

COPY

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

In the Matter of Charges and Complaint)	CASE NO. 08-20231-1
)	
Against)	
)	
CLIFFORD CARROL, M.D.,)	
)	
Respondent.)	
_____)	

FILED

MAY 11 2009

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

ORDER VACATING AND CONTINUING HEARINGS
AND SCHEDULING STATUS CONFERENCE

TO: LYN E. BEGGS, ESQ.

General Counsel
Attorney for the Investigative
Committee of the Nevada State
Board of Medical Examiners
1105 Terminal Way, Suite 301
Reno, Nevada 89502

Vacated Pre-Hearing Date: 9:00 a.m.
April 30, 2009

Vacated Hearing Date: 9:00 a.m.
June 22, 2009

SHERMAN B. MAYOR, ESQ.
Mayor Law Firm
Attorney for Respondent
2820 West Charleston Boulevard, Suite D-35
Las Vegas, Nevada 89102

Status Conference Date: 10:00 a.m.
July 14, 2009

FRANK J. CREMEN, ESQ.
Law Offices of Frank J. Cremen
Attorney for Respondent
715 South 4th Street
Las Vegas, Nevada 89101

CHERYL D. HORNER, ESQ.
Horner Law Firm
Attorney for Respondent
241 West Charleston Boulevard, Suite 155
Las Vegas, Nevada 89102

THIS MATTER came before the undersigned Administrative Hearing Officer
pursuant to the Motion To Continue Formal Hearing Scheduled For June 22, 2009 filed by

1 the Respondent in these proceedings. In the body of the Motion the Respondents further
2 sought the continuation of the Pre-Hearing Conference scheduled for April 30, 2009.

3 The instant Complaint against the Respondent involves his alleged failure to
4 exercise the diligence ordinarily exercised under the same circumstances in regard to the
5 Respondent's treatment of the source Hepatitis C patient on September 21, 2007 and
6 another patient on that same date. The asserted substandard conduct was set-forth in the
7 Complaint as consisting of "unsafe practices and policies, including, but not limited to,
8 unsafe injection practices, reuse of equipment intended to be single-use, inappropriate
9 cleaning of scopes used in procedures, and an extremely high volume of patient procedures."

10 The instant Motion was made and based on the argument that (1) Many of the key
11 witnesses who would be called upon to testify in the civil litigation and these licensing
12 procedures, including other licensed physicians, CRNA's, PA's and nurses have asserted the
13 Fifth Amendment right not to testify substantively at the present time pending the filing of
14 the pending criminal charges currently the subject of on-going investigations in Clark
15 County, Nevada; and (2) The failure and/or refusal of the Southern Nevada Health District
16 ["SNHD"] to provide its key witnesses, Mr. Brian Labus and Dr. Sands, as well as their
17 deposition transcripts and investigative records until the completion of the final investigative
18 report of the SNHD in the process of being finalized in connection with ~~its~~ that agency's
19 initial investigation and disclosure of the Hepatitis C outbreak in Clark County, Nevada,
20 which witnesses and their investigation, interviews, records, notes, testing, and other
21 documents and evidence, "are at the epicenter of this entire matter."
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25 General Counsel Beggs echoed the representations of the attorneys for the
26 Respondent in regard to the position of the SNHD that the appearance and testimony of
27 Mr. Labus and Dr. Sands and access to the transcripts of said individuals' deposition or to
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the agency's source investigative reports and the interviews and other documentary evidence compiled during the course of the SNHD investigation of the Hepatitis C outbreak had been represented as being unavailable for use in these disciplinary proceedings pending the completion and filing of the final report by that entity.

Based on this parallel current inability of the Investigative Committee to have the availability of said witnesses and documentary evidence the Investigative Committee did not oppose the Motion of the Respondent to vacate and continue the Pre-Hearing Conference or the Hearing.

In addition to the pending filing of potential State and Federal criminal charges, the record discussed in connection with the presentation of this Motion included a discussion in regard to the fact that various private individuals have filed civil tort complaints against the health care providers licensed by the various licensing boards and commissions regulating the provision of such medical services within the State of Nevada alleging said licensees' tortuous conduct in providing such health care services in connection with the Hepatitis C outbreak.

The bulk of these private wrong-doing cases are currently being heard in Department XIX of the Eighth Judicial District Court of the State of Nevada in Case No. A558091 captioned "In the Matter of Endoscopy Center and Associated Businesses and Coordinated cases".

Previously rulings in this parallel civil case have impacted the access of the Defendants in those civil proceedings, and the Respondents in the pending licensing actions, to the "investigation, interviews, records, notes, testing, and other documents and evidence" obtained by the SNHD in connection with the charges in said licensing, civil and criminal actions.

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On April 6, 2009 District Judge Allan R. Earl signed a Decision and Order in the civil actions, a copy of which ruling is attached hereto as Exhibit A and hereby incorporated by reference.

This ruling was based on a discovery dispute between the SNHD and the Endoscopy Center of Southern Nevada and the Gastroenterology Center of Nevada over access to “every report, every document, and every shred of investigative evidence under the control of the SNHD in order to prosecute and defend the various positions they are going to take in this litigation”...and the “equally understandable reluctance [of the SNHD] to simply open their investigative files for the parties to rummage through when those files often contain confidential and sensitive information carrying a statutory protection”...including documents “gathered under the promise of anonymity.”

Earlier in this dispute currently pending before the Eighth Judicial District Court, Special Master Floyd Hale stayed a subpoena by the Defendants in the civil litigation. After various efforts to resolve the discovery dispute, on January 12, 2009 the Special Master issued his “Special Master Report, Recommendation and District Court Order Regarding Discovery Issues.”

The April 6, 2009 Decision and Order by the District Court was subsequently entered based on that Report and the Objections thereto filed by the Defendants and argued by the parties to that civil litigation to District Judge Earl.

The SNHD argued for a broad and far-ranging protective order limiting access to its investigators and experts and to such investigative files and the other key personnel collecting and evaluating such evidence until such time as the final report of that regulatory agency is finalized and released.

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The District Court held at pages 7-11, "After careful consideration, it is this Court's Decision that the non-patient specific documents which the SNHD wishes to withhold are indeed protected by the "Deliberative Process Privilege" so long as the final report has not been finalized and released. This Court disagrees with the Special Master's opinion that any documents relied on by the SNHD to produce an interim report or public statements have lost whatever "Deliberative Process Privilege" they may once have held. The documents in question, to this Court's satisfaction, are "pre-decisional and deliberative."

The District Court went on to state, "Any documents which the SNHD deems to be pre-decisional, deliberative, pointing to an agency decision or report or policy, and consisting of opinion, recommendation or advice about agency policies are protected and need not be produced. Any non-patient specific documents that do not fall into one of these categories and are not protected under other State and/or Federal Statutes must be produced. As earlier stated, the SNHD is encouraged to protect only those documents that are absolutely privileged and confidential. The Court also notes that the process of deciding which documents will and will not fall under the "Deliberative Process Privilege" is inherently disruptive and until the final report is produced and disseminated, the SNHD is directed to not take any extraordinary measures to gather, review or catalogue them."

The District Court further stated, "The Court adopts the recommendation of the Special Master that any documents produced by the SNHD should initially be produced and sent to representative counsel for the Plaintiffs for review to allow Plaintiffs to assert any privilege as to these documents prior to them being released to other parties."

The SNHD has not indicated a time frame for the finalization and release of its final report and has indicated its disagreement with the nature and scope of District Judge Earl's Decision and Order by virtue of its actions since the entry of said ruling wherein the

1 agency has designated the previous depositions of Mr. Labus and Dr. Sands as being entirely
2 under seal (after earlier indicating that only part of those depositions were sealed at the time
3 such deposition were given) and filing a writ with the Nevada Supreme Court challenging
4 that Decision and Order primarily based on the mandate that the investigative records would
5 be disclosed to all other interested individuals and institutions once the SNHD investigation
6 report was finalized and released.

7
8 The Respondent noted, in bringing the instant Motion that the charges lodged
9 against him were based on the SNHD investigation and preliminary report prepared by Mr.
10 Labus and approved by Dr. Sands and that the refusal to allow access to said individuals and
11 report, coupled with the Fifth Amendment privilege rights being asserted by many witnesses
12 - and entitled to be asserted by the Respondent - prevent the Respondent, the Nevada State
13 Board of Medical Examiners and the citizens of the State of Nevada in timely resolving these
14 licensing issues.

15
16 Based on the foregoing and

17 GOOD CAUSE APPEARING THEREFOR,

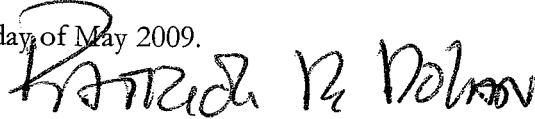
18 IT IS HEREBY ORDERED that the Motion To Continue the Pre-Hearing
19 Conference and Hearing in this matter be, and same hereby is, GRANTED and said Pre-
20 Hearing Conference and Hearing are hereby VACATED and CONTINUED.

21 IT IS FURTHER HEREBY ORDERED that a Status Conference be held at
22 10:00 a.m. on Tuesday, July 14, 2009 to discuss the status of the finalization and release of
23 the SNHD final report and the access thereby flowing from that action in regard to the
24 access by the Respondent and the Investigative Committee to Mr. Labus and Dr. Sands and
25 the source documentary evidence compiled in connection with the investigation of the
26 Hepatitis C outbreak
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IT IS FINALLY HEREBY ORDERED that the Respondent and the Investigative Committee to work in good faith and with due diligence in endeavoring to re-schedule these proceedings at the earliest possible time consistent with the access allowed by that filing and access.

DATED this 7th day of May 2009.



PATRICK D. DOLAN, ESQ.
Hearing Officer
Nevada State Board of Medical Examiners
Hearing Officer
7980 Meadow Vista Court
Reno, Nevada 89511-1027
(775) 328-3323 Telephone (775) 852-7292 Facsimile

CERTIFICATE OF MAILING

I certify that on this day I personally delivered or mailed, postage prepaid, at Reno, Nevada, a true copy of the foregoing ORDER VACATING AND CONTINUING HEARINGS AND SCHEDULING STATUS CONFERENCE addressed to:


LYN E. BEGGS, ESQ.
General Counsel
Attorney for the Investigative
Committee of the Nevada State
Board of Medical Examiners
1105 Terminal Way, Suite 301
Reno, Nevada 89502

SHERMAN B. MAYOR, ESQ.
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Attorney for Respondent
2820 West Charleston Boulevard, Suite D-35
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FRANK J. CREMEN, ESQ.
Law Offices of Frank J. Cremen
Attorney for Respondent
715 South 4th Street
Las Vegas, Nevada 89101

CHERYL D. HORNER, ESQ.
Horner Law Firm
Attorney for Respondent
241 West Charleston Boulevard, Suite 155
Las Vegas, Nevada 89102

DATED this 11th day of May 2009.



Angelia L. Donohoe, Legal Assistant
Nevada State Board of Medical Examiners

ORIGINAL

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Edna H. Smith
CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of)	Case No. A558091
Endoscopy Center and)	
Associated Businesses)	Department XIX
and Coordinated cases)	
)	
)	
)	

DECISION AND ORDER

SUMMARY OF FACTS

The issue presented to the District Court for Decision in this matter arises out of a discovery dispute between the Endoscopy Center of Southern Nevada and the Gastroenterology Center of Nevada, hereafter referred to as "Defendants", and the Southern Nevada Health District, hereinafter referred to by the initials "SNHD". The SNHD is an integral part of this coordinated litigation, is actively represented by counsel, but is not an actual party to the litigation. The Defendants, and the Plaintiffs for that matter, have an understandable desire to gain access to every report, every document, and every shred of investigative evidence under the control of the SNHD in order to prosecute and defend the various positions they are going to take in this litigation. The SNHD has an equally understandable

EXHIBIT A
1

1 reluctance to simply open their investigative files for the
2 parties to rummage through when those files often contain
3 confidential and sensitive information carrying a statutory
4 protection. Many documents appear to have been gathered under the
5 promise of anonymity.

6 The parties and the SNHD presented their conflict to the
7 Special Master, Floyd Hale, for consideration. Previously, the
8 Defendants, on May 28, 2008, had issued a broad-ranging Subpoena
9 to the SNHD. The Special Master stayed the Subpoena to allow the
10 parties concerned to attempt to resolve their discovery issues.
11 Much correspondence went back and forth between the Defendants
12 and the SNHD. Several hearings were held where the Defendants and
13 the SNHD tried to work out their discovery differences. A letter
14 dated August 5, 2008, on SNHD's letterhead, was generated by
15 counsel Stephen Minagil and addressed to Defendants' counsel
16 Daniel Curriden. This letter outlined the position of the SNHD
17 with respect to many documents desired by the Defendants. The
18 Defendants' position on the documents they desired to have
19 produced is best set forth in a December 4, 2008, letter generated
20 by defense counsel V. Andrew Cass, addressed to SNHD counsel Terry
21 Coffing and Lisa McClane. A telephone hearing was conducted by
22 the Special Master on January 8, 2009. As a direct result of that
23 hearing, the Special Master issued his Decision entitled "Special
24 Master Report, Recommendation and District Court Order Regarding
25 Discovery Issues." This Report was issued by the Special Master
26 on January 12, 2009, and was subsequently signed by the District
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28

ALLAN R. EARL
DISTRICT JUDGE

DEPARTMENT NINETEEN
LAS VEGAS NV 89155

1 Court on January 15, 2009, and was then electronically filed on
2 January 20, 2009. An Objection to the Special Master's Report and
3 Recommendation was filed by the SNHD and those issues are now
4 before the District Court in Department XIX for review and
5 decision.¹

6 **ARGUMENT**

7
8 The briefing on this issue has raised multiple discovery
9 questions, many of which will have to be answered at a later time.
10 The scope of the Motion to Compel, and thus the scope of the
11 Special Master's Report and Recommendations, is limited. The
12 Defendants, inter alia, sought to have the SNHD produce the
13 documents they had previously promised to produce. Further,
14 Defendants sought the production of specific documents identified
15 in the deposition of the SNHD's Chief Investigator, Mr. Brian
16 Labus. In addition, Defendants also wanted the SNHD to serve the
17 Defendants with: (1) a specific list of documents it would
18 produce; (2) what documents it would not produce; and (3) an
19 explanation as to the documents it would not produce. In the
20 middle of these discovery disputes, it should be noted that the
21 SNHD changed counsel from in-house counsel, Mr. Stephen Minagil,
22 to outside retained trial counsel from the law firm Marquis &
23 Aurbach.
24

25
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1. The chronology of events set forth in this paragraph is not complete, nor is it
27 intended to be. It is at best a brief and possibly inaccurate summary of the
28 background on how these discovery issues were presented to the District Court
for decision.

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At the outset, there seems to be some confusion about which Subpoena Duces Tecum propounded by the Defendants to SNHD is still in effect. To be clear, all Subpoenas Duces Tecum propounded by the Defendants to SNHD are hereby QUASHED. Any such Subpoena in the future must be supplied in draft to the Special Master for review and approval before being served.

It is to be noted that the SNHD has already produced, in two prior productions, a total of (160) documents. The SNHD is "strongly encouraged" to continue to produce any and all documents other than those that have a distinct privilege as set forth by Statute and by this Decision and Order.²

The SNHD has argued that it need not produce any patient specific documents, nor any documents previously agreed to be produced by Mr. Minagil which have not been produced, nor any documents which the SNHD has termed to be either confidential or privileged.

The first justification for SNHD's position is the "Official Information Privilege" set forth in the provisions of NRS 49.285. The Special Master ruled that so long as "interviewed" patients or "interviewed" individuals were protected

2. The terminology "strongly encouraged" is a judicial euphemism for "just do it now" and in so doing, retain flexibility to make decisions on what is and what is not privileged. Simply throwing a uniform cloak over all documents and declaring everything to be confidential may well result in an Order from this Court to produce most, if not all, of the investigative files that relate to the Hepatitis C investigation.

1 through redaction of personal information on the documents, or by
2 other means, that the provisions of NRS 49.285 were not a
3 sufficient basis to deny production of the documents. In
4 addition, the Special Master pointed out that the production of
5 these documents involved non-patient specific information.
6 Lastly, he noted that the "Public Officer" referred to in
7 NRS 49.285 had not been sought for examination and that the SNHD
8 had not established that the "public interest would suffer by the
9 disclosure."
10

11 This Court agrees in principle with the Special Master's
12 Recommendation but for slightly different reasons. The "Official
13 Information Privilege" as set forth in NRS 49.285 is essentially
14 a very limited privilege. The language appears in Title IV, of
15 the Nevada Revised Statutes, under the heading "Witnesses and
16 Evidence". The actual language appears in Chapter 49. Under this
17 Section denoted as "Privileges" the exact title of this Section
18 is "Public Officer as a Witness." In simple terms, this is an
19 Evidence Code Section and deals with a privilege that Public
20 Officers can exert to prevent themselves from being asked to
21 testify in trial as to certain communications deemed to be made in
22 official confidence when the public interest would suffer by the
23 disclosure. Stated another way, this Section deals with the
24 communications that a public officer can be cross-examined on as
25 he or she sits in the witness box. This litigation is in the
26 discovery stage. The issue presented to this Court for decision
27 is a discovery decision. The privilege set forth in NRS 49.285 is
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ALLAN R. EARL
DISTRICT JUDGE

DEPARTMENT NINETEEN
LAS VEGAS NV 89155

1 a trial decision that deals specifically with what evidence can be
2 made public by an Official from the SNHD testifying at trial.
3 This may well be an issue to be taken up later in this litigation
4 but it does not apply at this stage.

5 The SNHD has also argued that most, if not all, of the
6 documents, non-patient specific or otherwise, that have not
7 already been produced by the prior disclosures of the SNHD are
8 protected under the "Deliberative Process Privilege." The
9 recommendation of the Special Master was that the "Deliberative
10 Process Privilege" did not apply to any documents already utilized
11 by the SNHD in producing interim reports and prior public
12 statements. His reasoning was that any documents or information
13 which had been relied on by the SNHD in producing interim reports
14 and statements were no longer deliberative and, therefore, did not
15 come within the privilege. The Special Master's view that any
16 reports or similar documents utilized by Mr. Labus in
17 "deliberating for a work in progress" did not remove the
18 discoverability which had already been established by the
19 conclusions reached in the reports and statements.
20

21 The Special Master's Report and Recommendation did not
22 deal with the precise question of whether non-patient specific
23 documents which were utilized by the SNHD in originally producing
24 the interim reports and public statements were cloaked with a
25 "Deliberative Process Privilege" before the interim reports and
26 public statements were issued. The Special Master's Report
27 indicated that since the interim report and public statements have
28

1 already been issued, whatever privilege existed with these
2 documents no longer exists and ruled that they should be produced.

3 It should be noted at the outset of the discussion on
4 the "Deliberative Process Privilege" that the final report on the
5 Hepatitis C investigation has not yet been prepared nor released.
6 Everyone in this litigation is waiting for it to be finalized and
7 published. Also, the "Deliberative Process Privilege" for
8 government officials comes from the common law and is identified
9 and described in Nevada Case Law. See DR Partners vs. Board of
10 County Commissioners, 160 Nev. 616 (Nev. 2000). This privilege,
11 as with any privilege, raised by either Common Law or the Evidence
12 Code must be interpreted and applied narrowly. To be protected by
13 this privilege, the documents sought must be "pre-decisional and
14 deliberative." Thus, out of necessity, the documents must point
15 to an agency decision or policy in which they were considered and
16 the documents must contain opinions, recommendations or advice
17 about agency policies.
18

19 DECISION

20 After careful consideration, it is this Court's Decision
21 that the non-patient specific documents which the SNHD wishes to
22 withhold are indeed protected by the "Deliberative Process
23 Privilege" so long as the final report has not been finalized and
24 released. This Court disagrees with the Special Master's opinion
25 that any documents relied on by the SNHD to produce an interim
26 report or public statements have lost whatever "Deliberative
27 Process Privilege" they may once have held. The documents in
28

1 question, to this Court's satisfaction, are "pre-decisional and
2 deliberative."
3 Counsel for SNHD has made it clear that the Department is in the
4 process of formulating its final report. There are currently
5 thousands of documents, including health records, questionnaires,
6 investigative reports, interview notes, etc. that have been
7 gathered by the SNHD in investigating the Hepatitis C Outbreak.
8 Any documents which the SNHD deems to be pre-decisional,
9 deliberative, pointing to an agency decision or report or policy,
10 and consisting of opinion, recommendation or advice about agency
11 policies are protected and need not be produced. Any non-patient
12 specific documents that do not fall into one of these categories
13 and are not protected under other State and/or Federal Statutes
14 must be produced. As earlier stated, the SNHD is encouraged to
15 protect only those documents that are absolutely privileged and
16 confidential. The Court also notes that the process of deciding
17 which documents will and will not fall under the "Deliberative
18 Process Privilege" is inherently disruptive and until the final
19 report is produced and disseminated, the SNHD is directed to not
20 take any extraordinary measures to gather, review or catalogue
21 them.
22

23
24 The Defendants have argued strenuously, and the Special
25 Master agreed, that prior counsel for SNHD had waived any
26 "privilege" which may have applied to these non-patient specific
27 documents. This Court is well aware of the exact provisions of
28 NRS 49.385, which constitute the waiver of privilege by voluntary

1 disclosure. The Court has also read the letter dated August 5,
2 2008, produced by SNHD counsel Stephen Minagil, addressed to
3 Daniel B. Curriden, counsel for Defendants. A careful, word-for-
4 word reading of Mr. Minagil's letter does not indicate a wholesale
5 waiver of the privileges which the SNHD now wishes to raise in
6 this matter. Mr. Minagil agrees in the letter that he is going to
7 gather e-mails and correspondence from employees other than Mr.
8 Labus. He then indicates that by August 15, 2008, he anticipates
9 having sufficient information to respond regarding the production
10 of e-mails and correspondence. This language does not constitute
11 a waiver. In another paragraph within that same letter, Mr.
12 Minagil indicates that once the final report is completed Mr.
13 Labus will then print, categorize and review e-mails for
14 production. However, this is a "conditional" waiver. The
15 conditions are: (1) that this will be done once the final report
16 is completed which is not the case now, and (2) the e-mails will
17 be produced if they do not contain personal health information.
18 This is nothing but a conditional waiver and the conditions have
19 not yet occurred.

20
21 In yet another paragraph within the same letter, Mr.
22 Minagil indicates that he will produce a printout of all documents
23 on the SNHD's Sharepoint portal Cite. He agrees to produce that
24 printout so long as it does not contain personal health
25 information. Furthermore, the information on the Sharepoint
26 portal cite is not without certain protections, as outlined in NRS
27 441A.220 and the Nevada Administrative Code (NAC) 441A.115. The
28

1 definition of "information of a personal nature" is expansive and
2 to some degree comes within the discretionary authority of the
3 SNHD. The protection afforded to the confidentiality of such
4 information is significant. Such information "must not be
5 disclosed to any person under any circumstances, including
6 pursuant to any Subpoena, Search Warrant, or discovery
7 proceedings" with some exceptions. See NRS 441A.220. Any
8 information which is so sensitive and so confidential that it is
9 protected from a Court ordered Subpoena, a Court ordered Search
10 Warrant, or any other discovery proceeding is indeed protected
11 information.
12

13 In essence, this Court is of the opinion that Mr.
14 Minagil did not commit to a wholesale waiver of the privileges
15 which new counsel for the SNHD now wishes to assert. The SNHD is
16 cautioned once again not to use the Court's opinion in this matter
17 as an all encompassing cloak to smother all production of any
18 documents it holds within its files.

19 In accordance with the size and importance of this
20 litigation currently pending in the Eighth Judicial District
21 Court, it is important that the SNHD continues to supply privilege
22 logs regarding the documents sought in Items 1, 2, 9, 10 and 11 as
23 set forth in a letter from Defendants' counsel V. Andrew Cass,
24 dated December 4, 2008.
25

26 The Court adopts the recommendation of the Special
27 Master that any documents produced by the SNHD should initially be
28 produced and sent to representative counsel for Plaintiffs for

ALLAN R. EARL
DISTRICT JUDGE

DEPARTMENT NINETEEN
LAS VEGAS NV 89155


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review to allow Plaintiffs to assert any privilege as to these documents prior to them being released to other parties.

ORDER

The Objections to the Special Master's Report and Recommendations, as raised by the SNHD, are **APPROVED IN PART** and **DENIED IN PART**, as set forth above.

IT IS SO ORDERED this 6TH day of April, 2009.

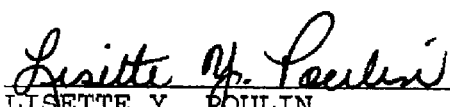

ALLAN R. EARL,
DISTRICT COURT JUDGE-DEPT. XIX

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on the 6th day of April, 2009, I directed DAVID SORENSEN, Department XIX Law Clerk, to take the foregoing DECISION AND ORDER to the Clerk's Office to be e-filed and served on the following by Electronic Service to:

ALL PARTIES ON THE E-SERVICE LIST



LISETTE Y. BOULIN,
JUDICIAL EXECUTIVE ASSISTANT,
DEPARTMENT XIX