

SUPREME COURT OF NEVADA

Dolorfino v. University Medical Center of Southern Nevada

Dolorfino, 2018 NV 79 (Nev. 2018) · No. 72443 · Decided October 4, 2018

SUMMARY

This Nevada Supreme Court case concerns an appeal involving Susan Dolorfino, Robert Harper Odell, Jr., and the University Medical Center of Southern Nevada. The court initially issued an authored opinion on October 4, 2018, reversing and remanding the district court judgment. After granting en banc reconsideration, the court issued an order on October 21, 2019, affirming in part, reversing in part, and remanding the matter.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Justice Stiglich; Justice Cherry; Justice Parraguirre
JURISDICTION	Nevada
DECIDED	October 4, 2018
DOCKET	72443
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Civil appeal from the Eighth Judicial District Court of Clark County, Nevada.
PRECEDENTIAL VALUE	published
PARTIES	Susan Dolorfino v. Robert Harper Odell, Jr., University Medical Center of Southern Nevada

TOPICS

- health law
- civil procedure
- appellate procedure

PRACTICE AREAS

- health law
- torts
- civil procedure
- appellate procedure

PROCEDURAL HISTORY

Susan Dolorfino appealed a district court judgment to the Supreme Court of Nevada. After oral argument, the court issued an authored opinion reversing and remanding the matter. Respondent Robert Harper Odell, Jr.

sought rehearing, which was denied; he then sought en banc reconsideration, which was granted in 2019. The en banc court subsequently affirmed in part, reversed in part, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded to the district court for further proceedings.

OPINION

PER CURIAM.

72443: Case View Nevada Appellate Courts Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search 18-38877: This document is currently unavailable. If you need a copy of this document, please contact Clerk's Office at (775)684-1600. Disclaimer: The information and documents available here should not be relied upon as an official record of action.Only filed documents can be viewed.

Some documents received in a case may not be available for viewing.Some documents originating from a lower court, including records and appendices, may not be available for viewing.For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600. Case Information: 72443 Short Caption:DOLORFINO VS. UNIV. MED. CTR. OF S. NEVADACourt:Supreme Court Lower Court Case(s):Clark Co. - Eighth Judicial District - A735063Classification:Civil Appeal - General - Other Disqualifications:Case Status:Remittitur Issued/Case Closed Replacement:Panel Assigned: En Banc To SP/Judge:03/09/2017 / Segel, M.SP Status:Completed Oral Argument:06/14/2018 at 11:30 AMOral Argument Location:Las Vegas Submission Date:06/14/2018How Submitted:After Oral Argument + Party Information RoleParty NameRepresented By AppellantSusan DolorfinoZoe K. Terry (Terry Law Group, PC) RespondentRobert Harper Odell, Jr.John H. Cotton (John H. Cotton & Associates, Ltd.)

Michael D. Navratil (John H. Cotton & Associates, Ltd.) Vincent J. Vitatoe (John H. Cotton & Associates, Ltd.) RespondentUniversity Medical Center of Southern NevadaJeffrey I. Pitegoff (Pitegoff Law Office) Docket Entries DateTypeDescriptionPending?Document 02/24/2017Filing FeeFiling fee due for Appeal. 02/24/2017Notice of Appeal DocumentsFiled Notice of Appeal.

Appeal docketed in the Supreme Court this day.17-06469 02/24/2017Notice/OutgoingIssued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days.17-06471 03/06/2017Filing FeeFiling Fee Paid. \$250.00 from Terry Law

Group PC. Check No. 1770. 03/06/2017Notice/OutgoingIssued Notice of Referral to Settlement Program.

This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. Docketing Statement mailed to counsel for appellant - due: 20 days.17-07568 03/09/2017Settlement NoticeIssued Notice: Assignment to Settlement Program. Issued Assignment Notice to NRAP 16 Settlement Program. Settlement Judge: M. Nelson Segel.17-08006 03/30/2017Docketing StatementFiled Docketing Statement Civil Appeals.17-10654 05/22/2017Settlement Program ReportFiled ECAR/Appropriate for Settlement Program.

This case is appropriate for mediation and a settlement conference is scheduled for May 4, 2017 at 9:00 am.17-17108 05/22/2017Settlement Program ReportFiled Interim Settlement Program Report. Based upon the review of documents and discussions, holding a settlement conference would be futile. It is therefore cancelled and this matter should proceed through the appellate process17-17114 05/24/2017Settlement Order/ProceduralFiled Order Removing From Settlement Program/Briefing Reinstated.

This appeal is removed from the settlement program. Appellant(s): 15 days transcript request; 90 days opening brief.17-17360 07/14/2017Notice/OutgoingIssued Notice to Request Transcripts. Due date: 10 days.17-23559 07/24/2017Transcript RequestFiled Certificate that No Transcript is Being Requested.17-24479 08/23/2017Order/Clerk'sFiled Order Granting Telephonic Extension.

Opening Brief and Appendix due: September 5, 2017.17-28273 09/06/2017AppendixFiled Appellant's Appendix Volume 1.17-29827 09/06/2017Notice/OutgoingIssued Notice of Deficient Brief. Corrected Opening Brief due: 5 days.17-29829 09/13/2017Notice/IncomingFiled Appellant's NRAP 26.1 Disclosure.17-30838 09/13/2017BriefFiled Appellant's Opening Brief.17-30839 10/06/2017Order/Clerk'sFiled Order Granting Telephonic Extension.

Answering Brief due: October 30, 2017.17-34062 10/12/2017Order/Clerk'sFiled Order Granting Telephonic Extension. Respondent Robert Harper Odell, Jr.'s Answering Brief due: October 30, 2017. fn1[The order granting telephonic extension, filed on October 6, 2017, was pursuant to a request made on behalf of respondent University Medical Center of Southern Nevada.]17-34909 10/30/2017Notice/OutgoingIssued Notice of Deficient Brief.

Corrected Answering Brief from Respondent Robert Harper Odell, Jr. due: 5 days.17-37172 10/30/2017Notice/OutgoingIssued Notice of Deficient Brief. Corrected Answering Brief from Respondent University Medical Center of Southern Nevada due: 5 days.17-37179 10/30/2017BriefFiled Respondent University Medical Center of Southern Nevada's Answering Brief17-37182 10/31/2017BriefFiled Respondent Dr. Robert Odell, Jr.'s Answering Brief.17-37279 12/18/2017Case Status UpdateBriefing Completed/To Screening.

No reply brief. 02/12/2018Notice/IncomingFiled Substitution of Attorneys (Law Firm name change Morris, Sullivan, Lemkul & Pitegoff to Pitegoff Law Office).18-05586 03/29/2018Order/Clerk'sFiled Order Re: Scheduling of Oral Argument. This matter will be scheduled for oral argument on the next available calendar.18-12033 05/02/2018Notice/OutgoingIssued Notice Scheduling Oral Argument.

Argument is scheduled for Thursday, June 14, 2018, at 11:30 a.m. for 30 minutes in Las Vegas.18-16582 05/30/2018Notice/OutgoingIssued Oral Argument Reminder Notice.18-20457 06/14/2018Case Status UpdateOral argument held this day. Case submitted for decision.

Before the Southern Panel. MC/RP/LS 10/04/2018Opinion/DispositionalFiled Authored Opinion. "Reversed and remanded." Before: Cherry/Parraguirre/Stiglich. Author: Stiglich, J. Majority: Stiglich/Cherry/Parraguirre. 134 Nev. Adv. Opn. No. 79. SNP18-MC/RP/LS18-38877 10/23/2018Post-Judgment PetitionFiled Respondent Dr. Robert Odell, Jr.'s Petition for Rehearing.18-41554 10/23/2018Filing FeeFiling fee paid on rehearing.

E-Payment \$150.00 from John H. Cotton. 11/30/2018Post-Judgment OrderFiled Order Denying Rehearing. "Rehearing Denied." NRAP 40(c). (SC).18-906467 12/14/2018Post-Judgment PetitionFiled Respondent Dr. Robert Odell, Jr.'s Petition for En Banc Reconsideration. (SC)18-908917 01/24/2019Order/ProceduralFiled Order Directing Answer to Petition for En Banc Reconsideration.

Appellant's Answer due: 15 days. (SC)19-03849 02/07/2019MotionFiled Stipulation for Extension of Time for Appellant to File Answer to Petition for En Banc Reconsideration. (SC)19-05886 03/11/2019Post-Judgment PetitionFiled Appellant's Answer to Respondent, Robert Odell, Jr.'s Petition for En Banc Reconsideration. (SC)19-10744 03/14/2019Order/ProceduralFiled Order.

This court takes no action regarding the parties' stipulation for an extension of time to file appellant's answer to the petition for en banc reconsideration. The answer was inadvertently filed on March 11, 2019. (SC).19-11267 05/10/2019Post-Judgment OrderFiled Order Granting En Banc Reconsideration.

Having considered the petition for en banc reconsideration in this matter and the answer to the petition, this court has determined that reconsideration is warranted. Accordingly, the petition for en banc reconsideration is granted. (SC).19-20536 10/21/2019Order/DispositionalFiled Order Affirming in Part, Reversing in Part and Remanding. "ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order."

En Banc. (SC).19-43430 11/15/2019RemittiturIssued Remittitur. (SC)19-46976 11/15/2019Case Status UpdateRemittitur Issued/Case Closed. (SC) 12/06/2019RemittiturFiled Remittitur. Received by District Court Clerk on November 19, 2019. (SC)19-46976 Combined Case View

