

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF ENDOSCOPY
CENTER OF SOUTHERN NEVADA AND
ASSOCIATED BUSINESSES AND
COORDINATED CASES.

No. 54351

IN THE MATTER OF ENDOSCOPY
CENTER OF SOUTHERN NEVADA AND
ASSOCIATED BUSINESSES AND
COORDINATED CASES

No. 54361

ENDOSCOPY CENTER OF SOUTHERN
NEVADA, LLC; AND
GASTROENTEROLOGY CENTER OF
NEVADA, LLP,

Appellants,

vs.

GWENDOLYN MARTIN AND LOVEY
MARTIN,

Respondents.

IN THE MATTER OF ENDOSCOPY
CENTER OF SOUTHERN NEVADA AND
ASSOCIATED BUSINESSES AND
COORDINATED CASES

JEFF KRUEGER, RN; AND PEGGY
TAGLE, RN,

Appellants,

vs.

KENNETH J. NOGLE,

Respondent.

IN THE MATTER OF ENDOSCOPY
CENTER OF SOUTHERN NEVADA AND
ASSOCIATED BUSINESSES AND
COORDINATED CASES

SANJAY NAYYAR, M.D.,

Appellant,

vs.

CAROLE GRUESKIN,

Respondent.

No. 54371

FILED

JUN 10 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

11-17309

IN THE MATTER OF ENDOSCOPY
CENTER OF SOUTHERN NEVADA AND
ASSOCIATED BUSINESSES AND
COORDINATED CASES

No. 54372

ENDOSCOPY CENTER OF SOUTHERN
NEVADA, LLC; AND
GASTROENTEROLOGY CENTER OF
NEVADA, LLP,
Appellants,

vs.

MICHAEL WASHINGTON AND
JOSEPHINE WASHINGTON,
Respondents.

IN THE MATTER OF ENDOSCOPY
CENTER OF SOUTHERN NEVADA AND
ASSOCIATED BUSINESSES AND
COORDINATED CASES

No. 54379

JEFF KRUEGER, RN; AND VINCENT
MIONE, CRNA,
Appellants,

vs.

BONNIE J. BRUNSON AND CARL
BRUNSON,
Respondents.

IN THE MATTER OF ENDOSCOPY
CENTER OF SOUTHERN NEVADA AND
ASSOCIATED BUSINESSES AND
COORDINATED CASES

No. 54601

JEFF KRUEGER, RN; AND VINCENT
MIONE, CRNA,
Appellants,

vs.

JUNE DOWNING,
Respondent

ORDER DISMISSING APPEAL IN DOCKET NO. 54372,
DIRECTING APPELLANT SANJAY NAYYAR, M.D. TO SHOW CAUSE
WHY HIS PENDING APPEAL IN DOCKET NO. 54371 SHOULD NOT
BE DISMISSED AS MOOT, AND DIRECTING
FURTHER STATUS REPORTS

These are appeals from a district court order denying a motion to change the place of trial. The appeals have been coordinated, through the master case pending in Docket No. 54351, but are not consolidated.

Dismissal of Docket No. 54372

The most recent status report filed by appellants Endoscopy Center of Southern Nevada, LLC, and Gastroenterology Center of Nevada, LLP, in Docket No. 54372, indicates that an order has been entered dismissing them from the underlying action. As a result, their appeal from the district court's venue order is now moot, and we therefore dismiss the appeal in Docket No. 54372 in its entirety. See Personhood Nevada v. Bristol, 126 Nev. ___, 245 P.3d 572 (2010) (stating that the duty of this court is to resolve actual controversies and not to render advisory opinions).

Status of Sanjay Nayyar, M.D.'s appeal pending in Docket No. 54371

The most recent status report filed by Sanjay Nayyar, M.D., the sole remaining appellant in Docket No. 54371, indicates that the claims against him brought by "plaintiffs," which would appear to include respondent Carol Grueskin, have all been dismissed. Nayyar's status report further notes that cross-claims filed by defendant Teva Parenteral Medicine, Inc., remain pending below. Teva, however, is not a party to this appeal, and it is not clear that Teva was involved, either as a moving or opposing party, in the proceedings resulting in the district court's July 10, 2009, order denying the motion to change the place of trial at issue in

this appeal. Because the claims against Nayyar brought by Grueskin, the sole respondent to this appeal, have apparently been dismissed, it appears that Nayyar's appeal has been rendered moot and should therefore be dismissed. See Personhood Nevada, 126 Nev. ____, 245 P.3d 572. Accordingly, Nayyar shall have ten days from the date of this order to show cause why his appeal should not be dismissed as moot. Grueskin shall have five days from the date that Nayyar's response is served to file and serve any response. We caution Nayyar that his failure to respond to this order and demonstrate why his appeal is not moot will result in the dismissal of his appeal.

Additional status reports

This court has previously directed the appellants to file status reports regarding whether any and all claims, counterclaims, and cross-claims against them had been dismissed below, thereby rendering their appeals moot. See id. Several of the status reports filed in response to this court's most recent order directing status reports indicated that settlement negotiations between certain remaining appellants and respondents, the plaintiffs below, were either ongoing or that settlements had been reached but that the claims pending against appellants had not yet been dismissed. It therefore appears that further status reports are warranted prior to the reinstatement of briefing in these appeals.

Accordingly, each remaining appellant shall have ten days from the date of this order to file and serve a report regarding the status of the underlying actions against them. Any appellants who have been dismissed from any of the underlying actions shall inform this court as to that fact, so that their appeals can be dismissed as moot.

Because certain appellants have filed multiple status reports indicating that proposed orders dismissing them from the underlying

actions are awaiting filing in district court or are awaiting bankruptcy court approval, any status reports filed by any such appellants who have still not had their settlements approved or been dismissed from the district court action shall explain why the appeal brought by such appellant should not also be dismissed at this time, rather than be allowed to linger on this court's docket, where they have remained since they were docketed in this court in August 2009.


Any appellants who have not been dismissed from the underlying actions and for whom dismissals do not appear imminent shall inform this court as to whether settlement negotiations that could result in their dismissal from the underlying actions are underway and, if so, what the status of those negotiations are. If settlement does not appear likely or no negotiations are ongoing, appellants shall likewise inform this court of that fact.

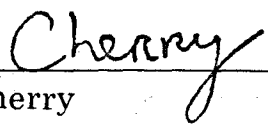
Those appellants who are defendants in more than one district court action and have thus filed multiple appeals from the district court's venue determination shall address the status of each district court action pending against them in which they have filed an appeal from the venue order.¹ We caution appellants that their failure to timely respond to this


¹In filing their status reports, the parties should address only the status of those appellants whose appeals remain pending in these consolidated appeals. The status reports should not provide information regarding individuals whose appeals have already been dismissed or who were never a party to these appeals.

order may result in the dismissal of their appeals. Respondents shall have five days from the date that any appellant's response is served to file and serve any reply.

It is so ORDERED.


_____, C.J.
Douglas


_____, J.
Cherry


_____, J.
Gibbons

cc: Bonne, Bridges, Mueller, O'Keefe & Nichols
Buckley King
Lewis Brisbois Bisgaard & Smith, LLP
MacDonald Devin, PC/Dallas
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
Wolfe & Wyman, LLP
Craig P. Kenny & Associates
Edward M. Bernstein & Associates/Las Vegas
Gerald I. Gillock & Associates
Kemp, Jones & Coulthard, LLP
Mainor Eglet