaintiff Hernandez, Vanessa *Subpoena - Civil Duces Tecum*
11/18/2011	**Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna) Events: 08/23/2011 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call
11/21/2011	*CANCELED* **Motion for Order to Show Cause** (1:30 PM) **(Judicial Officer: Beecroft, Chris A, Jr.)** *Vacated - per Clerk* *Per Setting Slip dated 11-21-2011*
11/28/2011	*CANCELED* **Motion for Order to Show Cause** (9:00 AM) **(Judicial Officer: Kishner, Joanna)** *Vacated - per Clerk* *Per Setting Slip - 10-26-2011*
11/28/2011	*CANCELED* **Show Cause Hearing** (9:00 AM) **(Judicial Officer: Kishner, Joanna)** *Vacated* *per request of counsel*
11/30/2011	Affidavit of Service Filed By: Plaintiff Hernandez, Vanessa *Affidavit of Service Re: Suzy Su, D.D.S.*
11/30/2011	Affidavit of Service Filed By: Plaintiff Hernandez, Vanessa *Affidavit of Service Re Dr. Suzy Su CO Brent Vogel, Esq., Lewis Brisbois Bisgaard and Smith, LLP*
12/02/2011	Declaration Filed By: Defendant Sean P Q Su MD LTD

	Declaration of Thomas J. Doyle in Support of Defendants' Opposition to Plaintiff's Motion to Compel Inspection
12/02/2011	Opposition to Motion to Compel Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Defendants' Opposition to Plaintiff's Motion to Compel Inspection*
12/07/2011	Subpoena Duces Tecum Filed by: Plaintiff Hernandez, Vanessa *Subpoena Duces Tecum*
12/08/2011	Supplemental Filed by: Plaintiff Hernandez, Vanessa *Plaintiff's Supplement to her Motion for Order to Show Cause and Request for Sanctions*
12/08/2011	Notice of Change of Hearing
12/09/2011	Affidavit of Service Filed By: Plaintiff Hernandez, Vanessa *Affidavit of Service Re: Suzy Su, DDS*
12/09/2011	*CANCELED* **Pre Trial Conference** (10:15 AM) **(Judicial Officer: Kishner, Joanna)** *Vacated - per Order* *amended order*
12/09/2011	Affidavit of Attempted Service Filed By: Plaintiff Hernandez, Vanessa *Affidavit of Attempted Service Re: Suzy Su, D.D.S.*
12/12/2011	Motion for Summary Judgment Filed By: Defendant Sean P Q Su MD LTD *Defendants Sean Su, M.D. and Sean P.O. Su, M.D., LTD.'s Motion for Summary Judgment on the Issue of Punitive Damages*
12/12/2011	**Motion to Compel** (1:30 PM) (Judicial Officer: Beecroft, Chris A, Jr.) Events: 11/10/2011 Motion to Compel *Plaintiff's Motion to Compel Inspection and Request for Sanctions Against the Defendant*
12/12/2011	**Motion to Compel** (1:30 PM) (Judicial Officer: Beecroft, Chris A, Jr.) Events: 10/26/2011 Motion to Compel *Plaintiff's Motion to Compel Production of Documents and Request for Sanctions Against Defendant*
12/12/2011	**Motion for Order to Show Cause** (1:30 PM) (Judicial Officer: Beecroft, Chris A, Jr.) Events: 11/10/2011 Motion for Order to Show Cause *Plaintiff's Motion for Order to Show Cause for Suzy Su to Appear for Deposition and Request for Sanctions*
12/12/2011	**All Pending Motions** (1:30 PM) (Judicial Officer: Beecroft, Chris A, Jr.)
12/14/2011	Declaration Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Declaration of Jonathan H. Hicks in Support of Defendants Sean Su, M.D. and Sean P. Su, M.D., Ltd.'s Motion for Summary Judgment on the Issue of Punitive Damages*
12/14/2011	Certificate of Service

Filed by: Defendant Sean P Q Su MD LTD
Certificate of Service of: 1) Defendants Sean Su, M.D., and Sean P. Su, M.D., Ltd.'s Motion for Summary Judgmet on the Issue of Punitive Damages; and, 2) Declaration of Jonathan H. Hicks in Support of Defendants Sean Su, M.D., and Sean P. Su, M.D., Ltd.'s Motion for Summary judgment on the Issue of Punitive Damages

12/16/2011 Subpoena Duces Tecum
Filed by: Plaintiff Hernandez, Vanessa
Subpoena Duces Tecum

12/29/2011 Stipulation and Order
Filed by: Plaintiff Hernandez, Vanessa
Stipulation To Allow Plaintiff to Respond to Defendants' Motion for Summary Judgment on the Issue of Punitive Damages and to Extend Time to File Pre-Trial Motions Including Motions in Limine

12/30/2011 Notice of Entry
Filed By: Plaintiff Hernandez, Vanessa
Notice of Entry for Stipulation to Allow Plaintiff to Reponds to Defendants' Motion for Summary Judgment on the Issue of Punitive Damages and to Extend Time to File Pre-Trial Motions Including Motions in Limine

01/03/2012 Affidavit of Service
Filed By: Plaintiff Hernandez, Vanessa
Affidavit of Service Re Dr Suzy Su C/O Scott M Holper, Esq., Attorney of Record

01/05/2012 *CANCELED* **Calendar Call** (9:00 AM) **(Judicial Officer: Kishner, Joanna)**
Vacated Per Commissioner

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D.; Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 1 to Preclude Evidence of the Cap on Non Economic Damages Under NRS 41A.035

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 2 to Preclude Reference to Counsel's Out of State Law Practice

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 3 to Preclude Evidence of Dr. Su's Professional Liability Insurance

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 4 to prevent Plaintiff from Asking Dr. Su for Expert Witness Opinions

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 5 to Preclude Evidence of Dr. Ronald Fragen's Involvement as a Defendant in Prior Medical Malpractive Actions

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD

Defendants Sean Phong-Quoc Su, M.D., Sean P.Q. Su, MD., LTD.'s Motion in Limine No. 6 to Preclude Evidence of the Local Standard of Care in Plaintiff's Action for Medical Malpractice

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 7 to Preclude Evidence of the Ideal or Preferred Method of Performing a Medical Procedure

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in limine No. 8 to Limit Plaintiff to a Single Cap for Noneconomic Damages Under NRS 41A.035

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.l's Motion in Limine No. 9 to Preclude Evidence of Dr. Su's Petty Theft Misdemeanor and any Discipline as a Result of Failing to Disclose the Misdemeanor

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 10 to Preclude Evidence of the Nevada State Board of Medical Examiners' Investigation of Dr. Su's Office

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 11 to Preclude Evidence of Dr. Su's Involvement in Other Lawsuits

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 12 to Preclude Evidence of Dr. Su's Website

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 13 to Preclude Evidence of Restrictions on Dr. Su's Nevada Medical License

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 14 to Precludce Evidence of Billing Practices at Dr. Su's Office

01/06/2012 Motion in Limine
Filed By: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 15 to Preclude Evidence of Dr. Su's Knowledge of Breast Lifts or his Willingness to perform a Breast Lift

01/06/2012 Statement
Filed by: Defendant Sean P Q Su MD LTD
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Statement of Facts in Support of Defendants' Motions in Limine Nos. 1 through 15

01/06/2012

	Declaration Filed By: Defendant Sean P Q Su MD LTD *Declaration of Jonathan H. Hicks in Support of Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motions in Limine Nos. 1 through 15*
01/06/2012	Opposition to Motion Filed By: Defendant Sean P Q Su MD LTD *Plaintiff's Opposition to Defendant's Motion for Summary Judgment on the Issue of Punitive Damages*
01/06/2012	Motion Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Omnibus Motion in Limine*
01/09/2012	Certificate of Service Filed by: Defendant Su, Sean Phong-Quoc, M.D. *Certificate of Service of Defendants' Motions in Limine*
01/09/2012	*CANCELED* **Jury Trial** (1:00 PM) **(Judicial Officer: Kishner, Joanna)** *Vacated Per Commissioner*
01/09/2012	*CANCELED* **Jury Trial** (1:00 PM) **(Judicial Officer: Kishner, Joanna)** *Vacated - per Order* *amended order*
01/12/2012	Reply Filed by: Defendant Su, Sean Phong-Quoc, M.D. *Defendants Sean Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Reply to Plaintiff's Opposition to Defendants' Motion for Summary Judgment on the Issue of Punitive Damages*
01/13/2012	Reply in Support Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Response to Suzie Su's Reply*
01/18/2012	**Decision** (11:30 AM) (Judicial Officer: Beecroft, Chris A, Jr.) *Hearing on 12/12/11: Motion for Order to Show Cause and Request for Sanctions*
01/19/2012	Motion to Consolidate Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Motion to Consolidate Cases*
01/19/2012	Motion to Continue Trial Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Ex Parte Motion to Continue Trial (First Request)*
01/20/2012	**Pre Trial Conference** (9:30 AM) (Judicial Officer: Kishner, Joanna) Events: 08/23/2011 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call
01/20/2012	**Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna) **01/20/2012, 02/24/2012, 03/26/2012** *Defendants Sean Su, M.D. and Sean P.Q. Su, M.D.,LTD's Motion for Summary Judgment on the Issue of Punitive Damages*
01/20/2012	**All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna)
01/20/2012	

	Pre-Trial Disclosure Party: Defendant Su, Sean Phong-Quoc, M.D. *Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Pretrial Disclosure of Witnesses and Documents Pursuant to NRCP 16.1(a)(3)*
01/25/2012	Discovery Commissioners Report and Recommendations Filed By: Plaintiff Hernandez, Vanessa
01/25/2012	Discovery Commissioners Report and Recommendations Filed By: Plaintiff Hernandez, Vanessa
01/25/2012	Stipulation Filed by: Defendant Su, Sean Phong-Quoc, M.D. *Stipulation to Move Hearing Date on the Parties' Motions In Limine to be Heard the Same Date as Calendar Call*
01/27/2012	Pre-Trial Disclosure Party: Plaintiff Hernandez, Vanessa *Plaintiff's Pre-Trial Disclosure of Witnesses and Documents Pursuant to NRCP 16.1(a)(3)*
01/27/2012	**Telephonic Conference** (11:00 AM) (Judicial Officer: Kishner, Joanna)
01/30/2012	Opposition Filed By: Defendant Sean P Q Su MD LTD *Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., Ltd.'s Opposition to Plaintiff's Omnibus Motion In Limine*
02/03/2012	Opposition to Motion Filed By: Plaintiff Hernandez, Vanessa *Sean Su's Opposition to Plaintiff's Motion to Consolidate Cases*
02/06/2012	Opposition to Motion Filed By: Defendant Sean P Q Su MD LTD *Defendants Sean Phong-Quoc Su, M.D.; Sean P.Q. Su, M.D., Ltd.'s Opposition to Plaintiff's Motion to Consolidate*
02/06/2012	Opposition to Motion in Limine Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Objections to Defendants' Motions in Limine*
02/07/2012	Opposition to Motion Filed By: Doing Business As Skin Body Institute *Limited Opposition to Motion to Consolidate*
02/07/2012	**Status Check: Medical/Dental Malpractice** (1:00 PM) (Judicial Officer: Cory, Kenneth)
02/08/2012	Notice Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Notice to Vacate Plaintiff's Ex Parte Motion to Continue Trial (First Request)*
02/13/2012	Objection Filed By: Defendant Sean P Q Su MD LTD *Defendants' Objections to Plaintiff's Pretrial Disclosure of Witnesses and Documents Pursuant to NRCP 16.1(a)(3)*

02/13/2012	*CANCELED* **Calendar Call** (9:00 AM) **(Judicial Officer: Kishner, Joanna)** *Vacated - per Judge*
02/13/2012	Notice *Calendar - Change Form*
02/17/2012	Reply Filed by: Defendant Sean P Q Su MD LTD *Defendants Sean Su, M.D. and Sean P.Q. Su, M.D., Ltd.'s Reply to Plaintiff's Opposition to Defendants' Motions in Limine*
02/21/2012	*CANCELED* **Jury Trial** (12:30 PM) **(Judicial Officer: Kishner, Joanna)** *Vacated - per Judge*
02/22/2012	Objection Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Objection to Plaintiff's Fifteenth Supplement to NRCP 16.1 Early Case Conference List of Witnesses and Documents*
02/22/2012	Motion to Strike Filed By: Plaintiff Hernandez, Vanessa *Motion to Strike Defendant's Pleadings Related to Liability and Causation and for Further Sanctions*
02/24/2012	*CANCELED* **Omnibus Motion in Limine** (9:30 AM) **(Judicial Officer: Kishner, Joanna)** *Vacated - per Law Clerk* *at request of counsel - will re-notice*
02/24/2012	**Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna) *Defendants Sean Phong-Quoc Su, M.D.; Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 1 to Preclude Evidence of the Cap on Non Economic Damages Under NRS 41A.035*
02/24/2012	**Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna) *Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 2 to Preclude Reference to Counsel's Out of State Law Practice*
02/24/2012	**Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna) *Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 3 to Preclude Evidence of Dr. Su's Professional Liability Insurance*
02/24/2012	**Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna) *Defendants Sean Phong-Quoc Su, M.D., Sean P.Q. Su, MD., LTD.'s Motion in Limine No. 6 to Preclude Evidence of the Local Standard of Care in Plaintiff's Action for Medical Malpractice*
02/24/2012	**Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna) *Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 4 to prevent Plaintiff from Asking Dr. Su for Expert Witness Opinions*
02/24/2012	**Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna) *Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 5 to Preclude Evidence of Dr. Ronald Fragen's Involvement as a Defendant in Prior Medical Malpractive Actions*
02/24/2012	**Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna) *Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 7 to Preclude Evidence of the Ideal or Preferred Method of Performing a Medical Procedure*
02/24/2012	**Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna)

Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in limine No. 8 to Limit Plaintiff to a Single Cap for Noneconomic Damages Under NRS 41A.035

02/24/2012 **Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna)
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.l's Motion in Limine No. 9 to Preclude Evidence of Dr. Su's Petty Theft Misdemeanor and any Discipline as a Result of Failing to Disclose the Misdemeanor

02/24/2012 **Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna)
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 10 to Preclude Evidence of the Nevada State Board of Medical Examiners' Investigation of Dr. Su's Office

02/24/2012 **Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna)
Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 11 to Preclude Evidence of Dr. Su's Involvement in Other Lawsuits

02/24/2012 **Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna)
Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 12 to Preclude Evidence of Dr. Su's Website

02/24/2012 **Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna)
Defendants Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 13 to Preclude Evidence of Restrictions on Dr. Su's Nevada Medical License

02/24/2012 **Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna)
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 14 to Preclude Evidence of Billing Practices at Dr. Su's Office

02/24/2012 **Motion in Limine** (9:30 AM) (Judicial Officer: Kishner, Joanna)
Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 15 to Preclude Evidence of Dr. Su's Knowledge of Breast Lifts or his Willingness to perform a Breast Lift

02/24/2012 **Motion to Consolidate** (9:30 AM) (Judicial Officer: Kishner, Joanna)
Plaintiff's Motion to Consolidate Cases (A599056 & A652097)

02/24/2012 **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna)

02/27/2012 *CANCELED* **Motion to Continue Trial** (1:30 PM) **(Judicial Officer: Beecroft, Chris A, Jr.)**
Vacated - per Clerk

02/29/2012 Subpoena Duces Tecum
Filed by: Plaintiff Hernandez, Vanessa
Subpoena Duces Tecum

03/09/2012 Opposition to Motion
Filed By: Defendant Su, Sean Phong-Quoc, M.D.
Defendants' Opposition to Plaintiff's Motion to Strike Defendants' Pleadings Related to Liability and Causation and for Further Sanctions

03/09/2012 Declaration
Filed By: Defendant Su, Sean Phong-Quoc, M.D.
Declaration of Sean Phong-Quoc Su, M.D. in Support of Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., Ltd.'s Opposition to Plaintiff's Motion to Strike Defendants' Pleadings Related to Liability and Causation and for Further Sanctions

03/16/2012 Discovery Commissioners Report and Recommendations
Filed By: Plaintiff Hernandez, Vanessa

	Discovery Commissioner's Report and Recommendations
03/16/2012	**Sanctions** (Judicial Officer: Kishner, Joanna) Debtors: Suzy Su, MD. (Other) Creditors: Vanessa Hernandez (Plaintiff) Judgment: 03/16/2012, Docketed: 04/09/2012 Total Judgment: 11,082.00
03/20/2012	Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call *Order Setting Civil Jury Trial, Pre-Trial Conference, Calendar Call And Status Check*
03/22/2012	Reporters Transcript *Transcript Re: All Pending Motions February 24, 2012*
03/26/2012	**Motion to Strike** (10:00 AM) (Judicial Officer: Kishner, Joanna) *Plaintiff's Motion to Strike Defendant's Pleadings Related to Liability and Causation and for Further Sanctions*
03/26/2012	**All Pending Motions** (10:00 AM) (Judicial Officer: Kishner, Joanna)
04/04/2012	**Decision** (3:00 AM) (Judicial Officer: Kishner, Joanna) **04/04/2012, 04/11/2012, 04/18/2012** *Decision: Plaintiff's Motion to Strike Defendant's Pleadings Related to Liability and Causation and for Further Sanctions*
04/16/2012	Motion Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Reply to Defendant's Opposition to Plantiff's Motion to Strike Defendants' Pleadings Related to Liability and Causation and for Further Sanctions*
04/18/2012	Findings of Fact, Conclusions of Law and Order
04/30/2012	Objection Filed By: Defendant Sean P Q Su MD LTD *Defendants' Objection to Plaintiffs' Itemization of Time Spent and Costs*
05/01/2012	Notice of Entry of Order Filed By: Plaintiff Hernandez, Vanessa *Notice of Entry of Order*
05/04/2012	Notice of Motion Filed By: Defendant Sean P Q Su MD LTD *Notice of Motion Re: Motion in Limine No. 9*
05/04/2012	Notice of Motion Filed By: Defendant Sean P Q Su MD LTD *Notice of Motion Re: Motion in Limine 10*
05/04/2012	Notice of Motion Filed By: Defendant Sean P Q Su MD LTD *Notice of Motion Re: Motion in Limine 12*
05/04/2012	Notice of Motion Filed By: Defendant Sean P Q Su MD LTD *Notice of Motion Re: Motion in Limine 13*

05/04/2012	Notice of Motion Filed By: Defendant Sean P Q Su MD LTD *Notice of Motion Re: Motion in Limine 14*
05/04/2012	Notice of Motion Filed By: Defendant Sean P Q Su MD LTD *Notice of Motion Re: Motion in Limine 15*
05/04/2012	Notice of Motion Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Notice of Motion Re: Motion for Summary Judgement*
05/10/2012	Notice of Entry Filed By: Defendant Sean P Q Su MD LTD *Notice of Entry of Order on Defendants Sean Phong-Quoc, Su, M.D.; Sean P.Q. Su, M.D., LTD's Motion in Limine No. 1*
05/10/2012	Notice of Entry of Order Filed By: Defendant Sean P Q Su MD LTD *Notice of Entry of Order on Defendants Sean Phong-Quoc, Su, M.D.; Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 2*
05/10/2012	Notice of Entry of Order Filed By: Defendant Sean P Q Su MD LTD *Notice of Entry of Order on Defendants Sean Phong-Quoc, Su, M.D.; Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 3*
05/10/2012	Notice of Entry of Order Filed By: Defendant Sean P Q Su MD LTD *Notice of Entry of Order on Defendants Sean Phong-Quoc, Su, M.D.; Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 4*
05/10/2012	Notice of Entry of Order Filed By: Defendant Sean P Q Su MD LTD *Notice of Entry of Order on Defendants Sean Phong-Quoc, Su, M.D.; Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 5*
05/10/2012	Notice of Entry of Order Filed By: Defendant Sean P Q Su MD LTD *Notice of Entry of Order on Defendants Sean Phong-Quoc, Su, M.D.; Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 6*
05/10/2012	Notice of Entry of Order Filed By: Defendant Sean P Q Su MD LTD *Notice of Entry of Order on Defendants Sean Phong-Quoc, Su, M.D.; Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 7*
05/10/2012	Notice of Entry of Order Filed By: Defendant Sean P Q Su MD LTD *Notice of Entry of Order on Defendants Sean Phong-Quoc, Su, M.D.; Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 9, No. 10, No. 12, No. 13, No. 14 and No. 15*
05/10/2012	Notice of Entry of Order Filed By: Defendant Sean P Q Su MD LTD

	Notice of Entry of Order on Defendants Sean Phong-Quoc, Su, M.D.; Sean P.Q. Su, M.D., LTD.'s Motion in Limine No. 11
05/17/2012	Judgment Filed By: Plaintiff Hernandez, Vanessa *Judgment Granting Monetary Sanctions Against Dr. Suzy Su*
05/17/2012	Motion Filed By: Plaintiff Hernandez, Vanessa *Plaintiff's Motion To Reconsider Defendat's Motion in Limine #8 To Limit Plaintiff To A Single Cap For Noneconomic Damages Under NRS 41A.035*
05/17/2012	**Judgment** (Judicial Officer: Kishner, Joanna) Debtors: Suzy Su, MD. (Other) Creditors: Vanessa Hernandez (Plaintiff) Judgment: 05/17/2012, Docketed: 05/30/2012 Total Judgment: 11,082.00
05/21/2012	Notice of Entry of Judgment Filed By: Plaintiff Hernandez, Vanessa *Notice of Entry of Judgment*
05/23/2012	**Minute Order** (3:00 AM) (Judicial Officer: Kishner, Joanna)
05/25/2012	Transcript of Proceedings *Transcript of Proceedings March 26, 2012 Transcript Re: Defendants Sean Su, M.D. and Sean P.q. Su, M.d., Ltd's Motion for Summary Judgment on the Issue of Punitive Damages Plaintiff's Motion to Strike Defendants' Pleadings Related to Liability and Causation and for Further Sanctions*
05/29/2012	Opposition to Motion Filed By: Defendant Sean P Q Su MD LTD *Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D. LTD.'s Opposition to Plaintiff's Motion to Reconsider Motion in Limine No. 8.*
06/04/2012	**Motion in Limine** (9:00 AM) (Judicial Officer: Kishner, Joanna) *Defendants' Motion in Limine No. 9 To Preclude Evidence of Dr. Su's Petty Theft Misdemeanor and any Discipline as a Result of Failing to Disclose the Misdemeanor*
06/04/2012	**Motion in Limine** (9:00 AM) (Judicial Officer: Kishner, Joanna) *Defendants' Motion in Limine 10 To Preclude Evidence of the Nevada State Board of Medical Examiners' Investigation of Dr. Su's Office.*
06/04/2012	**Motion in Limine** (9:00 AM) (Judicial Officer: Kishner, Joanna) *Defendants' Motion in Limine 12 To Preclude Evidence of Dr. Su's Website*
06/04/2012	**Motion in Limine** (9:00 AM) (Judicial Officer: Kishner, Joanna) *Defendants' Motion in Limine 13 To Preclude Evidence of Restrictions on Dr. Su's Nevada Medical License*
06/04/2012	**Motion in Limine** (9:00 AM) (Judicial Officer: Kishner, Joanna) *Defendants' Motion in Limine 14 To Preclude Evidence of Billing Practices at Dr. Su's Office.*
06/04/2012	**Motion in Limine** (9:00 AM) (Judicial Officer: Kishner, Joanna) *Defendants' Motion in Limine 15 To Preclude Evidence of Dr. Su's Knowledge of Breast Lifts or His Willingness To Perform a Breast Lift.*
06/04/2012	**All Pending Motions** (9:00 AM) (Judicial Officer: Kishner, Joanna)

06/04/2012	**Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna) *Defendants' Motion for Summary Judgement on The Issue of Punitive Damages.*
06/08/2012	Pre-trial Memorandum Filed by: Defendant Su, Sean Phong-Quoc, M.D. *Defendants' Sean Phong-Quoc Su, M.D.; Sean P.Q. Su, M.D., LTD. Pre-Trial Memorandum*
06/12/2012	Pre-trial Memorandum Filed by: Plaintiff Hernandez, Vanessa *Plaintiff's Pre-Trial Memorandum*
06/14/2012	**Sanctions** (Judicial Officer: Kishner, Joanna) Debtors: Sean Phong-Quoc Su, MD. (Defendant) Creditors: Vanessa Hernandez (Plaintiff) Judgment: 06/14/2012, Docketed: 06/25/2012 Total Judgment: 4,850.00
06/14/2012	Order Granting Filed By: Plaintiff Hernandez, Vanessa *Order Granting Monetary Sanctions Against Dr. Sean Phong-Quoc Su (Dr. Sean Su)*
06/15/2012	Notice of Entry of Order Filed By: Plaintiff Hernandez, Vanessa *Notice of Entry of Order*
06/26/2012	Objection Filed By: Defendant Sean P Q Su MD LTD *Defendants' Objection to Plaintiff's Pre-Trial Disclosure of Witnesses and Documents (Dated June11, 2012) Pursuant to NRCP 161(a)(3)*
06/27/2012	Objection Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Objection to Plaintiff's Fifteenth and Sixteenth Supplements to NRCP 16.1 Early Case Conference List of Witnesses and Documents*
07/10/2012	Objection Filed By: Defendant Sean P Q Su MD LTD *Objection to Plaintiff's 17th Supplement to NRCP 16.1 Early Case Conference List of Witnesses and Documents*
07/13/2012	**Pre Trial Conference** (10:00 AM) (Judicial Officer: Kishner, Joanna)
07/13/2012	**Motion to Reconsider** (10:00 AM) (Judicial Officer: Kishner, Joanna) *Plaintiff's Motion to Reconsider Defendants' Motion in Limine #8 to Limit Plaintiff to a Single Cap For Noneconomic Damages Under NRS 41A.035*
07/13/2012	**All Pending Motions** (10:00 AM) (Judicial Officer: Kishner, Joanna)
07/13/2012	Judgment Filed By: Plaintiff Hernandez, Vanessa *Judgment Granting Monetary Sanctions Against Dr. Sean Phone-Quoc Su*
07/13/2012	**Judgment** (Judicial Officer: Kishner, Joanna) Debtors: Vanessa Hernandez (Plaintiff) Creditors: Sean Phong-Quoc Su, MD. (Defendant)

Judgment: 07/13/2012, Docketed: 07/24/2012
Total Judgment: 4,000.00

07/16/2012 Notice of Entry of Judgment
Filed By: Plaintiff Hernandez, Vanessa
Notice of Entry of Judgment

07/23/2012 *CANCELED* **Calendar Call** (10:15 AM) **(Judicial Officer: Kishner, Joanna)**
Vacated

07/23/2012 **Status Check** (10:30 AM) (Judicial Officer: Kishner, Joanna)

07/23/2012 Order Shortening Time
Filed By: Defendant Su, Sean Phong-Quoc, M.D.
Application of Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., Ltd, for Order Shortening Time to hear Defendants' Motion to Continue the Trial Date

07/24/2012 Notice of Motion
Filed By: Defendant Su, Sean Phong-Quoc, M.D.
Notice of Motion to Continue the Trial Date

07/25/2012 Affidavit of Service
Filed By: Plaintiff Hernandez, Vanessa
Affidavit of Service Re Alexandra Faria

07/27/2012 Order
Filed By: Defendant Su, Sean Phong-Quoc, M.D.; Defendant Sean P Q Su MD LTD; Doing Business As Skin Body Institute
Order on Plaintiff's Motion to Reconsider Defendants' Motion in Limine No. 8 to Limit Plaintiff to a Single Cap for Noneconomic Damages under NRS 41A.035

07/30/2012 *CANCELED* **Jury Trial** (10:00 AM) **(Judicial Officer: Kishner, Joanna)**
Vacated - per Order

07/30/2012 **Jury Trial** (12:30 PM) (Judicial Officer: Kishner, Joanna)
07/30/2012-08/01/2012

07/30/2012 Notice of Entry
Filed By: Defendant Sean P Q Su MD LTD
Notice of Entry of Order

07/30/2012 Statement
Filed by: Defendant Sean P Q Su MD LTD
Defendants Dr. Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., Ltd's Proposed Statement of the Case

07/31/2012 Media Request and Order
Party: Plaintiff Hernandez, Vanessa
Media Request and Order Allowing Camera Access to Court Proceedings

07/31/2012 Jury List

07/31/2012 Order Granting
Filed By: Plaintiff Hernandez, Vanessa
Order Granting Plaintiff's Motion in Limine No. 7 and No. 11

08/01/2012	Verdict
08/01/2012	Amended Jury List
08/01/2012	**Verdict** (Judicial Officer: Kishner, Joanna) Debtors: Sean Phong-Quoc Su, MD. (Defendant), Sean P Q Su MD LTD (Defendant), Skin Body Institute (Doing Business As) Creditors: Vanessa Hernandez (Plaintiff) Judgment: 08/01/2012, Docketed: 08/07/2012 Total Judgment: 420,696.89
08/07/2012	**Status Check: Medical/Dental Malpractice** (9:00 AM) (Judicial Officer: Cory, Kenneth)
08/09/2012	Affidavit of Due Diligence Filed By: Plaintiff Hernandez, Vanessa *Affidavit of Due Diligence Re Shantell Agtatrap*
08/09/2012	Order Shortening Time Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Application of Counsel for Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D. Ltd, for an Order Shortening Time to Hear its Motion to Withdraw as Counsel*
08/10/2012	Notice of Motion Filed By: Defendant Sean P Q Su MD LTD *Notice of Motion re: Motion to Withdraw as Counsel on an Order Shortening Time*
08/10/2012	Certificate of Mailing Filed By: Defendant Sean P Q Su MD LTD *Certificate of Service of Notice of Motion re: Motion to Withdraw as Counsel on an Orer Shortening Time*
08/15/2012	Receipt of Copy Filed by: Defendant Su, Sean Phong-Quoc, M.D. *Receipt of Copy*
08/16/2012	Affidavit Filed By: Defendant Sean P Q Su MD LTD *Affidavit of Service of Motion to Withdraw on an Order Shortening Time*
08/17/2012	**Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer: Kishner, Joanna) *Application of Counsel for Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D. Ltd, for an Order Shortening Time to Hear its Motion to Withdraw as Counsel*
08/20/2012	*CANCELED* **Jury Trial** (10:00 AM) **(Judicial Officer: Silver, Abbi)** *Vacated - per Judge*
08/22/2012	**Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna) *Status Check: Judgment (Order)*
08/27/2012	*CANCELED* **Motion to Continue Trial** (9:00 AM) **(Judicial Officer: Kishner, Joanna)** *Vacated* *Application of Defendants Sean Phong-Quoc Su, M.D. and Sean P.Q. Su, M.D., Ltd, for Order Shortening Time to hear Defendants' Motion to Continue the Trial Date*
08/29/2012	Judgment

	Filed By: Plaintiff Hernandez, Vanessa *Final Verdict Judgment*
08/29/2012	**Judgment** (Judicial Officer: Kishner, Joanna) Debtors: Sean Phong-Quoc Su, MD. (Defendant), Sean P Q Su MD LTD (Defendant), Skin Body Institute (Doing Business As), Suzy Su, MD. (Other) Creditors: Vanessa Hernandez (Plaintiff) Judgment: 08/29/2012, Docketed: 09/05/2012 Total Judgment: 420,696.89
08/31/2012	Notice of Entry of Judgment Filed By: Plaintiff Hernandez, Vanessa *Notice of Entry of Judgment*
09/04/2012	Order Granting Motion Filed By: Defendant Sean P Q Su MD LTD *Order Granting Motion to Withdraw as Defendants' Counsel*
09/04/2012	Notice of Entry of Order Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Notice of Entry of Order Granting Motion to Withdraw as Defendants' Counsel*
09/12/2012	Order to Statistically Close Case *Civil Order to Statistically Close Case*
09/27/2012	Notice of Association of Counsel Filed By: Defendant Su, Sean Phong-Quoc, M.D. *Notice of Association of Counsel*
09/28/2012	Notice of Appeal Filed By: Defendant Sean P Q Su MD LTD *Notice of Appeal*

DATE	FINANCIAL INFORMATION	
	Defendant Sean P Q Su MD LTD	
	Total Charges	464.00
	Total Payments and Credits	464.00
	Balance Due as of 10/2/2012	**0.00**
	Defendant Su, Sean Phong-Quoc, M.D.	
	Total Charges	314.00
	Total Payments and Credits	314.00
	Balance Due as of 10/2/2012	**0.00**
	Plaintiff Hernandez, Vanessa	
	Total Charges	293.50
	Total Payments and Credits	293.50
	Balance Due as of 10/2/2012	**0.00**

CIVIL COVER SHEET

Clark County, Nevada

ORIGINAL

Case No. A-09-599056-C

(Assigned by Clerk's Office)

XV

I. Party Information

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
VANESSA HERNANDEZ	DR. Sean Phong-Quoc Su, MD; Sean P.Q.Su, MD, LTD.
Attorney (name/address/phone):	Attorney (name/address/phone):
Jack Bernstein & Associates (702) 256-4566	

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ **Arbitration Requested**

Civil Cases

Real Property

- ☐ **Landlord/Tenant**
  - ☐ Unlawful Detainer
- ☐ **Title to Property**
  - ☐ Foreclosure
  - ☐ Liens
  - ☐ Quiet Title
  - ☐ Specific Performance
- ☐ **Condemnation/Eminent Domain**
- ☐ **Other Real Property**
  - ☐ Partition
  - ☐ Planning/Zoning

Torts

Negligence

- ☐ **Negligence – Auto**
- ☒ **Negligence – Medical/Dental**
- ☐ **Negligence – Premises Liability** (Slip/Fall)
- ☐ **Negligence – Other**

- ☐ **Product Liability**
  - ☐ Product Liability/Motor Vehicle
  - ☐ Other Torts/Product Liability
- ☐ **Intentional Misconduct**
  - ☐ Torts/Defamation (Libel/Slander)
  - ☐ Interfere with Contract Rights
- ☐ **Employment Torts** (Wrongful termination)
- ☐ **Other Torts**
  - ☐ Anti-trust
  - ☐ Fraud/Misrepresentation
  - ☐ Insurance
  - ☐ Legal Tort
  - ☐ Unfair Competition

A-09-599056-C
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Probate

- ☐ **Summary Administration**
- ☐ **General Administration**
- ☐ **Special Administration**
- ☐ **Set Aside Estates**
- ☐ **Trust/Conservatorships**
  - ☐ Individual Trustee
  - ☐ Corporate Trustee
- ☐ **Other Probate**

Other Civil Filing Types

- ☐ **Construction Defect**
  - ☐ Chapter 40
  - ☐ General
- ☐ **Breach of Contract**
  - ☐ Building & Construction
  - ☐ Insurance Carrier
  - ☐ Commercial Instrument
  - ☐ Other Contracts/Acct/Judgment
  - ☐ Collection of Actions
  - ☐ Employment Contract
  - ☐ Guarantee
  - ☐ Sale Contract
  - ☐ Uniform Commercial Code
- ☐ **Civil Petition for Judicial Review**
  - ☐ Other Administrative Law
  - ☐ Department of Motor Vehicles
  - ☐ Worker's Compensation Appeal

- ☐ **Appeal from Lower Court** *(also check applicable civil case box)*
  - ☐ Transfer from Justice Court
  - ☐ Justice Court Civil Appeal
- ☐ **Civil Writ**
  - ☐ Other Special Proceeding
- ☐ **Other Civil Filing**
  - ☐ Compromise of Minor's Claim
  - ☐ Conversion of Property
  - ☐ Damage to Property
  - ☐ Employment Security
  - ☐ Enforcement of Judgment
  - ☐ Foreign Judgment – Civil
  - ☐ Other Personal Property
  - ☐ Recovery of Property
  - ☐ Stockholder Suit
  - ☐ Other Civil Matters

III. Business Court Requested (Please check applicable category; *for Clark or Washoe Counties only.*)

- ☐ NRS Chapters 78-88
- ☐ Commodities (NRS 90)
- ☐ Securities (NRS 90)
- ☐ Investments (NRS 104 Art. 8)
- ☐ Deceptive Trade Practices (NRS 598)
- ☐ Trademarks (NRS 600A)
- ☐ Enhanced Case Mgmt/Business
- ☒ Other Business Court Matters

09/11/2009

Date

Signature of initiating party or representative

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CLERK OF THE COURT

JUDG

SCOTT POISSON, ESQ.
Nevada Bar No.: 010188
GLEN A. HOWARD, ESQ.
Nevada Bar No.: 009065
BERNSTEIN AND POISSON
320 South Jones Boulevard
Las Vegas, Nevada 89107
(702) 256-4566 *telephone*
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, individually,

Plaintiff,

vs.

DR. SEAN PHONG-QUOC SU M.D., individually; SEAN P. Q. SU, M.D., LTD. A Nevada Domestic Corporation d/b/a Skin Body Institute DOES 1 through 100,Inclusive; and ROE CORPORATIONS 1 through 100, inclusive,

Defendants

CASE NO.: A-09-599056-C

CONSOLIDATED WITH
CASE NO.: A-09-599057-C

DEPT. NO.: XXXI

FINAL VERDICT JUDGMENT

This Court, recognizing the jury verdict on August 1, 2012 and affirms as follows: Judgment is to be entered against the Defendants and Plaintiff is awarded the jury verdict of $420,696.89.

IT IS SO ORDERED this 29 day of August, 2012.

DISTRICT COURT JUDGE

JOANNA S. KISHNER

08-24-12 A09:24 IN
TC3

Respectfully Submitted:
Dated this 23 day of August, 2012

SCOTT POISSON, ESQ.
Nevada Bar No.: 010188
GLEN A. HOWARD, ESQ.
Nevada Bar No.: 009065
BERNSTEIN AND POISSON
320 South Jones Boulevard
Las Vegas, Nevada 89107
(702) 256-4566 *telephone*
Attorneys for Plaintiff

Respectfully Submitted:
Date this 23rd day of August, 2012

KIM MANDELBAUM, ESQ
Nevada Bar No. 318
MANDELBAUM ELLERTON & MCBRIDE
2012 Hamilton Lane
Las Vegas, Nevada 89106
(702) 367-1234
Attorney for Defendants

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CLERK OF THE COURT

NEJ

SCOTT L. POISSON, ESQ.
Scott@bernsteinslaw.com
Nevada Bar No.: 10188
GLEN A. HOWARD, ESQ.
Glen@bernsteinslaw.com
Nevada Bar No.: 9065
BERNSTEIN & POISSON, LLC
320 South Jones Boulevard
Las Vegas, Nevada 89107
Tel: (702) 256-4566
Fax: (702) 256-6280
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, individually, Plaintiff, vs. DR. SEAN PHONG-QUOC SU M.D., individually; SEAN P. Q. SU, M.D., LTD. A Nevada Domestic Corporation d/b/a Skin Body Institute DOES 1 through 100,Inclusive; and ROE CORPORATIONS 1 through 100, inclusive, Defendants	CASE NO.: A-09-599056-C CONSOLIDATED WITH CASE NO.: A-09-599057-C DEPT. NO.: XXXI

NOTICE OF ENTRY OF JUDGMENT

YOU AND EACH OF YOU WILL TAKE NOTICE that an ENTRY OF JUDGMENT was entered in the above entitled matter on the 29th day of August, 2012. A copy of said order is attached hereto as Exhibit "1".

DATED this 31 day of August, 2012

BERNSTEIN & POISSON, LLC

/s/ 12/32, for

SCOTT L. POISSON, ESQ.
Nevada Bar No.: 10188
GLEN A. HOWARD, ESQ.
Nevada Bar No.: 9065
320 S. Jones Blvd
Las Vegas, NV 89107

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am over the age of eighteen years and I am an employee of Bernstein & Poisson, LLC. On the 31 day of August 2012, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF JUDGMENT** to all interested parties via United States Mail, First-Class postage prepaid at Las Vegas, NV, addressed as follows:

Thomas J. Doyle, Esq
SCHUERING ZIMMERMAN & DOYLE, LLP
400 University Avenue
Sacramento, CA 95825-6502
Fax: (916) 568-0400
Attorneys for Defendants

Kim Mandelbaum, Esq
MANDLEBAUM ELLERTON & MCBRIDE
2012 Hamilton Lane
Las Vegas, NV 89106
Fax: (702) 367-1978
Attorneys for Defendants

An Employee of Bernstein & Poisson, LLC

EXHIBIT "1"

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CLERK OF THE COURT

JUDG

SCOTT POISSON, ESQ.
Nevada Bar No.: 010188
GLEN A. HOWARD, ESQ.
Nevada Bar No.: 009065
BERNSTEIN AND POISSON
320 South Jones Boulevard
Las Vegas, Nevada 89107
(702) 256-4566 *telephone*
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, individually,

Plaintiff,

vs.

DR. SEAN PHONG-QUOC SU M.D., individually; SEAN P. Q. SU, M.D., LTD. A Nevada Domestic Corporation d/b/a Skin Body Institute DOES 1 through 100,Inclusive; and ROE CORPORATIONS 1 through 100, inclusive,

Defendants

CASE NO.: A-09-599056-C

CONSOLIDATED WITH
CASE NO.: A-09-599057-C

DEPT. NO.: XXXI

FINAL VERDICT JUDGMENT

This Court, recognizing the jury verdict on August 1, 2012 and affirms as follows: Judgment is to be entered against the Defendants and Plaintiff is awarded the jury verdict of $420,696.89.

IT IS SO ORDERED this 24 day of August, 2012.

DISTRICT COURT JUDGE

JOANNA S. KISHNER

08-24-12 A09:21 IN
TC31

Respectfully Submitted:
Dated this 22 day of August, 2012

SCOTT POISSON, ESQ.
Nevada Bar No.: 010188
GLEN A. HOWARD, ESQ.
Nevada Bar No.: 009065
BERNSTEIN AND POISSON
320 South Jones Boulevard
Las Vegas, Nevada 89107
(702) 256-4566 *telephone*
Attorneys for Plaintiff

Respectfully Submitted:
Date this 23rd day of August, 2012

KIM MANDELBAUM, ESQ
Nevada Bar No. 318
MANDELBAUM ELLERTON & MCBRIDE
2012 Hamilton Lane
Las Vegas, Nevada 89106
(702) 367-1234
Attorney for Defendants

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CLERK OF THE COURT

JUDG
BERNSTEIN & POISSON
SCOTT POISSON, ESQ.
Nevada Bar No.010188
GLEN A. HOWARD, ESQ.
Nevada Bar No. 9065
320 S. Jones Blvd.
Las Vegas, Nevada 89107
Telephone: (702) 256-4566
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, individually,

Plaintiff,

vs.

DR. SEAN PHONG-QUOC SU M.D., individually; SEAN P. Q. SU, M.D., LTD. A Nevada Domestic Corporation d/b/a Skin Body Institute DOES 1 through 100,Inclusive; and ROE CORPORATIONS 1 through 100, inclusive,

Defendants

Exempt From Arbitration:
MEDICAL MALPRACTICE
CASE NO.: A-09-599056-C

CONSOLIDATED WITH
CASE NO.: A-09-599057-C
DEPT. NO.: XXXI

JUDGMENT GRANTING MONETARY SANCTIONS AGAINST DR. SEAN PHONG-QUOC SU

IT IS HEREBY ORDERED that on May 23, 2012 at 11:30 A.M. Plaintiff's Request for Fees and Costs Related to Plaintiff's Motion to Strike Defendant's Pleadings related to Liability and Causation and for Further Sanctions **GRANTED.**

Hernandez v.Su A-11-599056-C

Plaintiff is awarded the sum of $4,000.00 as sanctions which are to be paid by July 20, 2012.

IT IS SO ORDERED this 13 day of July, 2012.

DISTRICT COURT JUDGE

Respectfully Submitted:

Dated this 10 day of July, 2012

BERNSTEIN & POISSON

SCOTT POISSON, ESQ.
Nevada Bar No.: 010188
GLEN A. HOWARD ESQ.
Nevada Bar No.: 9065
BERNSTEIN AND POISSON
320 South Jones Boulevard
Las Vegas, Nevada 89107
(702) 256-4566
Attorney for the Plaintiff

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CLERK OF THE COURT

NJUD

SCOTT L. POISSON, ESQ.
Scott@bernsteinslaw.com
Nevada Bar No.: 10188
GLEN A. HOWARD, ESQ.
Glen@bernsteinslaw.com
Nevada Bar No.: 9065
BERNSTEIN & POISSON, LLC
320 South Jones Boulevard
Las Vegas, Nevada 89107
Tel: (702) 256-4566
Fax: (702) 256-6280
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, individually, Plaintiff, vs. DR. SEAN PHONG-QUOC SU M.D., individually; SEAN P. Q. SU, M.D., LTD. A Nevada Domestic Corporation d/b/a Skin Body Institute DOES 1 through 100,Inclusive; and ROE CORPORATIONS 1 through 100, inclusive, Defendants	CASE NO.: A-09-599056-C CONSOLIDATED WITH CASE NO.: A-09-599057-C DEPT. NO.: XXXI

NOTICE OF ENTRY OF JUDGMENT

TO: Dr. Sean Phong-Quoc Su M.D, Defendant;

TO: Thomas J. Doyle, Esq, and Kim Mandelbaum, Esq., Attorneys for Defendant.

///

YOU AND EACH OF YOU WILL TAKE NOTICE that a Judgment was entered in the above entitled matter on the 13th day of July, 2012. A copy of said order is attached hereto as Exhibit "1".

DATED this 16 day of July, 2012.

SCOTT L. POISSON, ESQ.
Scott@bernsteinslaw.com
Nevada Bar No.: 10188
GLEN A. HOWARD, ESQ.
Glen@bernsteinslaw.com
Nevada Bar No.: 9065
BERNSTEIN & POISSON, LLC
320 South Jones Boulevard
Las Vegas, Nevada 89107
Tel: (702) 256-4566
Fax: (702) 256-6280
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am over the age of eighteen years and I am an employee of Bernstein & Poisson, LLP. On the 11e day of July 2012 a true and correct copy of the foregoing **NOTICE OF ENTRY OF JUDGMENT** was sent to all interested parties, via facsimile (without attached exhibits) and Fed Ex Envelope, postage prepaid at Las Vegas, Nevada, addressed as follows:

Thomas J. Doyle, Esq
SCHUERING ZIMMERMAN & DOYLE, LLP
400 University Avenue
Sacramento, CA 95825-6502
Fax: (916) 568-0400
Attorneys for Defendants

Kim Mandelbaum, Esq.
MANDLEBAUM ELLERTON & MCBRIDE
2012 Hamilton Lane
Las Vegas, NV 89106
Fax: (702) 367-1978
Attorneys for Defendants

DATED this 11e day of July 2012.

An employee of Bernstein & Poisson

EXHIBIT "1"

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CLERK OF THE COURT

JUDG
BERNSTEIN & POISSON
SCOTT POISSON, ESQ.
Nevada Bar No.010188
GLEN A. HOWARD, ESQ.
Nevada Bar No. 9065
320 S. Jones Blvd.
Las Vegas, Nevada 89107
Telephone: (702) 256-4566
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, individually,

Plaintiff,

vs.

DR. SEAN PHONG-QUOC SU M.D., individually; SEAN P. Q. SU, M.D., LTD. A Nevada Domestic Corporation d/b/a Skin Body Institute DOES 1 through 100,Inclusive; and ROE CORPORATIONS 1 through 100, inclusive,

Defendants

Exempt From Arbitration:
MEDICAL MALPRACTICE
CASE NO.: A-09-599056-C

CONSOLIDATED WITH
CASE NO.: A-09-599057-C
DEPT. NO.: XXXI

JUDGMENT GRANTING MONETARY SANCTIONS AGAINST DR. SEAN PHONG-QUOC SU

IT IS HEREBY ORDERED that on May 23, 2012 at 11:30 A.M. Plaintiff's Request for Fees and Costs Related to Plaintiff's Motion to Strike Defendant's Pleadings related to Liability and Causation and for Further Sanctions **GRANTED.**

Hernandez v.Su A-11-599056-C

Plaintiff is awarded the sum of $4,000.00 as sanctions which are to be paid by July 20, 2012.

IT IS SO ORDERED this 13 day of July, 2012.

DISTRICT COURT JUDGE

Respectfully Submitted:

Dated this 10 day of July, 2012

BERNSTEIN & POISSON

SCOTT POISSON, ESQ.
Nevada Bar No.: 010188
GLEN A. HOWARD ESQ.
Nevada Bar No.: 9065
BERNSTEIN AND POISSON
320 South Jones Boulevard
Las Vegas, Nevada 89107
(702) 256-4566
Attorney for the Plaintiff

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CLERK OF THE COURT

ORDR

BERNSTEIN & POISSON
SCOTT POISSON, ESQ.
Nevada Bar No.010188
GLEN A. HOWARD, ESQ.
Nevada Bar No. 9065
320 S. Jones Blvd.
Las Vegas, Nevada 89107
Telephone: (702) 256-4566
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, individually,

Plaintiff,

vs.

DR. SEAN PHONG-QUOC SU M.D., individually; SEAN P. Q. SU, M.D., LTD. A Nevada Domestic Corporation d/b/a Skin Body Institute DOES 1 through 100,Inclusive; and ROE CORPORATIONS 1 through 100, inclusive,

Defendants

Exempt From Arbitration:
MEDICAL MALPRACTICE
CASE NO.: A-09-599056-C

CONSOLIDATED WITH
CASE NO.: A-09-599057-C
DEPT. NO.: XXXI

ORDER GRANTING MONETARY SANCTIONS AGAINST DR. SEAN PHONG_QUOC SU (Dr. Sean Su)

06-12-12 A10:26 IN

TC31

IT IS HEREBY ORDERED that on May 23, 2012 at 11:30 A.M. Plaintiff's Request for Fees and Costs Related to Plaintiff's Motion to Strike Defendant's Pleadings Related to Liability and Causation and for Further Sanctions **GRANTED.**

Plaintiff is awarded the **TOTAL SUM** of **$4,850.00.** $4,000.00 which represents attorneys fees against Dr. Sean Su taking into account all the applicable factors including but not limited to the nature of the proceeding, the experience of counsel, the breadth and depth of the issue and the time of the proceeding. The $850.00 represents the unopposed cost to join the medical society to obtain expert's writings and is awarded against both DEFENDANTS jointly and severally. Fees and Costs are to be paid fourteen days (14) from notice of entry of order.

IT IS SO ORDERED this 13 day of June, 2012.

Ronald D. Israel for
DISTRICT COURT JUDGE JOANNA S. KISHNER
CRS

Respectfully Submitted:

Dated this 11 day of June, 2012

BERNSTEIN & POISSON

SCOTT POISSON, ESQ.
Nevada Bar No.: 010188
GLEN A. HOWARD ESQ.
Nevada Bar No.: 9065
BERNSTEIN AND POISSON
320 South Jones Boulevard
Las Vegas, Nevada 89107
(702) 256-4566
Attorney for the Plaintiff

Approved as to form and content:

Kim Gene Mandelbaum for 6/8/12
#318

Thomas J. Doyle, Esq.
Schuering, Zimmerman & Doyle
400 University Ave.
Sacramento, CA 95825
Attorney for Defendant
Fax: (916) 568-0400
Attorney for Defendant

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06/15/2012 10:08:23 AM

CLERK OF THE COURT

NEO

SCOTT L. POISSON, ESQ.
Scott@bernsteinslaw.com
Nevada Bar No.: 10188
GLEN A. HOWARD, ESQ.
Glen@bernsteinslaw.com
Nevada Bar No.: 9065
BERNSTEIN & POISSON, LLC
320 South Jones Boulevard
Las Vegas, Nevada 89107
Tel: (702) 256-4566
Fax: (702) 256-6280
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, individually, Plaintiff, vs. DR. SEAN PHONG-QUOC SU M.D., individually; SEAN P. Q. SU, M.D., LTD. A Nevada Domestic Corporation d/b/a Skin Body Institute DOES 1 through 100,Inclusive; and ROE CORPORATIONS 1 through 100, inclusive, Defendants	CASE NO.: A-09-599056-C CONSOLIDATED WITH CASE NO.: A-09-599057-C DEPT. NO.: XXXI

NOTICE OF ENTRY OF ORDER

YOU AND EACH OF YOU WILL TAKE NOTICE that an Order was entered in the above entitled matter on the 14th day of June, 2012. A copy of said order is attached hereto as Exhibit "1".

DATED this 15 day of JUNE, 2012

BERNSTEIN & POISSON, LLC

SCOTT L. POISSON, ESQ.
Nevada Bar No.: 10188
GLEN A. HOWARD, ESQ.
Nevada Bar No.: 9065
320 S. Jones Blvd
Las Vegas, NV 89107

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am over the age of eighteen years and I am an employee of Bernstein & Poisson, LLC. On the ____ day of _____ 2012, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** to all interested parties via United States Mail, First-Class postage prepaid at Las Vegas, NV, addressed as follows:

Thomas J. Doyle, Esq
SCHUERING ZIMMERMAN & DOYLE, LLP
400 University Avenue
Sacramento, CA 95825-6502
Fax: (916) 568-0400
Attorneys for Defendants

Kim Mandelbaum, Esq
MANDLEBAUM ELLERTON & MCBRIDE
2012 Hamilton Lane
Las Vegas, NV 89106
Fax: (702) 367-1978
Attorneys for Defendants

_____
An Employee of Bernstein & Poisson, LLC

EXHIBIT "1"

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ORDR

BERNSTEIN & POISSON
SCOTT POISSON, ESQ.
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GLEN A. HOWARD, ESQ.
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320 S. Jones Blvd.
Las Vegas, Nevada 89107
Telephone: (702) 256-4566
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, individually,

Plaintiff,

vs.

DR. SEAN PHONG-QUOC SU M.D., individually; SEAN P. Q. SU, M.D., LTD. A Nevada Domestic Corporation d/b/a Skin Body Institute DOES 1 through 100,Inclusive; and ROE CORPORATIONS 1 through 100, inclusive,

Defendants

Exempt From Arbitration:
MEDICAL MALPRACTICE
CASE NO.: A-09-599056-C

CONSOLIDATED WITH
CASE NO.: A-09-599057-C
DEPT. NO.: XXXI

ORDER GRANTING MONETARY SANCTIONS AGAINST DR. SEAN PHONG_QUOC SU (Dr. Sean Su)

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Hernandez v.Su A-11-599056-C

IT IS HEREBY ORDERED that on May 23, 2012 at 11:30 A.M. Plaintiff's Request for Fees and Costs Related to Plaintiff's Motion to Strike Defendant's Pleadings Related to Liability and Causation and for Further Sanctions **GRANTED.**

Plaintiff is awarded the **TOTAL SUM** of **$4,850.00**. $4,000.00 which represents attorneys fees against Dr. Sean Su taking into account all the applicable factors including but not limited to the nature of the proceeding, the experience of counsel, the breadth and depth of the issue and the time of the proceeding. The $850.00 represents the unopposed cost to join the medical society to obtain expert's writings and is awarded against both DEFENDANTS jointly and severally. Fees and Costs are to be paid fourteen days (14) from notice of entry of order.

IT IS SO ORDERED this 13 day of June, 2012.

Ronald J. Israel for
DISTRICT COURT JUDGE **JOANNA S. KISHNER**

CRS

Respectfully Submitted:

Dated this 11 day of June, 2012

BERNSTEIN & POISSON

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Attorney for Defendant

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CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, Individually,

Plaintiff,

Vs.

DR. SEAN PHONG-QUOC SU, M.D., Individually; SEAN P.Q. SU, M.D., LTD., A Nevada Domestic Corporation d/b/a SKIN BODY INSTITUE, Et. al., Inclusive,

Defendants.

CASE NO.: A-09-599056-C
CONSOLIDATED WITH
CASE NO.: A-09-599057-C

DEPT. NO.: XXXI

FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER

This matter was before the Court on Plaintiff's Emergency Motion to Strike Defendants' Pleadings Related to Liability and Causation and For Further Sanctions, filed February 22, 2012. On Monday, March 26, 2012, an evidentiary hearing was held with all parties being present. Edward M. Bernstein, Scott L. Poisson, Glen A. Howard, and two witnesses, Isabelle Bravo and Shantell Agtarap, appeared on behalf of the Plaintiff; Thomas J. Doyle appeared for the Defendants. Defendant, Sean Su, M.D., was also present in court. Based upon the pleadings, argument of counsel, and after a full evidentiary hearing, the Court finds as follows:

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I. FINDINGS OF FACT

1. On September 11, 2009, Plaintiff filed her Complaint alleging a medical malpractice cause of action against Defendants, Dr. Sean Phong-Quoc Su and

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Sean P. Q. Su, M.D., Ltd., d/b/a Skin Body Institute. Attached to the Complaint was an affidavit relating only to Dr. Su falling below the standard of care.

2. On September 14, 2009, Plaintiff filed an Amended Complaint against the same Defendants. On March 17, 2010, Defendants filed their Answer.

3. On April 26, 2010, Case Number A599057 was consolidated with A599056. On January 1, 2011, the consolidated cases were transferred to Department XXXI.

4. On or about October 24, 2011, Plaintiff filed with the Discovery Commissioner, a Request Order to Show Cause regarding the deposition of Mr. Ramos, an employee of Defendant during the alleged relevant time frame.

5. On or about October 26, 2011, Plaintiff filed a Motion to Compel and Request for Sanctions regarding the non-appearance of Dr. Suzie Su at her deposition. Dr. Suzie Su is Defendant Su's wife and is alleged to share the same office space with Defendants.

6. On or about December 12, 2011, the Discovery Commissioner granted Plaintiff's Motion to Compel and took the Request for Sanctions under submission. The Report and Recommendation was affirmed by this Court on January 23, 2012.

7. While the first Report and Recommendations was pending, on or about January 18, 2012, the Discovery Commissioner recommended sanctions be awarded in the amount of $11,082.00. The Minute Order stated that said sum was to be paid within 30 days from January 18, 2012.

8. On February 22, 2012, Plaintiff filed the instant Emergency Motion to Strike Defendants' Pleadings as to Causation and Liability and for Further Sanctions. The Motion contends that Defendant Su suborned perjury in that he pressured two former employees, Shantell Agtarap and Alexandra Faria, to not be honest in their depositions.

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It also asserted that Su's wife, Dr. Suzie Su, who had been compelled to her deposition after the OSC, had also committed perjury at the direction or assistance of Defendant. Attached to the Motion were transcriptions of conversations between the two witnesses and Plaintiff's counsel.[1] The Motion contended that the witnesses contacted Plaintiff's counsel of their own free will; without any inquiry by Plaintiff's counsel.

9. The Motion also alleged that Defense counsel had failed to provide an updated curriculum vitae and relevant treatises of their expert, Dr. Fragen. As a result of the failure to disclose and provide the treatises, Plaintiff contended that the expert's Deposition could not be fully taken and that he had to expend additional funds and resources to obtain the treatises.

10. The purported perjury issue was first noted by counsel, orally in Court, on February 24, 2012, while the parties were present at a hearing regarding various Motions in Limine and a Motion for Summary Judgment. Due to the egregious nature of the allegations, the Court deferred ruling on some of the Motions in Limine that related to the allegations, as well as the Motion for Summary Judgment as it related to the allegations as well. After hearing preliminary arguments, the Court set the matter for a full evidentiary hearing and set a briefing schedule.

11. In accordance with the briefing schedule, the Opposition was filed on March 9, 2012. The Declaration of Dr. Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD., was filed on March 9, 2012. The Plaintiff provided a Reply to the Court, which included a cd of the verbal conference between Plaintiff's counsel and Ms. Agtarap, as well as the conversation between Plaintiff's counsel and Ms. Faria.

[1] Plaintiff attached to their Reply, a copy of the recording of the oral communications between counsel and Ms. Agtarap and Ms. Faria. As noted herein, Ms. Agtarap also testified at the evidentiary hearing whereas Ms. Faria was not present in Court that day.

12. On March 26, 2012, the Court held a full evidentiary hearing on the Motion. Prior to the commencement of testimony, Plaintiff's counsel notified the Court that there were additional instances of alleged improper conduct that had occurred earlier that morning and at the Courthouse.

13. Plaintiff's counsel asserted that he had been informed by Ms. Agtarap, who was present in Court to testify, that in the morning she had received what she considered to be an intimidating facsimile at her place of work. The facsimile contained seven pages, including a copy of her affidavit and credit/loan related information relating to Ms. Alexandra Faria, who was the other declarant mentioned in the Motion for Sanctions.

14. Plaintiff's counsel further asserted that Ms. Faria, the other declarant who was not present in Court, received a similar facsimile package at her sister's place of employment. Plaintiff's counsel provided the Court with a copy of the facsimile sent to Mrs. Agtarap. The other facsimile was represented to be contained as an image on his phone.

15. Plaintiff's counsel further alleged that while the witnesses were in the hallway outside the Courtroom waiting for the hearing to start, Dr. Su pulled out his phone and took each witness' picture in what each perceived to be in a threatening or intimidating manner and without either of their permission.

16. It was also alleged that when the witnesses left the Courtroom, while another case was being heard by the Court, Dr. Su followed them out of the Courtroom and then continued to follow the witnesses to the women's restroom located down the hallway from the Courtroom. At that point, he was believed to have taken either a picture or made a recording of the witnesses.

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17. Dr. Su also purportedly took individual pictures of all three of Plaintiff's counsel, who were present for the hearing, without any of their permission.

18. As the conduct occurred in the hallway outside the Courtroom, the Court did not witness what occurred. Nevertheless, when Defense counsel was asked if he wished to provide any information regarding what was represented by Plaintiff's counsel, he informed the Court that he was not present at the time, but understood that the pictures at issue had been deleted by Dr. Su after Defense counsel became aware of the assertions of Plaintiff's counsel. He further stated that he was not aware of Dr. Su making a recording.

19. As it was represented that the pictures had been deleted before the matter could be brought to the attention of the Court, the Court did not view the pictures. Given the statements of both counsel, however, it was undisputed that Dr. Su took pictures of witnesses who were about to testify in Court and took pictures of Plaintiff's counsel at the Courthouse without the consent of any of the individuals being photographed. It was also undisputed that without allowing the Court an opportunity to view the pictures (and possible recording) they were deleted. Further, it was not contested that the events took place shortly before the witnesses were about to testify under oath regarding allegations that witness testimony had been improperly influenced by Dr. Su, the individual who took the pictures at the Courthouse.

20. When the Court asked whether Dr. Su or his counsel wished to provide any other information for the Court to consider, they declined. Thus, there is no testimony or other evidence to dispute what was represented by Plaintiff's counsel and the witnesses as to what occurred regarding the facsimiles, the photographs, and/or a recording.

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21. After hearing opening arguments by counsel, the Court allowed all parties to present witnesses and allowed full examination and cross examination of the witnesses with inquiry by the Court as well.

22. Ms. Agtarap credibly testified that she had met with Dr. Su prior to her deposition and had been instructed by him to respond that she did not know answers to questions, even when she did know the answers, and to provide inaccurate information including *inter alia* regarding who was in the surgery room on the dates of the surgery.

23. She also testified that she, Dr. Su, and Ms. Faria met prior to their depositions being taken and were told in substance and effect not to be forthright and to deny that the Dr. Suzie Su was present during Plaintiff's surgery.

24. Ms. Agtarap also testified regarding the events that occurred that morning regarding the facsimiles and the pictures/recordings. She credibly testified that she did not play any role in the facsimiles being sent and expressed her view that she felt that they were sent by Dr. Su to intimidate her. She could not, however, provide direct evidence that the facsimile came from Dr. Su.

25. With respect to the photographs and alleged recording, Ms. Agtarap testified in substance and effect that she felt threatened and/or intimidated by Dr. Su taking her picture before she was to testify in Court.

26. Ms. Bravo provided similar, credible testimony and confirmed that she was concerned about having Dr. Su take her picture at the Courthouse as she was about to testify.

27. Ms. Faria was not present in Court, but on the audio recording and in the statement attached to the Motion, she stated that Dr. Su influenced her testimony such that she was not forthright in her prior testimony.

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28. As noted herein, Dr. Su was present during the entire hearing but chose not to testify. Instead, his counsel advised the Court that Dr. Su wished to rely on his previously submitted declaration which stated to wit, "I did not coach or coerce Ms. Faria and Ms. Agtarap to testify that Dr. Suzie Su was not present during the breast augmentation on April 16, 2009 or the second procedure on June 3, 2009."

29. During the hearing, counsel also addressed why Dr. Fragen's curriculum vitae was not accurate and why Plaintiff was not provided the treatises he wrote, which were alleged to be relevant to the case at bar. Defense counsel acknowledged that the curriculum vitae was not up to date and that he did not provide the treatise when asked to do so by Plaintiff's counsel. He explained that he was in error due to confusion regarding the scope of a ruling by the Discovery Commissioner regarding a site visit to Dr. Su's facility.

30. There was no dispute that the treatise had been written before the deposition of Dr. Fragen. There was also no dispute that the article was requested by Plaintiff independently of the requested site visit. It also was uncontested that the article was published privately which caused Plaintiff's counsel expense and effort to obtain a copy which could have been provided easily through Dr. Fragen and the Defense.

31. As of the time of the hearing there was also no dispute that the sanction amount regarding the deposition of Dr. Suzie Su had not been paid.

32. The Court deferred its decision to its Chamber's Calendar to issue written Findings of Fact and Conclusions of Law.

II. CONCLUSIONS OF LAW

1. In *Young v. Johnny Ribeiro Building, Inc.*, 106 Nev. 88, 787 P.2d 777 (NV 1990), the Supreme Court affirmed the striking of pleadings based upon a finding

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that a Party had fabricated evidence. Citing the 9th Circuit Court of Appeals holding in *TeleVideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 916 (9th Cir. Cal. 1987), the Court stated that "Courts have inherent equitable powers to dismiss actions or enter default judgments for failure to prosecute, contempt of court, or abusive litigation practices." The Nevada Court added that litigants and attorneys alike should be aware that these powers may permit sanctions for discovery and other litigation abuses not specifically proscribed by statute, *Young*, at 92, 779.

2. Similarly, in *Foster v. Dingwall*, 126 Nev. Adv. Op. 6, 227 P.3d 1042 (NV 2010), the Nevada Supreme Court affirmed the District Court's striking of pleadings and entry of a default as a discovery sanction. In that case, the Court found that "[t]he sanctions were necessary to demonstrate to future litigants that they are not free to act with wayward disregard of a court's orders" and that the conduct of the parties "evidence[d] willful and recalcitrant disregard of the judicial process." Id at 1049. (See also, *Kelly Broadcasting v. Sovereign Broadcast*, 96 Nev. 188, 606 P.2d 1089, 1092 (NV 1980) affirming sanctions and striking Defendant's answer and entering Default Judgment against Defendant based on Defendant's incomplete and evasive answers to interrogatories in violation of Court order).

3. The Nevada Supreme Court has also upheld entry of default judgment where the "normal adversary process has been halted due to an unresponsive party, because diligent parties are entitled to be protected against interminable delay and uncertainty as to their legal rights." *Temora Trading Co. v. Perry*, 98 Nev. 229, 645 P.2d 436 (NV 1982) Citing *Skeen v. Valley Bank of Nevada*, 89 Nev. 301, 511 P. 2d 1053 (1973); *Havas v. Bank of Nevada*, 96 Nev. 567, 613 P.2d 706 (NV 1980) (affirmed sanctions of dismissal of Plaintiff's complaint and granting of Default Judgment.)

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4. Further, in *Bahena(Bahena I) v. Goodyear Tire & Rubber Co.*, 126 Nev. Adv. Op. 26, 235 P.3d 592 (NV 2010), and *Bahena(Bahena II) v. Goodyear Tire & Rubber Co.*, 126 Nev. Adv. Op. 57, 245 P.3d 1182 (NV 2010), the Nevada Supreme Court upheld the ruling of the District Court which struck the liability portion of pleadings as a sanction for a party's inappropriate discovery conduct and its failure to comply with a Court order regarding the production of a witness for deposition. In upholding the ruling of the lower court, the Nevada Supreme Court stated that: "Where the Discovery sanctions are within the power of the District Court, the Supreme Court will not reverse the particular sanctions imposed absent a showing of abuse of discretion." *Id., citing Young* at 779.

5. The Court in *Bahena II* went on to hold that "Nevada does not require the imposition of progressive sanctions as does the federal system" and that "dismissal need not be preceded by less severe sanctions, it should be imposed only after thoughtful consideration of all the factors involved in a particular case," *Id.*

6. The Nevada Supreme Court has found that to determine the appropriate level of sanctions, "the Court should hold such hearing as it deems reasonably necessary to consider matters it deems pertinent to the imposition of appropriate sanctions. The length and nature of the hearing for non-case concluding sanctions shall be left to the sound discretion of the court." *Bahena I*, 126 Nev. Adv. Op. 26, 235 P.3d 592 (NV 2010) and *Bahena II,* 126 Nev. Adv. Op. 57, 245 P.3d 1182 (Nev. 2010).

7. In the case at bar, the Court reviewed the entire record of the case thus far, reviewed the discovery issues, heard oral argument, allowed briefing, and held a full evidentiary hearing to determine what, if any, sanctions would be appropriate.

8. In the original Motion, Plaintiff contended that each of Dr. Su's employees has lied, his wife has lied, and Dr. Su has lied. Plaintiff also contends that Dr.

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Su has suborned perjury. The Motion further details the inappropriate conduct to include that Dr. Su's wife, Suzie Su, obstructed the timely taking of her deposition to the point that she was sanctioned in excess of $11,000.00 by the Discovery Commissioner. As of the date of the hearing, it was asserted that the monetary sanction still had not been paid.

9. The Motion went on to explain that the inappropriate conduct was not limited to Dr. Su and his wife, but also involved their expert, Dr. Fragen. Plaintiff contended, without dispute, that the Defense failed to cooperate in producing Dr. Fragen's highly relevant publications, which were negative towards Plaintiff's counsel and medical malpractice cases. Instead, after it was determined that the *curriculum vitae* did not include these relevant articles, rather than voluntarily producing them, required Plaintiff's counsel to incur the cost of having its expert join the society for which the articles were prepared so that Plaintiff could obtain a copy of the articles.

10. In short, even prior to the hearing, Plaintiff contended that "The abuse by the Defense in this case has been pervasive and egregious and taints all aspects of the case." Plaintiff further asserted that "Given all the lies, at this point in time, Plaintiff has no idea what any of Defendant's witnesses would even say on the witness stand. It is impossible for Plaintiff to adequately prepare for trial."

11. In response to those assertions, Defense conceded the discovery sanction issue and that it did not provide the information regarding Dr. Fragen. With respect to the gravamen of the witness tampering and alleged perjury concerns, Dr. Su contended that either he did not engage in the conduct contended or that even if he did, the actions do not address the cause of action in the complaint for Medical Malpractice but go to other unrelated conduct.

12. The Court does not agree with Defendant's characterization of his conduct. The record clearly shows a pattern of inappropriate and egregious behavior by

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Dr. Su and the Defense. Indeed, the Discovery Commissioner had sanctioned the Defendant over $11,000.00. Based on what has been brought to the Court's attention, Dr. Su's conduct demonstrates the willful and recalcitrant disregard for the judicial process noted by the Supreme Court in *Foster v. Dingwall,* 126 Nev. Adv. Op. 6, 227 P.3d 1042.

13. In short, the Court finds that Defendant, Dr. Su, has shown a blatant disregard of the judicial system by not only interfering in this case in general, but by engaging in conduct at the very Courthouse where witnesses were about to testify under oath regarding his alleged inappropriate conduct.

14. The fact that Dr. Su approached witnesses not only prior to the commencement of the Court's Motion calander and took their pictures, but that he then followed them a second time immediately before the hearing by leaving the Courtroom when they did, and tracing their steps towards the ladies restroom, cannot be viewed in any possible manner other than as intimidation. Moreover, his destruction of the very pictures which were evidence of his conduct so that they could not be viewed by the Court, further demonstrates that his actions were intended to interfere with the Plaintiff's ability to proceed with her case.

15. While the Court questioned the parties whether a less severe sanction would be appropriate and rectify the issues caused by Dr. Su's conduct, there was no alternative offered, nor one the Court can set forth that would remedy the situation short of striking Dr. Su's Answer and Pleadings relating to liability and causation. Given the totality of Dr. Su's conduct in interfering and attempting to intimidate witnesses, he has interfered with Plaintiff's ability to proceed with her case on liability. The Court finds that no other lesser sanction would remedy the situation and thus would exercise its inherent power to strike Dr. Su's Answer as to liability and causation due to his abusive

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litigation practices.[2] Further, given the egregious nature of the conduct through the time of the Motion to Strike hearing itself, and due to the ongoing nature of Dr. Su's conduct which involves witnesses, discovery, and even an expert witness, such a sanction is necessary to demonstrate to litigants, such as Dr. Su, that they must comply with the law.

16. In her Motion, Plaintiff seeks sanctions relating to Dr. Su's conduct. The Court notes that procedurally the caption lists two Defendants, Dr. Sean Phong-Quoc Su, MD and Sean PQ Su, MD, Ltd., a Nevada Domestic Corporation d/b/a/ Skin Body Institute. The majority of the conduct complained of in the Motion, including the more egregious conduct of suborning perjury and intimidating witnesses, is alleged against Dr. Su as an individual. Indeed, although Dr. Su's Opposition and Declaration are on behalf of both Defendants, the gravamen of the actions are of an individual nature. They are not perceived to be done by Dr. Su in a representative capacity of the entity Defendant. Accordingly, without addressing the propriety of whether both parties are proper Defendants under *Fierle v. Perez M.D., LTD.*, 125 Nev. 728, 219 P.3d 906 (NV 2009), the Court deems that it is only proper to strike the pleadings with respect to liability and damages as to Dr. Su, MD., individually and not as to Sean PQ Su MD., Ltd., a Nevada Domestic Corporation d/b/a/ Skin Body Institute.

17. Nevertheless, the Defense, as a whole, has engaged in a pattern of conduct which has cost the Plaintiff time and expense and could cause potential prejudice to Plaintiff. Specifically, with respect to the actions vis a vis Dr. Fragen, Plaintiff has not been able to fully depose Dr. Fragen so as to determine if she has any objection to his testimony or qualifications. Accordingly, if the Defense wishes to contend that Dr. Fragen should be allowed to be an expert or have his opinions considered in any manner

[2] Dr. Su's failure to pay the sanction amount ordered and affirmed by the Court, provides an additional basis for the striking of the pleadings. The Court notes, however, that even if the sanction has been paid by the date of this Order; the other conduct of Dr. Su is so egregious, striking the pleadings is proper.

in this case, then the Defense must allow another deposition of Dr. Fragen to take place at a mutually convenient time and location. The scope of the deposition would be limited to items not listed on his curriculum vitae, any treatises or publications not listed therein or that came up in the prior deposition, as well as opinions relating thereto. Any fees or costs charged by Dr. Fragen will be paid by the Defense. If the deposition cannot be taken by video or other cost efficient means, and it is necessary for it to take place outside of Clark County, then the Court will consider having the Defense reimburse Plaintiff's counsel for its reasonable travel expense associated with the retaking of the deposition, subject to proper documentation being submitted to the Court. If there are changes in Dr. Fragen's testimony that require changes to Plaintiff's expert report, then the Court will consider having the Defense reimburse Plaintiff for such substantiated cost and/or will take into consideration allowing a rebuttal report outside the original Court deadlines.

18. As a result of the Defense's conduct, Plaintiff has also incurred the cost of preparing and arguing the instant Motion. If Plaintiff provides an affidavit of fees and costs associated herein by April 24, 2012, the Court will review such Affidavit, and any response provided by the Defense, which it receives prior to May 4, 2012, on its Chambers Calander of May 9, 2012 to determine the amount of monetary sanctions to award in addition to the other relief set forth herein.

III. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion to Strike Defendant, Dr. Sean Phong-Quoc Su, MD's, Pleadings as to Liability and Causation is GRANTED. Dr. Su's Answer and Affirmative Defenses related to Liability and Causation are stricken and the only remaining issue, with regards to the claims against Dr. Su, is what, if any, damages are owed to Plaintiff.

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IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion to Strike Expert Dr. Fragen is GRANTED, IN PART, as to any testimony regarding causation or liability, and DENIED as to damages.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that due to the conduct of the Defense, including both Defendants, that if Plaintiff wishes to re-depose Dr. Fragen regarding information not set forth in his curriculum vitae, including the articles referenced in the Motion to Strike, it may do so prior to the date set for the pre- trial conference, and said deposition will take place at Defense's expense consistent with Paragraph 17 above.

The Court further ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion for Fees incurred for the Motion to Strike is GRANTED, subject to Plaintiff submitting an appropriate Memorandum of Fees for the Court's review and determination of the amount of fees to be awarded consistent with Paragraph 18 above. The Trial Date and all other future dates in this case remain.

Dated this 17th day of April, 2012.

JOANNA S. KISHNER
DISTRICT JUDGE

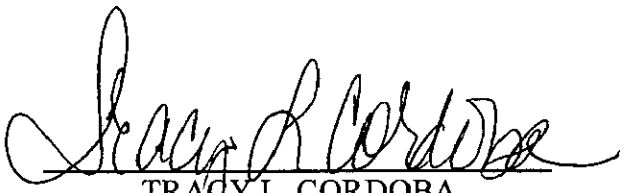
JOANNA S. KISHNER
DISTRICT JUDGE
DEPARTMENT XXXI
LAS VEGAS, NEVADA 89155

CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, this document was copied through e-mail, via facsimile, or a copy of this Order was placed in the attorney's folder in the Clerk's Office or mailed to the proper party as follows:

EDWARD M. BERNSTEIN, ESQ.
SCOTT L. POISSON, ESQ.
GLEN A. HOWARD, ESQ.
BERNSTEIN & POISSON, LLC.

THOMAS J. DOYLE, ESQ
SCHUERING, ZIMMERMAN & DOYLE
400 UNIVERSITY AVENUE
SACRAMENTO, CA 95825-6502



TRACY L. CORDOBA
JUDICIAL EXECUTIVE ASSISTANT

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NEO
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320 S. Jones Boulevard
Las Vegas, Nevada 89107
Phone: (702) 256-4566
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, individually, Plaintiff, vs. DR. SEAN PHONG-QUOC SU M.D., individually; SEAN P. Q. SU, M.D., LTD. A Nevada Domestic Corporation d/b/a Skin Body Institute DOES 1 through 100,Inclusive; and ROE CORPORATIONS 1 through 100, inclusive, Defendants	CASE NO.: A-09-599056-C CONSOLIDATED WITH CASE NO.: A-09-599057-C DEPT. NO.: XXXI **NOTICE OF ENTRY OF ORDER**

NOTICE OF ENTRY OF ORDER

PLAINTIFF hereby submits this Notice of Entry of Order. See attached Order, Exhibit 1.

///

///

Dated this 1 day of May, 2012.

BERNSTEIN & POISSON

GLEN A. HOWARD, ESQ.
Nevada Bar No.9065
320 South Jones Boulevard
Las Vegas, Nevada 89107
(702) 256-4566
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am over the age of eighteen years and I am an employee of BERNSTEIN & POISSON. On the 1 day of May, 2012 a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** was sent to all interested parties, via United States Mail, postage prepaid at Las Vegas, Nevada, addressed as follows:

Thomas J. Doyle, Esq
SCHUERING ZIMMERMAN & DOYLE, LLP
400 University Avenue
Sacramento, CA 95825-6502
Fax: (916) 568-0400
Attorneys for Defendants

Kim Mandelbaum, Esq.
MANDLEBAUM ELLERTON & MCBRIDE
2012 Hamilton Lane
Las Vegas, NV 89106
Fax: (702) 367-1978
Attorneys for Defendants

DATED this 1 of May, 2012.

An Employee of Bernstein & Poisson

Exhibit 1

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CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

VANESSA HERNANDEZ, Individually,

Plaintiff,

Vs.

DR. SEAN PHONG-QUOC SU, M.D., Individually; SEAN P.Q. SU, M.D., LTD., A Nevada Domestic Corporation d/b/a SKIN BODY INSTITUE, Et. al., Inclusive,

Defendants.

CASE NO.: A-09-599056-C
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FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER

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APR 18 2012
CLERK OF THE COURT

I. FINDINGS OF FACT

1. On September 11, 2009, Plaintiff filed her Complaint alleging a medical malpractice cause of action against Defendants, Dr. Sean Phong-Quoc Su and

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Sean P. Q. Su, M.D., Ltd., d/b/a Skin Body Institute. Attached to the Complaint was an affidavit relating only to Dr. Su falling below the standard of care.

2. On September 14, 2009, Plaintiff filed an Amended Complaint against the same Defendants. On March 17, 2010, Defendants filed their Answer.

3. On April 26, 2010, Case Number A599057 was consolidated with A599056. On January 1, 2011, the consolidated cases were transferred to Department XXXI.

4. On or about October 24, 2011, Plaintiff filed with the Discovery Commissioner, a Request Order to Show Cause regarding the deposition of Mr. Ramos, an employee of Defendant during the alleged relevant time frame.

5. On or about October 26, 2011, Plaintiff filed a Motion to Compel and Request for Sanctions regarding the non-appearance of Dr. Suzie Su at her deposition. Dr. Suzie Su is Defendant Su's wife and is alleged to share the same office space with Defendants.

6. On or about December 12, 2011, the Discovery Commissioner granted Plaintiff's Motion to Compel and took the Request for Sanctions under submission. The Report and Recommendation was affirmed by this Court on January 23, 2012.

7. While the first Report and Recommendations was pending, on or about January 18, 2012, the Discovery Commissioner recommended sanctions be awarded in the amount of $11,082.00. The Minute Order stated that said sum was to be paid within 30 days from January 18, 2012.

8. On February 22, 2012, Plaintiff filed the instant Emergency Motion to Strike Defendants' Pleadings as to Causation and Liability and for Further Sanctions. The Motion contends that Defendant Su suborned perjury in that he pressured two former employees, Shantell Agtarap and Alexandra Faria, to not be honest in their depositions.

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It also asserted that Su's wife, Dr. Suzie Su, who had been compelled to her deposition after the OSC, had also committed perjury at the direction or assistance of Defendant. Attached to the Motion were transcriptions of conversations between the two witnesses and Plaintiff's counsel.[1] The Motion contended that the witnesses contacted Plaintiff's counsel of their own free will; without any inquiry by Plaintiff's counsel.

9. The Motion also alleged that Defense counsel had failed to provide an updated curriculum vitae and relevant treatises of their expert, Dr. Fragen. As a result of the failure to disclose and provide the treatises, Plaintiff contended that the expert's Deposition could not be fully taken and that he had to expend additional funds and resources to obtain the treatises.

10. The purported perjury issue was first noted by counsel, orally in Court, on February 24, 2012, while the parties were present at a hearing regarding various Motions in Limine and a Motion for Summary Judgment. Due to the egregious nature of the allegations, the Court deferred ruling on some of the Motions in Limine that related to the allegations, as well as the Motion for Summary Judgment as it related to the allegations as well. After hearing preliminary arguments, the Court set the matter for a full evidentiary hearing and set a briefing schedule.

11. In accordance with the briefing schedule, the Opposition was filed on March 9, 2012. The Declaration of Dr. Sean Phong-Quoc Su, M.D., and Sean P.Q. Su, M.D., LTD., was filed on March 9, 2012. The Plaintiff provided a Reply to the Court, which included a cd of the verbal conference between Plaintiff's counsel and Ms. Agtarap, as well as the conversation between Plaintiff's counsel and Ms. Faria.

[1] Plaintiff attached to their Reply, a copy of the recording of the oral communications between counsel and Ms. Agtarap and Ms. Faria. As noted herein, Ms. Agtarap also testified at the evidentiary hearing whereas Ms. Faria was not present in Court that day.

12. On March 26, 2012, the Court held a full evidentiary hearing on the Motion. Prior to the commencement of testimony, Plaintiff's counsel notified the Court that there were additional instances of alleged improper conduct that had occurred earlier that morning and at the Courthouse.

13. Plaintiff's counsel asserted that he had been informed by Ms. Agtarap, who was present in Court to testify, that in the morning she had received what she considered to be an intimidating facsimile at her place of work. The facsimile contained seven pages, including a copy of her affidavit and credit/loan related information relating to Ms. Alexandra Faria, who was the other declarant mentioned in the Motion for Sanctions.

14. Plaintiff's counsel further asserted that Ms. Faria, the other declarant who was not present in Court, received a similar facsimile package at her sister's place of employment. Plaintiff's counsel provided the Court with a copy of the facsimile sent to Mrs. Agtarap. The other facsimile was represented to be contained as an image on his phone.

15. Plaintiff's counsel further alleged that while the witnesses were in the hallway outside the Courtroom waiting for the hearing to start, Dr. Su pulled out his phone and took each witness' picture in what each perceived to be in a threatening or intimidating manner and without either of their permission.

16. It was also alleged that when the witnesses left the Courtroom, while another case was being heard by the Court, Dr. Su followed them out of the Courtroom and then continued to follow the witnesses to the women's restroom located down the hallway from the Courtroom. At that point, he was believed to have taken either a picture or made a recording of the witnesses.

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17. Dr. Su also purportedly took individual pictures of all three of Plaintiff's counsel, who were present for the hearing, without any of their permission.

18. As the conduct occurred in the hallway outside the Courtroom, the Court did not witness what occurred. Nevertheless, when Defense counsel was asked if he wished to provide any information regarding what was represented by Plaintiff's counsel, he informed the Court that he was not present at the time, but understood that the pictures at issue had been deleted by Dr. Su after Defense counsel became aware of the assertions of Plaintiff's counsel. He further stated that he was not aware of Dr. Su making a recording.

19. As it was represented that the pictures had been deleted before the matter could be brought to the attention of the Court, the Court did not view the pictures. Given the statements of both counsel, however, it was undisputed that Dr. Su took pictures of witnesses who were about to testify in Court and took pictures of Plaintiff's counsel at the Courthouse without the consent of any of the individuals being photographed. It was also undisputed that without allowing the Court an opportunity to view the pictures (and possible recording) they were deleted. Further, it was not contested that the events took place shortly before the witnesses were about to testify under oath regarding allegations that witness testimony had been improperly influenced by Dr. Su, the individual who took the pictures at the Courthouse.

20. When the Court asked whether Dr. Su or his counsel wished to provide any other information for the Court to consider, they declined. Thus, there is no testimony or other evidence to dispute what was represented by Plaintiff's counsel and the witnesses as to what occurred regarding the facsimiles, the photographs, and/or a recording.

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21. After hearing opening arguments by counsel, the Court allowed all parties to present witnesses and allowed full examination and cross examination of the witnesses with inquiry by the Court as well.

22. Ms. Agtarap credibly testified that she had met with Dr. Su prior to her deposition and had been instructed by him to respond that she did not know answers to questions, even when she did know the answers, and to provide inaccurate information including *inter alia* regarding who was in the surgery room on the dates of the surgery.

23. She also testified that she, Dr. Su, and Ms. Faria met prior to their depositions being taken and were told in substance and effect not to be forthright and to deny that the Dr. Suzie Su was present during Plaintiff's surgery.

24. Ms. Agtarap also testified regarding the events that occurred that morning regarding the facsimiles and the pictures/recordings. She credibly testified that she did not play any role in the facsimiles being sent and expressed her view that she felt that they were sent by Dr. Su to intimidate her. She could not, however, provide direct evidence that the facsimile came from Dr. Su.

25. With respect to the photographs and alleged recording, Ms. Agtarap testified in substance and effect that she felt threatened and/or intimidated by Dr. Su taking her picture before she was to testify in Court.

26. Ms. Bravo provided similar, credible testimony and confirmed that she was concerned about having Dr. Su take her picture at the Courthouse as she was about to testify.

27. Ms. Faria was not present in Court, but on the audio recording and in the statement attached to the Motion, she stated that Dr. Su influenced her testimony such that she was not forthright in her prior testimony.

28. As noted herein, Dr. Su was present during the entire hearing but chose not to testify. Instead, his counsel advised the Court that Dr. Su wished to rely on his previously submitted declaration which stated to wit, "I did not coach or coerce Ms. Faria and Ms. Agtarap to testify that Dr. Suzie Su was not present during the breast augmentation on April 16, 2009 or the second procedure on June 3, 2009."

29. During the hearing, counsel also addressed why Dr. Fragen's curriculum vitae was not accurate and why Plaintiff was not provided the treatises he wrote, which were alleged to be relevant to the case at bar. Defense counsel acknowledged that the curriculum vitae was not up to date and that he did not provide the treatise when asked to do so by Plaintiff's counsel. He explained that he was in error due to confusion regarding the scope of a ruling by the Discovery Commissioner regarding a site visit to Dr. Su's facility.

30. There was no dispute that the treatise had been written before the deposition of Dr. Fragen. There was also no dispute that the article was requested by Plaintiff independently of the requested site visit. It also was uncontested that the article was published privately which caused Plaintiff's counsel expense and effort to obtain a copy which could have been provided easily through Dr. Fragen and the Defense.

31. As of the time of the hearing there was also no dispute that the sanction amount regarding the deposition of Dr. Suzie Su had not been paid.

32. The Court deferred its decision to its Chamber's Calendar to issue written Findings of Fact and Conclusions of Law.

II. CONCLUSIONS OF LAW

1. In *Young v. Johnny Ribeiro Building, Inc.*, 106 Nev. 88, 787 P.2d 777 (NV 1990), the Supreme Court affirmed the striking of pleadings based upon a finding

that a Party had fabricated evidence. Citing the 9th Circuit Court of Appeals holding in *TeleVideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 916 (9th Cir. Cal. 1987), the Court stated that "Courts have inherent equitable powers to dismiss actions or enter default judgments for failure to prosecute, contempt of court, or abusive litigation practices." The Nevada Court added that litigants and attorneys alike should be aware that these powers may permit sanctions for discovery and other litigation abuses not specifically proscribed by statute, *Young*, at 92, 779.

2. Similarly, in *Foster v. Dingwall*, 126 Nev. Adv. Op. 6, 227 P.3d 1042 (NV 2010), the Nevada Supreme Court affirmed the District Court's striking of pleadings and entry of a default as a discovery sanction. In that case, the Court found that "[t]he sanctions were necessary to demonstrate to future litigants that they are not free to act with wayward disregard of a court's orders" and that the conduct of the parties "evidence[d] willful and recalcitrant disregard of the judicial process." Id at 1049. (See also, *Kelly Broadcasting v. Sovereign Broadcast*, 96 Nev. 188, 606 P.2d 1089, 1092 (NV 1980) affirming sanctions and striking Defendant's answer and entering Default Judgment against Defendant based on Defendant's incomplete and evasive answers to interrogatories in violation of Court order).

3. The Nevada Supreme Court has also upheld entry of default judgment where the "normal adversary process has been halted due to an unresponsive party, because diligent parties are entitled to be protected against interminable delay and uncertainty as to their legal rights." *Temora Trading Co. v. Perry*, 98 Nev. 229, 645 P.2d 436 (NV 1982) Citing *Skeen v. Valley Bank of Nevada*, 89 Nev. 301, 511 P. 2d 1053 (1973); *Havas v. Bank of Nevada*, 96 Nev. 567, 613 P.2d 706 (NV 1980) (affirmed sanctions of dismissal of Plaintiff's complaint and granting of Default Judgment.)

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4. Further, in *Bahena(Bahena I) v. Goodyear Tire & Rubber Co.*, 126 Nev. Adv. Op. 26, 235 P.3d 592 (NV 2010), and *Bahena(Bahena II) v. Goodyear Tire & Rubber Co.*, 126 Nev. Adv. Op. 57, 245 P.3d 1182 (NV 2010), the Nevada Supreme Court upheld the ruling of the District Court which struck the liability portion of pleadings as a sanction for a party's inappropriate discovery conduct and its failure to comply with a Court order regarding the production of a witness for deposition. In upholding the ruling of the lower court, the Nevada Supreme Court stated that: "Where the Discovery sanctions are within the power of the District Court, the Supreme Court will not reverse the particular sanctions imposed absent a showing of abuse of discretion." *Id., citing Young* at 779.

5. The Court in *Bahena II* went on to hold that "Nevada does not require the imposition of progressive sanctions as does the federal system" and that "dismissal need not be preceded by less severe sanctions, it should be imposed only after thoughtful consideration of all the factors involved in a particular case," *Id.*

6. The Nevada Supreme Court has found that to determine the appropriate level of sanctions, "the Court should hold such hearing as it deems reasonably necessary to consider matters it deems pertinent to the imposition of appropriate sanctions. The length and nature of the hearing for non-case concluding sanctions shall be left to the sound discretion of the court." *Bahena I*, 126 Nev. Adv. Op. 26, 235 P.3d 592 (NV 2010) and *Bahena II*, 126 Nev. Adv. Op. 57, 245 P.3d 1182 (Nev. 2010).

7. In the case at bar, the Court reviewed the entire record of the case thus far, reviewed the discovery issues, heard oral argument, allowed briefing, and held a full evidentiary hearing to determine what, if any, sanctions would be appropriate.

8. In the original Motion, Plaintiff contended that each of Dr. Su's employees has lied, his wife has lied, and Dr. Su has lied. Plaintiff also contends that Dr.

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Su has suborned perjury. The Motion further details the inappropriate conduct to include that Dr. Su's wife, Suzie Su, obstructed the timely taking of her deposition to the point that she was sanctioned in excess of $11,000.00 by the Discovery Commissioner. As of the date of the hearing, it was asserted that the monetary sanction still had not been paid.

9. The Motion went on to explain that the inappropriate conduct was not limited to Dr. Su and his wife, but also involved their expert, Dr. Fragen. Plaintiff contended, without dispute, that the Defense failed to cooperate in producing Dr. Fragen's highly relevant publications, which were negative towards Plaintiff's counsel and medical malpractice cases. Instead, after it was determined that the *curriculum vitae* did not include these relevant articles, rather than voluntarily producing them, required Plaintiff's counsel to incur the cost of having its expert join the society for which the articles were prepared so that Plaintiff could obtain a copy of the articles.

10. In short, even prior to the hearing, Plaintiff contended that "The abuse by the Defense in this case has been pervasive and egregious and taints all aspects of the case." Plaintiff further asserted that "Given all the lies, at this point in time, Plaintiff has no idea what any of Defendant's witnesses would even say on the witness stand. It is impossible for Plaintiff to adequately prepare for trial."

11. In response to those assertions, Defense conceded the discovery sanction issue and that it did not provide the information regarding Dr. Fragen. With respect to the gravamen of the witness tampering and alleged perjury concerns, Dr. Su contended that either he did not engage in the conduct contended or that even if he did, the actions do not address the cause of action in the complaint for Medical Malpractice but go to other unrelated conduct.

12. The Court does not agree with Defendant's characterization of his conduct. The record clearly shows a pattern of inappropriate and egregious behavior by

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Dr. Su and the Defense. Indeed, the Discovery Commissioner had sanctioned the Defendant over $11,000.00. Based on what has been brought to the Court's attention, Dr. Su's conduct demonstrates the willful and recalcitrant disregard for the judicial process noted by the Supreme Court in *Foster v. Dingwall,* 126 Nev. Adv. Op. 6, 227 P.3d 1042.

13. In short, the Court finds that Defendant, Dr. Su, has shown a blatant disregard of the judicial system by not only interfering in this case in general, but by engaging in conduct at the very Courthouse where witnesses were about to testify under oath regarding his alleged inappropriate conduct.

14. The fact that Dr. Su approached witnesses not only prior to the commencement of the Court's Motion calander and took their pictures, but that he then followed them a second time immediately before the hearing by leaving the Courtroom when they did, and tracing their steps towards the ladies restroom, cannot be viewed in any possible manner other than as intimidation. Moreover, his destruction of the very pictures which were evidence of his conduct so that they could not be viewed by the Court, further demonstrates that his actions were intended to interfere with the Plaintiff's ability to proceed with her case.

15. While the Court questioned the parties whether a less severe sanction would be appropriate and rectify the issues caused by Dr. Su's conduct, there was no alternative offered, nor one the Court can set forth that would remedy the situation short of striking Dr. Su's Answer and Pleadings relating to liability and causation. Given the totality of Dr. Su's conduct in interfering and attempting to intimidate witnesses, he has interfered with Plaintiff's ability to proceed with her case on liability. The Court finds that no other lesser sanction would remedy the situation and thus would exercise its inherent power to strike Dr. Su's Answer as to liability and causation due to his abusive

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litigation practices.[2] Further, given the egregious nature of the conduct through the time of the Motion to Strike hearing itself, and due to the ongoing nature of Dr. Su's conduct which involves witnesses, discovery, and even an expert witness, such a sanction is necessary to demonstrate to litigants, such as Dr. Su, that they must comply with the law.

16. In her Motion, Plaintiff seeks sanctions relating to Dr. Su's conduct. The Court notes that procedurally the caption lists two Defendants, Dr. Sean Phong-Quoc Su, MD and Sean PQ Su, MD, Ltd., a Nevada Domestic Corporation d/b/a/ Skin Body Institute. The majority of the conduct complained of in the Motion, including the more egregious conduct of suborning perjury and intimidating witnesses, is alleged against Dr. Su as an individual. Indeed, although Dr. Su's Opposition and Declaration are on behalf of both Defendants, the gravamen of the actions are of an individual nature. They are not perceived to be done by Dr. Su in a representative capacity of the entity Defendant. Accordingly, without addressing the propriety of whether both parties are proper Defendants under *Fierle v. Perez M.D., LTD.*, 125 Nev. 728, 219 P.3d 906 (NV 2009), the Court deems that it is only proper to strike the pleadings with respect to liability and damages as to Dr. Su, MD., individually and not as to Sean PQ Su MD., Ltd., a Nevada Domestic Corporation d/b/a/ Skin Body Institute.

17. Nevertheless, the Defense, as a whole, has engaged in a pattern of conduct which has cost the Plaintiff time and expense and could cause potential prejudice to Plaintiff. Specifically, with respect to the actions vis a vis Dr. Fragen, Plaintiff has not been able to fully depose Dr. Fragen so as to determine if she has any objection to his testimony or qualifications. Accordingly, if the Defense wishes to contend that Dr. Fragen should be allowed to be an expert or have his opinions considered in any manner

[2] Dr. Su's failure to pay the sanction amount ordered and affirmed by the Court, provides an additional basis for the striking of the pleadings. The Court notes, however, that even if the sanction has been paid by the date of this Order; the other conduct of Dr. Su is so egregious, striking the pleadings is proper.

in this case, then the Defense must allow another deposition of Dr. Fragen to take place at a mutually convenient time and location. The scope of the deposition would be limited to items not listed on his curriculum vitae, any treatises or publications not listed therein or that came up in the prior deposition, as well as opinions relating thereto. Any fees or costs charged by Dr. Fragen will be paid by the Defense. If the deposition cannot be taken by video or other cost efficient means, and it is necessary for it to take place outside of Clark County, then the Court will consider having the Defense reimburse Plaintiff's counsel for its reasonable travel expense associated with the retaking of the deposition, subject to proper documentation being submitted to the Court. If there are changes in Dr. Fragen's testimony that require changes to Plaintiff's expert report, then the Court will consider having the Defense reimburse Plaintiff for such substantiated cost and/or will take into consideration allowing a rebuttal report outside the original Court deadlines.

18. As a result of the Defense's conduct, Plaintiff has also incurred the cost of preparing and arguing the instant Motion. If Plaintiff provides an affidavit of fees and costs associated herein by April 24, 2012, the Court will review such Affidavit, and any response provided by the Defense, which it receives prior to May 4, 2012, on its Chambers Calander of May 9, 2012 to determine the amount of monetary sanctions to award in addition to the other relief set forth herein.

III. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion to Strike Defendant, Dr. Sean Phong-Quoc Su, MD's, Pleadings as to Liability and Causation is GRANTED. Dr. Su's Answer and Affirmative Defenses related to Liability and Causation are stricken and the only remaining issue, with regards to the claims against Dr. Su, is what, if any, damages are owed to Plaintiff.

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IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion to Strike Expert Dr. Fragen is GRANTED, IN PART, as to any testimony regarding causation or liability, and DENIED as to damages.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that due to the conduct of the Defense, including both Defendants, that if Plaintiff wishes to re-depose Dr. Fragen regarding information not set forth in his curriculum vitae, including the articles referenced in the Motion to Strike, it may do so prior to the date set for the pre- trial conference, and said deposition will take place at Defense's expense consistent with Paragraph 17 above.

The Court further ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion for Fees incurred for the Motion to Strike is GRANTED, subject to Plaintiff submitting an appropriate Memorandum of Fees for the Court's review and determination of the amount of fees to be awarded consistent with Paragraph 18 above. The Trial Date and all other future dates in this case remain.

Dated this 17th day of April, 2012.

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DISTRICT JUDGE

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DISTRICT JUDGE
DEPARTMENT XXXI
LAS VEGAS, NEVADA 89155

CERTIFICATE OF SERVICE
CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, this document was copied through e-mail, via facsimile, or a copy of this Order was placed in the attorney's folder in the Clerk's Office or mailed to the proper party as follows:

EDWARD M. BERNSTEIN, ESQ.
SCOTT L. POISSON, ESQ.
GLEN A. HOWARD, ESQ.
BERNSTEIN & POISSON, LLC.

THOMAS J. DOYLE, ESQ
SCHUERING, ZIMMERMAN & DOYLE
400 UNIVERSITY AVENUE
SACRAMENTO, CA 95825-6502

TRACY L. CORDOBA
JUDICIAL EXECUTIVE ASSISTANT

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **April 21, 2010**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

April 21, 2010 **8:00 AM** **Minute Order** **Motion to Consolidate**

HEARD BY: Silver, Abbi **COURTROOM:** Phoenix Building Courtroom - 11th Floor

COURT CLERK: Jennifer Kimmel

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Pursuant to NRCP 42(a) and EDCR 2.50, this COURT ORDERS District Court Case A599057 currently assigned to District Court XVI, consolidated with District Court Case A599056 currently assigned to District Court XV, as District Court Case A599056 was filed first and was assigned the lower case number.

The April 26th hearing is advanced and granted.

CLERK S NOTE: A copy of this minute order was placed in the attorney s folder of JOHN H. COTTON & ASSOCIATES, LTD., attn.: John Savage, Esq. and JACK BERNSTEIN AND ASSOCIATES, attn.: Glen Howard, Esq. on 4/21/10. jk

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **June 22, 2010**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

June 22, 2010 **9:00 AM** **Discovery Conference**

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Linda Smith

RECORDER:

REPORTER:

PARTIES PRESENT:
Howard, Glen A. Attorney
Savage, John J. Attorney

JOURNAL ENTRIES

- Colloquy regarding consolidation and JCCR. Commissioner noted the cases were consolidated; however, no JCCR was filed in the consolidated cases. COMMISSIONER RECOMMENDED, counsel has until July 22, 2010, to FILE a Joint Case Conference Report in the consolidated cases or, SANCTIONS WILL ISSUE, including, but not limited to striking the pleadings. COMMISSIONER RECOMMENDATED, matter CONTINUED.

8-10-10 9:00 AM STATUS CHECK: COMPLIANCE

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental	COURT MINUTES	June 30, 2010

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

June 30, 2010	9:35 AM	Motion to Compel	Pltfs' Motion To Compel Discovery Responses Pursuant To NRCP 37 And Request For Sanctions

HEARD BY: Bulla, Bonnie COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES PRESENT:
Howard, Glen A. Attorney
Savage, John J. Attorney

JOURNAL ENTRIES

- Marshal Robert Wilds present.

No compliance with 2.34. Counsel will file a JCCR shortly. COMMISSIONER RECOMMENDED, motion is GRANTED; deposition MUST BE COMPLETED by 8/27/10, Mr. Cotton must make himself available, and counsel must work together; no fees or costs. Mr. Howard prepare recommendation; Mr. Savage approve form and content.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **August 04, 2010**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

August 04, 2010 **1:30 PM** **Status Check: Medical/Dental Malpractice**

HEARD BY: Bixler, James **COURTROOM:** Complex Litigation Center

COURT CLERK: Theresa Lee; Lorraine Williams; Dameda Scott

RECORDER: Francesca Haak

REPORTER:

PARTIES PRESENT:

Cotton, John H	Attorney
Howard, Glen A.	Attorney

JOURNAL ENTRIES

- Robert Smith, Esq., also present.

The Med-Mal Status Check was conducted by a panel consisting of Judge Kenneth C. Cory and Judge James Bixler. Mr. Cotton noted the discovery cut-off date was set for 04/14/11. Counsel advised jury trial to last five (5) days.

COURT ORDERED case to be TRANSFERRED to Dept. XXIX after the first of the year, 2011; matter SET for trial in new department. FURTHER, matter SET on next Med Mal Status Check.

02/01/11 (or) 02/02/11 STATUS CHECK: MEDICAL/DENTAL MALPRACTICE

08/20/12 10:00 AM TRIAL BY JURY (DEPT XXIX)

LMW

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental	COURT MINUTES	November 10, 2010

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

November 10, 2010	9:30 AM	Motion to Compel	Defts' Motion to Compel Discovery (Before the Discovery Commissioner)

HEARD BY: Bulla, Bonnie COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES PRESENT:
Howard, Glen A. Attorney
Savage, John J. Attorney

JOURNAL ENTRIES

- Marshal Williams present.

Arguments by counsel. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART; if the expert is identified as a retained expert in the expert disclosures, the notes MUST BE TURNED OVER; the document he created is possibly work product; if disclosed as a treating physician, he WILL BE LIMITED to treatment and care he provided, and notes will not be turned over. Objection by Mr. Howard to Defense counsel's oral argument. OVERRULED by Commissioner. Oral argument by Mr. Savage. COMMISSIONER RECOMMENDED, information falls within the level of work product. Mr. Savage prepare recommendation; Mr. Howard approve form and content.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **February 02, 2011**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

February 02, 2011 **9:00 AM** **Status Check: Medical/Dental Malpractice**

HEARD BY: Bixler, James COURTROOM: Complex Litigation Center
Cory, Kenneth
Wiese, Jerry A

COURT CLERK: Sara Richardson; Theresa Lee; Anntoinette Naumec-Miller

RECORDER:

REPORTER:

PARTIES
PRESENT: Cotton, John H Attorney

JOURNAL ENTRIES

- The Med-Mal Status Check was conducted by a panel consisting of Judge Kenneth C. Cory, Judge James Bixler and Judge Jerry A. Wiese II. Colloquy regarding status of case. COURT ORDERED, trial date VACATED, RESET and case TRANSFERRED to Dept. 31. FURTHER , matter SET on next Med-Mal Status Check and two year rule WAIVED.

12-9-11 10:15 A.M. PRE-TRIAL CONFERENCE

1-5-12 9:00 A.M. CALENDAR CALL

1-9-12 1:00 P.M. JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental	COURT MINUTES	June 06, 2011

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

June 06, 2011 **1:30 PM** **Motion to Extend Discovery**

HEARD BY: Beecroft, Chris A, Jr. **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Sandra Harrell

RECORDER: Yvette G. Sison-Britt

REPORTER:

PARTIES PRESENT:

Howard, Glen A.	Attorney
Lambert, Aimee L., ESQ	Attorney
Poisson, Scott	Attorney

JOURNAL ENTRIES

- Mr. Poisson appeared via Court Call. Ms. Lambert advised recently substituted in March 29, 2011. Argument by Mr. Poisson. Ms. Lambert requested initial disclosure of expert witnesses, rebuttal disclosure of expert witnesses, last date for dispositive motions, and discovery deadline be extended 60 days. Mr. Howard had no objection. COMMISSIONER RECOMMENDED, the above deadlines extended 60 days. Ms. Lambert to prepare report and recommendation, and counsel to approve as to form and content.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **August 02, 2011**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

August 02, 2011 **1:00 PM** **Status Check: Medical/Dental Malpractice**

HEARD BY: Togliatti, Jennifer COURTROOM: Complex Litigation Center
Wiese, Jerry A

COURT CLERK: Christine Erickson; Denise Trujillo; ;

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- Attorneys present: Glen Howard and Jonathan Hicks

The Med-Mal Status Check was conducted by a panel consisting of Chief Judge Jennifer Togliatti and Judge Jerry A. Wiese II. Colloquy regarding status of the case. COURT ORDERED, matter SET for trial and CONTINUED to next Med-Mal Status Check.

1-9-12 1:00 PM TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES August 04, 2011

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

August 04, 2011 9:00 AM Settlement Conference

HEARD BY: COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- Matter not settled.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **November 18, 2011**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

November 18, 2011 **9:00 AM** **Status Check**

HEARD BY: Kishner, Joanna **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT: Howard, Glen A. Attorney

JOURNAL ENTRIES

- Jonathan Hicks, Esq. #12227 present on behalf of Defendant Su.
Counsel advised of a few small pending motions but moving forward and ready. Mr. Howard advised tried settlement conference, but ended in 30 minutes as Deft. does not want to settle. Colloquy regarding upcoming motions on 11/28/11 and 12/12/11. COURT NOTED Motions were to be heard before Commissioner Beecroft, not Dept 31, and advised counsel to monitor Odyssey for location change as motions are currently set in Dept 31. Counsel to contact Chambers on 11/23/11 if Odyssey does not yet reflect correct location for pending motions.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **December 12, 2011**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

December 12, 2011 **1:30 PM** **All Pending Motions**

HEARD BY: Beecroft, Chris A, Jr. **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Alan Castle

RECORDER: Richard Kangas

REPORTER:

PARTIES PRESENT:
Doyle, Thomas J. Attorney
Howard, Glen A. Attorney

JOURNAL ENTRIES

- Plaintiff's Motion to Compel Production of Documents and Request for Sanctions Against Defendant ... Plaintiff's Motion to Compel Inspection and Request for Sanctions Against the Defendant ... Plaintiff's Motion for Order to Show Cause for Suzy Su to Appear for Deposition and Request for Sanctions

Arguments by counsel. COMMISSIONER RECOMMENDED, Plaintiff's Motion to Compel Production of Documents DENIED. Mr. Doyle to prepare the Recommendation and Mr. Howard to sign off as to form and content.

Arguments by counsel. COMMISSIONER FINDS as to Plaintiff's Motion to Compel Inspection of Examination Room this Court has NO JURISDICTION as the room in question does not exist as requested by Plaintiff.

COMMISSIONER RECOMMENDED, Plaintiff's Motion for Order to Show Cause for Suzy Su to Appear for Deposition GRANTED. Mr. Howard will prepare the recommendation, and Mr. Doyle to approve as to form and content.

Colloquy regarding request for sanctions. Commissioner stated that matter will be taken UNDER

ADVISEMENT and a decision will issue from chambers. Further, counsel admonished to get affidavit to Discovery Commissioner by Wednesday for due consideration.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **January 18, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

January 18, 2012 **11:30 AM** **Decision**

HEARD BY: Beecroft, Chris A, Jr. **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Tiffany Lawrence

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, Plaintiff's Motion for Order to Show Cause and Request for Sanctions GRANTED. Plaintiff is awarded the sum of $11,082.00 as sanctions which is to be paid within 30 days of the date of this minute order.

CLERK'S NOTE: A copy of the Minute Order was placed in the attorney folders of Scott Poisson, Esq., of Bernstein & Poisson and John Cotton, Esq., of Cotton & Associates./tal 01/18/12

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental **COURT MINUTES** **January 20, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

January 20, 2012 **9:30 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Doyle, Thomas J.	Attorney
Hicks, Jonathan R.	Attorney
Howard, Glen A.	Attorney

JOURNAL ENTRIES

- PRE TRIAL CONFERENCE...DEFENDANTS SEAN SU, M.D. AND SEAN P.Q. SU, M.D., LTD'S MOTION FOR SUMMARY JUDGMENT ON THE ISSUE OF PUNITIVE DAMAGES

COURT NOTED Trial was set on stack rather than through med mal sweeps with no date certain and will need to be moved and sent back through sweeps. Mr. Howard advised he has filed a motion to continue trial and a motion to consolidate cases and requests today's motion be taken off calendar and all future dates taken off calendar until motion to consolidate is heard. Mr. Howard stated Dept 31 holds the lower case number. Mr. Doyle requests motion be heard today. Mr. Howard opposed. Court to review if the other issues tie into this matter. Mr. Doyle advised he does not represent the Defendant in the other case. COURT ORDERED, motion to be continued. Conference call to be scheduled next week with regard to resetting of motion. Counsel to coordinate with one another and provide Court with proposed date and time for telephone conference with Chambers next week. COURT NOTED, at this time, all future dates will remain in place.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **January 27, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

January 27, 2012 **11:00 AM** **Telephonic Conference**

HEARD BY: Kishner, Joanna **COURTROOM:** Clark Building - 6th Floor

COURT CLERK: Sandra Harrell

RECORDER:

REPORTER:

PARTIES PRESENT:

Hicks, Jonathan R.	Attorney
Poisson, Scott	Attorney

JOURNAL ENTRIES

- TELEPHONIC CONFERENCE

Counsel states pending motion for summary judgment on punitive damages, motion to consolidate, and motions in limine dates are dependent on outcome of motion to continue, set before Commissioner on 2/27/12. Colloquy regarding rescheduling of pending dates. Mr. Hicks advised he is opposing motion to consolidate and motion to continue. COURT NOTED trial date will be set at med/mal sweeps. Per agreement of parties, COURT ORDERED, all current pending motions before this Court are rescheduled to 2/24/12 at 9:30 am.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **February 07, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

February 07, 2012 **1:00 PM** **Status Check: Medical/Dental Malpractice**

HEARD BY: Cory, Kenneth COURTROOM: Complex Litigation Center
Wiese, Jerry A

COURT CLERK: Dulce Romea; Kathy Sweatt; Michele Tucker; Sharon Coffman

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- Attorneys Glen Howard and Jonathan Hicks present.
The Med-Mal Status Check was conducted by a panel consisting of Judge Jerry A. Wiese II and Kenneth C. Cory. Colloquy regarding status of case. COURT ORDERED, trial date VACATED and RESET. FURTHER, matter SET on next Med-Mal Status Check.

7-30-12 AT 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **February 24, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

February 24, 2012 **9:30 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Doyle, Thomas Joseph		Attorney
Howard, Glen A.		Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO CONSOLIDATE CASES A599056 & A652097...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO.1 TO PRECLUDE EVIDENCE OF THE CAP ON NON ECONOMIC DAMAGES UNDER 41A.035...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 2 TO PRECLUDE REFERENCE TO COUNSEL'S OUT OF STATE LAW PRACTICE...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 3 TO PRECLUDE EVIDENCE OF DR. SU'S PROFESSIONAL LIABILITY INSURANCE...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 4 TO PREVENT PLAINTIFF FROM ASKING DR. SU FOR EXPERT WITNESS OPINIONS...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 5 TO PRECLUDE EVIDENCE OF DR. RONALD FRAGEN'S INVOLVEMENT AS A DEFENDANT IN PRIOR MEDICAL MALPRACTICE ACTIONS...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 6 TO PRECLUDE EVIDENCE OF THE LOCAL STANDARD OF CARE IN PLAINTIFF'S ACTION FOR MEDICAL MALPRACTICE...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 7 TO PRECLUDE EVIDENCE OF THE IDEAL OR PREFERRED METHOD OF PERFORMING A MEDICAL PROCEDURE...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S

MOTION IN LIMINE NO. 8 TO LIMIT PLAINTIFF TO A SINGLE CAP FOR NON-ECONOMIC DAMAGES UNDER NRS 41A.035...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 9 TO PRECLUDE EVIDENCE OF DR. SU'S PETTY THEFT MISDEMEANOR AND ANY DISCIPLINE AS A RESULT OF FAILING TO DISCLOSE THE MISDEMEANOR...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 10 TO PRECLUDE EVIDENCE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS' INVESTIGATION OF DR. SU'S OFFICE...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 11 TO PRECLUDE EVIDENCE OF DR. SU'S INVOLVEMENT IN OTHER LAWSUITS...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 12 TO PRECLUDE EVIDENCE OF DR. SU'S WEBSITE...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 13 TO PRECLUDE EVIDENCE OF RESTRICTIONS ON DR. SU'S NEVADA MEDICAL LICENSE...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 14 TO PRECLUDE EVIDENCE OF BILLING PRACTICES AT DR. SU'S OFFICE...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION IN LIMINE NO. 15 TO PRECLUDE EVIDENCE OF DR. SU'S KNOWLEDGE OF BREAST LIFTS OR HIS WILLINGNESS TO PERFORM A BREAST LIFT...DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION FOR SUMMARY JUDGMENT ON THE ISSUE OF PUNITIVE DAMAGES

Mitchell Bisson, Esq. also present for case A652097.

PLAINTIFF'S MOTION TO CONSOLIDATE CASES A559056 & A652097:

Mr. Howard advised he is withdrawing Motion to Consolidate. Mr. Bisson had no objection. COURT ORDERED, Motion WITHDRAWN.

DEFENDANTS SEAN PHONG-QUOC SU, M.D., AND SEAN P.Q. SU, M.D., LTD.'S MOTION FOR SUMMARY JUDGMENT ON THE ISSUE OF PUNITIVE DAMAGES:

Mr. Howard advised he does not wish to go forward today regarding motion for summary judgment and requested motion be heard after motion to strike set on 3/26/12 as may prejudice client. Mr. Doyle objected. Arguments by counsel. Court stated its findings and ORDERED, motion CONTINUED to 3/26/12 to be heard with motion to strike, both will be heard at 10:00 am.

MOTION IN LIMINE NO.1 TO PRECLUDE EVIDENCE OF THE CAP ON NON ECONOMIC DAMAGES UNDER 41A.035:

There being no opposition, COURT ORDERED, Motion GRANTED.

MOTION IN LIMINE NO. 2 TO PRECLUDE REFERENCE TO COUNSEL'S OUT OF STATE LAW PRACTICE:

There being no opposition, COURT ORDERED, Motion GRANTED.

MOTION IN LIMINE NO. 3 TO PRECLUDE EVIDENCE OF DR. SU'S PROFESSIONAL LIABILITY INSURANCE:

There being no opposition, COURT ORDERED, Motion GRANTED.

MOTION IN LIMINE NO. 4 TO PREVENT PLAINTIFF FROM ASKING DR. SU FOR EXPERT WITNESS OPINIONS:

Arguments by counsel. COURT ORDERED, Motion DENIED with regard to questions relating to the Plaintiff at issue and what he did or did not do.

MOTION IN LIMINE NO. 5 TO PRECLUDE EVIDENCE OF DR. RONALD FRAGEN'S INVOLVEMENT AS A DEFENDANT IN PRIOR MEDICAL MALPRACTICE ACTIONS:

There being no opposition, COURT ORDERED, Motion GRANTED.

MOTION IN LIMINE NO. 6 TO PRECLUDE EVIDENCE OF THE LOCAL STANDARD OF CARE IN PLAINTIFF'S ACTION FOR MEDICAL MALPRACTICE:

COURT ORDERED, Motion GRANTED.

MOTION IN LIMINE NO. 7 TO PRECLUDE EVIDENCE OF THE IDEAL OR PREFERRED METHOD OF PERFORMING A MEDICAL PROCEDURE:

Arguments by counsel. COURT ORDERED, Motion GRANTED to the extent that it is seeking to preclude something more than what the law requires.

MOTION IN LIMINE NO. 8 TO LIMIT PLAINTIFF TO A SINGLE CAP FOR NON-ECONOMIC DAMAGES UNDER NRS 41A.035:

Arguments by counsel. COURT ORDERED, Motion GRANTED. Court noted it may revisit after 3/26/12 rulings.

MOTION IN LIMINE NO. 9 TO PRECLUDE EVIDENCE OF DR. SU'S PETTY THEFT MISDEMEANOR AND ANY DISCIPLINE AS A RESULT OF FAILING TO DISCLOSE THE MISDEMEANOR:

COURT ORDERED, Ruling DEFERRED closer to Trial.

MOTION IN LIMINE NO. 10 TO PRECLUDE EVIDENCE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS' INVESTIGATION OF DR. SU'S OFFICE:

Court noted issues may be raised in motion to strike on 3/26/12. COURT ORDERED, Ruling DEFERRED.

MOTION IN LIMINE NO. 11 TO PRECLUDE EVIDENCE OF DR. SU'S INVOLVEMENT IN OTHER LAWSUITS:

Pursuant to agreement by Plaintiff's counsel, COURT ORDERED, Motion GRANTED.

MOTION IN LIMINE NO. 12 TO PRECLUDE EVIDENCE OF DR. SU'S WEBSITE:

COURT ORDERED, Ruling DEFERRED.

MOTION IN LIMINE NO. 13 TO PRECLUDE EVIDENCE OF RESTRICTIONS ON DR. SU'S NEVADA MEDICAL LICENSE:

Court finds directly relates to upcoming motion to strike and ORDERED, Ruling DEFERRED closer to Trial.

MOTION IN LIMINE NO. 14 TO PRECLUDE EVIDENCE OF BILLING PRACTICES AT DR. SU'S OFFICE:

Arguments by counsel. COURT ORDERED, Ruling DEFERRED.

MOTION IN LIMINE NO. 15 TO PRECLUDE EVIDENCE OF DR. SU'S KNOWLEDGE OF BREAST LIFTS OR HIS WILLINGNESS TO PERFORM A BREAST LIFT:

COURT ORDERED, Ruling DEFERRED.

Defense counsel to prepare the Order.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental	COURT MINUTES	March 26, 2012

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

March 26, 2012 **10:00 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna COURTROOM: RJC Courtroom 12D

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Bernstein, Jack	Attorney
Doyle, Thomas Joseph	Attorney
Doyle, Thomas J.	Attorney
Howard, Glen A.	Attorney
Poisson, Scott	Attorney
Su, Sean Phong-Quoc, M.D.	Defendant

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S PLEADINGS RELATED TO LIABILITY AND CAUSATION AND FOR FURTHER SANCTIONS...DEFENDANTS SEAN SU, M.D. AND SEAN P.Q. SU, M.D., LTD'S MOTION FOR SUMMARY JUDGMENT ON THE ISSUE OF PUNITIVE DAMAGES

Mr. Poisson informed the Court of egregious conduct of Dr. Su - took pictures and video with iphone of witnesses this morning in Courthouse as well as Plaintiff's attorneys, followed witnesses to ladies room, continued following and video taping - Mr. Poisson requested phone be immediately confiscated - further Ms. Bravo contacted Mr. Howard advising him that she was receiving faxes at her employer this morning, items include copy of her affidavit, document from ECMC showing how much Shantell Agtarap owed in student loans, etc. Court cautioned counsel as witnesses not represented by counsel. Faxes (7 pages) provided to Court. Mr. Poisson argued witness tampering and intimidation - documents also faxed to Ms. Agtarap's sister - Mr. Doyle advised he had no personal knowledge of what transpired this morning. Further, after being informed by Plaintiff's counsel, Mr. Doyle spoke with his client and it is his understanding that the photos have now been

deleted from phone, deleted after Mr. Doyle became aware of their existence, cannot address as to video whether deleted or not. Court noted new information has to be fully explored. Mr. Doyle reviewed copy of faxes sent to witness.

PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S PLEADINGS RELATED TO LIABILITY AND CAUSATION AND FOR FURTHER SANCTIONS:

Arguments by counsel. Testimony presented. (See worksheets.) Further arguments by counsel. Mr. Poisson requested restraining order. Upon Court's inquiry, Mr. Doyle states he does not represent Dr. Su outside of this case. Court cautioned Dr. Su as an individual and advised if he wishes to have full hearing with other counsel or represent self, Court will hear. Court cautioned Dr. Su inside and outside of case regarding conduct. Court cautioned Dr. Su, intimidating witnesses at own peril, this subject to be brought up in this Court. As to the request for restraining order requested by witness and Mr. Poisson, Court noted restraining order must be appropriately done using appropriate standards, nothing currently before the Court, more appropriate through Justice Court or appropriate motion needed.
COURT DEFERRED RULING on Motion to Strike and Further Sanctions and a Decision will issue from Chambers on 4/4/12.

DEFENDANTS SEAN SU, M.D. AND SEAN P.Q. SU, M.D., LTD'S MOTION FOR SUMMARY JUDGMENT ON THE ISSUE OF PUNITIVE DAMAGES:

Argument by Mr. Doyle. Mr. Howard requested ruling be deferred in order to amend objection with additional information. Court noted facts have changed, extending beyond medical malpractice. Further arguments by counsel. Counsel agreed ruling shall be deferred until decision on Plaintiff's motion to strike is rendered. COURT DEFERRED RULING. Court will provide new date for hearing in written decision on 4/4/12 if applicable.

4/4/12 DECISION: PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S PLEADINGS RELATED TO LIABILITY AND CAUSATION AND FOR FURTHER
SANCTIONS (CHAMBERS)

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **April 18, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

April 18, 2012 **3:00 AM** **Decision**

HEARD BY: Kishner, Joanna COURTROOM:

COURT CLERK: Sandra Harrell

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- Please see "Findings of Fact and Conclusions of Law and Order" filed 4/18/12.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **May 23, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

May 23, 2012 **3:00 AM** **Minute Order**

HEARD BY: Kishner, Joanna COURTROOM:

COURT CLERK: Sandra Harrell

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- Request for Fees and Costs Related to Plaintiff s Motion to Strike Defendant s Pleadings Related to Liability and Causation and for Further Sanctions:

This matter came before the court originally on Plaintiff's Motion to Strike and a full evidentiary hearing was held and the matter was continued to Department XXXI's chamber's calendar for a decision. The Findings of Fact Conclusions of Law in support of striking the Pleadings was filed April 18, 2012 and contained in said order; Plaintiff could provide an affidavit of fees and costs associated by the need for the April 24, 2012 evidentiary hearing. The Defense submitted a response and based on these pleadings the Court is hereby awarding fees and costs in the amount of $4,850. The $4,000 represents an award of attorneys fees against Defendant SU taking into account all applicable factors including but not limited to the nature of the proceeding, the experience of counsel, the breadth and depth of the issue, the time of proceeding. The $850 represents the unopposed cost to join the medical society to obtain the expert's writings and is awarded against both DEFENDANTS jointly and severally. Plaintiff's Counsel is directed to submit a proposed Order in accordance with EDCR 7.21, consistent with the foregoing within (10) ten days and distribute a filed a copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and all parties are to sign the order approved as to form and content. This decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment.

CLERK'S NOTE: The above minute order has been distributed via e-mail to: Jack Bernstein, Esq., Glen Howard, Esq., Scott Poisson, Esq. and via fax to Thomas Doyle, Esq./sjh 5/30/12

CLERK'S NOTE: Fees and Costs are to be paid fourteen days (14) from notice of entry of order./sjh 6/5/12

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental	COURT MINUTES	June 04, 2012

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

June 04, 2012 **9:00 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Doyle, Thomas J.	Attorney
Howard, Glen A.	Attorney

JOURNAL ENTRIES

- DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON THE ISSUE OF PUNITIVE DAMAGES...DEFENDANTS' MOTION IN LIMINE NO. 9 TO PRECLUDE EVIDENCE OF DR. SU'S PETTY THEFT MISDEMEANOR AND ANY DISCIPLINE AS A RESULT OF FAILING TO DISCLOSE THE MISDEMEANOR...DEFENDANTS' MOTION IN LIMINE 10 TO PRECLUDE EVIDENCE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS' INVESTIGATION OF DR. SU'S OFFICE...DEFENDANTS' MOTION IN LIMINE 12 TO PRECLUDE EVIDENCE OF DR. SU'S WEBSITE...DEFENDANTS' MOTION IN LIMINE 13 TO PRECLUDE EVIDENCE OF RESTRICTIONS ON DR. SU'S NEVADA MEDICAL LICENSE...DEFENDANTS' MOTION IN LIMINE 14 TO PRECLUDE EVIDENCE OF BILLING PRACTICES AT DR. SU'S OFFICE...DEFENDANTS' MOTION IN LIMINE 15 TO PRECLUDE EVIDENCE OF DR. SU'S KNOWLEDGE OF BREAST LIFTS OR HIS WILLINGNESS TO PERFORM A BREAST LIFT

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON THE ISSUE OF PUNITIVE DAMAGES:

Arguments by counsel. As the Court has stricken the liability phase, Court finds with no liability phase, there can't be any basis to establish punitive damages, therefore ORDERED, Motion GRANTED.

DEFENDANTS' MOTION IN LIMINE NO. 9 TO PRECLUDE EVIDENCE OF DR. SU'S PETTY THEFT MISDEMEANOR AND ANY DISCIPLINE AS A RESULT OF FAILING TO DISCLOSE THE MISDEMEANOR:

COURT ORDERED, Motion GRANTED.

DEFENDANTS' MOTION IN LIMINE 10 TO PRECLUDE EVIDENCE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS' INVESTIGATION OF DR. SU'S OFFICE:

Arguments by counsel. COURT ORDERED, Motion DEFERRED; Plaintiffs will have to give offer of proof at time of trial if relates to damages. Court noted can handled prior to calling in jury. Court further noted, to the extent that any of these motions in limine relate to causation, which has been stricken, they will be granted.

DEFENDANTS' MOTION IN LIMINE 12 TO PRECLUDE EVIDENCE OF DR. SU'S WEBSITE:

COURT ORDERED, Motion DEFERRED; Plaintiffs will have to give offer of proof at time of trial if relates to damages. Court noted can handled prior to calling in jury.

DEFENDANTS' MOTION IN LIMINE 13 TO PRECLUDE EVIDENCE OF RESTRICTIONS ON DR. SU'S NEVADA MEDICAL LICENSE:

COURT ORDERED, Motion GRANTED.

DEFENDANTS' MOTION IN LIMINE 14 TO PRECLUDE EVIDENCE OF BILLING PRACTICES AT DR. SU'S OFFICE:

Argument by Mr. Doyle. COURT ORDERED, Motion GRANTED IN PART and DENIED IN PART; Granted to the extent there is evidence that billing practices relate directly to client in the damages claim; DENIED as to the credibility aspect.

DEFENDANTS' MOTION IN LIMINE 15 TO PRECLUDE EVIDENCE OF DR. SU'S KNOWLEDGE OF BREAST LIFTS OR HIS WILLINGNESS TO PERFORM A BREAST LIFT:

COURT ORDERED, Motion GRANTED.

Following statements by Mr. Doyle regarding Motion in Limine #4, which was heard on 2/24/12, COURT ORDERS, in light of procedural posture of case, Motion in Limine #4 now deemed MOOT.

Counsel requested Motion to Reconsider, currently on calendar 6/18/12, be rescheduled so it can be heard before Judge Kishner; COURT SO ORDERED.

6/25/12 8:45 AM PLAINTIFF'S MOTION TO RECONSIDER DEFENDANT'S MOTION IN

LIMINE #8 TO LIMIT PLAINTIFF TO A SINGLE CAP FOR NON-ECONOMIC DAMAGES UNDER NRS 41A.035 (CONTINUED)

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **July 13, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

July 13, 2012 **10:00 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Bernstein, Jack	Attorney
Doyle, Thomas J.	Attorney
Howard, Glen A.	Attorney
Poisson, Scott	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION TO RECONSIDER DEFENDANTS' MOTION IN LIMINE #8 TO LIMIT PLAINTIFF TO A SINGLE CAP FOR NONECONOMIC DAMAGES UNDER NRS 41A.035...PRETRIAL CONFERENCE

Court noted it did grant Sanctions and has received 2 proposed Judgments. Mr. Howard advised the first proposed Judgment was for $4,850.00; $850.00 has been paid, therefore, second proposed Judgment now reflects $4,000.00. Court questioned why Sanctions have not yet been paid. Mr. Doyle states costs of $850. were paid and Dr. Su personally responsible for the $4,000. COURT ORDERED, Sanctions to be paid by 7/20/12. Judgment SIGNED IN OPEN COURT; Counsel to give appropriate notice.

PLAINTIFF'S MOTION TO RECONSIDER DEFENDANTS' MOTION IN LIMINE #8 TO LIMIT PLAINTIFF TO A SINGLE CAP FOR NONECONOMIC DAMAGES UNDER NRS 41A.035:

Court noted not yet a signed order for motion in limine #8 from prior hearing. Mr. Doyle advised may have been oversight and requested motion go forward today. Matter argued and submitted.

Court GRANTS Reconsideration, stated its findings and ORDERED, PRIOR RULING IS AFFIRMED. Mr. Doyle to prepare the Order, circulating to all counsel for approval as to form and content.

PRE-TRIAL CONFERENCE:

Court suggested second settlement conference. Mr. Doyle stated settlement conference would not be fruitful. Court noted it will strongly enforce Judgment of Sanctions ordered and expects appropriate conduct from Defendant during trial, will re-instruct at time of Calendar Call. Mr. Doyle estimates 2-3 day trial with 3-4 witnesses. All counsel waived Calendar Call. Mr. Bernstein requested Status Check prior to commencement of trial. COURT ORDERED, Calendar Call VACATED and matter SET for Status Check to address any outstanding trial issues. Court noted if counsel determines that Status Check is not needed, must notify Chambers by 4:00 pm on 7/20/12. COURT FURTHER ORDERS one trial counsel from each side and all individual parties MUST be present at COURT ORDERED Status Check on 7/23/12 at 10:30 am.

7/23/12 10:30 AM STATUS CHECK: OUTSTANDING TRIAL ISSUES

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental	COURT MINUTES	July 23, 2012

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

July 23, 2012 **10:30 AM** **Status Check**

HEARD BY: Kishner, Joanna **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Doyle, Thomas J.	
Hernandez, Vanessa	Plaintiff
Howard, Glen A.	Attorney
Su, Sean Phong-Quoc, M.D.	Defendant

JOURNAL ENTRIES

- Plaintiff, Vanessa Hernandez, present via Court Call.
Upon Court's inquiry, Mr. Howard stated no funds (sanctions) have been received from Defendant Su. Statements by Dr. Su. Mr. Doyle advised of filing writ to Supreme Court on Court's Order granting motion to strike. Mr. Doyle further advised filing motion to continue trial based on filing of the Writ. Mr. Howard opposed continuing Trial date, ready to go forward. Court noted motion not yet filed in Odyssey. Court stated its findings and ORDERED, Oral Motion to Continue Trial is DENIED WITHOUT PREJUDICE. Order for Motion in Limine #8 presented and SIGNED IN OPEN COURT.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **July 30, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

July 30, 2012 **12:30 AM** **Jury Trial**

HEARD BY: Kishner, Joanna **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Doyle, Thomas Joseph	Attorney
Doyle, Thomas J.	Attorney
Hernandez, Vanessa	Plaintiff
Poisson, Scott	Attorney
Su, Sean Phong-Quoc, M.D.	Defendant

JOURNAL ENTRIES

- Court provided overview of Jury Trial procedure. Mr. Poisson advised liability, causation and comparative negligence no longer issues in case. Colloquy regarding statements which can and cannot be made. Mr. Doyle advised of agreement with counsel regarding motion in limine 12.

EXCLUSIONARY RULE INVOKED.

PROSPECTIVE JURY PRESENT: Voir Dire began.

Admonishment given.

EVENING RECESS

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **July 31, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

July 31, 2012 **8:30 AM** **Jury Trial**

HEARD BY: Kishner, Joanna **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Doyle, Thomas J.	
Hernandez, Vanessa	Plaintiff
Poisson, Scott	Attorney
Su, Sean Phong-Quoc, M.D.	Defendant

JOURNAL ENTRIES

- PROSPECTIVE JURY PRESENT: Voir Dire continued. Jury and two (2) alternates selected and sworn.

JURY PRESENT: Opening statements by counsel. Testimony and exhibits presented. (See worksheets)

Admonishment given.

EVENING RECESS.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **August 01, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

August 01, 2012 **8:30 AM** **Jury Trial**

HEARD BY: Kishner, Joanna **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Doyle, Thomas J.	Attorney
Hernandez, Vanessa	Plaintiff
Poisson, Scott	Attorney
Su, Sean Phong-Quoc, M.D.	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Jury instructions and Verdict forms settled on the record.

Mr. Poisson stated Dr. Su made derogatory statement in hallway to defendant's expert witness. Upon Court's inquiry, Marshal stated jurors were at other end of hallway during incident. Statements by Dr. Su. Statements by Dr. Hankins. Statements by counsel. Court admonished Plaintiff to act in appropriate manner during Trial and to be on time.

JURY PRESENT: Testimony and exhibits presented. (See worksheets). Court instructed the Jury. Closing arguments by counsel.

At the hour of 2:15 p.m., the Jury retired to deliberate.

At the hour of 4:57 p.m., the Jury returned with a verdict in favor of the Plaintiff Vanessa Hernandez, with $420,696.89 total damages awarded to the Plaintiff.

Jury polled.

Court thanked and excused the Jury.

CLERK'S NOTE: All exhibits not admitted were returned to counsel./sjh

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental COURT MINUTES **August 07, 2012**

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

August 07, 2012 **9:00 AM** **Status Check: Medical/Dental Malpractice**

HEARD BY: Cory, Kenneth COURTROOM: Complex Litigation Center
Wiese, Jerry A

COURT CLERK: Sharon Coffman; Athena Trujillo; Kristin Duncan; Ying Pan; Alice Polci

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- Attorneys present: Thomas Doyle, Esq.
Glen Howard, Esq.

The Med Mal Status Check was conducted by a two-judge panel consisting of Judge Jerry A. Wiese and Judge Kenneth C. Cory. Pursuant to representations of counsel, a verdict has been rendered. COURT ORDERED, matter OFF CALENDAR.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Medical/Dental	COURT MINUTES	August 17, 2012

A-09-599056-C Vanessa Hernandez, Plaintiff(s)
vs.
Sean Su, M.D., Defendant(s)

August 17, 2012 **9:00 AM** **Motion to Withdraw as Counsel**

HEARD BY: Kishner, Joanna COURTROOM: RJC Courtroom 12A

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Doyle, Thomas J.	Attorney
Mandelbaum, Kim I.	Attorney

JOURNAL ENTRIES

- Mr. Doyle appeared via Court Call. Court noted no proposed Judgment, needs Judgment signed and filed prior to signing Order on motion to withdraw. Mr. Doyle advised wording of Judgment has been agreed upon by counsel and will be filed expeditiously. COURT ORDERED, Motion to Withdraw orally GRANTED; Order to be signed following Judgment being received and filed. Matter SET for Status Check.

8/22/12 STATUS CHECK: JUDGMENT (CHAMBERS)

Court's **EXHIBITS** **CASE NO.** A599056

Exhib. #	Bates No. (Optional)	Exhibit Description	OFFERED DATE	OFFERED OBJ	ADMITTED OBJ	ADMITTED DATE
1		Juror Question				7-31-12

PLAINTIFF'S TRIAL EXHIBITS **CASE NO:** A599056

VANESSA HERNANDEZ **vs.** **SEAN SU, M.D.**

#	DESCRIPTION	DATE OFFERED	OBJECTION	DATE ADMITTED
1	Billing from Mountain View Hospital			
2	Medical Records and Billing from Dr. W. Tracy Hankins (pages 1-14 only)	7-31-12	N	7-31-12
3	Medical Records and Billing from Sunrise Hospital			
4	Wynn Las Vegas Job Summary for Guest Services Representative			
5	Wynn Las Vegas Employee Earning Records for Plaintiff			
6	Wynn Las Vegas Request for Leave Form, Dated June 4, 2009 w/attachments			
7	Employment Records from Wynn Las Vegas			
8	Medical Records from Dr. Mouchir Harb			
9	DVD of Surgery Received from Dr. W. Tracy Hankins			
10	Skin and Body Institute ad from June 2009 Luxury Las Vegas Magazine			
11	Records from THC Services			
12	E-mails Between Sean Su, M.D. and Paul Shubert			
13	Documents re: Anil Gandhi, M.D.'s Breast Augmentation Course			
14	E-mail from Defendant Dr. Sean Phong-Quoc Su Contained in the USA Today Article, Dated September 14, 2011			
15	All Formal Pleadings from the Nevada State Board of Medical Examiners Against the Defendant			
16	Dr. Su's LinkedIn Page			
17	Dr. Su's MySpace Page			
18	Jeff Caine, RN's Summary of Investigation of Skin and Body Institute			
19A	Photo of Plaintiff's Breasts taken July 2010 (000001)			
19B	Photo of Plaintiff's Breasts taken July 2010 (000002)			
19C	Photo of Plaintiff's Breasts taken July 2010 (000003)			
19D	Photo of Plaintiff's Breasts taken July 2010 (000004)			
19E	Photo of Plaintiff's Breasts taken July 2010 (000005)			
19F	Photo of Plaintiff's Breasts taken July 2010 (000006)			
19G	Photo of Plaintiff's Breasts taken July 2010 (000007)			
19H	Photo of Plaintiff's Breasts taken July 2010 (000008)			
19I	Photo of Plaintiff's Breasts taken July 2010 (000009)			
19J	Photo of Plaintiff's Breasts taken July 2010 (000010)			
19K	Photo of Plaintiff's Breasts taken July 2010 (000011)			
19L	Photo of Plaintiff's Breasts taken July 2010 (000012)			
20A	Picture Vanessa Hernandez First Surgery (000001)			
20B	Picture Vanessa Hernandez First Surgery (000002)			

20C	Picture Vanessa Hernandez First Surgery (000003)			
20D	Picture Vanessa Hernandez First Surgery (000004)			
20E	Picture Vanessa Hernandez First Surgery (000005)			
20F	Picture Vanessa Hernandez First Surgery (000006)			
21A	Picture Vanessa Hernandez Second Surgery (000001)			
21B	Picture Vanessa Hernandez Second Surgery (000002)			
21C	Picture Vanessa Hernandez Second Surgery (000003)			
21D	Picture Vanessa Hernandez Second Surgery (000004)			
21E	Picture Vanessa Hernandez Second Surgery (000005)			
22A	Picture Vanessa Hernandez First Exposure (000001)			
22B	Picture Vanessa Hernandez First Exposure (000002)			
22C	Picture Vanessa Hernandez First Exposure (000003)			
23A	Picture Vanessa Hernandez Second Exposure (000001)			
23B	Picture Vanessa Hernandez Second Exposure (000002)			
23C	Picture Vanessa Hernandez Second Exposure (000003)			
23D	Picture Vanessa Hernandez Second Exposure (000004)			
23E	Picture Vanessa Hernandez Second Exposure (000005)			
23F	Picture Vanessa Hernandez Second Exposure (000006)			
24	Articles from Archives of Plastic Surgery Re: Hospital Transfer and Death Resulting from In-Office Surgical Procedures			
25	Expert Report of W. Tracy Hankins, M.D.			
26	Order for Summary Investigation and Suspension, Dated July 27, 2009			
27	Settlement Agreement, Dated March 5, 2010			
28	Letter from State of Nevada Department of Health to Dr. Su, Dated July 2, 2009. Re: Official Notice to Cease Operation Without a License			
29	Letter from the State of Nevada Department of Health to Dr. Su, Dated July 21, 2009. Re: List of Recommendations			
30	Letter from the State of Nevada Department of Health to Dr. Su, Re: List of Instructions			
31	Letter from the State of Nevada Department of Health to Dr. Su, Re: Final Disposition			
32	Deposition Transcript of Shantell Agtarap			
33	Deposition Transcript of Jeff Caine			
34	Deposition Transcript of Alexandra Faria			
35	Deposition Transcript of Anil Ghandi, M.D.			
36	Deposition Transcript of Linda Pietershenski			
37	Deposition Transcript of Ryan Ramos			

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

JACOB L. HAFTER, ESQ.
7201 W. LAKE MEAD BLVD., SUITE 210
LAS VEGAS, NV 89128

DATE: October 2, 2012
CASE: A599056

RE CASE: VANESSA HERNANDEZ vs. DR. SEAN PHONG-QUOC SU, M.D.; SEAN P. Q. SU, M.D., LTD.

NOTICE OF APPEAL FILED: September 28, 2012

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☒ $250 – Supreme Court Filing Fee
- If the $250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.

☐ $24 – District Court Filing Fee (Make Check Payable to the District Court)

☒ $500 – Cost Bond on Appeal (Make Check Payable to the District Court)
- NRAP 7: Bond For Costs On Appeal in Civil Cases

☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2

☒ Order – *Written order re: Motion for Order to Show Cause and Request for Sanctions*

☒ Notice of Entry of Order – *Written order re: Motion for Order to Show Cause and Request for Sanctions*

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

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):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINAL VERDICT JUDGMENT; NOTICE OF ENTRY OF JUDGMENT; JUDGMENT GRANTING MONETARY SANCTIONS AGAINST DR. SEAN PHONG-QUOC SU; NOTICE OF ENTRY OF JUDGMENT; ORDER GRANTING MONETARY SANCTIONS AGAINST DR. SEAN PHONG_QUOC (DR. SEAN SU); NOTICE OF ENTRY OF ORDER; FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

VANESSA HERNANDEZ,

Plaintiff(s),

vs.

DR. SEAN PHONG-QUOC SU, M.D.;
SEAN P. Q. SU, M.D., LTD.,

Defendant(s).

Case No: A599056
Dept No: XXXI

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 October 2012.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk