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 2 MORTENSEN & SANDERS
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 7 TIEN CHANG WANG, M.D., and
 8 FREMONT EMERGENCY SERVICES

9 UNITED STATES DISTRICT COURT
 10 DISTRICT OF NEVADA

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 13 ERENDIRA ESPERANZA GUZMAN-IBARGUEN,
 14 individually; ERENDIRA MEJIA-GUZMAN,
 15 individually; MARIA FERNANDEZ MEJIA-
 16 GUZMAN, individually; TAMMY HARLESS,
 as Special Administrator for the Estate of
 OSCAR ANICETO MEJIA-ESTRADA,

17 Plaintiffs,

18 v.

19
 20 SUNRISE HOSPITAL AND MEDICAL CENTER,
 LLC; OSCAR CHAVES, RN; NANCY BEASLEY,
 21 RN; ARLAMAY ROGERS, RN; LAUREN
 HENDRICKS, RN; MARCELINO A. TACADENA,
 22 RN; TINA HAYES, CNA; NURSE STRUASS, RN;
 TIEN CHANG WANG, M.D.; ANTHONY KEILY;
 23 JEFFREY JOHNSTON; SOUTHWEST
 EMERGENCY ASSOCIATES;
 24 DOES I-XX and ROES I-X,

25 Defendants.

Case No.: 2:10-cv-01983-PMP-GWF
 Case No.: 2:10-cv-01228-PMP-PAL

CONSOLIDATED CASE NO.:
2:10-cv-01228-PMP-PAL

DEFENDANTS TIEN CHANG WANG, M.D.'S WITHDRAWAL OF MOTION TO SET ASIDE DECEMBER 28, 2010 RELEASING COST BONDS TO PLAINTIFFS, OBJECTION TO MARCH 16, 2011 ORDER RELEASING COST BONDS TO PLAINTIFFS, MOTION FOR ORDER RELEASING COST BONDS TO DEFENDANTS OR IN THE ALTERNATIVE MOTION FOR LIMITED REMAND

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1 COME NOW Defendants, TIEN CHANG WANG, M.D. AND FREMONT EMERGENCY
2 SERVICES, by and through their attorneys of record, ALVERSON, TAYLOR, MORTENSEN &
3 SANDERS, and hereby submit this Withdrawal of Motion regarding Defendants' Motion to Set
4 Aside December 28, 2010 Order releasing cost bonds in the amount of \$10,500.00 to Plaintiffs and
5 Objection to the March 16, 2011 Order releasing cost bonds in the amount of \$10,500.00 to
6 Plaintiffs.
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8 This Withdrawal of Motion is made and based upon the papers and pleadings on file herein,
9 the following Points and Authorities submitted in support hereof, and any such oral argument as this
10 Honorable Court may entertain if a hearing is scheduled for this matter.
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12 DATED this 1st day of April, 2011.

13 ALVERSON, TAYLOR, MORTENSEN & SANDERS

14 By: 

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24 FREMONT EMERGENCY SERVICES

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 **I.**

27 **LEGAL ARGUMENT**

28 On December 15, 2010, Plaintiffs filed a Motion for Order for Return of Monies on Deposit
with the District Court, requesting that the Eighth Judicial District Court return \$10,500.00 in cost
bonds to Plaintiffs. However, Plaintiffs failed to serve Defendants herein with said Motion and as
such, Defendants did not have any opportunity to oppose Plaintiffs' Motion. On December 28, 2010,

1 the Federal Court issued an Order, ordering the Eighth Judicial District Court to return the
2 \$10,500.00 in cost bonds to Plaintiffs. Again, Defendants were not served with the Federal Court's
3 Order. On February 18, 2011, Plaintiffs filed a Motion for Order to Show Cause, requesting that the
4 Eighth Judicial District Court appear in Federal Court to provide justification for its failure to abide
5 by the Federal Court's Order and release the cost bonds. At that time, Defendants Dr. Wang and
6 Fremont Emergency Services learned of Plaintiffs' attempts to seek release of the costs bonds on
7 deposit with the Eighth Judicial District Court and this Court's December 28, 2010 Order. On
8 March 16, 2011, this Court issued another Order, instructing the Eighth Judicial District Court to
9 release the cost bonds to Plaintiffs.
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12 On March 29, 2011, Plaintiffs appeared in Federal Court for the hearing on Plaintiffs' Motion
13 for Order to Show Cause, at which time counsel for Plaintiffs represented to the Court that the
14 Eighth Judicial District Court abided by the Federal Court Order and released the \$10,500.00 cost
15 bonds to Plaintiffs. As such, Defendants Dr. Wang and Fremont Emergency Services' Motion to Set
16 Aside the December 28, 2010 Order and Objection to the March 16, 2011 Order is moot. Therefore,
17 Defendants seek to withdraw said Motion and Objection.
18

19 DATED this 1st day of April, 2011.

20 IT IS SO ORDERED.

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22 
23 _____
24 PHILIP M. PRO
25 UNITED STATES DISTRICT JUDGE

26 Dated: April 4, 2011.

20 ALVERSON, TAYLOR, MORTENSEN & SANDERS

21 By: 
22 _____

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